City Council Workshop & Meeting
Agenda
January 2, 2024
Auburn Hall, Council Chambers

5:00 P.M. City Council Workshop

A. Executive session, economic development, pursuant to 1 M.R.S.A. §405(6)(C).
B. Executive session, personnel matter, pursuant to 1 M.R.S.A. §405(6)(A).
C. Ordinance 28-12042023 discussion – Eric Cousens
D. Ordinance 26-12042023 discussion – Eric Cousens
E. Reconsideration of the Regulatory Advisory Board Ordinance – Karen Scammon
F. Fund balance discussion – Phil Crowell

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Whiting

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 01-01022024*
Confirming Chief Moen's appointment of Aaron Briere, Dalton Geisel, and Ronald Seguin as Constable with firearm/arrest powers for the Auburn Police Department.

2. Order 02-01022024*
Authorizing the City Clerk to waive the $200 business license fee for the food service license for the Danville Junction Grange #65.

3. Order 03-01022024*
Setting the time to open the polls at 7:00 a.m. for all 2024 Auburn Elections.

II. Minutes – December 18, 2023, Regular Council Meeting

III. Communications, Presentations and Recognitions – None

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business - None

VI. New Business

1. Ordinance 01-01022024
Amending Chapter 60 of the zoning ordinance to include Effective Date and Applicability Date of Ordinance #26-11202023.

2. Ordinance 02-01022024
Amending Chapter 60 of the zoning ordinance to include Effective Date and Applicability Date of Ordinance #28-11202023.

3. Order 04-01022024
Authorizing the City Manager to direct staff to work with the Agriculture Working Group, Sustainability & Natural Resource Board, LAWPC, the Planning Board, and public stakeholders to review the adopted amendments and recommend any changes back to the City Council.

4. Order 05-01022024
Authorizing staff to waive the permit fees for storm damage repairs.

5. Order 06-01022024
Approving the allocation of an additional $1,000,000.00 from the FY2022 Undesigned Fund Balance.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report

IX. Executive Sessions – None

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024

Subject: Executive Session

Information: Personnel matter, pursuant to 1 M.R.S.A. Section 405(6) (A).

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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024

Author: Eric Cousens, Planning and Permitting Director

Subject: Ordinance 28-11202023-1 Lake Auburn Watershed Text Amendments – Delayed Applicability Date and alternative Process

---

Information: The Council is considering a delayed applicability date for the December 4, 2023 Lake Auburn Overlay Text Amendments and as a separate item, and Order initiating a public process to reconsider elements of the ordinance changes that have been identified in the attached order.

Staff does not recommend this delayed applicability date due to impacts to existing property owners that are currently designing SSWW Disposal systems to the new standard. The new standards will treat wastewater better than the former standards and will require less soil disturbance in many cases with the system sited closer to the home. Details will be discussed in the workshop and questions or examples can be vetted on the same night of this hearing. Also attached is an overview of the changes and impacts of a delay.

City Budgetary Impacts:

Staff Recommended Action: Review information, ask questions and discuss proposed options to achieve Council goals in revisiting some of the LAO text amendments while minimizing any unintended consequences.

Previous Meetings and History: Previous discussion of amendments approved on December 4, 2023 and December 18, 2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Background Slides, Order for reconsideration process recommended by Staff, Copy of text amendments

Protecting Lake Auburn

Delayed Applicability Date for Lake Auburn Overlay Text Amendments Overview

auburnmaine.gov

NEED & RESPONSE

The lake is at risk and past ordinances, despite significant restrictions, have not prevented the need for in-lake treatments.

The city is ensuring that the changes are easier to understand, science driven, better for the environment and water quality and that the combined effect of the changes result in **reduced** development potential overall in the Auburn portions of the watershed.

auburnmaine.gov

Changes to Date

Updated zoning standards to encourage housing outside of the Watershed to reduce demand on rural areas and take advantage of existing public utilities.

Updated phosphorus control ordinances and adopted a stringent requirement for Low Impact Development Standards to be met in the Watershed whenever a development exceeds 200SF.

These would not change with the delayed applicability date.

auburnmaine.gov

Changes to Date

Updated Subsurface Wastewater Standards in the Watershed to improve wastewater treatment in new and replacement systems. 50 new systems under current ordinance and 270 "grandfathered" systems that would now need to meet a higher treatment standard (at time of future failure).

This would change with the delayed applicability date.

Impacts of a Delayed Applicability Date

Existing system replacements (2 in discussion)

Homeowners will need to redesign to meet old standards after paying for a design to meet new standards.

- Less effective systems without guaranteed inspection access
- Frustration with additional design costs and renegotiation with contractor.

New first time System Example(2 in discussion)

Example 1 is permissible under either standard.

- Old standard requires long service line and associated soil disturbance to get to 36"soils
- New standards allows for placement 700+/- closer to home and further from the Basin

Example 2 may not be permissible under old standards.

Changes to Date

Require new systems to have 36" separation between the bottom of the drain field and seasonal high groundwater with specific soils that maximize treatment of wastewater.

Watershed Exemption from the density increases of LD 2003

Changes to Date

Increased the minimum lot size in the Lake Auburn Watershed (in conjunction with the wastewater change) from 1-acre to 3-acres, which will allow for better wastewater treatment and an overall reduction in the total number of buildable lots.

This would not change from the delayed applicability date.

Changes to Date

Increased setbacks for agricultural uses and tilled fields from the lake or tributary streams.

Prohibited so-called "septic farms" where multiple lots build concentrated wastewater disposal systems.

Prohibited new Agricultural Uses larger than Hobby Scale in watershed

Prohibition of new SSWW systems within 400 feet of Lake Auburn or tributaries.

No new Homes in AGRP zone (73% of watershed in Auburn)

WORK IN PROGRESS

Asking the LAWPC to take a more active role in ordinance-related permit reviews/compliance efforts, so Auburn does not bear the burden of watershed protection efforts alone.

Drafting a subsurface wastewater inspection program, requiring systems within the Lake Auburn Watershed to be inspected every 5 years or upon sale.

Engage with Upper Watershed Towns to improve protections beyond Auburn's Boundaries

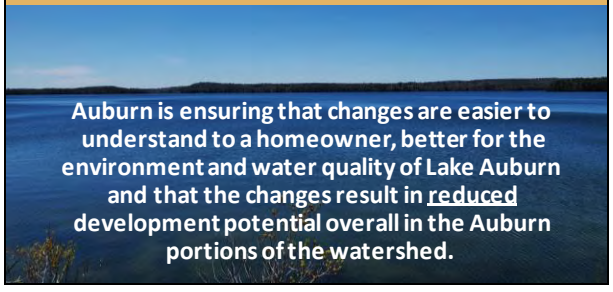
We will never be done protecting the Lake Auburn Watershed

Staff does not recommend delaying the applicability date of the protections that are already in place with Ordinance 02-010220241 Applicability Date LAO Text Amendments.

Staff does recommend revisiting the changes to identify additional Agricultural Uses that may be allowable, working collaboratively to modify, better define or improve SSWW Inspection Program and consider other items identified in the process with the Order Initiating Ordinance Change 04-01022024.

auburnmaine.gov

WORK IN PROGRESS



ORDER 04-01022024

City Council Order

IN CITY COUNCIL

Whereas the zoning text amendment evidenced by Ordinance #28-11202023 relating to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter;

Whereas members of the Auburn City Council and the Mayor have heard concerns from constituents related to limitations on agriculture and water quality protections in the Lake Auburn Watershed;

T**he Auburn City Council herby orders** the City Manager to direct staff to work with the AG Working Group, Sustainability and Natural Resource Board, LAWPC, the Auburn Planning Board and public stakeholders to review the adopted amendments and recommend any changes back to the City Council. The process should include an initial advertised public meeting with the AG working Group to solicit public feedback, a working meeting with the AG work Group and then a Planning Board Workshop, Council Workshop and then a Planning Board Public hearing and recommendation. At a minimum, consideration should include the following:

- Agricultural uses
  - In Sec 60-951(b) amend the definition of non-hobby agricultural uses
  - In Sec 60-952(a) amend the description of permitted/prohibited agricultural uses
  - Define which agricultural uses are permitted (and by default the non-permitted activities are prohibited) and the scale of the permitted activity with a focus on water quality impacts. As an example, three horses kept for a resident's enjoyment or to provide riding lessons for a fee have the same water quality impact.
- Subsurface waste-water disposal system inspection
  - In Sec 60-952(f)(6) consider amending the described inspection method to shift responsibility for the inspection to the land-owner and provide a phased implementation.
  - The current construct in Sec 60-952(f)(6) supposes that LAWPC will perform an inspection once every five years or upon sale. LAWPC may not have the capability to do this and will require additional funding / hiring to do so. Another approach

City Council Order

should be considered to require the landowner to have an inspection performed on this cycle by an inspector meeting defined qualifications, with the inspection meeting defined standards and with the report being sent to LAWPC and the City Plumbing Inspector.

- Consider further limits on the number of new subsurface wastewater disposal systems. The current ordinance will limit the construction of new systems (new here having the same meaning as the state plumbing code) to an estimated 38 new systems.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

VERSION B (with Addt'l Staff Suggested Changes highlighted in yellow)

Prepared for November 14, 2023 Planning Board Meeting

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries*. The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn~~city~~ W~~w~~ater D~~d~~istrict on file in the office of the Auburn~~city~~ W~~w~~ater D~~d~~istrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions*. For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:

Soil Filter Media Specifications

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs.~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn W~~w~~ater D~~d~~istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ W~~w~~ater D~~d~~istrict indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private subsurface wastewater~~sewage~~ disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater~~sewage~~ disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater~~sewage~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement

system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.

(~~7~~3) The Auburn ~~city~~ W~~w~~ater D~~d~~istrict or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(~~8~~4) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ W~~w~~ater D~~d~~istrict or its designee.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

● ● ●

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

● ● ●

DIVISION 2. PHOSPHORUS CONTROL

● ● ●

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

● ● ●

ARTICLE XV. BOARD OF APPEALS

● ● ●

DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also

impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024

Author: Eric Cousens, Planning and Permitting Director

Subject: Ordinance 26-11202023 – Delayed Applicability Date –AGRP/GB Zoning near Gracelawn

---

Information: The Council is considering a delayed applicability date for the December 4, 2023 ordinance that applied the General Business (GB) Zoning district to lands outside of the Lake Auburn Watershed near Gracelawn Road. The primary concerns seem to be that the zoning abuts the Landfill parcel without a buffer on the privately owned side of the shared property line and that the GB zone allows commercial and auto related uses.

Buffer-A buffer was included in the previous change last year based on a Council amendment and then repealed. The attached map shows where the approximate 100-foot buffer would be located along Gracelawn Road. The City owned access to the operations center is on the landfill property between the private pit access and the actual landfill area. The private pit access that exists onsite is just to the west of the property line, inside what would be the 100' buffer. City ordinances and State Traffic standards would encourage those two entrances to be merged if the pit is redeveloped to limit the number of curb openings.

GB Zoning Uses - The GB zone allows single and multi-family homes, places of indoor or outdoor recreation, Childcare Centers, Municipal Uses, Elderly housing and assisted living facilities and other related uses. The property owner that operates a large gravel mining and material processing facility on the land affected by the zoning change like the uses listed above, but the large commercial and Automotive uses are not desired by the City or the property owner.

City Budgetary Impacts:

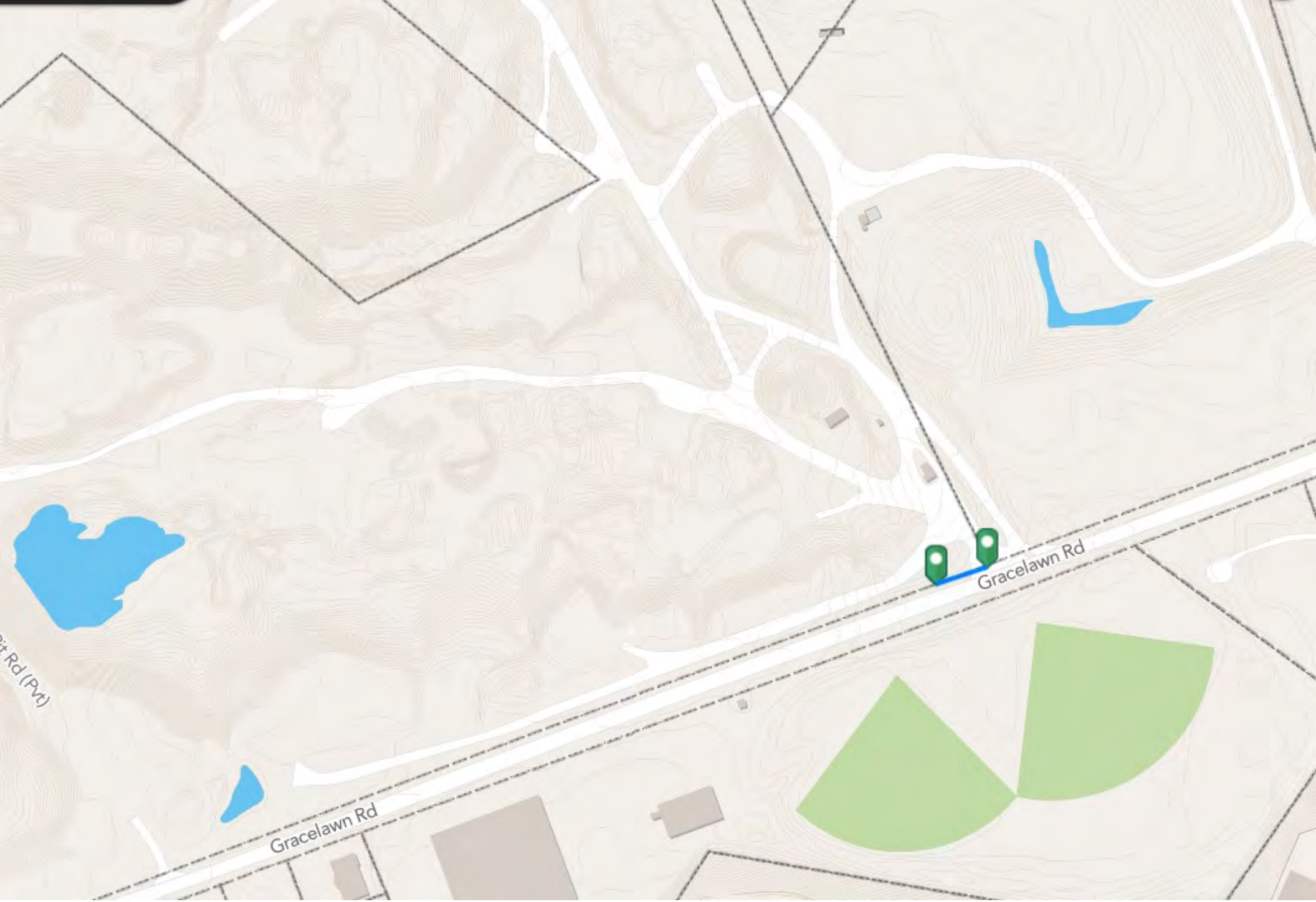
Staff Recommended Action: Review information, ask questions and discuss proposed options to achieve Council goals and position the City best for the future while minimizing any unintended consequences.

Previous Meetings and History: Previous discussion of amendments approved on December 4, 2023 and December 18, 2023.

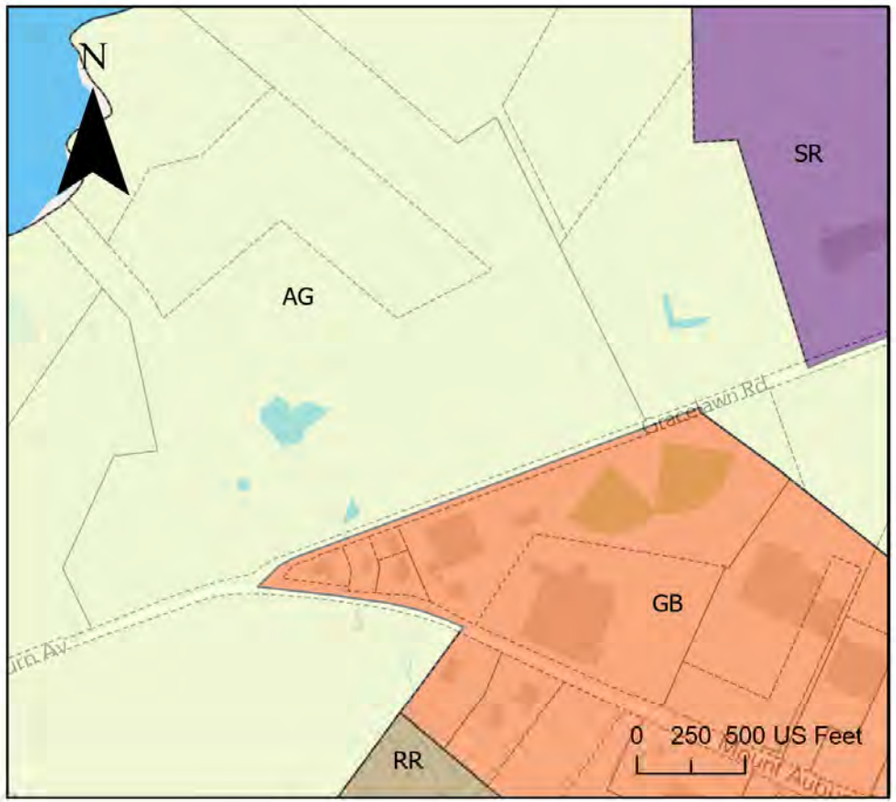
City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

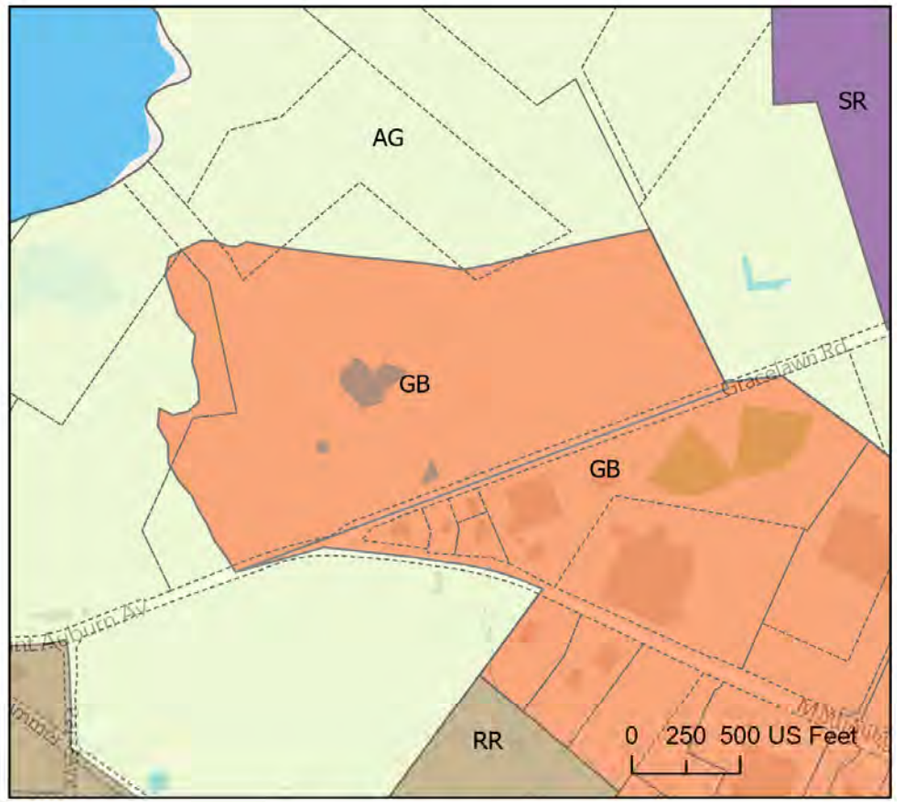
Attachments: Map of zoning for the affected area before and after a delayed applicability date.


Gracelawn Rd
Gracelawn Rd

Zoning Map Amendment for Public Hearing November 14th 2023:
Rezoning Approximately 60 Acres of AGRP to GB



Existing Zoning



Proposed Zoning

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

* City of Auburn, Zoning Map, dated May 16, 2016

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024

Author: Sue Clements-Dallaire, City Clerk

Subject: Reinstating the Board of Assessment Review and the Zoning Board of Appeals and eliminating the Regulatory Advisory Board

---

Information: In 2021, Council voted to adopt the Regulatory Advisory Board to perform the responsibilities of the board of assessment review, and the zoning board of appeals. Staff is proposing to reinstate the Board of Assessment Review (with a few proposed amendments) and the Zoning Board of Appeals and eliminating the Regulatory Advisory Board.

City Budgetary Impacts: None

Staff Recommended Action: Discussion

Previous Meetings and History: Board of Assessment Review and Zoning Board of Appeals combined into the Regulatory Advisory Board in 2021.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Current ordinance for the Regulatory Advisory Board, and previous Board of Assessment and Zoning Board of Appeals Ordinances.

City of Auburn, Maine
Office of the Assessor
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

January 2, 2024

Mayor Harmon and Members of the City Council,

The Regulatory Advisory Board was created in 2021, combining the Board of Assessment Review, the Zoning Board of Appeals, and adding all other regulatory review functions as directed by the City Council. The size of the new board was increased from 5 full members to 7. Prior to the creation of the new board the Board of Assessment Review had a 5 member board. In the time since the Regulatory Advisory Board was created 3 members whose terms ended chose not to serve again.

The Board of Assessment Review is a very specialized Board. Members require training to understand Title 36 governing valuation and tax abatement and appeal procedures. The Zoning Board of Appeals is also a specialized Board. They are responsible for hearing appeals concerning interpretation of zoning, decisions of the Code Enforcement Officers, and granting of variances. This requires training of a completely different nature. The Board of Assessment Review may hear an appeal once per year and many years there have been no appeals. The time commitment is not typically substantial.

To meet statutory requirements, it is crucial to have enough board members to hear tax appeals. It is the opinion of this office that if the Board of Assessment Review were reinstated as a separate Board a greater number of applicants may apply to fill the vacancies.

The Assessing Department has a pending application to the Regulatory Advisory Board. The current Board does not have enough members to constitute a quorum. Luckily a

request for an extension of time beyond the statutory 60 days was granted by the taxpayer, allowing enough time to follow the current procedures, find applicants and have them appointed by the City Council.

I believe we, as a municipality, have the responsibility to follow due process in a timely manner and I am requesting the City Council consider reinstating the Board of Assessment Review with the hope that this will encourage more applicants to fill the vacancies and avoid situations such as this. I appreciate your consideration.

Karen Scammon, CMA-4
Assessor
City of Auburn

DIVISION 2. BOARD OF ASSESSMENT REVIEW[1]

Sec. 2-430. Membership; responsibility.

A board of regulatory advisory shall be appointed by the city council, consisting of seven members.

The purpose of the regulatory advisory board is to perform the responsibilities of the board of assessment review, board of appeals, and all other regulatory review functions as directed by the city council. The board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.

Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the regulatory advisory board.

(Code 1967, § 5-2.1; Ord. No. 04-02162021, 3-1-2021; Ord. No. 02-01032022, 1-18-2022)

Editor's note(s)—Ord. No. 04-02162021, adopted March 1, 2021 changed the title of § 2-430 from "membership; compensation of members" to "membership; responsibility."

Sec. 2-431. Term of members.

The initial terms of office of the members of the regulatory advisory board shall be staggered terms. The city council shall annually appoint one member to serve on the board for a three-year term. Their successors shall be appointed for three-year terms.

(Code 1967, § 5-2.2; Ord. No. 05-02162021, 3-1-2021)

Sec. 2-432. Assessment review appeals procedure.

When written application is made by a taxpayer for a review of a refusal by the tax assessor to grant a request for an abatement, the board of assessment review shall, within 14 days of the receipt of such request, set a date for hearing, of which the applicant shall receive at least seven days' written notice. In its conduct of the hearing the board shall act as an impartial panel to receive evidence from the appellant and the assessor, advocating for neither party in rendering a decision. The board shall conform that decision to all applicable statutes. At such hearing, the applicant shall have the right to be heard in person, to present witnesses, to examine the tax assessor and any witnesses presented by him, and to be represented by counsel. Upon the evidence presented, the board shall determine whether or not the applicant was over-assessed and may grant such reasonable abatement of his assessment as it determines to be proper. The board shall give notice to the applicant of its decision and of the reasons therefor at the hearing or within a reasonable time thereafter.

(Code 1967, § 5-2.3; Ord. No. 06-02162021, 3-1-2021)

[1]State law reference(s)—Board of assessment review, 36 M.R.S.A. § 471-A.

Editor's note(s)—Ord. No. 06-02162021, adopted March 1, 2021, changed the title of § 2-432 from "appeals procedure" to "assessment review appeals procedure."

Sec. 2-433. Quorum.

The regulatory board shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to replace him.

(Code 1967, § 5-2.4; Ord. No. 07-02162021, 3-1-2021)

Sec. 2-434. Rules and regulations for conduct of hearings.

The regulatory board may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.

(Code 1967, § 5-2.5; Ord. No. 08-02162021, 3-1-2021)

Sec. 2-435. Legal counsel.

The regulatory board may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.

(Code 1967, § 5-2.6; Ord. No. 09-02162021, 3-1-2021)

Secs. 2-436—2-439. Reserved.

Sec. 2-440. Board of appeals review.

See procedures as outlined in article XV board of appeals.

(Ord. No. 10-02162021, 3-1-2021)

Sec. 2-441. Compensation of the regulatory board.

All members of the regulatory board shall receive annually $600.00, payable quarterly.

(Ord. No. 41-11152021, 12-6-2021)

Secs. 2-442—2-453. Reserved.

DIVISION 2. - BOARD OF ASSESSMENT REVIEW[13]

Footnotes:

--- (**13**) ---

State Law reference— Board of assessment review, 36 M.R.S.A. § 471-A.

Sec. 2-430. - Membership; compensation of members.

A board of assessment review shall be appointed by the city council, consisting of five members, to serve without compensation. The city council shall also appoint three alternate members.

(Code 1967, § 5-2.1)

Sec. 2-431. - Term of members.

The initial terms of office of the members of the board of assessment review shall be staggered terms. The city council shall annually appoint one member to serve on the board for a five-year term. The initial terms of the alternate members of the board shall be staggered. Their successors shall be appointed for five-year terms.

(Code 1967, § 5-2.2)

Sec. 2-432. - Appeals procedure.

When written application is made by a taxpayer for a review of a refusal by the tax assessor to grant a request for an abatement, the board of assessment review shall, within 14 days of the receipt of such request, set a date for hearing, of which the applicant shall receive at least seven days' written notice. In its conduct of the hearing the board shall act as an impartial panel to receive evidence from the appellant and the assessor, advocating for neither party in rendering a decision. The board shall conform that decision to all applicable statutes. At such hearing, the applicant shall have the right to be heard in person, to present witnesses, to examine the tax assessor and any witnesses presented by him, and to be represented by counsel. Upon the evidence presented, the board shall determine whether or not the applicant was over-assessed and may grant such reasonable abatement of his assessment as it determines to be proper. The board shall give notice to the applicant of its decision and of the reasons therefor at the hearing or within a reasonable time thereafter.

(Code 1967, § 5-2.3)

Sec. 2-433. - Quorum.

The board of assessment review shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to replace him.

(Code 1967, § 5-2.4)

Sec. 2-434. - Rules and regulations for conduct of hearings.

The board of assessment review may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.

(Code 1967, § 5-2.5)

Sec. 2-435. - Legal counsel.

The board of assessment review may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.

(Code 1967, § 5-2.6)

Secs. 2-436—2-453. - Reserved.

ARTICLE XV. - BOARD OF APPEALS

DIVISION 1. - GENERALLY
DIVISION 2. - ORGANIZATION
DIVISION 3. - APPEALS PROCEDURE
DIVISION 4. - POWERS AND DUTIES
DIVISION 5. - JUDICIAL APPEAL
DIVISION 6. - SPECIAL APPEAL

DIVISION 1. - GENERALLY

Secs. 60-1116—60-1129. - Reserved.

Secs. 60-1116—60-1129. - Reserved.

DIVISION 2. - ORGANIZATION

Sec. 60-1130. - Membership.
Sec. 60-1131. - Term of office.
Sec. 60-1132. - Associate members.
Sec. 60-1133. - Jurisdiction.
Sec. 60-1134. - Board rules.
Sec. 60-1135. - Quorum.
Secs. 60-1136—60-1150. - Reserved.

Sec. 60-1130. - Membership.

There shall be a board of appeals consisting of seven members and two associate members appointed by the city council. Each member shall be at all times a resident of the city.

(Ord. of 9-21-2009, § 6.1A)

Sec. 60-1131. - Term of office.

The members and associate members of the board shall serve no more than three consecutive three-year terms.

(Ord. of 9-21-2009, § 6.1B)

Sec. 60-1132. - Associate members.

An associate member shall have a vote only in the event that one or more regular members of the board are absent or are disqualified from serving on a particular matter because of a conflict of interest.

(Ord. of 9-21-2009, § 6.1C)

Sec. 60-1133. - Jurisdiction.

The board of appeals shall have jurisdiction over:

(1) Interpretation of provisions of the zoning chapter called into question;

(2) Administrative appeals from decisions or lack thereof of the building inspector or code enforcement officer in regard to an application for a permit under the zoning chapter;

(3) The granting of variances from the requirements of the zoning chapter would cause undue hardship.

(Ord. of 9-21-2009, § 6.1D)

Sec. 60-1134. - Board rules.

The board shall adopt, and may from time to time amend, rules and regulations to govern the conduct of its business. The tape recording of the board's proceedings, the transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusion and the appropriate order, relief or denial thereof.

(Ord. of 9-21-2009, § 6.1E)

Sec. 60-1135. - Quorum.

Five members shall constitute a quorum at any meeting.

(Ord. of 9-21-2009, § 6.1F)

Secs. 60-1136—60-1150. - Reserved.

DIVISION 3. - APPEALS PROCEDURE

Sec. 60-1151. - Petition.
Sec. 60-1152. - Public hearing.
Sec. 60-1153. - Decision.
Secs. 60-1154—60-1184. - Reserved.

Sec. 60-1151. - Petition.

Written petitions for appeal signed by any party in interest shall be filed in duplicate in the office of the municipal officer charged with enforcement of the zoning ordinance, together with the fee in the amount provided in the city fee schedule, within 30 days from the date of the decision or order. The municipal officer shall forward to the board of appeals, planning director, the chairman of the planning board and the city solicitor, one copy of such petition. The planning director, or in his absence, the chairman of the planning board, shall forward to the board of appeals as soon as possible any pertinent city planning information in his possession bearing on such appeal. The city solicitor shall forward to the board of appeals as soon as possible any pertinent legal information bearing on such appeal. Where no such information is received by the board of appeals by the time of the meeting at which such appeal is scheduled to be heard, it shall be presumed that none was available at that time. In any case in which such planning and legal information is received, it shall be summarized at the public hearing and an opportunity afforded for comment by those interested in the appeal.

(Ord. of 9-21-2009, § 6.2A)

Sec. 60-1152. - Public hearing.

(a) On each such petition, the board shall hold a public hearing, within 65 days of the filing of the appeal petition. Notice of the time, date, place, appellant name and subject of each such hearing shall be given by publication in a newspaper of general circulation in the city on two separate dates not more than 12 nor less than three days before the date of such hearing. Notification of the public hearing shall also be sent to the appellant, the planning director, the building inspector, the city manager and all owners of abutting property and property located directly across the street from the site of the property which is the subject of the appeal by mailing to them copies of such notice as published. Notices shall be mailed to such property owners at the addresses appearing for them in the then current property tax listing of the city. Failure of any property owner to receive such mail notice of any such public hearing shall not necessitate another hearing and shall not constitute grounds for objection by such property owner and shall not invalidate any action by the board of appeals on such appeal or application for variance.

(b) The chairman, or in his absence the acting chairman, shall preside at the public hearing. All hearings of the board of appeals shall be open to the public.

(c) The chairman shall open the hearing and determine whether a quorum of the board of appeals is present. For each appeal heard, the chairman shall summarize the nature of the appeal, identify all relevant information submitted, determine the board's jurisdiction and the appellant's standing, determine the parties to the action and proceed to accept oral and written testimony from the appellant and the public for and against the appeal. When all parties have been heard, the chairman shall close the hearing or, if additional time is needed, continue it to a later date.

(d) The chairman shall determine that the appellant has standing, that is, the right to appear as an appellant before the board. An appellant must hold title to the land, be part owner or have an option to buy or lease property and/or building, in order to have standing.

(e) The chairman shall determine the parties to the action. The appellant, municipal officers, planning board, abutting property owners, individuals who might be adversely affected by any decision and any member of the general public attending the meeting who has made specific statements concerning terms of the appeal, may be made party to the action.

(Ord. of 9-21-2009, § 6.2B)

Sec. 60-1153. - Decision.

(a) The decision of the board shall be made as soon as possible, but not later than 30 days of the public hearing, unless extended by mutual agreement of the board and appellant. Failure of the board to act within 30 days shall be deemed to be the denial of the petition sought, subject to judicial appeal.

(b) The board of appeals may by an affirmative vote of a majority of those members present amend or revise a decision of the building inspector, code enforcement officer or of any other municipal officer acting under the zoning ordinance. The board of appeals may permit variances from literal application of the zoning ordinance in accordance with the principles, conditions and procedures set forth in this chapter, subject to the duty of the board to promote the public health, safety, convenience and welfare and to adhere to the central intents and purposes of this chapter. Approval may be subject to conditions, modifications and restrictions as the board of appeals may deem necessary.

(c) The board shall keep a record of each appeal entertained, noting the date when received from the building inspector or code enforcement officer, the date of hearing, the applicant or appellant and the date of the decision. The board shall record by resolution the final disposition of every appeal. All of the foregoing shall be public records filed with the office charged with enforcement of the zoning ordinance. Notice of the decision shall be mailed within seven days to the applicant or appellant. Each notice shall specify that judicial appeals shall be made pursuant to the terms of section 60-1208

(d) The right to proceed under any variance or petition granted under the terms of this chapter, voted by the board of appeals, or under change in a decision of the building inspector, code enforcement officer or other municipal official voted by the board of appeals, shall expire if such right be not exercised beginning within six months from the date of such vote. If such right is not exercised within six months of the date of the vote, the board may grant a six-month extension without having to make another finding of hardship provided that:

(1) Conditions upon which the appeal was granted have not changed; and

(2) The appellant can show just cause for the delay in beginning the project.

(Ord. of 9-21-2009, § 6.2C)

Secs. 60-1154—60-1184. - Reserved.

DIVISION 4. - POWERS AND DUTIES

Sec. 60-1185. - Interpretation.
Sec. 60-1186. - Administrative appeals.
Sec. 60-1187. - Variance.
Secs. 60-1188—60-1207. - Reserved.

Sec. 60-1185. - Interpretation.

(a) Except as otherwise provided in this chapter, the board of appeals shall interpret provisions of the zoning ordinance which are called into question. Only persons with standing may appeal the denial of a permit which was based on provisions of the zoning ordinance.

(b) Where there is no evidence to the contrary, zoning ordinance language should be given its ordinary meaning. Statements of purpose may provide a key to the intent of zoning provision. In interpreting the ordinance, the board may request the advice of the city solicitor, the planning director or qualified experts in zoning law.

(Ord. of 9-21-2009, § 6.3A)

Sec. 60-1186. - Administrative appeals.

(a) The board of appeals may hear appeals in the administration of the zoning chapter in order to determine if the building inspector or code enforcement officer erred in granting or denying a permit. An applicant who is given no decision on a permit request, or who is denied a permit may appeal.

(b) If the board of appeals finds that the building inspector or code enforcement officer acted in error, it should order the error to be corrected.

(Ord. of 9-21-2009, § 6.3B)

Sec. 60-1187. - Variance.

(a) The board of appeals may grant a variance from the dimensional regulations and supplementary district regulations contained in the zoning chapter where the strict application of the ordinance, or a provision thereof, to the petitioner or property would cause undue hardship based on:

(1) The land in question cannot yield a reasonable return unless the variance is granted;

(2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

(3) The granting of a variance will not alter the essential character of the locality; and

(4) The hardship is not the result of action taken by the appellant or a prior owner.

Variances granted under this subsection (a) shall be the minimum necessary to relieve hardship. The burden of proof is on the applicant to prove undue hardship.

(b) The board of appeals may grant a variance for the expansion, extension or enlargement of nonconforming buildings or uses provided that:

(1) The use being requested shall be approved by a majority of those members present (not less than a quorum being present).

(2) The board of appeals shall make findings that the requirements of subsection (a) of this section have been met.

(c) In addition to the criteria in this section, in determining whether or not to grant a variance, the board shall also take into consideration the following:

(1) Fire, electrical and police safety requirements;

(2) The adequacy of the traffic circulation system in the immediate vicinity;

(3) The availability of an adequate water supply;

(4) The availability of adequate sewerage facilities;

(5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts;

(6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district;

(7) Would not endanger the public health, safety or convenience; and

(8) Would not impair the integrity of the zoning chapter.

(d) Wherever necessary to meet the criteria or consideration listed in this division, the board, when granting a variance, may attach such conditions or restrictions as are in accordance with the objectives and purposes of this zoning chapter.

(e) The planning director, or his representative, shall be responsible for reviewing the records of hearings of the board of appeals. Such review shall be conducted on a monthly basis and shall be for the purpose of maintaining the zoning ordinance. The ordinance may be deemed to be in need of amendment when variances for identical purposes or reasons are applied for in a single zoning district or regarding a specific section of this chapter on three or more occasions within a given calendar year. In any case in which the zoning ordinances are deemed to be in need of amendment, the planning director or his representative shall prepare a report indicating whether the variances applied for suggest that the ordinance or the description of the zoning districts should be amended. Such reports shall be forwarded to the planning board for its review and recommendation.

(Ord. of 9-21-2009, § 6.3C)

Secs. 60-1188—60-1207. - Reserved.

DIVISION 5. - JUDICIAL APPEAL

Sec. 60-1208. - Superior court.
Secs. 60-1209—60-1234. - Reserved.

Sec. 60-1208. - Superior court.

Appeals from decisions of the city planning board or of the city zoning board of appeals or on account of the failure of any municipal official or board to comply with the order of the board of appeals shall be taken to the

superior court within 30 days of such decision or action in accordance with Rule 80B of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 2691(3). Except as otherwise provided by statute, every person shall have the right to inspect and copy any record of the board's proceedings, provided that, the inspection be scheduled to occur during regular hours and at such a time as will not inconvenience the regular activities of the office having custody of the record and provided further that the cost of copying the recorded or, if necessary, the translation of mechanical or electronic date compilations into some other form, shall be paid by the person requesting the copy.

(Ord. of 9-21-2009, § 6.4)

Secs. 60-1209—60-1234. - Reserved.

DIVISION 6. - SPECIAL APPEAL

Sec. 60-1235. - Floodplain district variances.
Sec. 60-1236. - Shoreland zone variance.
Sec. 60-1237. - Lake Auburn Watershed zone variance.
Secs. 60-1238—60-1255. - Reserved.

Sec. 60-1235. - Floodplain district variances.

The board of appeals may grant a variance from strict compliance with requirements of division 2 of article XII of this chapter after public notice and public hearing as provided in this article, provided the following conditions are met:

(1) The applicant can show that a failure to grant a variance would result in undue hardship as defined in 30-A M.R.S.A. § 4353.

(2) A determination made by the board with a certification from a registered professional engineer provided by the applicant, if need be, that the granting of the variance will not result in increased flood heights. The professional engineer shall include the following information within their certification: criteria on which the certification was based; any assumptions that were made; source of data for those assumptions; and references to the research material that was relied upon in making the certification. In addition, the board shall determine as a condition for the granting of the variance that it will not result in threats to public safety, extraordinary public expense, create a nuisances, causes fraud on or victimization of the public or conflict with existing local laws or ordinances.

(3) A determination by the board that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) The applicant shall be notified in writing that the issuance of a variance to building a structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risks to life and property.

(Ord. of 9-21-2009, § 6.5A)

Sec. 60-1236. - Shoreland zone variance.

When by reasons of extraordinary physical conditions peculiar to the land or building under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by reason of the literal application and rigorous enforcement of the terms of this chapter), the board of zoning appeals may grant a variance from strict compliance with the requirements of division 2 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the adjacent water body. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5B)

Sec. 60-1237. - Lake Auburn Watershed zone variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid sewage disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the city water district with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the water district that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

Secs. 60-1238—60-1255. - Reserved.

DIVISION 2. - BOARD OF ASSESSMENT REVIEW

State Law reference— Board of assessment review, 36 M.R.S § 471-A and § 844-N.

Sec. 2-430. - Membership; responsibility.

A board of assessment review (the Board) shall be appointed by the city council, consisting of five regular members and three alternate members.

The purpose of the board of assessment review is to hear property tax appeals pursuant to Maine Statute. The Board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.

Sec. 2-431. - Term of members.

The initial terms of office of the members of the board of assessment review shall be staggered terms. The city council shall annually appoint members to serve on the board for three-year terms. Their successors shall be appointed for three-year terms.

Sec. 2-432. - Assessment review appeals procedure.

When written application is made by a taxpayer for a review of a refusal by the tax assessor to grant a request for an abatement, the board of assessment review shall, within 14 days of the receipt of such request, set a date for hearing, of which the applicant shall receive at least seven days' written notice. In its conduct of the hearing the Board shall act as an impartial panel to receive evidence from the appellant and the assessor, advocating for neither party in rendering a decision. The Board shall conform that decision to all applicable statutes. At such hearing the applicant shall have the right to be heard in person, to present witnesses, to examine the tax assessor and any witnesses presented on behalf of the Assessing Department, and to be represented by counsel. Upon the evidence presented, the Board shall determine whether the applicant

DRAFT

has met their burden of proof and may grant such reasonable abatement of their assessment as it determines to be proper.

The board of assessment review must provide writ en notice of the decision on an appeal within 60 days of receiving the appeal unless the taxpayer agrees to an extension of the decision deadline.

Sec. 2-433. - Quorum.

The board of assessment review shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to serve in place of any absent member.

Sec. 2-434. - Rules and regulations for conduct of hearings.

The board of assessment review may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.

Sec. 2-435. - Legal counsel.

The board of assessment review may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.

(other sections edited)

Sec. 2-441. - Compensation of the board of assessment review.

All members of the board of assessment review shall receive annually $600.00, payable quarterly.

DRAFT

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024 **Order:** 06-01022024

Author: Jill M. Eastman, Finance Director

Subject: FY ending June 2022 – Undesignated Fund Balance

Information:

On December 4, 2023, the City Council approved allocating $2,023,255 to various projects or funds from the Undesignated Fund Balance. At the December 18, 2023 city council meeting, a presentation was given relating to the timing of the project for Rink 2 at the Norway Savings Bank Arena. For the best optimal timing for the arena programing, staff is recommending an additional $500,000 be allocated to complete the project.

The City Council also requested what the UDF would be if an additional $500,000 was added to the Worker's Compensation Fund. The additional $500,000 for the arena floor and $500,000 for worker's compensation would place the UDF at 13.73%.

It is the City's policy to maintain an unrestricted fund balance in the general fund of no less than 10% and no more than 14% of general fund budgeted expenditures.

The FY ending June 2023 estimated unrestricted fund balance will be in excess of $2,500,000.

City Budgetary Impacts: Allocate $1,000,000 Undesignated Fund Balance as follows:

- $500,000.00 Transfer to Worker's Compensation Fund
- $500,000.00 Norway Savings Bank Arena Floor

Staff Recommended Action: Vote to increase allocation of two projects from the Undesignated Fund Balance.

Previous Meetings and History: December 4, 2023, and December 18, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

Scope of Work by All-American Arena Products will include:

- ✓ Engineered Drawings Stamped by licensed Mechanical Engineer.
- ✓ The floor system will carry a five-year warranty.
- ✓ Any additional taxes will be extra.
- ✓ Shipping to site included.
- ✓ Forklift and Genie Boom rental cost included.
- ✓ Project (demo) to start on, or around, May 6th, 2024

SAND FLOOR REMOVAL AND DEMO

- The rink floor system will be drained and the fluid stored onsite for reuse in the new floor system and subfloor system.
- Remove and dispose of the existing floor piping, rink header and chair system.
- The existing insulation under the rink floor will be pulled up and removed.
- The existing subfloor piping will be removed and disposed of.
- The existing sub-grade will be excavated an additional 8" and the granular fill removed to the outside of the building. It will be reused to cover the new subfloor system.

86' X 201' CONCRETE RINK FLOOR SYSTEM

- **Mains** - The refrigeration mains and subfloor mains between the equipment room and the refrigerated floor will be reconnected.
- **Sub-Floor Heating System** - The sub-floor heating system will be constructed of 1" O.D. high density polyethylene tubing placed on 18" centers throughout the rink floor. The manifold system will be constructed of 3" SDR 11 fusion pipe and fittings. The polyethylene tubing is connected to the manifold with ¾" SDR 11 fusion fittings. The mains will be stubbed up in the mechanical room for future connection.
- **Fine Grading** - This section consists of placing 6" of the exiting granular material on top of the sub-floor heating system after it has been tested and leveling that fill to plus or minus ¼" throughout the rink area.
- **Rink Floor Insulation** - This section consists of furnishing and installing two layers of 1½" thick 25 psi extruded insulation on top of the fine grade, including cutting and fitting the insulation to conform to the profiles of the rink and the header trench.
- **Vapor Barrier** - This section consists of furnishing and installing a 6 mil. vapor barrier on top of the rink floor insulation including overlap of vapor barrier material.
- **Reinforcing Steel** - This section consists of furnishing and installing 22,500 lbs. of #4, grade 60 reinforcing steel on top of the reinforcing steel supports. The steel is installed on 12" centers the 86' direction of the rink floor and 12" centers the 201' direction of the rink floor.
- **Rink Floor System** - Our refrigerated floor manifolds are constructed of 8" SDR 11 fusion pipe. They will be in a header trench at center of your ice-skating surface. The rink floor tubing is 1" SDR 11 pipe placed on 4" centers. The return bends are 180° fusion fittings connected to the rink floor tubing at each end of the rink. Our tubing spacers are constructed of 3/16" wire with a 3" wide foot plated for stability. They are placed in 2' centers throughout the rink floor and double as reinforcing steel supports.

- **Mesh** - This section consists of furnishing and installing a 6" x 6", 10-gauge wire mesh on top of the rink floor tubing.
- **Rink Floor Concrete** - This section includes providing a complete design mix, concrete testing, furnishing, and placing the concrete, proper finishing, and visqueen cure of the concrete. The concrete will be placed with a concrete pump. The concrete design will include a water reducing agent, air entrainment, and super plasticizer for the placement.
- **Expansion Joint** - This section consists of all the materials that make up the expansion joint which separates the refrigerated ice rink concrete from the outer perimeter concrete.

DASHERBOARDS:

- **Frame**
  - Panels to be welded aluminum with a mill finish.
  - Panels to be 42" high x 6" wide and typical 8 ft in length.
- **Anchors**
  - 5/8" pre-cast anchors placed into refrigerated floor prior to concrete pour.
  - A representative from All-American Arena Products will be present during the rink slab pour to ensure the integrity of the anchors.
- **Gates**
  - 4 – 30" player gates along the player boxes.
  - 2 – 30" penalty box gates with ice side push release buttons.
  - 4 – 30"/36" access gates for off-ice access with push release buttons.
  - 2 – 36" access gates with ice side push release buttons.
  - Hardware made of stainless steel. Fasteners are zinc plated.
  - Player and access gates to have adjustable hinges, as well as pivoting latch/catch assemblies.
  - 1 – 120" double leaf machine gate.
  - Machine gate to have heavy duty adjustable hinges, heavy-duty spring-loaded caster wheels and sliding closure bars – all stainless steel.
- **Board Cladding**
  - .500" thick white high-density polyethylene (HDPE) board facing.
  - .500" thick x 8" high, yellow HDPE kick plate, top edge routed to 3/8" radius.
  - .750" thick HDPE cap rail, front and back routed to 3/8" radius.
  - Color for cap rail is TBD.
- **Shielding and Supports**
  - 6' high x 5/8" (15mm) thick supported tempered glass for the ends and radii.
  - 6' high x ½" (12mm) thick supported tempered for the sides of the rink, including in front and between the penalty and timekeeper boxes.
  - Shield supports to be our 2pc quick change anodized aluminum face plates.
  - Shield supports to extend to 1" from the top of the glass.
  - No glass included for the fronts of the player boxes.
    Glass in front of timekeeper boxes to have 3 ½" diameter speak hole.
    Safety pads for termination points at player boxes.

- **Players, Penalty, and Timekeeper Boxes**
  - Player boxes are to be approx. 30' long x 5' deep with side and back walls.

    - Penalty boxes are to be approx. 8’ long x 5’deep with side and back walls.
    - Timekeeper’s box to be approx. 8’ long x 5’ deep with back and half side walls.
    - Water bottle shelves to be included for the front of the player and penalty boxes.
    - Timekeeper table provided.
- **Players, Penalty And Timekeeper’s Box - Floors**
    - Raised wooden platforms installed throughout all boxes.
    - Raised coach’s walkways included for player boxes.
    - ¾” treated plywood installed on top of raised aluminum platforms.
    - 3/8” black rubber flooring loose laid on top of platforms and walkways.
- **Players And Penalty Benches**
    - Benches are 9 ½” wide x 1 ½” thick black plastic lumber fastened to steel support posts.
    - Support posts to be zinc plated steel.
    - Player box benches are to be approx. 24 ft long.
    - Penalty box benches are to be approx. 8 ft long.
- **Spectator Netting**
    - 12’ high white or black nylon boundary netting installed around the ends, radii of the rink.
    - Netting to be attached to a steel conduit header suspended from the ceiling beams using aircraft cable and beam clamps.

ORDER 06-01022024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council allocate an additional $1,000,000.00 from the FY2022 Undesigned Fund Balance which is within the policy of 10% - 14% as follows:

- $500,000.00 Transfer to Worker's Compensation Fund
- $500,000.00 Norway Savings Bank Arena Floor

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024 **Order**: 01-01022024

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointment of Aaron Briere, Dalton Geisel and Ronald Seguin as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests the City Council to appoint Aaron Briere, Dalton Geisel and Ronald Seguin as a Constable with firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of Aaron Briere, Dalton Geisel and Ronald Seguin as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
N/A

ORDER 01-01022024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Aaron Briere, Dalton Geisel, and Ronald Seguin as Constable with firearm/arrest powers for the Auburn Police Department.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024 **Order:** 02-01022024

Author: Alison F. Pepin, Deputy City Clerk

Subject: Waiver of Business License Fee – Danville Grange

Information: An application and letter for a waiver of business license fee was submitted by representatives of the Danville Grange. The fee is $200 for the year.

City Budgetary Impacts: None

Staff Recommended Action: Consider waiving the fee.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Application
- Request to waive fees
- Order

CITY OF AUBURN
BUSINESS LICENSE APPLICATION

Business Name: Danville Jct. Grange

☐ NEW ☑ RENEWAL exp date 10/27/23

If new business, please provide proposed opening date. _____

Office of the City Clerk
60 Court St, Auburn,
ME 04210
207.333.6600
www.auburnmaine.gov

Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

Please check the boxes for all licenses you are applying for:

There is a late fee of $50.00 for renewals that are 30-45 days late, $100.00 for more than 46 days late, and $200.00 for reoccurring

Food Service Establishments:

☐ ***FSE Mobile Food distribution Unit** (12 mths) ...**$100**
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use oflocation.

☐ **FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I)** **$500**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***FSE Serving Malt and/or Vinous (FSE Class III & IV)**..... **$400**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X)** **$1300**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☑ ***FSE(On/Off), no Alcohol**.....**$200**
Includes Prepackaged Foods

☐ ***Bottle Club/BYOB**..... **$200**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***Temp FSE** (Per event max 30 days).....**$60**

Event Name _____

Event Date _____

***All above licenses**: include copy of floor plan, menu/ draft menu, certified food handler certificate and a copy of all State licenses applicable.

☐ **FSE Off Premise/Retailer-Malt Liquor/Table Wine**..... **$200**

Other Business Licenses Applying for:

☐ ***Special Amusement** **$125**
Plus actual cost of advertising hearing required for new license. Please fill out supplemental questionaire (pg. 4)

☐ ***Pawnshop/Pawn Broker** **$100**

☐ ***Secondhand Dealer**..... **$100**

☐ ***Massage Establishment/Therapist**..... **$150**
State license #: _____

Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

☐ ***Tattoo Artist**..... **$100**
Please also include photo ID, Blood Pathogen Cert, and state license.

***Above licenses:** *Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application.* **You can do it yourself on-line here: http://www5.informe.org/online/pcr/**

☐ **Roller Skating Rinks with Part/Full Kitchen**.....**$90**

☐ **Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc**..... **$100**

☐ **Motion Picture Theaters # of screens** _____ **No Fee**

☐ **Coin-Op Devices # of devices** _____ **No Fee**

☐ **Pool Hall # of tables**_____ **No Fee**

☐ **Juke Box # of boxes**_____ **No Fee**

LICENSING FEE(S) TOTAL DUE: $ Waiver request

NAME OF BUSINESS: Danville Junction BUSINESS ADDRESS: 15 Grange Rd

BUSINESS MAILING ADDRESS: Grange #65 48 Pond Rd Raymond, ME 04071

OWNER'S NAME (LOCAL/ONSITE): N/A DOB: _____ PHONE: _____

OWNER'S ADDRESS: N/A MAILING ADDRESS: _____

PREFERRED EMAIL: _____

MANAGER'S NAME: Tanya Vanasse PHONE #: 2075773205 DOB: 6/23/73

PREFERRED CONTACT NAME: Same PHONE #: Same

EMAIL ADDRESS: tvanasse2@gmail.com

DESCRIPTION OF BUSINESS: Patrons of Husbandry - Grange - Fraternity

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): _____

FORM OF BUSINESS ORGANIZATION: ☒ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ LLC ☐ Other

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	*Print Clearly* Address Previous 5 years	Birth Date	% of Stock	Title
N/A				

OWNER OF BUILDING/UNIT: _____ PHONE # _____

OWNER'S ADDRESS: _____

HOURS OF OPERATION: Mon: _____ Tues: _____ Wed: _____ Thurs: _____

Fri: _____ Sat: _____ Sun: _____

First Saturday of the month

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? ☐ Yes ☑ No (If yes, complete the following)

Name: _____ Date of conviction: _____

Offense: _____ Location: _____

Disposition: _____

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

****READ CAREFULLY BEFORE SIGNING****

I, Haynard Chapman (Print name), Owner/Operator of the business, hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature: Haynard Chapman **Date:** 12/6/23

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

✓ Approved	_ Denied	FIRE INSPECTOR	DD 12-13-23
✓ Approved	_ Denied	CODE ENFORCEMENT OFFICER	KB 12-13-23
✓ Approved	_ Denied	POLICE	BS 12-13-23
✓ Approved	_ Denied	FINANCE	TN 12-12-23

Comments:

Application date: 12-06-23 License issued on: _____

Fees paid: License fee(s) ~ Public hearing fee _____ Background fee _____ Late fee _____

Total amount paid = $ ~

Dear City Council Members,

Danville Junction Grange #65 respectfully requests the Auburn City Council to waive the Business License Application fee of $200.00 for the upcoming year.

Danville Junction Grange has been a contributing member of our community for over 100 years and wants to continue far into the future. The Grange is a non-profit organization that was started by local farmers to help them get a fair shake on shipping their products through railroads but has become much more to the community since.

The Grange Hall has served as a major local community resource, hosting dinners and other social events, theatrical productions, as well as civic functions, including meetings with municipal officials. Grangers raise money for many local charities including but not limited to the PAL Center, Coupons for Troops, House in the Woods, Student Scholarships, Christmas presents for the Salvation Army and Dictionaries for Third Graders to name a few.

The Grange supports itself through different fundraisers each year. One of the major fundraisers are the Bean Suppers which are held the first Saturday of the month from September through May. According to the State of Maine, we do not have to have a "licensed kitchen" because we have fewer than 12 dinners a year. However, we do have a Certified SERV safe Manager who will be overseeing the kitchen during the dinners.

Thank you for your consideration and continued support.

Sincerely,

Maynard Chapman

Maynard Chapman, Master

ORDER 02-01022024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council authorizes the City Clerk to waive the $200 business license fee for the food service license for the Danville Junction Grange #65.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024 **Order:** 03-01022024

Author: Sue Clements-Dallaire, City Clerk

Subject: Setting the time for opening the polls for 2024 Elections

---

Information:
State law requires the Municipal Officers to set the time to open the polls for elections (21-A §626. Polling times). The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. It is recommended that the polls open at 7:00 A.M. in Auburn for all 2024 elections. Opening the polls at 7:00 A.M. is consistent with past practice in Auburn and it allows additional time in the morning for people to have an opportunity to vote.

City Budgetary Impacts: Minimal – the cost for Election workers to start one hour early is minimal.

Staff Recommended Action: Recommend a motion to set the time for opening the polls for all 2024 Elections to be 7:00 AM.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 03-01022024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby sets the time for opening the polls for all 2024 Auburn elections to be 7:00 AM.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING DECEMBER 18, 2023, VOL. 37 PAGE 118

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

1. **Order 171-12182023***
Confirming Chief Moen's appointments of Constables/Civil Process Servers without Firearm.

2. **Order 172-12182023***
Confirming the re-appointment of Bryan Bachelder as Local Sealer of Weights and Measures for 2024.

Motion was made by Councilor Gerry and seconded by Councilor Walker for passage of the two consent items.

Passage 7-0.

I. Minutes – December 4, 2023, Regular City Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Whiting to approve the minutes of the December 4, 2023, Regular City Council Meeting.

Passage 7-0.

II. Communications, Presentations and Recognitions

- Communication – April 9, 2024, Special Election (Ward 4 School Committee)
- Communication – Mayoral Appointments

III. Open Session –

Dan Campbell, 294 Hotel Road, spoke regarding homelessness and said he would like to seek the help of the City Council, stating that we need to come together on this, and he asked that they join him when he walks the streets of Auburn. He stated that we need shelters now.

Alex, who stated that he was homeless, spoke about his experience, addiction, homelessness, and challenges in getting a job.

Beth, who also stated that she was currently homeless, spoke about her experience, and the difficulty finding an apartment. She also encouraged Councilors to visit some of the shelters and to walk amongst the homeless community, to meet them and start a conversation. She stated that she is hoping we can find a solution.

Greg Whitney, President of the Pleasant Street Drop-In Center said the center opened almost two years ago as a warming center and as the need got greater and greater, they've opened as a drop-in center. He said what the city really needs is an overnight shelter and an emergency shelter especially on days like today. He added that there is also a need for day shelters.

IV. Unfinished Business – None

V. New Business

1. Order 173-12182023
Confirming Mayor Harmon's Board and Committee Appointments.

Motion was made by Councilor Walker and seconded by Councilor Whiting for passage.

Public comment – No one from the public spoke.

Passage 7-0.

Motion made by Adam Platz seconded by Councilor Gerry to adopt the following order which was discussed during the Executive Session held during the Council Workshop earlier this evening.

Order 174-12182023

***ORDERED**, that the City Manager be and hereby is authorized and directed to prepare, in consultation with the City Attorney and appropriate City staff, proposed Zoning Ordinance amendments that would serve to delay the applicability date of the amendments to the Zoning Ordinance evidenced by Ordinance #26-12042023 and Ordinance #28-12042023;*

***BE IT FURTHER ORDERED**, that such proposed Zoning Ordinance amendments be prepared in time for a first reading of them at the January 2, 2024 City Council meeting.*

Public comment – No one from the public spoke.

Passage 5-2 (Councilors Milks and Walker opposed).

Motion was made by Councilor Whiting and seconded by Councilor Gerry to rescind Order 152-12042023 re-appointing Riley Bergeron to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.

Public comment – No one from the public spoke.

Motion was made by Councilor Whiting and seconded by Councilor Cowan to take a brief recess.

Passage 5-2 (Councilors Milks and Walker opposed). Time 7:50 pm.

The Council meeting resumed after a ten-minute recess. Time 8:00 pm.

Passage to rescind Order 152-12042023 4-3 (Councilors Milks, Walker, and Weisner opposed).

Motion was made by Councilor Whiting and seconded by Councilor Gerry to rescind Order 153-12042023 re-appointing Evan Cyr to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.

Public comment – No one from the public spoke.

Passage 4-3 (Councilors Milks, Walker, and Weisner opposed).

Motion was made by Councilor Whiting and seconded by Councilor Gerry to rescind Order 154-12042023 appointing Timothy DeRoche to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.

Public comment – No one from the public spoke.

Passage 4-3 (Councilors Milks, Walker, and Weisner opposed).

VII. Open Session – No one from the public spoke.

VIII. Reports

Mayor Harmon announced that he will be forming a Mayor's Ad hoc committee on housing and another on homelessness. He thanked the school department for hosting the inauguration at the Donald Gay Performing Arts Center adding that it is a beautiful facility that will not only serve the school well but will also be a benefit to the community. He commented on the Absolutely Auburn podcasts and encouraged the public to listen. Last, he reminded the public of the upcoming New Year's Eve event adding that more information can be found at www.newyearsauburn.com.

Councilor Gerry inquired about warming centers in the City of Auburn.

Councilor Whiting echoed the Mayor's comments on the Donald Gay Performing Arts Center and he thanked the people that helped to make that possible: Malcolm Philbrick, Bob Gardner, Dick Gammon and others, members of the class of 1951 who donated a large sum previously used for scholarships to go toward the construction of that beautiful space. He also stated that he was happy to be back on the Library Board.

Councilor Cowan stated that he is excited to be part of the new City Council and looking forward to making some good changes.

Councilor Weisner echoed previous comments, adding that he is looking forward to listening to the needs of the people of Auburn and is looking forward to it.

Councilor Walker announced that there will be a New Year's event to be held at the Senior Center on New Year's Day at 10:00 am.

Councilor Platz thanked everyone on the Council and city staff for welcoming the new members of the board and congratulated the returning City Councilors. He noted that he was looking forward to it as well as serving on the School Committee, adding that his first meeting is on Wednesday.

Councilor Milks stated that the highlight of the Inauguration held on Thursday was the students that participated.

City Manager Crowell provided an update on the current storm situation, adding thanks to the first responders that are out there. He commented on the New Year's Eve event adding that the team is doing a great job planning that event and announced that there will be a drone show which is the first in New England and he encouraged people to come out to see the drone show.

Finance Report – November 2023

Motion was made by Councilor Walker and seconded by Councilor Cowan to accept and place on file the November 2023 Finance Report.

Passage 7-0.

IX. Executive Sessions - None

IX. Adjournment

Motion was made by Councilor Weisner and seconded by Councilor Walker to adjourn.

Unanimously approved and the meeting adjourned at 8:19 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024 **Ordinance:** 01-01022024

Author: John Blais, Deputy Director of Planning & Permitting

Subject: First Reading -Applicability date of Ordinance #26-112022023 Rezoning approximately 60 acres AG/RP to GB

Information: The zoning map amendment to this chapter evidenced by Ordinance #26-11202023 relating to the rezoning of approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter. In order to allow time for residents and property owners to become familiar with this zoning map amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #26-11202023 shall not become applicable until July 1, 2024.

The Council has options to limit uses at the properties listed above that will be discussed in the workshop. Those could include a detailed development agreement that limits uses, delayed applicability date or a zoning change.

City Budgetary Impacts: None known.

Staff Recommended Action: If this option is preferred by the Council, then Staff recommends a process that includes a council order to staff and the planning board to provide a recommendation for the applicability to Ordinance #26-112022023, rezoning approximately 60 acres Agriculture and Resource Protection to General Business from the planning board in a public hearing format, as City Council continues to take this through their two readings to include a public hearing, for ordinance adoption.

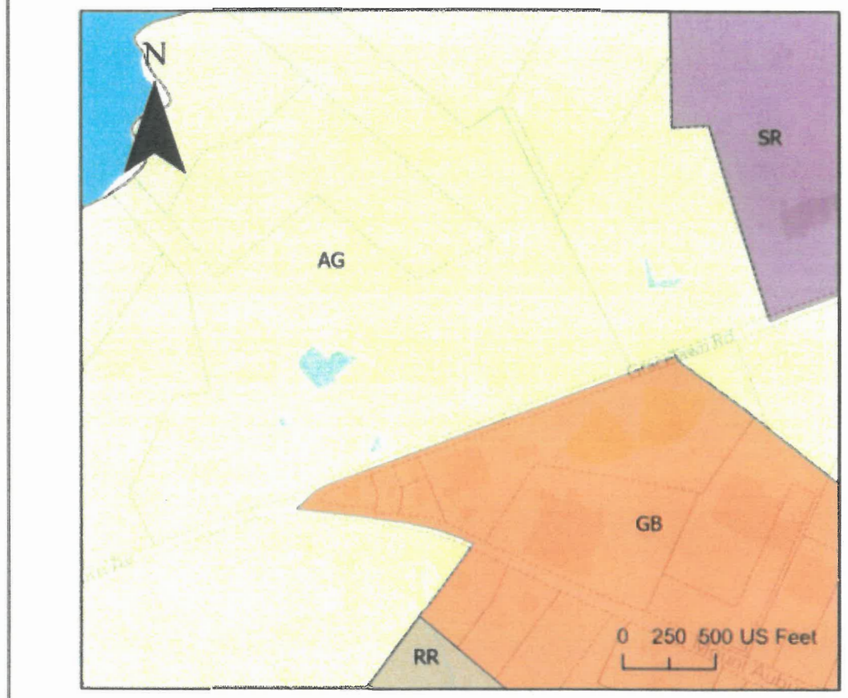
Previous Meetings and History: December 18, 2023 CC meeting

City Manager Comments:

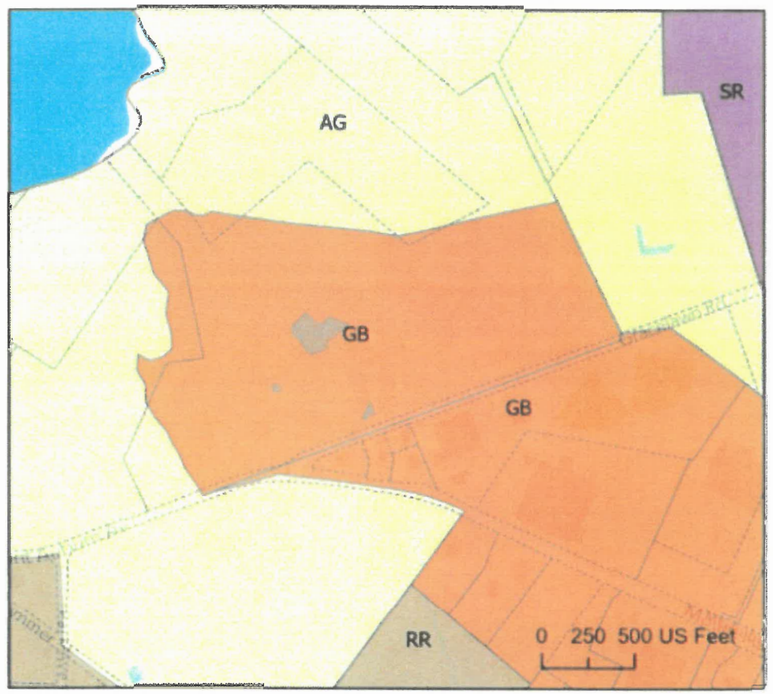
I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Proposed Applicability Map

Proposed Applicability to Ordinance #26-112022023 to July 1, 2024



Proposed Zoning



Existing Zoning

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

* City of Auburn, Zoning Map, dated May 16, 2016

Ordinance #1-01022024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

Chapter 60 ZONING

● ● ●

ARTICLE XVI. ADMINISTRATION AND ENFORCEMENT

● ● ●

DIVISION 5. APPEALS AND APPLICABILITY

● ● ●

Sec. 60-1382. Applicability.

The provisions of this article shall apply to any development subject to review under division 2 of article XVI of this chapter, the construction of which has not been commenced on the date on which they become effective.

(Ord. of 9-21-2009, § 7.4B)

Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023.

The zoning map amendment to this chapter evidenced by Ordinance #26-11202023 relating to the rezoning of approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter. In order to allow time for residents and property owners to become familiar with this zoning map amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #26-11202023 shall not become applicable until July 1, 2024.

Secs. 60-1384~~3~~—60-1400. Reserved.

● ● ●

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024 **Ordinance:** 02-01022024

Author: Eric J. Cousens, Director of Planning & Permitting

Subject: First reading, applicability to Ordinance #28-112022023 Text Amendments related to Chapter 60, Article XII, Division 4 – Lake Auburn Watershed Overlay District

---

Information: The zoning text amendment to this chapter evidenced by Ordinance #28-11202023 relating to Chapter 60, Article XII, Division 4-Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements that became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter. This first reading is scheduled as directed by the Council at the December 18, 2023 Council Meeting. In order to allow time for residents and property owners to become familiar with this zoning map amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #28-11202023 shall not become applicable until July 1, 2024.

Staff does **not** recommend this delayed applicability date due to impacts to existing property owners that are currently designing SSWW Disposal systems to the new standard. The new standards will treat wastewater better than the former standards and will require less soil disturbance in many cases with the system sited closer to the home. Details will be discussed in the workshop and questions or examples can be vetted on the same night of this hearing.

Ultimately, through the public process recommended in Order 04-01012024(Later tonight), potential language additions/deletions could better define implementation, clarify any ambiguities and improve public understanding of the Text Amendments related to Chapter 60, Article XII, Division 4 – Lake Auburn Watershed Overlay District. It would also allow time for any changes to be reviewed with the Drinking Water Program. This delayed applicability date is not necessary to achieve that outcome.

City Budgetary Impacts: None known.

Staff Recommended Action: Staff does not recommend passage of this Ordinance. If this option is preferred by the Council, then Staff recommends a process that includes the Planning Board to provide a recommendation after Public Hearing for the applicability date on Ordinance #28-112022023, then a Second reading and Public Hearing with the Council.

Previous Meetings and History: December 18, 2023 CC meeting

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments:

Ordinance #2-01022024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

Chapter 60 ZONING

● ● ●

ARTICLE XVI. ADMINISTRATION AND ENFORCEMENT

● ● ●

DIVISION 5. APPEALS AND APPLICABILITY

● ● ●

Sec. 60-1382. Applicability.

The provisions of this article shall apply to any development subject to review under division 2 of article XVI of this chapter, the construction of which has not been commenced on the date on which they become effective.

(Ord. of 9-21-2009, § 7.4B)

Sec. 60-1384. Effective Date and Applicability Date of Ordinance #28-11202023.

The zoning text amendment to this chapter evidenced by Ordinance #28-11202023 relating to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter. In order to allow time for residents and property owners to become familiar with this zoning text amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #28-11202023 shall not become applicable until July 1, 2024.

Secs. 60-1385~~3~~—60-1400. Reserved.

● ● ●

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024 **Order:** 04-01022024

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: Order Initiating Ordinance Change 04-01022024 to revisit Agricultural Use allowances and watershed protections in the Lake Auburn Watershed through a public discussion process.

Information: It has come to the attention of Staff, the Mayor and Council that the ordinance updates adopted in December of 2023 may have prohibited certain agricultural uses that can be undertaken without detriment to water quality. There is also a desire to consider further limitations on the number of Subsurface Wastewater Disposal Systems in the watershed, who is responsible for inspecting SSWW Systems and to further define the inspection process. The proposed order would set that discussion in motion with further input from the AG working group, stakeholders and the public. This process would provide the Council with feedback and input from the Public, AG working Group and Planning Board to consider any further changes.

This process can be initiated in conjunction with a delayed applicability date(Ordinance 02-010220241) or on it's own, while avoiding the potential negative impacts to individual property owners and the watershed that would come from the delayed applicability date that is also being considered tonight.

City Budgetary Impacts: None. Staff and committee/Board Time.

Staff Recommended Action: Staff recommends that the Council vote to start the discussion with the attached Order.

Previous Meetings and History: December 18, 2023 CC Meeting

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 04-01022024

City Council Order

IN CITY COUNCIL

Whereas the zoning text amendment evidenced by Ordinance #28-11202023 relating to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter;

Whereas members of the Auburn City Council and the Mayor have heard concerns from constituents related to limitations on agriculture and water quality protections in the Lake Auburn Watershed;

T**he Auburn City Council herby orders** the City Manager to direct staff to work with the AG Working Group, Sustainability and Natural Resource Board, LAWPC, the Auburn Planning Board and public stakeholders to review the adopted amendments and recommend any changes back to the City Council. The process should include an initial advertised public meeting with the AG working Group to solicit public feedback, a working meeting with the AG work Group and then a Planning Board Workshop, Council Workshop and then a Planning Board Public hearing and recommendation. At a minimum, consideration should include the following:

- Agricultural uses
  - In Sec 60-951(b) amend the definition of non-hobby agricultural uses
  - In Sec 60-952(a) amend the description of permitted/prohibited agricultural uses
  - Define which agricultural uses are permitted (and by default the non-permitted activities are prohibited) and the scale of the permitted activity with a focus on water quality impacts. As an example, three horses kept for a resident's enjoyment or to provide riding lessons for a fee have the same water quality impact.
- Subsurface waste-water disposal system inspection
  - In Sec 60-952(f)(6) consider amending the described inspection method to shift responsibility for the inspection to the land-owner and provide a phased implementation.
  - The current construct in Sec 60-952(f)(6) supposes that LAWPC will perform an inspection once every five years or upon sale. LAWPC may not have the capability to do this and will require additional funding / hiring to do so. Another approach

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

should be considered to require the landowner to have an inspection performed on this cycle by an inspector meeting defined qualifications, with the inspection meeting defined standards and with the report being sent to LAWPC and the City Plumbing Inspector.

- Consider further limits on the number of new subsurface wastewater disposal systems. The current ordinance will limit the construction of new systems (new here having the same meaning as the state plumbing code) to an estimated 38 new systems.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024 **Order:** 05-01022024

Author: Kris Beaudoin, Lead Code Compliance Officer

Subject: 90 Day Building permit fee waiver for properties impacted by storm damage

---

Information: Many structures were damaged by the storm on December 18, 2023. Much of the damage sustained in the storm will require permits prior to complete needed repairs. The costs associated with the storm damage may be significant to some property owners, the proposed waiver in building permit fees will provide some relief to the property owners impacted by the storm and encourage proper permitting.

City Budgetary Impacts: The damage created by this storm was unexpected and any associated permitting fees were not projected, therefore, any budgetary impacts will be minimal.

Staff Recommended Action: Issue a 90 Day Permit Fee Waiver for Residential, Multi-Family, Agricultural and Commercial building permit applications for property damage repairs caused by the December 18, 2023 storm.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order.

ORDER 05-01022024

City Council Order

IN CITY COUNCIL

BE IT ORDERED that the City Council approves a ninety (90) day waiver of the Residential, Multi-Family, Agricultural and Commercial building permit fees found in **Appendix A- Fees and Charges**, to repair damage to structures caused by the December 18, 2023 storm.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 2, 2024 **Order:** 06-01022024

Author: Jill M. Eastman, Finance Director

Subject: FY ending June 2022 – Undesignated Fund Balance

Information:

On December 4, 2023, the City Council approved allocating $2,023,255 to various projects or funds from the Undesignated Fund Balance. At the December 18, 2023 city council meeting, a presentation was given relating to the timing of the project for Rink 2 at the Norway Savings Bank Arena. For the best optimal timing for the arena programing, staff is recommending an additional $500,000 be allocated to complete the project.

The City Council also requested what the UDF would be if an additional $500,000 was added to the Worker's Compensation Fund. The additional $500,000 for the arena floor and $500,000 for worker's compensation would place the UDF at 13.73%.

It is the City's policy to maintain an unrestricted fund balance in the general fund of no less than 10% and no more than 14% of general fund budgeted expenditures.

The FY ending June 2023 estimated unrestricted fund balance will be in excess of $2,500,000.

City Budgetary Impacts: Allocate $1,000,000 Undesignated Fund Balance as follows:

- $500,000.00 Transfer to Worker's Compensation Fund
- $500,000.00 Norway Savings Bank Arena Floor

Staff Recommended Action: Vote to increase allocation of two projects from the Undesignated Fund Balance.

Previous Meetings and History: December 4, 2023, and December 18, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 06-01022024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council allocate an additional $1,000,000.00 from the FY2022 Undesigned Fund Balance which is within the policy of 10% - 14% as follows:

- $500,000.00 Transfer to Worker's Compensation Fund
- $500,000.00 Norway Savings Bank Arena Floor

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Workshop & Meeting
Agenda
January 16, 2024
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Assessing Presentation – Karen Scammon and Joe St. Peter
B. Maine Waste to Energy
C. Lewiston-Auburn Water Pollution Control Authority (LAWPCA)
D. Lewiston Auburn Railroad Company

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Cowan

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 07-01162024*
Re-appointing Riley Bergeron to the Planning Board as a full member with a term expiration of 01/01/2027 as recommended by the Appointment Committee.

2. Order 08-01162024*
Appointing Timothy DeRoche to the Planning Board as a full member with a term expiration of 01/01/2027 as recommended by the Appointment Committee.

3. Order 09-01162024*
Appointing Ryan Smith to the Planning Board as a full member with a term expiration of 01/01/2027 as recommended by the Appointment Committee.

4. Order 10-01162024*
Appointing Paul Josephson to the Complete Streets Committee with a term expiration of 01/01/2027 as recommended by the Appointment Committee.

5. Order 11-01162024*

Appointing Barbara (Bonnie) Lounsbury to serve a 4-year term as Chair of the Registration Appeals Board as nominated by the Municipal Clerk.

II. Minutes – January 2, 2024, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Council Communications

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business - None

VI. New Business

1. Order 12-01162024
Approving the liquor license for Burnt Ends Barbeque, LLC. located at 120 Center Street. Public hearing and vote.

2. Order 13-01162024
Amending Order 171-12182023, previously adopted by the City Council on 12/18/2023, correcting the language as outlined in Sec. 26-25 of our ordinance.

3. Ordinance 03-01162024
Amending Article V, Division 2, Sections 2-430, 2-431, 2-433, 2-434, 2-435, AND 2-441 of Auburn's Code of Ordinances and striking all language referencing the Regulatory Advisory Board.
Public hearing and first reading.

4. Ordinance 04-01162024
Amending Article V, Division 2, Sections 2-430, 2-431, 2-432, 2-433, 2-434, and 2-435 of Auburn's Code of Ordinances and reinstating the Board of Assessment Review ordinance.
Public hearing and first reading.

5. Ordinance 05-01162024
Amending Chapter 60, Article XV reinstating the Zoning Board of Appeals ordinance.
Public hearing and first reading.

6. Ordinance 06-01162024
Amending Sec. 2-466 of the Auburn Code of Ordinances correcting the Planning Board Compensation language. Public hearing and first reading.

7. Order 14-01162024
Directing the Sustainability & Natural Resource Management Board to create a solid waste and recycling plan to be presented to the City Council no later than August 19, 2024.

8. Order 15-01162024
Appointing Mayor Jeffrey Harmon to serve on the Maine Municipal Associations' Legislative Policy Committee with a term expiration of June 2024.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report
d. December 2023 Finance Report – Kelsey Earle

IX. Executive Sessions –

1. Labor contract discussion, pursuant to 1 M.R.S.A. §405(6)(D).
2. Economic development, pursuant to 1 M.R.S.A. §405(6)(C) where premature disclosure would prejudice the competitive or bargaining position of the City.

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 16, 2024

Author: Karen Scammon, CMA-4, City Assessor and Joseph St Peter, CMA-4, Deputy Assessor

Subject: April 1, 2024 valuation adjustments/Revaluation discussion

---

Information: Power point presentation on values, State valuation combined sales ratio and Auburn's declared ratio.

City Budgetary Impacts: Possible impacts if city-wide revaluation is approved.

Staff Recommended Action: Presentation and discussion.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Power point presentation

2023 Assessor's Report

The Assessor

Property tax assessors in Maine occupy a unique place in the governmental structure, fulfilling a dual role of municipal official and agent of the State.

Professional Assessors are required to be certified by Maine Revenue Services (36 MRS § 327 (3))

The City of Auburn Assessing Division

City Assessor: Karen Scammon, CMA-4
Deputy Assessor: Joseph St. Peter, CMA-4
Senior Appraiser: Natalie Andrews, CMA
Appraiser: Azadeh Mashhadi



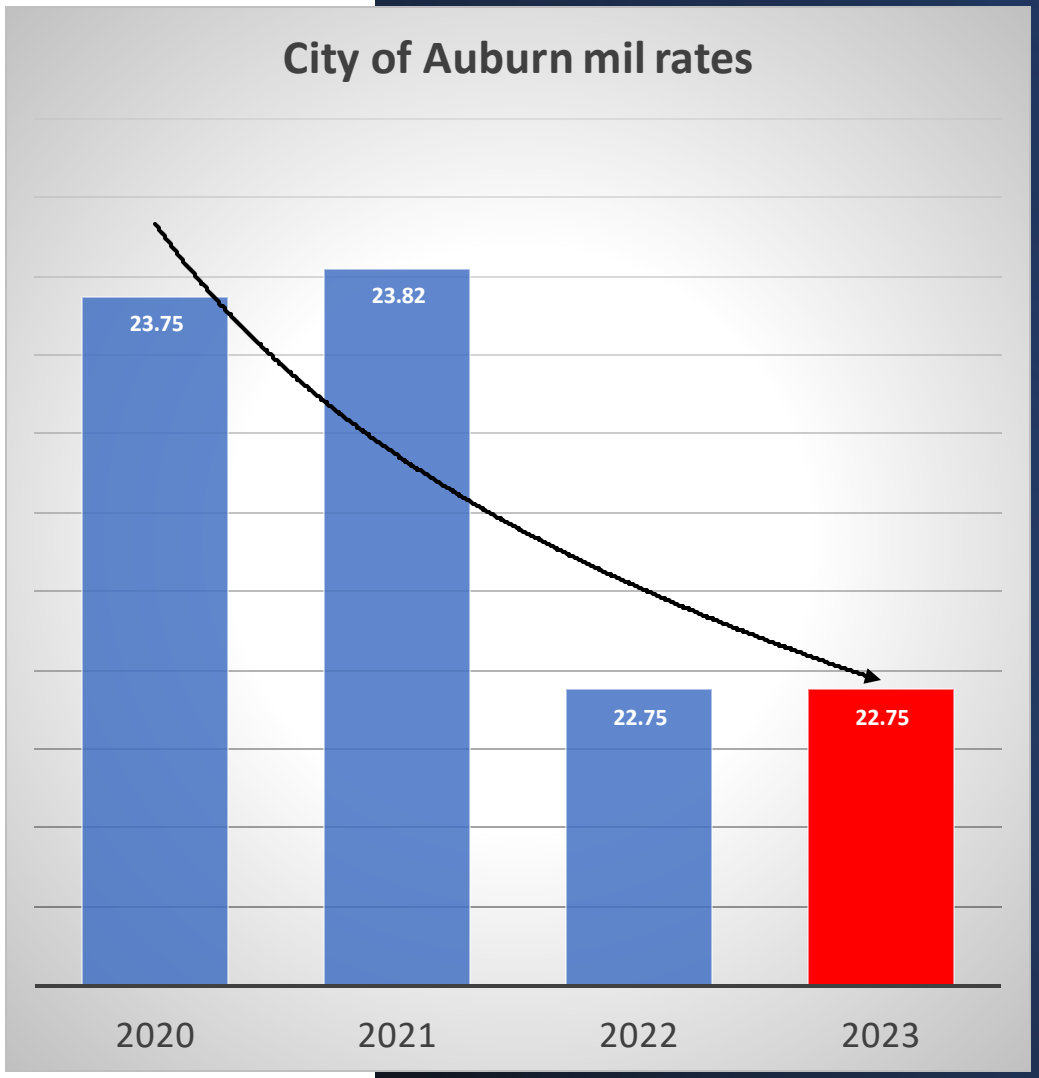
The definitive duty of property tax assessors is to annually ascertain as accurately as possible the nature, amount, and value of all property as of April first, and to estimate and record separately the land value, exclusive of buildings, for each parcel of real estate (36 MRS § 708).

Tax assessors have a constitutional obligation to assess all property fairly, equally, and according to just value, and it is presumed that assessors act in good faith and in conformity with legal requirements (Frank v Skowhegan)

Commitment Data:

- Commitment date: **July 21, 2023**
- State Certified Ratio: **93%**
- Mil rate: **22.75**

Due to market adjustments, new valuation, and budget factors – we have been able to keep the mil rate and certified ratio flat.



How did we hold it?

City of Auburn Valuation Statistics – Real Estate

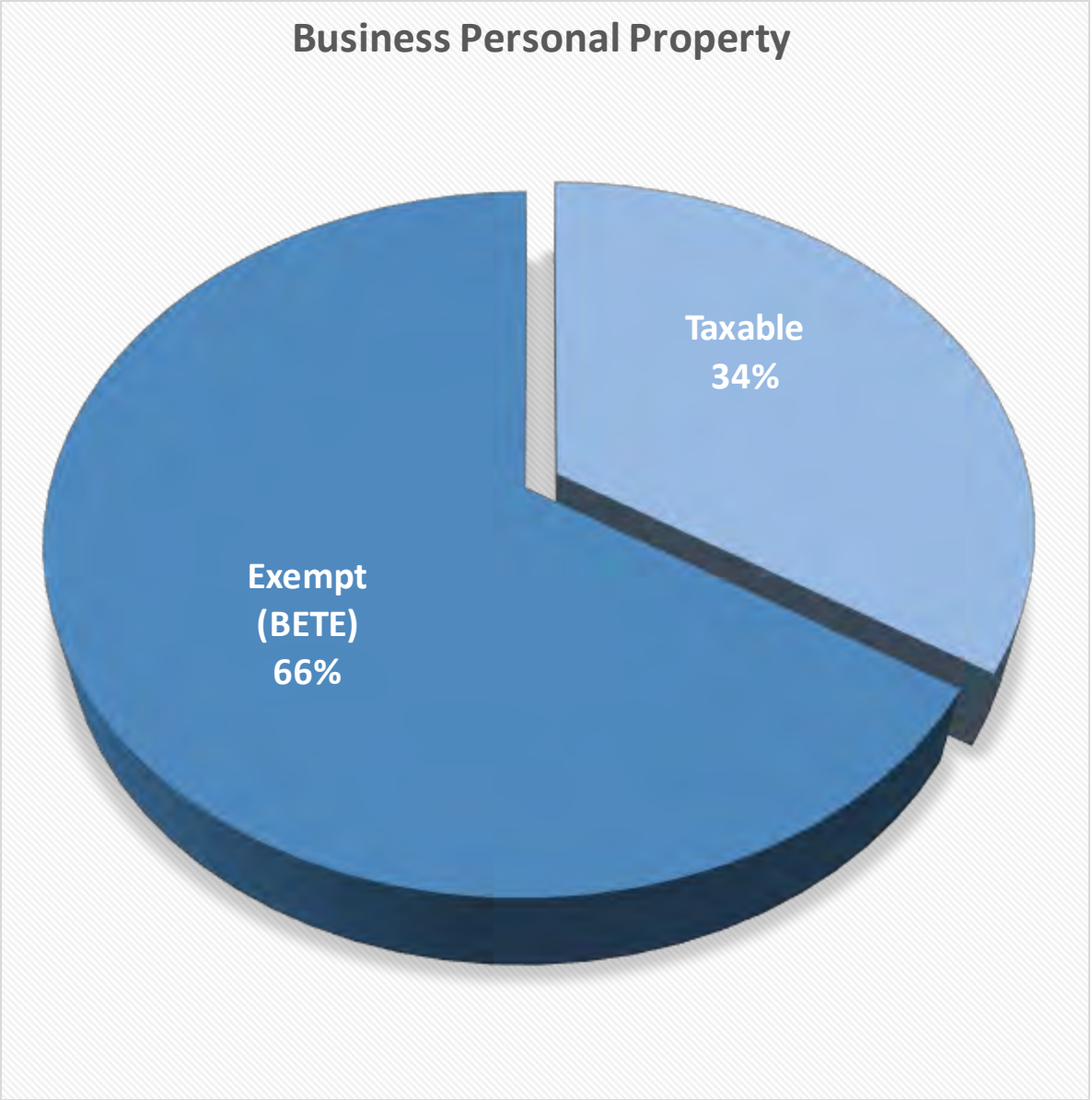
- Real estate: **9461 Parcels.**
- Total land value: $597,952,264.
- Building value: $2,071,970,290.
- Total real estate valuation *before* exemptions is: **2,669,922,554**.
- Tax Exempt property makes up 20% of the total valuation base. The taxable real estate value is $2,144,361,339.

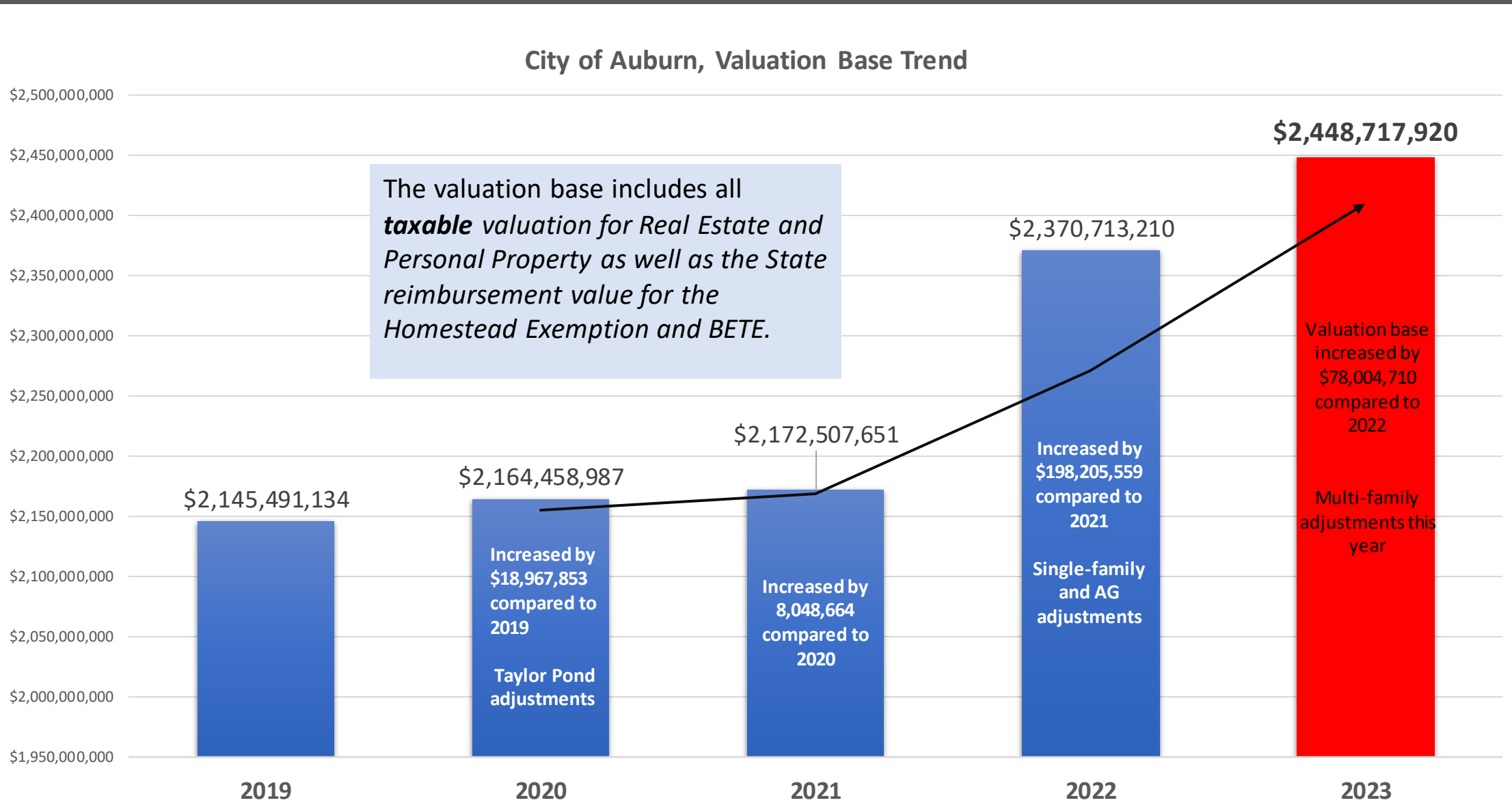


City of Auburn Valuation Statistics

Personal Property

- Personal Property: **1,092 *open* accounts (2023)**
- Taxable value: $108,809,837.
- BETE exempt value: $210,875,377
- Total personal property valuation: **$320,062,156**
- **Personal property is subject to "ratioing" which reduces the overall taxable and BETE valuation.**




City of Auburn, Valuation Base Trend
$2,500,000,000
$2,450,000,000
$2,400,000,000
$2,350,000,000
$2,300,000,000
$2,250,000,000
$2,200,000,000
$2,150,000,000
$2,100,000,000
$2,050,000,000
$2,000,000,000
$1,950,000,000
The valuation base includes all ***taxable*** *valuation for Real Estate and Personal Property as well as the State reimbursement value for the Homestead Exemption and BETE.*
$2,145,491,134
$2,164,458,987
$2,172,507,651
$2,370,713,210
$2,448,717,920
Increased by $18,967,853 compared to 2019
Taylor Pond adjustments
Increased by 8,048,664 compared to 2020
Increased by $198,205,559 compared to 2021
Single-family and AG adjustments
Valuation base increased by $78,004,710 compared to 2022
Multi-family adjustments this year
2019
2020
2021
2022
2023

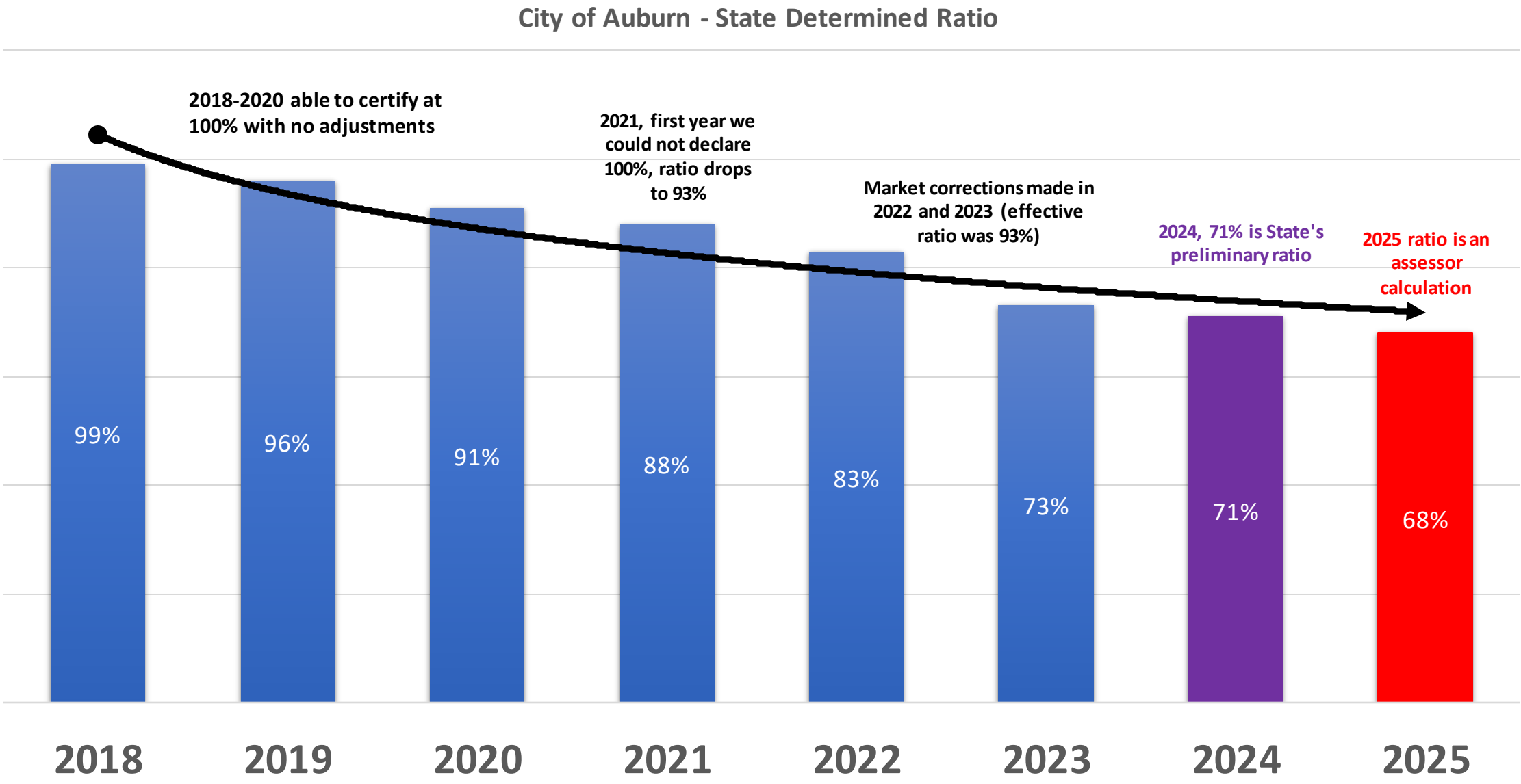
What is a sales ratio?

A **sales ratio** is a relationship between the assessed value and the market value of a property. The lower the ratio, the higher the sale price is compared to the assessed value.



If the **Assessed Value** is $200,000 and the **Sale Price** is $200,000 then the **Ratio** = 1
($200,000 ÷ $200,000 = 1)

If the **Assessed Value** is $200,000 and the **Sale Price** is $250,000 then the **Ratio** = .8
($200,000 ÷ $250,000 = .80)



City declared 100% from 2007 to 2020

Assessing Goals:

100%



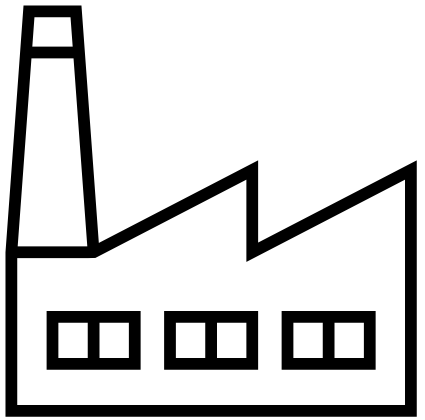
Single Family

100%



Multi-family

100%



Commercial & Industrial

100%



Land

<u>Ideal</u> – Classes are in balance

All property is assessed at market value, this is the goal.

*When classes are **not** in balance adjustments may be required to the declared ratio, assessed values, or <u>both</u>*

Consequences to the residential property owner when the certified ratio drops…

The value of all *partial* exemptions must be adjusted to the declared ratio, meaning the tax benefit to the property owner is lessened:

	100%	tax reduction	93%	tax reduction	78%	tax reduction
Homestead	$25,000	$568.75	$23,250	$528.94	$19,500	$443.63
Veterans	$6,000	$136.50	$5,580	$126.95	$4,680	$106.47

Recent single family sales sample

Single family sales (including condos)

Address	Style	Sale Price	Sale Date	Total Assessed Value	Sales Ratio	
26 Fairview Court	SF Cape	$330,000	9/20/2023	$160,800	0.49	*outlier*
27 Cedarwood Rd	SF Ranch	$260,000	9/29/2023	$127,300	0.49	
26 Vernon St	SF Salt Box	$243,000	9/14/2023	$121,200	0.50	
27 Country Club Dr	SF Split	$370,000	9/25/2023	$192,400	0.52	
447 Danville Corner Rd	SF Split	$410,000	9/12/2023	$214,700	0.52	
12 Hemlock Circle	Condo	$270,000	9/5/2023	$149,500	0.55	
79 Portland Way	SF Ranch	$265,000	9/18/2023	$152,000	0.57	
154 Cook St	SF Cape	$275,000	9/1/2023	$159,800	0.58	
16 Hillside Ave	SF Ranch	$299,000	9/8/2023	$177,600	0.59	
47 Crest Ave	SF Ranch	$200,000	9/22/2023	$119,300	0.60	
503 Turner St	SF Cape	$232,000	9/26/2023	$139,600	0.60	
130 Hickory Dr	SF Col	$645,000	9/29/2023	$393,800	0.61	
323 Minot Ave	SF Col	$605,000	9/19/2023	$371,500	0.61	
26 Streamside Dr	SF Split	$297,780	9/1/2023	$189,700	0.64	
80 Vickery Rd	SF Cape	$312,000	9/25/2023	$202,500	0.65	
243 Trapp Rd	SF Cape	$270,000	9/11/2023	$187,200	0.69	
335 Minot Ave	SF Col	$231,000	9/7/2023	$169,500	0.73	
462 Lake St	SF Cape	$500,000	9/1/2023	$376,800	0.75	
6 Hemlock Circle	Condo	$200,000	9/5/2023	$152,000	0.76	
10 Dana Ave	SF Ranch	$130,000	9/15/2023	$140,500	1.08	*outlier*
N=20				Average Ratio	0.61	
				Median Ratio	0.61	

SF Sale prices are, *on average,* selling $127,000 over the assessed value.

Recent multi-family sales sample

Multi-family sales

Address	Style	Sale Price	Sale Date	Total Assessed Value	Sales Ratio
269 Turner St	3 Family	$330,000	9/15/2023	$118,700	0.36
51 Ninth St	3 Family	$420,000	9/28/2023	$168,600	0.40
6 Grove St	3 Family	$350,000	9/11/2023	$173,300	0.50
46 Winter St	2 Family	$305,000	9/25/2023	$152,000	0.50
8 Myrtle Ave	2 Family	$204,500	9/15/2023	$106,700	0.52
66 Webster St	2 Family	$375,000	9/27/2023	$196,300	0.52
N=6				Average Ratio	0.47
				Median Ratio	0.5

MF Sale prices are, *on average,* selling $178,000 over the assessed value.

Assessing Choices

When assessed value and market value are not equal, options are;

Lower the ratio:

- The mil rate will likely increase.
- We lose taxable value. For example: We lost $22,400,000 in personal property value in 2023 due to ratioing at 93%. Value is lost in other value categories as well, such as utility assessments and more.
- We do not correct equity issues, leading to increased risk of high value abatement requests.
- The exemption value decreases for taxpayers. For example, the homestead exemption is decreased from the its full value $25,000 to $23,250.

Make market adjustments:

- We correct ***equity*** between property classes and decrease our exposure to high value abatements.
- Assuming a stable budget, we are likely to decrease or hold the mil rate.
- Moderates future market adjustments. Prevents, “falling off a ratio cliff”. For example: due to market adjustments in 2022 and 2023 we lessened a potential ratio drop in 2024.
- Preserves the value of exemptions for taxpayers (see next slide)
- Maintains the overall certified ratio.
- No additional loss of personal property/new assessment value (the overall taxable value base is stable)

OPTION #1 A COMPLETE REVALUATION

Where are we now?

- Sales ratios are dropping, the equity gap is widening.
- Under current market conditions we will likely be making both ratio and market adjustments for the foreseeable future.

Where we want to be

- At or near **100% overall ratio.**
- **Equalization** brings all classes of properties to a ratio of 100% and substantially increases the taxable valuation base.
- "**Flat**" market adjustments improve equity but are a temporary fix only.

How do we achieve it?

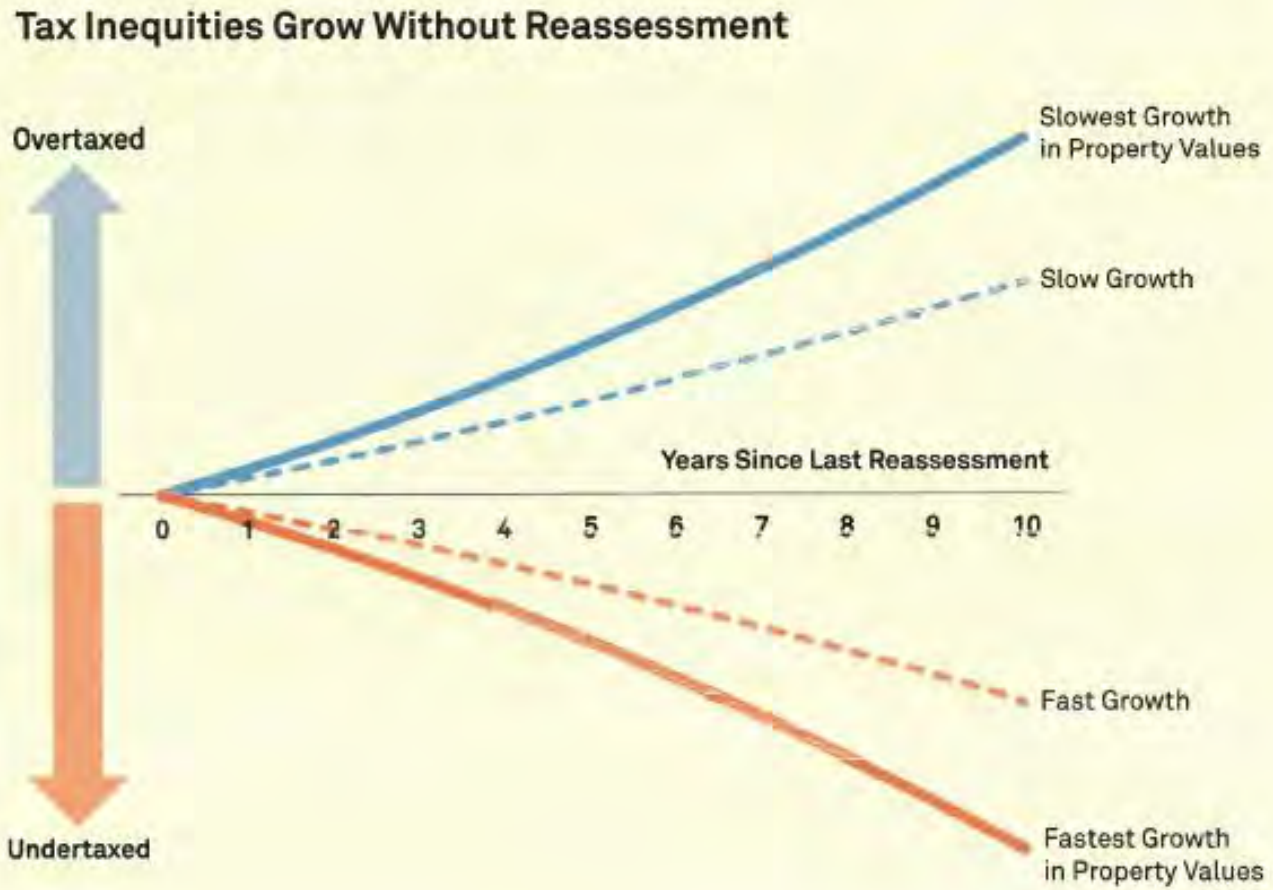
- *A **complete revaluation** of both real and personal property is highly recommended.*
- *All cost and land tables would be updated. Any existing equity issues would be eliminated, and the certified ratio would be back at ~100%.*

The best outcome

Quality Assessment Practices Are Essential for Tax Fairness

Accurate assessments are essential for equity under a market-value property tax system. Without them, the distribution of property taxes becomes unfair and arbitrary. Assessment accuracy depends on regular revaluations, and it is enhanced by modern valuation techniques, state oversight of local assessing offices, and effective appeals systems.

The most common cause of inaccurate assessments is that too much time has passed since the last revaluation. The longer a jurisdiction goes without reassessing property values, the greater the tax inequities. Properties with the slowest growth in values (or largest declines) become increasingly overtaxed. Properties with the fastest growth become increasingly undertaxed.



In our CAMA, value is driven by: **Land** Tables, **Building** Tables, and **Depreciation**.
All must be accurate to produce credible valuation.

Source: (Property Tax Relief for Homeowners, Lincoln Institute of Land Policy, 2021)

Revaluation Timeline

If we started in 2024…



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 16, 2024 **Orders:** 07-01162024 through 10-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Board and Committee Appointments

The Appointment Committee met on January 16, 2024 to review applications and make their nominations for various boards and committees of the City as follows:

Planning Board:
Riley Bergeron, full member, re-appointment, term expiration of 1/1/2027.
Timothy DeRoche, full member, (moving from associate to full member), term expiration of 1/1/2027.
Ryan Smith, full member, new appointment, term expiration of 1/1/2027.

Complete Streets
Paul Josephson, new appointment, term expiration of 1/1/2027.

City Budgetary Impacts: None

Staff Recommended Action: Motion to appoint members as recommended by the Appointment Committee.

Previous Meetings and History: The Appointment Committee met on January 16, 2024 to make their recommendations.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Vacancies, Application Spreadsheet, Applications, Orders

January 9, 2024
Applicant List

Board or Committee	Ward	Last Name	First Name	Address
Complete Streets Committee	2	Josephson	Paul	3 Josslyn Street
Planning Board – full member	2	*Bergeron	Riley	142 Conant Avenue
	2	*Cyr	Evan	122 Granite Street
	3	**DeRoche	Timothy	14 Millbrook Lane
	4	**Guerette	Amanda	20 Cherry Vale Circle
	1	Ouellette	Michael	242 West Auburn Road
	3	Simpson	Timothy	57 Rafnell Street
	2	Smith	Ryan	14 Weaver Street

* Indicates this applicant is seeking re-appointment

** Indicates this person is an associate/alternate member seeking full member status

VACANCIES

Auburn Sewer District Board of Trustees - 1 vacancy with a term expiration of 03/01/2025

City Council Student Representative - 2 appointments

Complete Streets Committee - 1 vacancy with a term expiration of 01/01/2027

Parks & Recreation Advisory Board - 2 vacancies, one with a term expiration of 10/01/2025, and one with a term expiration of 10/01/2024

Planning Board - 3 full member positions, term expirations of 01/01/2027

Registration Appeals Board Chair - 1 vacancy with a 4 year term

Regulatory Advisory Board - 5 vacancies, two with term expirations of 6/1/2025, and three with term expirations of 6/1/2026

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Thursday, January 4, 2024 3:06:00 PM

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Amanda

Middle Initial: A

Last Name: Guerette

Residence Address: 20 Cherry Vale Circle

Ward: Ward 4

City: Auburn

Home Phone: 207-212-1056

Cell Phone: 207-212-1056

E-mail Address: aasasseville@yahoo.com

Current Occupation: EFDA

Previous Occupation (if retired or no longer working):

Education and/or experience: Associate member of the Planning Board

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above):: LVRC

This application is for a... (choose one): Desire to move from an alternate/associate to full member

Briefly describe why you want to serve on a board/committee (1,000 character limit): I am applying to be a full term member of the planning board, after being an associate member for the past year. I have attended every meeting and workshop. I have also attended classes that were offered after hours to help benefit my understanding of a planning board member and goals. Meeting after meeting I have listened and evaluated information and opinions from Auburn citizens, city staff, and other planning board members over the past year as an associate member. This past year has really made me aware of the information that has been gathered and delivered from all angles in order to make a smart decision at hand based on the comprehensive plan. Taking politics and ideology out of the decision making process. I focus on making a logical approach versus an emotional argument. I have lived in Auburn for 8+ years and am raising my young son here. I am invested within our community and I want to continue to provide this service to my community going forward.

What do you hope to accomplish?: I understand that I am a diverse individual to our current planning board and I want to continue this going forward. I know that with my presents on the board I am representing many of our unrepresented citizens of the City of Auburn, who may not have the experience navigating policies of local government. I want to help provide a balanced chance at grasping opportunities within my community.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Planning Board

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Planning Board

Dates served (if known): January 2023- current

How did you learn of this vacancy?: City Website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Amanda Guerette

Date of Electronic Signature: 01/04/2024

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Monday, January 1, 2024 9:03:11 PM

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Evan

Middle Initial:

Last Name: Cyr

Residence Address: 122 Granite St

Ward: Ward 2

City: Auburn

Home Phone: 2079911159

Cell Phone: 2079911159

E-mail Address: egcyr@hotmail.com

Current Occupation: Teacher

Previous Occupation (if retired or no longer working):

Education and/or experience: BA Anthropology, MA Science Education, CAS Education Leadership

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above):: N/A

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): On a warm summer's evening, on a train bound for nowhere I met up with the gambler. We were both too tired to sleep. He began to speak He said, "Son, I've made a life out of readin' people's faces, knowin' what the cards were by the way they held their eyes. So if you don't mind my sayin' I can see you're out of aces. For a taste of your whiskey I'll give you some advice. If you're gonna play the game boy, you gotta learn to play it right. Every gambler knows that the secret to survivin' is knowin' what to throw away and knowin' what to keep. 'Cause every hand's a winner and every hand's a loser. I found an ace that I could keep. You've got to know when to hold 'em. Know when to fold 'em. Know when to walk away and know when to run. You never count your money when you're sittin' at the table. There'll be time enough for countin' when the dealin's done. If you change your mind, I?m the first in line. Honey I?m still free, take a chance one me.

What do you hope to accomplish?: There is a young cowboy who lives on the range. For six long years I?ve been in trouble. I don?t care about the past, none of it was meant to last. It?s not who you?ve known, but who you?re knowin. Don?t you ever get to thinking for a second you?re irreplicable. I?ve been high and been low. Played the fool, and the star of the show. They were mine to keep. Over time, every lock will change. He?s so bad, but he does it so well. Standing at the ready with a dance or two still left in me.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Planning Board

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Planning Board

Dates served (if known): Est. 2011

How did you learn of this vacancy?: A meeting on 12/18 following an executive session when my previous appointment was rescinded

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Evan G. Cyr

Date of Electronic Signature: 01/01/2024

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Monday, January 1, 2024 6:36:15 PM

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: MICHAEL

Middle Initial: J

Last Name: OUELLETTE

Residence Address: 242 WEST AUBURN ROAD

Ward: Ward 1

City: Auburn

Home Phone: 12072400299

Cell Phone: 12072400299

E-mail Address: Mjouellette42@hotmail.com

Current Occupation: Designer and construction contractor

Previous Occupation (if retired or no longer working):

Education and/or experience: One year of college

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I feel my experience of over 40 years in various aspects of the construction industry, 64 years in the Lewiston / Auburn community and 18 years at my current address. Gives me a good perspective on the issues facing the community.

What do you hope to accomplish?: Move the City of Auburns commercial and residential development in a consistent and well thought-out direction. Maintain it's identity and increasing it's commercial Tax base and residential housing stock.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known):

How did you learn of this vacancy?: City web-site

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth

above. By typing your full name below, you are "signing" this electronic application.: MICHAEL OUELLETTE

Date of Electronic Signature: 1/1/2024

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, January 3, 2024 4:39:31 PM

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Riley

Middle Initial:

Last Name: Bergeron

Residence Address: 142 Conant Ave

Ward: Ward 2

City: Auburn

Home Phone: 207-212-8760

Cell Phone: 207-212-8760

E-mail Address: the.riley.bergeron@gmail.com

Current Occupation: Cailler Painters - Owner

Previous Occupation (if retired or no longer working):

Education and/or experience: BA in Environmental Planning and Policy as well as my last four years on the Planning Board, one as an associate member and three as a full member.

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I grew up in Auburn and plan to permanently reside in this community. When I originally applied to join the Planning Board I was looking for a way to participate in the public process. Since then my respect for that process has only grown. As such, I would like to continue contributing to that process and Auburn?s growth while also recognizing the characteristics that make it such a wonderful place to live.

What do you hope to accomplish?: In my opinion the most successful outcome I experienced in my time on the board was the work done on the Agricultural and Resource Protection zone. It was a collaborative process that involved as many stakeholders and members of the public as was possible in the (condensed by LD 2003) time allowed. If reappointed, I hope to accomplish more work that results in outcomes like that one.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Yes, Planning Board

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Yes, Planning Board

Dates served (if known): 2020- Present

How did you learn of this vacancy?: Situational awareness.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Riley Bergeron

Date of Electronic Signature: 01/03/2024

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, December 20, 2023 10:25:39 AM

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Ryan

Middle Initial: E.

Last Name: Smith

Residence Address: 14 Weaver St.

Ward: Ward 2

City: Auburn

Home Phone: 2075582266

Cell Phone: 2075582266

E-mail Address: rychsmith@gmail.com

Current Occupation: Code Enforcement Officer

Previous Occupation (if retired or no longer working):

Education and/or experience: Bachelor's Degree in Business; certification in Land Use Planning from the State of Maine; Prepare materials and provide ordinance expertise for planning board in Mechanic Falls, ME; Interpret and write ordinances as part of current employment

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I've been increasingly more involved in Auburn city government, both through various committees and as a citizen advocate, and I believe my experiences and skillsets are most applicable to a board such as the planning board. There are not many capable of analyzing complex site plans and interpreting ordinances effectively, and I just so happen to do this for a living in a different town, so I apply for this position as a citizen willing to serve my own community in this capacity.

What do you hope to accomplish?: I hope to bring a neutral and fair perspective to the planning board. I have a deep understanding of the rules, policies, and statutes around how a planning board should operate and what is expected from individual members, and it's my goal to display this understanding through my own actions and words. I also hope to bring forth ideas on how to solve potential and existing issues within our ordinances.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: N/A

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Yes; Mayor's ADHOC committee to create shovel ready building plans; Citizens for Sensible Growth

Dates served (if known): All within last two years

How did you learn of this vacancy?: While watching the December 18th council meeting on YouTube.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Ryan E. Smith

Date of Electronic Signature: 12/20/2023

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, January 3, 2024 4:10:00 PM

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Timothy

Middle Initial: J

Last Name: DeRoche

Residence Address: 14 Millbrook Lane

Ward: Ward 3

City: Auburn

Home Phone: N/A

Cell Phone: 2073129490

E-mail Address: teldd@roadrunner.com

Current Occupation: Locomotive Mechanic

Previous Occupation (if retired or no longer working):

Education and/or experience: Associate Degree

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Desire to move from an alternate/associate to full member

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have been an Associate Member of the Planning Board for the past year. During that time, my appreciation for the complexity of city government and my desire to contribute further has only grown.

What do you hope to accomplish?: This is my hometown and has treated me well. It is now time for me to contribute to my community in ways above and beyond the norm. My two daughters know Auburn as home and are proud to call it so. I wish to contribute in any way I can to continue Auburn's responsible growth and it stay a hometown to be proud of.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Plannig Board-Associate Member

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: N/A

Dates served (if known):

How did you learn of this vacancy?: Website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Timothy J. DeRoche

Date of Electronic Signature: 01/03/2024

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, December 27, 2023 1:16:18 PM

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Timothy

Middle Initial: T

Last Name: Simpson

Residence Address: 57 Rafnell Street

Ward: Ward 3

City: Auburn

Home Phone: 2073317676

Cell Phone: 2073317676

E-mail Address: Tsimpson.flome@gmail.com

Current Occupation: N/A

Previous Occupation (if retired or no longer working): Mechanical Sales Engineer

Education and/or experience: CMVTC/UMO

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): Utilizing a lifetime of residential, commercial and construction project experience, matched to my education and skills provide community representation in an openly transparent honest approach while vetting out all matters planning board related. I recognize the need for sensible, sustainable housing growth while also recognizing the significance of business growth, existing as well as new.

What do you hope to accomplish?: Review/provide/encourage/develop community growth for new or renovation proposal(s) with community involvement while fulfilling the core responsibilities of a planning board member.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Yes, School Committee

Dates served (if known): 2002/2004

How did you learn of this vacancy?: As published

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Timothy T. Simpson

Date of Electronic Signature: 12/27/23

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Monday, December 18, 2023 4:11:24 AM

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Paul

Middle Initial:

Last Name: Josephson

Residence Address: 3 Josslyn St.

Ward: Ward 2

City: Auburn

Home Phone: 2077546540

Cell Phone: 2077546540

E-mail Address: prjosephson@gmail.com

Current Occupation: Health Planner, State of Maine

Previous Occupation (if retired or no longer working): Child Protective Services Social Worker

Education and/or experience: Public service career

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Complete Streets Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): While Auburn and other communities have continued to make progress in transportation system improvements for non vehicle use, there has unfortunately been an increase in incidents resulting in pedestrian injury and death. I would like to bring my personal and professional experience to continue Auburn's work in this area. Thank you.

What do you hope to accomplish?: Improvement in pedestrian and cyclist safety in our transportation system.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known):

How did you learn of this vacancy?: Prior notices and website search

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Paul Josephson

Date of Electronic Signature: 12/18/23

ORDER 07-01162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Riley Bergeron to the Planning Board, full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 08-01162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Timothy Deroche to the Planning Board, from associate member to full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 09-01162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Ryan Smith to the Planning Board, full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 10-01162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Paul Josephson to the Complete Streets Committee, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 16, 2024 **Order:** 11-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointment of the Registration Appeals Board Chair

Information: In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board.

The members of the board are nominated by the municipal committees of the major political parties who are then appointed by the Municpal Officers. Each member shall serve a term of 3 years. The chair of the board is nominated by the municipal clerk and appointed by the municipal officers and shall serve a 4 year term.

City Budgetary Impacts: None

Staff Recommended Action: Motion to appoint Barbara (Bonnie) Lounsbury to serve as the Chair of the Registration Appeals Board, a 4 year term, as nominated by the City Clerk.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Barbara (Bonnie) Lounsbury's application, State statute, and Order

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Thursday, January 4, 2024 7:38:03 AM

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Barbara (Bonnie)

Middle Initial: B

Last Name: Lounsbury

Residence Address: 505 West Auburn Rd

Ward: Ward 1

City: Auburn

Home Phone: 207-713-3993

Cell Phone: 207-713-3993

E-mail Address: Bebl2005@yahoo.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Farmer, lawyer, land trust director

Education and/or experience: J.D.; experience in local elections as poll watcher, distributing ballots, canvassing, writing fact sheets on how to vote absentee

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Citizens Advisory Committee

OTHER (Ad-Hoc Committees not on the list above):: Registration appeal board

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have always believed that Maine had open and honest elections based on statutes that encourage people to vote. In theory, there should be little need for this committee. I see it as a safeguard so that the public can continue to have faith in our system of voting. I saw how much people valued the right to vote during the Obama elections when I monitored voting on behalf of a Democratic lawyers group at a polling place in Lewiston . Many questions arose for people who were new voters . With my Republican counterpart we answered questions for the clerks and voters. It may seem ridiculously old fashioned today, but we - Republican and Democrat- agreed on each decision and were both encourged by the enthusiasm of voters.

What do you hope to accomplish?: To make sure that any questions are resolved in a way that is non partisan and preserves the integrity of the voting process

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Many years ago- comprehensive plan committee, recycling committee

Dates served (if known):

How did you learn of this vacancy?: Mayor?s announcement

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Barbara B. Lounsbury

Date of Electronic Signature: 01042024

§103. Registration appeals board

In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board. The appeal must be filed within 30 days after receipt of notice of the registrar's decision.
[PL 2019, c. 371, §4 (AMD).]

1. Population of 5,000 or over. The registration appeals board consists of 3 members who must be appointed as follows: The municipal committee of each of the major political parties shall nominate one member, who must be enrolled in the party of the municipal committee that nominates the member, and the municipal officers shall appoint the persons nominated by the municipal committees and the 3rd member must be nominated by the clerk of the municipality and appointed by the municipal officers. The clerk of the municipality may give the municipal committees of the political parties a list of qualifications necessary for a person to fulfill the duties of the registration appeals board, and the municipal committees shall take those qualifications into consideration when nominating members to the board. The 2 members of the board nominated by the municipal committees of the major political parties may be members of the municipal committee nominating them and of the county or state committees of the political party that nominates them and may be members of a state or county delegation to a political convention. When a municipal committee nominates a member to the registration appeals board, it shall also nominate an alternate board member, who serves if the member nominated by the municipal committee is or becomes unable to serve. The municipal clerk may not serve as a member or alternate member of the registration appeals board.
[PL 1997, c. 436, §19 (AMD).]

2. Population of 4,000 to 5,000.
[PL 1999, c. 426, §4 (RP).]

3. Term of office. Each member nominated by the municipal committees of the major political parties and appointed to the board shall serve for 3 years and until the member's successor is appointed and sworn. The member nominated by the clerk of the municipality and appointed to the board shall serve for 4 years and until that member's successor is appointed and sworn.
[PL 1995, c. 459, §8 (AMD).]

4. Chair of the board. The member nominated by the clerk of the municipality is chair of the board.
[RR 2019, c. 2, Pt. B, §35 (COR).]

5. Vacancy. When there is a vacancy on the board, the alternate board member nominated by the municipal committee of the political party of the former incumbent shall serve. If an alternate is not available, the municipal officers shall appoint a qualified person nominated by the municipal committee of the party of the former incumbent to fill the vacancy. If the vacancy is in the office of the chair of the board, the municipal officers shall appoint a qualified person nominated by the clerk of the municipality to fill the vacancy. Vacancies must be filled for the remainder of the term of office.
[PL 1991, c. 466, §2 (AMD).]

6. Appeal hearing. Upon receipt of a complaint by a person aggrieved by the decision of the registrar, the chair of the registration appeals board shall immediately fix a time and place for the board to meet for a prompt hearing. The voter must be given written notice of the hearing at least 20 days in advance and must have the opportunity to testify and to present witnesses and other evidence at the hearing. The hearing is de novo. After hearing, the board may affirm, modify or reverse the decision of the registrar of voters. The board shall issue the decision to the voter in writing and shall provide

information on how the voter may appeal the decision. The aggrieved person may appeal the decision of the board to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.
[PL 2009, c. 253, §9 (AMD).]

7. Actions of the registration appeals board. A registration appeals board may only act by unanimous or majority action.
[PL 1995, c. 459, §10 (RPR).]

8. Removal from office. A member of the board may be removed from office at any time during the member's term by the appointing authority if the appropriate nominating authority nominates a replacement. Any replacement member shall serve out the remainder of the replaced member's term.
[PL 1995, c. 459, §11 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §4 (AMD). PL 1991, c. 466, §§2,3 (AMD). PL 1991, c. 862, §§1,2 (AMD). PL 1995, c. 56, §§1,2 (AMD). PL 1995, c. 56, §3 (AFF). PL 1995, c. 459, §§4-11 (AMD). PL 1997, c. 436, §19 (AMD). PL 1999, c. 426, §§4,5 (AMD). PL 2005, c. 453, §9 (AMD). PL 2007, c. 455, §4 (AMD). PL 2009, c. 253, §9 (AMD). PL 2019, c. 371, §4 (AMD). RR 2019, c. 2, Pt. B, §35 (COR).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

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.

ORDER 11-01162024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Barbara (Bonnie) Lounsbury to serve a 4-year term as Chair of the Registration Appeals Board as nominated by the Municipal Clerk.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING JANUARY 2, 2024, VOL. 37 PAGE 122

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Milks had an excused absence. Mayor Harmon and all other Councilors were present.

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 01-01022024*
Confirming Chief Moen's appointment of Aaron Briere, Dalton Geisel, and Ronald Seguin as Constable with firearm/arrest powers for the Auburn Police Department.

2. Order 02-01022024*
Authorizing the City Clerk to waive the $200 business license fee for the food service license for the Danville Junction Grange #65.

3. Order 03-01022024*
Setting the time to open the polls at 7:00 a.m. for all 2024 Auburn Elections.

Motion was made by Councilor Gerry and seconded by Councilor Walker for passage of the three consent items.

Passage 6-0.

II. Minutes – December 18, 2023, Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Platz to approve the minutes of the December 18, 2023, Regular Council Meeting as corrected.

Passage 6-0.

III. Communications, Presentations and Recognitions – None

IV. Open Session – No one from the public spoke.

V. Unfinished Business - None

VI. New Business

1. Ordinance 01-01022024
Amending Chapter 60 of the zoning ordinance to include Effective Date and Applicability Date of Ordinance #26-11202023. First reading.

Motion was made by Councilor Whiting and seconded by Councilor Gerry for passage.

Public comment – Stephen Beale, 575 Johnson Road spoke in favor noting that delaying this will allow time for the city to evaluate the quality of the soil and he also spoke regarding the 100-foot buffer adding that it should be continued or made part of further discussion.

Pam Rousseau, 745 West Auburn Road stated that she agreed with the comments made by Stephen Beale 100% and wanted to point out concerns she has with the nearness to the watershed and number of cars going through the watershed. She said she would like that to also be considered.

Keri Myrick, 1010 Summer Street stated that she supports Mr. Beales position regarding to looking at the topography of the gravel pit. She noted that we should take some time and err on the side of caution.

Passage 6-0. A roll call vote was taken.

2. **Ordinance 02-01022024**
Amending Chapter 60 of the zoning ordinance to include Effective Date and Applicability Date of Ordinance #28-11202023. First reading.

*Motion was made by Councilor Cowan and seconded by Councilor Walker to table this item.

Passage 6-0.

3. **Order 04-01022024**
Authorizing the City Manager to direct staff to work with the Agriculture Working Group, Sustainability & Natural Resource Board, LAWPC, the Planning Board, and public stakeholders to review the adopted amendments and recommend any changes back to the City Council.

Motion was made by Councilor Gerry and seconded by Councilor Walker for passage.

Public comment – Kathy Shaw, Valley View Farm Sopers Mill Road in Auburn, and Chair of the Natural Products and Ag work group said she looks forward to working with the City Council and staff. She stated that they hold their scheduled monthly meetings on the last week of the month and meetings are held at the Auburn Senior Center.

Stephen Beale, 575 Johnson Road spoke in support of the order and stated that he looks forward to working with staff and consultants who may be relevant to these items.

Motion was made by Councilor Weisner and seconded by Councilor Walker to amend by inserting at end of first sentence in the third paragraph the following language "***no later than the second regular City Council meeting in April 2024***".

Passage 6-0.

Passage of Order 04-01022024 as amended 6-0.

4. **Order 05-01022024**

Authorizing staff to waive the permit fees for storm damage repairs.

Motion was made by Councilor Walker and seconded by Councilor Whiting for passage.

Public comment – No one from the public spoke.

Passage 6-0.

5. **Order 06-01022024**
Approving the allocation of an additional $1,000,000.00 from the FY2022 Undesignated Fund Balance.

Motion was made by Councilor Walker and seconded by Councilor Cowan for passage.

Public comment – Ben Lounsbury pointed out that the agenda used language "undesigned" and should be "undesignated".

Kathy Shaw, Sopers Mill Road asked what this does to our fund balance.

Pam Rousseau, 745 West Auburn Road asked if this money can go toward things such as the unhoused or affordable housing moving forward.

Passage 6-0.

VII. Open Session – No one from the public spoke.

VIII. Reports

Mayor Harmon thanked the E911 Center, the Fire, Police and Public Works Departments for their work during the flooding event. He thanked the city staff for putting on such a great New Years Eve event, adding that he received many positive comments and lots of people really liked the drone show. Last, he mentioned that there are several board and committee vacancies listed on our website, applications are due by Jan. 4th as the Appointment Committee will be meeting within the next week to consider the applications.

Councilor Platz reported on the School Committee meeting held a few weeks ago. He said there will be another meeting tomorrow, and he will be attending the first Finance meeting of the School Department.

Councilor Walker reported on the New Year's Eve event that the Age Friendly Committee put on. He said they had a nice luncheon and a good turnout. He announced that there will be an Age Friendly Meeting next Tuesday at 5:30 pm at the Senior Center.

Councilor Weisner reported that he had a great time attending the Airport gathering, he looks forward to working with the board in the future.

Councilor Cowan stated that he hasn't had any committee meetings yet, but he is looking forward to those.

Councilor Whiting echoed comments and thanks to the Public Works Department and other staff for their work during the wind and rainstorm.

Councilor Gerry also echoed the great job our city staff did handling the storm. She also thanked our community and neighbors.

City Manager Crowell provided an update on storm recovery. He said that he has received feedback from tree crews and CMP that staff did a great job preparing and assessing sites for damage. He thanked the vendors and sponsors that helped make the New Year's Eve event happen. The anticipated attendance was over 5,000. Staff will provide Council with a report of the event with more accurate numbers.

IX. Executive Sessions – None

VIII. Adjournment

Motion was made by Councilor Cowan and seconded by Councilor Whiting to adjourn.

Unanimously approved and the meeting adjourned at 7:33 pm.

*The meeting adjourned without a motion to take proposed Ordinance 02-01022024 from the table.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 16, 2024 **Order:** 12-01162024

Author: Alison F. Pepin, Deputy City Clerk

Subject: Burnt Ends Barbecue, LLC., 120 Center Street

Information: Burnt Ends Barbecue, LLC., 120 Center Street, a new business in Auburn, applied for a new Liquor License. Police and Code have granted approval; there are no outstanding taxes owed. The Fire Department approves with the understanding that licenses will not be issued until their department approves the final Certificate of Occupancy. Once a final inspection is completed, all necessary paperwork has been submitted, and the Fire Department is satisfied that the space meets the intent of the code, licenses will be released.

City Budgetary Impacts: None

Staff Recommended Action: Public Hearing and recommended passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Application
- Public Notice
- Order

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

TELEPHONE: (207) 624-7220
FAX: (207) 287-3434
EMAIL INQUIRIES: maineliquor@maine.gov

Thank you for your interested in becoming a licensed establishment to sell and serve alcoholic beverages in Maine. To avoid any delay in the processing of your application and the subsequent issuance of your liquor license, please use the following checklist to assist you in completing the application. If you are renewing your license, this checklist is useful as well.

- ☐ Your application has been completed in its entirety and is legible. For a renewal, please submit your application 30 days prior to the expiration date of your liquor license.
- ☐ Your application is signed and dated by a duly authorized person.
- ☐ The application is signed and approved by the Town or City Municipal Officers or County Commissioners.
- ☐ The license fee submitted is for the correct fee for the license class for which you are applying and includes the $10.00 filing fee.
  - ☐ The check must be made payable to "Treasurer, State of Maine"; both the license and filing fees can be submitted on one check.
  - ☐ If the licensee/applicant(s) is in an unorganized township, the application must be approved by the County Commissioners and the $10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
- ☐ For a renewal, the dollar amount of your gross income for food, liquor and guest rooms, if applicable must be completed – see Section I.1
- ☐ A diagram of the facility to be licensed must accompany **all** applications whether for a new license or the renewal of an existing license
- ☐ If you are a registered business entity with the Maine Secretary of State's office like a corporation or a limited liability company, you must complete Section VII of the application. This does not need to be completed if you are a sole proprietor.
- ☐ Have you applied for other required licensing from other state and federal agencies? See attached list.

Important – all applications whether for a new license or to renew an existing license for an on-premises liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places to have their application approved and signed prior to submitting it to the Bureau for further consideration.

The address to send your completed application to:

1. Mailing address:
   Bureau of Alcoholic Beverages and Lottery Operations
   Division of Liquor Licensing and Enforcement
   8 State House Station
   Augusta, ME 04333-0008
2. Courier/overnight address:
   Bureau of Alcoholic Beverages and Lottery Operations
   Division of Liquor Licensing and Enforcement
   19 Union Street, Suite 301-B
   Augusta, ME 04330

The following licenses/permits may be required prior to be licensing as an on-premises licensee with the Bureau

Obtained ✓	License/Permit	State/Federal Agency to Contact	Telephone Number	Physical Location
	Seller Certificate or Sales Tax Number	Maine Revenue Services www.maine.gov/revenue	(207) 624-9693	51 Commerce Dr, Augusta
	Health License	Health and Human Services www.maine.gov/dhhs	(207) 287 5671	286 Water St, 3rd floor, Augusta
	Victualer's License	Municipality where premise is located.	Contact your town office or county office	Contact your town office or county office
	Shellfish License	Marine Recourses www.maine.gov/dmr	(207) 624-6550	• 32 Blossom Lane, Augusta • 194 McKown Point Rd, West Boothbay Harbor • Lamoine State Park, Lamoine • 650 State St, Bangor • 317 Whitneyville Rd, Jonesboro
	Dance or Entertainment License	Fire Marshall's Office www.maine.gov/dps/fmo	(207) 626-3882	45 Commerce Drive, Suite 1, Augusta
	Federal I.D. Number	www.irs.gov	(800) 829-4933	
	Legal business names for corporations and limited liability companies and "Doing Business As" Names (assumed names)	Secretary of State, Bureau of Corporations, Elections and Commissions www.maine.gov/sos/cec	(207) 624-7752	111 Sewall St, 3rd Fl, Augusta
	Retail Beverage Alcohol Dealers Permit	Alcohol and Tobacco Tax and Trade Bureau (TTB) https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers	(877) 882-3277	

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Division Use Only
License No:
Class: By:
Deposit Date:
Amt. Deposited:
Payment Type:
OK with SOS: Yes ☐ No ☐

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Section I: Licensee/Applicant(s) Information; Type of License and Status

Legal Business Entity Applicant Name (corporation, LLC): Burnt Ends Barbeque	Business Name (D/B/A):
Individual or Sole Proprietor Applicant Name(s): Jill Cunningham	Physical Location: 120 Center St, Aub
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 15 Old Greene Rd, Lew
Mailing address, if different from DBA address:	Email Address: jillcunningham@burntendsmaine.com
Telephone # Fax #: 207-754-7169	Business Telephone # Fax #: 2072410033
Federal Tax Identification Number: 87-4034620	Maine Seller Certificate # or Sales Tax #: 1224424
Retail Beverage Alcohol Dealers Permit:	Website address: burntendsmaine.com

1. New license or renewal of existing license? ☑ New Expected Start date: 1/23/2024
   ☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
   Food: 700,000 Beer, Wine or Spirits: 106,000 Guest Rooms: Ø

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
   ☑ Malt Liquor (beer) ☑ Wine ☑ Spirits

4. Indicate the type of license applying for: (choose only one)

☑	Restaurant (Class I, II, III, IV)	☐	Class A Restaurant/Lounge (Class XI)	☐	Class A Lounge (Class X)
☐	Hotel (Class I, II, III, IV)	☐	Hotel – Food Optional (Class I-A)	☐	Bed & Breakfast (Class V)
☐	Golf Course (included optional licenses, please check if apply) (Class I, II, III, IV)	☐	Auxiliary	☐	Mobile Cart
☐	Tavern (Class IV)	☐	Other: _____		
☐	Qualified Caterer	☐	Self-Sponsored Events (Qualified Caterers Only)		

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

15 Old Greene Rd, Lewiston

6. Is the licensee/applicant(s) citizens of the United States? ☑ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☑ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☑ Yes ☐ No If **Yes**, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☑ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☑ No

If yes, please provide details: _____

_____

11. Do you own or have any interest in any another Maine Liquor License? ☑ Yes ☑ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
Burnt Ends Barbeque		736 Sabattus St

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Kimberly Phinney (Cloutier)	12/13/70	Lewiston

Residence address on all the above for previous 5 years

Name Kim Phinney Address: 12 Pleasant St, Augusta

Name Kim Phinney Address: 23 Glenwood St, Augusta

Name Address:

Name Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☑ No

If **Yes**, provide name of law enforcement officer and department where employed:

_____

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☑ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☑ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☑ No

If No, please provide the name and address of the owner:

126 Center St Plaza LLC, PO Box 1567
Lewiston, ME 04241

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: n/a

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Entire dining room, bar

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Washburn School

Distance: .3 miles

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to $2,000 or by both.

Please sign and date in blue ink.

Dated: 1/3/2024

Signature of Duly Authorized Person

Signature of Duly Authorized Person

Jill Cunningham

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

This Application will Expire 60 Days from the date of Municipal or County Approval unless submitted to the Bureau

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises 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 their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
    - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of $10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the $10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	**For the sale of liquor (malt liquor, wine and spirits)** This class includes: Airlines; Civic Auditoriums; Class A Restaurants: Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	$ 900.00
Class I-A	**For the sale of liquor (malt liquor, wine and spirits)** This class includes only hotels that do not serve three meals a day.	$1,100.00
Class II	**For the Sale of Spirits Only** This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	$ 550.00
Class III	**For the Sale of Wine Only** This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	$ 220.00
Class IV	**For the Sale of Malt Liquor Only** This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	$ 220.00
Class III and IV	**For the Sale of Malt Liquor and Wine Only** This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	$ 440.00
Class V	**For the sale of liquor (malt liquor, wine and spirits)** This class includes only a Club without catering privileges.	$ 495.00
Class X	**For the sale of liquor (malt liquor, wine and spirits)** This class includes only a Class A Lounge	$2,200.00
Class XI	**For the sale of liquor (malt liquor, wine and spirits)** This class includes only a Restaurant Lounge	$1,500.00

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Burnt Ends Barbeque
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 12/17/2021 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: n/a
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Jill Cunningham	15 Old Greenfield, New	12/6/81	Owner	100%

(Ownership in non-publicly traded companies must add up to 100%.)

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JILL CUNNINGHAM
15 OLD GREENE RD
LEWISTON, ME 04240

Transaction Response #: MIQ99G044988

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2024-01-03) :

Inquiries Name(s) KIMBERLY CLOUTIER (1970-12-13)

NO MATCH WAS FOUND FOR YOUR REQUEST.

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JILL CUNNINGHAM
15 OLD GREENE RD
LEWISTON, ME 04240

Transaction Response #: MIQ99G044987

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2024-01-03) :

Inquiries Name(s) JILL A CUNNINGHAM (1981-12-06)

NO MATCH WAS FOUND FOR YOUR REQUEST.

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JILL CUNNINGHAM
15 OLD GREENE RD
LEWISTON, ME 04240

Transaction Response #: MIQ99G044979

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2024-01-03) :

Inquiries Name(s) JILL A FOURNIER (1981-12-06)

NO MATCH WAS FOUND FOR YOUR REQUEST.

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JILL CUNNINGHAM
15 OLD GREENE RD
LEWISTON, ME 04240

Transaction Response #: MIQ99G044994

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2024-01-03) :

Inquiries Name(s) KIMBERLY PHINNEY (1970-12-13)

The information in this criminal history record is provided subject to the following caveats:

Important! When a criminal history record and juvenile crime information record check is processed by the State Bureau of Identification using personal identifiers such as name and date of birth, it is possible that the record supplied belongs to another person with the same or essentially similar name and date of birth. Confirmation that convictions relate to person whose record has been requested requires fingerprint comparison. If the information contained in this response will be used to disqualify an applicant for employment, housing, credit, or other benefits or programs, the person making the eligibility determination using this record should provide the applicant with an opportunity to complete or contest the accuracy of the criminal history information in the response. An individual may request amendment or correction of criminal history record information by a criminal justice agency pursuant to 16 M.R.S. section 709.

**THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2024-01-03

This record, effective September 1, 2000, contains information relating to persons arrested as fugitives from justice, 15 M.R.S section 201.4 or arrested or charged with Maine crimes. It does not include former crimes no longer classified as criminal, or Class D and E crimes in Title 12 or Title 29-A, former Title 29, unless the crime is alcohol-related or drug-related 25 M.R.S. section 1541.4-A.A. For information regarding excluded Marine Resources crimes in Title 12, contact the Department of Marine Resources. For information regarding excluded Inland Fisheries and Wildlife crimes in Title 12, contact the Department of Inland Fisheries and Wildlife. For information relating to excluded crimes in Title 29-A former Title 29, contact the Secretary of State, Motor Vehicle Division. A list of former crimes is available from this Bureau.

THE FOLLOWING ATN(S) ARE UNSUPPORTED BY FINGERPRINTS IN STATE BUREAU OF IDENTIFICATION FILES: (070575B).

Identification

Subject Name/or potential Alias Name(s)

PHINNEY, KIMBERLY

Subject Description (date information provided listed in parentheses)

State ID Number ME0267535	**DOC Number** Unknown/NA	
Sex Female	**Race** White	**Skin Tone** Unknown/NA
Height 507	**Weight** 135	**Date of Birth** 1970-12-13
Hair Color Red Or Auburn	**Eye Color** Brown	

Scars, Marks, and Tattoos
Unknown/NA

Place of Birth Unknown/NA	**Citizenship** Unknown/NA

Residence

Residence as of	2014-08-26
Address	59 GREENWOOD AVE WINTHROP, ME 04364

Caution Information

Federal Firearms Disqualified Status	X - Unknown

Criminal History

Cycle 001

ATN/Tracking Number	070575B
Earliest Event Date	2014-02-12
Arrest	No data supplied
Prosecutor Disposition	(Cycle 001)
Prosecutor Agency	DISTRICT ATTORNEYS OFFICE AUBURN; ME001013A

Charge 1

Charge Number	070575B 001
Charge Tracking Number	070575B
Charge Description	MISUSE OF IDENTIFICATION (Charge Class D)
Statute	17-A MRSA SUBSECTION 905-A(1)(B)
State Sequence Code	7853
Severity	Misdemeanor
Prosecutor Record Modified/Updated	ADDED

Court Disposition (Cycle 001)
Court Case Number LEWDCCR201400626
Court Agency 8TH DISTRICT COURT LEWISTON; ME001025J
Charge 1
Charge Number 070575B 001
Charge Tracking Number 070575B
Agency 8TH DISTRICT COURT LEWISTON; ME001025J
Charge Description MISUSE OF IDENTIFICATION (Charge Class D)
Statute 17-A MRSA SUBSECTION 905-A(1)(B)
State Sequence Code 7853
Severity Misdemeanor
Disposition 2014-03-27; TRANSFER FOR JURY TRIAL

Court Disposition (Cycle 001)
Court Case Number AUBSCCR201400328
Court Agency SUPERIOR COURT AUBURN; ME001015J
Charge 1
Charge Number 070575B 001
Charge Tracking Number 070575B
Agency SUPERIOR COURT AUBURN; ME001015J
Charge Description MISUSE OF IDENTIFICATION (Charge Class D)
Statute 17-A MRSA SUBSECTION 905-A(1)(B)
State Sequence Code 7853
Severity Misdemeanor
Disposition 2014-03-27; TRANSFER FOR JURY TRIAL
2014-08-25; GUILTY

Sentencing (Cycle 001)
Sentencing Agency SUPERIOR COURT AUBURN; ME001015J
Court Case Number AUBSCCR201400328
Charge Number 070575B 001
Charge Sequence Number 1
Charge Tracking Number 070575B
Sentence 2014-08-25: FINED $100.00

Corrections No data supplied

Index of Agencies

Agency SUPERIOR COURT AUBURN; ME001015J
Agency Telephone 207-784-5450
Address PO BOX 3660
AUBURN, ME 04210

Agency 8TH DISTRICT COURT LEWISTON; ME001025J
Agency Telephone 207-795-4800
Address PO BOX 1345
LEWISTON, ME 04240

Agency	AUBURN PD; ME0010100
Agency Telephone	207-333-6650
Address	60 COURT ST AUBURN, ME 04210

Agency	DISTRICT ATTORNEYS OFFICE AUBURN; ME001013A
Agency Telephone	207-784-1397
Address	55 LISBON STREET LEWISTON, ME 04240

CITY OF AUBURN
BUSINESS LICENSE APPLICATION

Business Name: Burnt Ends Barbeque

☑ NEW ☐ RENEWAL exp date _____

If new business, please provide proposed opening date. Jan 24th

Office of the City Clerk
60 Court St, Auburn,
ME 04210
207.333.6600
www.auburnmaine.gov

Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

Please check the boxes for all licenses you are applying for:

There is a late fee of $50.00 for renewals that are 30-45 days late, $100.00 for more than 46 days late, and $200.00 for reoccurring

Food Service Establishments:

☐ ***FSE Mobile Food distribution Unit** (12 mths) ...**$100**
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use oflocation.

☑ **FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I)** $500
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***FSE Serving Malt and/or Vinous (FSE Class III & IV)**..... $400
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X)** **$1300**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***FSE(On/Off), no Alcohol**.....**$200**
Includes Prepackaged Foods

☐ ***Bottle Club/BYOB**..... $200
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***Temp FSE** (Per event max 30 days).....**$60**

Event Name _____

Event Date _____

***All above licenses**: include copy of floor plan, menu/ draft menu, certified food handler certificate and a copy of all State licenses applicable.

☐ **FSE Off Premise/Retailer-Malt Liquor/Table Wine**..... $200

Other Business Licenses Applying for:

☐ ***Special Amusement** **$125**
Plus actual cost of advertising hearing required for new license. Please fill out supplemental questionaire (pg. 4)

☐ ***Pawnshop/Pawn Broker** **$100**

☐ ***Secondhand Dealer**..... **$100**

☐ ***Massage Establishment/Therapist**..... **$150**
State license #: _____

Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

☐ ***Tattoo Artist**..... $100
Please also include photo ID, Blood Pathogen Cert, and state license.

***Above licenses:** *Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application.* **You can do it yourself on-line here: http://www5.informe.org/online/pcr/**

☐ **Roller Skating Rinks with Part/Full Kitchen**.....**$90**

☐ **Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc**..... **$100**

☐ **Motion Picture Theaters # of screens** _____ **No Fee**

☑ **Coin-Op Devices** **# of devices** 6 **No Fee**

☐ **Pool Hall** **# of tables**_____ **No Fee**

☑ **Juke Box** **# of boxes** 1 **No Fee**

LICENSING FEE(S) TOTAL DUE: $ 500.00

NAME OF BUSINESS: Burnt Ends Barbeque BUSINESS ADDRESS: 120 Center St

BUSINESS MAILING ADDRESS: 15 Old Greene Rd, Lewiston

OWNER'S NAME (LOCAL/ONSITE): Jill Cunningham DOB: 12/6/81 PHONE: 7547169

OWNER'S ADDRESS: 15 Old Greene Rd MAILING ADDRESS:

PREFERRED EMAIL: jillcunningham@burntendsmaine.com

MANAGER'S NAME: Kimberly Phinney PHONE #: DOB: 12/13/70

PREFERRED CONTACT NAME: JillCunningham PHONE #: 7547169

EMAIL ADDRESS: jillcunningham@burntendsmaine.com

DESCRIPTION OF BUSINESS: Restaurant

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): 736 Sabattus St, Lew

FORM OF BUSINESS ORGANIZATION: ☐ Corporation ☐ Partnership ☑ Sole Proprietorship ☐ LLC ☐ Other

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	*Print Clearly* Address Previous 5 years	Birth Date	% of Stock	Title
Jill Cunningham	736 Sabattus St	12/6/81	100%	10

OWNER OF BUILDING/UNIT: Dan Boutin, 120 Center St Plaza LLC PHONE # 207-795-6789

OWNER'S ADDRESS:

HOURS OF OPERATION: Mon: 11am-9pm Tues: 11am-9pm Wed: 11am-9pm Thurs: 11am-9pm
Fri: 11am-11pm Sat: 11am-11pm Sun: 11am-9pm

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? ☐ Yes ☑ No (If yes, complete the following)

Name: Date of conviction:

Offense: Location:

Disposition:

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

****READ CAREFULLY BEFORE SIGNING****

I, Jill Cunningham, Owner/Operator of the business, hereby authorize the release of any
(Print name)
criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature: Jill Cunningham **Date:** 1/3/2024

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

✓ Approved	_ Denied	FIRE INSPECTOR	DD 1/10/24
✓ Approved	_ Denied	CODE ENFORCEMENT OFFICER	KB 1/4/24
✓ Approved	_ Denied	POLICE	BS 1/4/24
✓ Approved	_ Denied	FINANCE	MC 1/5/24

Comments:

Application date: 01/04/24 License issued on: _____

Fees paid: License fee(s) 500 Public hearing fee 100 Background fee _____ Late fee _____

Total amount paid = $ 600.00

SIDES

COLE SLAW	HAND CUT FRIES
MAC N CHEESE	BAKED BEANS
COLLARD GREENS	SIDE SALAD
PICKLED BEETS	CHILI
3 BEAN SALAD	CORNBREAD
POTATO SALAD	RICE & BEANS

SPECIALTY MAC N CHEESE

EXTREME MAC N' CHEESE

House Made Mac N' Cheese
Topped with Your Choice of
1 Meat Smothered in House
BBQ Sauce and topped with Crumbs

GHETTO POUTINE

Crispy Fries Topped with
Mac N' Cheese Smothered in House
BBQ Sauce and Topped with Crumbs
> Add any meat for an additional cost <

CHILI MAC

House Made Mac N Cheese Topped
with Chili and Jack Blend Cheese
and with a Piece of Cornbread

FAMILY PACK

Feeds 3 to 4 People
Choose: 2 Pounds of Meat
2 Quarts of Sides

PARTY PACK

Feeds 5 to 6 People
Choose: 3 Pounds of Meat
3 Quarts of Sides

MAINE BBQ FEAST

Feeds 10 to 12 People
Choose: 3 Meats, 2 Pounds Each
3 Sides, 2 Quarts Each

Cornbread, Honey Butter
and Sauce Included

'UP CHARGE FOR BRISKET, RIBS, PORK & BEEF BURNT ENDS

KIDS MEALS

Choice of 2 sides
For kids 10 and under

BRISKET	MAC N' CHEESE
RIBS 2 BONES	HOT DOG
TURKEY BREAST	PULLED CHICKEN
CHORIZO SAUSAGE	PULLED PORK

HOUSE MADE SWEET TEA.
ASSORTMENT OF BEER AND WINE AVAILABLE!

LEWISTON MAINE
BURNT ENDS
BARBECUE

EAT IN OR TAKE-OUT

207-241-0033

ONLINE ORDERING

BURNTENDSMAINE.COM

ORDER ON-LINE AND
PICK UP IN OUR DRIVE THRU

736 SABATTUS STREET
LEWISTON, ME 04240

LET US CATER YOUR EVENT

WE CAN CATER ANY EVENT
LARGE OR SMALL

FIND US ON DOORDASH



PLATTERS

All platters come with choice of two sides, Cornbread and Honey Butter

BEEF BRISKET

PORK BELLY BURNT ENDS

TURKEY BREAST

PULLED PORK

BEEF BURNT ENDS

LOIN BACK RIBS
4 BONES • 8 BONES • FULL RACK

CHORIZO SAUSAGE

PULLED CHICKEN

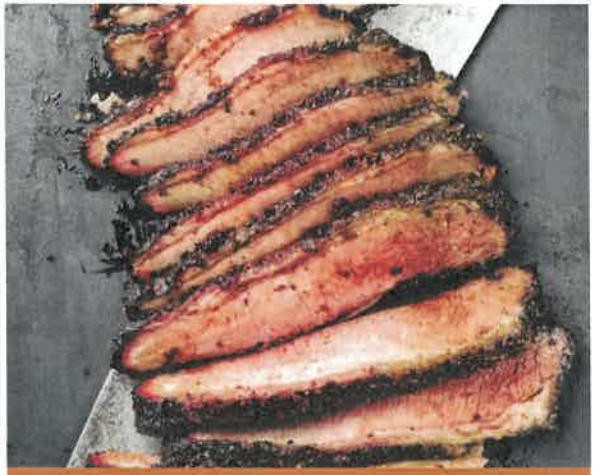
SMOKED CHICKEN WINGS

SALADS

HOUSE SALAD
Tender Greens, Tomato, Onion, Cucumber, Green Pepper

CAESAR SALAD
Chopped Romaine, Parmesan Cheese, Croutons and Dressed

BBQ COBB SALAD
Greens, Fritos Corn Chips, Avocado, Egg, Roasted Corn, Bacon, Diced Tomatoes, Jack Blend Cheese, BBQ Ranch and Choice of Meat



MEATS

Served with Cornbread, Honey Butter

All meats sold by the pound and are available in quarter pound increments

SMOKED BEEF BRISKET

LOIN BACK RIBS
By the bone; minimum 4 bones

PULLED PORK

CHORIZO SAUSAGE
By the link

SMOKED TURKEY BREAST

PORK BELLY BURNT ENDS

BEEF BURNT ENDS

PULLED CHICKEN

CHICKEN WINGS
Smoked & Crispy Fried
Dozen or Half Dozen

SANDWICHES

Choice of Side

BEEF BRISKET
Smoked Beef Brisket, and Cole Slaw on a Grilled Roll topped with Pickled Onions and House Barbeque Sauce

PULLED PORK
12 Hour Smoked Pork dressed in House Barbeque Sauce with Cole Slaw, Pickled Onions on a Grilled Roll

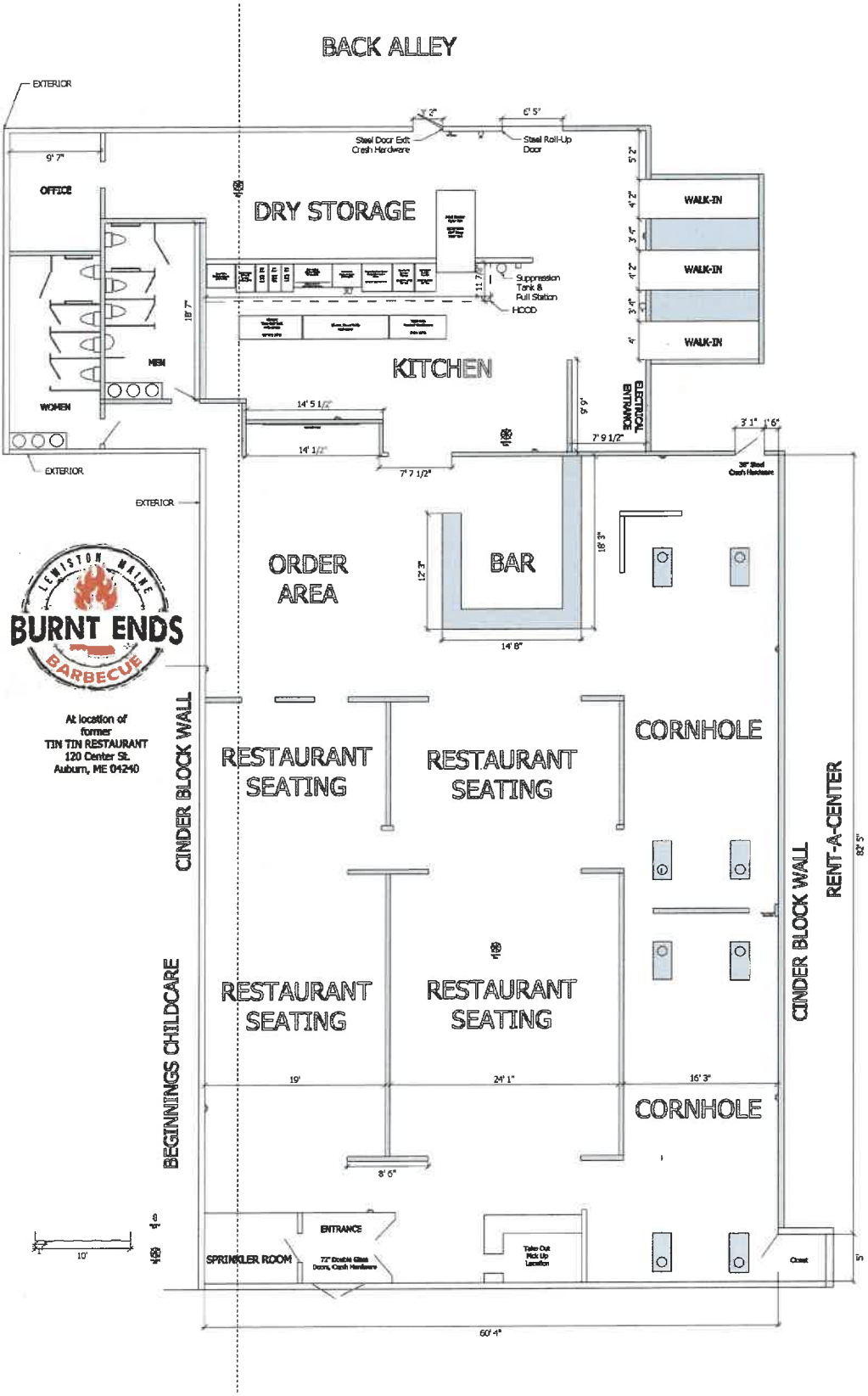
CHORIZO SAUSAGE
Roasted Peppers and Onion on a Grilled Roll

TACOS
2 Tacos—Choice of Pulled Pork or Pulled Chicken, or Chorizo Topped with Cole Slaw, Roasted Corn, Shredded Cheese, Alabama White and Spicy Sauce

TACO TRIO
1 Pulled Pork, 1 Pulled Chicken, 1 Chorizo Sausage Taco, with Cole Slaw, Roasted Corn, Shredded Cheese, Alabama White and Spicy Sauce

PULLED CHICKEN
House Pulled Chicken, Cole Slaw, Pickled Onion, Alabama White sauce, on a Grilled Roll

SMOKED TURKEY
Smoked Turkey, Lettuce, Tomato, Bacon, BBQ Ranch and Grilled Roll


BACK ALLEY
EXTERIOR
Steel Door Exit
Crash Hardware
Steel Roll-Up
Door
OFFICE
DRY STORAGE
WALK-IN
WALK-IN
WALK-IN
Suppression
Tank &
Pull Station
HOOD
MEN
WOMEN
KITCHEN
BISTRO/DELI
ENTRANCE
EXTERIOR
EXTERIOR
LEWISTON, MAINE
BURNT ENDS
BARBECUE
At location of
former
TIN TIN RESTAURANT
120 Center St.
Auburn, ME 04240
ORDER
AREA
BAR
CINDER BLOCK WALL
RESTAURANT
SEATING
RESTAURANT
SEATING
CORNHOLE
RESTAURANT
SEATING
RESTAURANT
SEATING
CORNHOLE
BEGINNINGS CHILDCARE
CINDER BLOCK WALL
RENT-A-CENTER
ENTRANCE
SPRINKLER ROOM
Take Out
Pick Up
Location
Closet
10'
60' 4"

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

A public hearing will be held by the Auburn City Council on January 16, 2024 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License application for the new owners of:

Burnt Ends Barbecue, LLC – 120 Center Street

All interested persons may appear and will be given the opportunity to be heard before final action is taken.

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

A public hearing will be held by the Auburn City Council on January 16, 2024 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License application for the new owners of:

Burnt Ends Barbecue, LLC – 120 Center Street

All interested persons may appear and will be given the opportunity to be heard before final action is taken.

ORDER 12-01162024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby approves the Liquor License for Burnt Ends Barbecue, LLC., located at 120 Center Street, Auburn, ME.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 16, 2024 **Order:** 13-01162024

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointments of Constable without firearms/arrest powers for the Auburn Police Department and Constable without firearm/arrest powers (Private) within the City of Auburn.

Information: Chief of Police Moen requests that the Auburn City Council appoint Constables without Firearms/Arrest Powers on behalf of the Auburn Police Department and Constable without firearm/arrest powers (Private) to serve documents within the City of Auburn for 2024. The certificate of appointment on the original order said Civilian Process Servers instead of Constables. This order is to correct that language which is outlined in our Code of Ordinances.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Order 171-12182023 was passed on Dec. 18, 2023, however it was discovered that the certificate of appointment should read constable, rather than Civilian Process Servers, and one name is being eliminated from the list as he is no longer available.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 13-01162024
Amending Order 171-12182023

City Council Order

IN CITY COUNCIL

IN CITY COUNCIL

ORDERED, that the City Council hereby amends Order 171-12182023 as follows:

ORDERED, that the City Council hereby appoints the following named persons ~~to serve documents~~ as Constable without firearm/arrest powers (employees and volunteers) on behalf of the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn for 2024. Constable Process Servers (Private) are not an agent or employee of the city or entitled to hold himself/herself out as such and is not authorized to carry a firearm in the performance of his/her duties, and that his/her authority to act as a constable is limited to private employment as a process server.

Martin Moreau	Employee	~~Civilian Process Servicer~~Constable	Without Firearm	New Appointment
Anna Brown	Employee	~~Civilian Process Server~~Constable	Without Firearm	Re-appointment
Maegan Kyllonen	Employee	~~Civilian Process Server~~Constable	Without Firearm	Re-appointment
~~Kenneth Edgerly~~	~~Volunteer~~	~~Civilian Process Server~~	~~Without Firearm~~	~~Re-appointment~~
Glenn Garry	Volunteer	~~Civilian Process Server~~Constable	Without Firearm	Re-appointment
Harry Gorman	Private	Constable Process Server	Without Firearm	Re-appointment

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 16, 2024 **Ordinances:** 03-01162024 through 05-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Reinstating the Board of Assessment Review and the Zoning Board of Appeals and eliminating the Regulatory Advisory Board

---

Information: In 2021, Council voted to adopted the Regulatory Advisory Board to perform the responsibilities of the board of assessment review, and the zoning board of appeals. Staff is proposing to reinstate the Board of Assessment Review (with a few proposed amendments) and the Zoning Board of Appeals and eliminating the Regulatory Advisory Board.

City Budgetary Impacts: None

Staff Recommended Action: Discussion

Previous Meetings and History: Board of Assessment Review and Zoning Board of Appeals combined into the Regulatory Advisory Board in 2021. This was discussed during the January 2, 2024 City Council Workshop.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Proposed ordinance amendment striking references to the Regulatory Advisory Board, and ordinances proposing the reinstatement of the Board of Assessment Review and Zoning Board of Appeals Ordinances.

City Council Order

IN CITY COUNCIL

AMENDING ARTICLE V, DIVISION 2, SECTIONS 2-430, 2-431, 2-433, 2-434, 2-435, AND 2-441 OF THE AUBURN CODE OF ORDINANCES STRIKING ALL LANGUAGE REFERENCING THE REGISTRATION BOARD OF APPEALS.

Be it Ordained, that the City Council hereby amends the code of ordinances Article V, Division 2, Sections 2-430, 2-431, 2-433, 2-434, 2-435, and 2-441 of the Auburn Code of Ordinances striking all language referencing the registration board of appeals as seen below.

Sec. 2-430. Membership; responsibility.

~~A board of regulatory advisory shall be appointed by the city council, consisting of seven members.~~

~~The purpose of the regulatory advisory board is to perform the responsibilities of the board of assessment review, board of appeals, and all other regulatory review functions as directed by the city council. The board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.~~

~~Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the regulatory advisory board.~~

(Code 1967, § 5-2.1; Ord. No. 04-02162021, 3-1-2021; Ord. No. 02-01032022, 1-18-2022)

Editor's note(s)—Ord. No. 04-02162021, adopted March 1, 2021 changed the title of § 2-430 from "membership; compensation of members" to "membership; responsibility."

Sec. 2-431. Term of members.

~~The initial terms of office of the members of the regulatory advisory board shall be staggered terms. The city council shall annually appoint one member to serve on the board for a three-year term. Their successors shall be appointed for three-year terms.~~

(Code 1967, § 5-2.2; Ord. No. 05-02162021, 3-1-2021)

Sec. 2-433. Quorum.

~~The regulatory board shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to replace him.~~

(Code 1967, § 5-2.4; Ord. No. 07-02162021, 3-1-2021)

City Council Order

Sec. 2-434. Rules and regulations for conduct of hearings.

~~The regulatory board may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.~~

(Code 1967, § 5-2.5; Ord. No. 08-02162021, 3-1-2021)

Sec. 2-435. Legal counsel.

~~The regulatory board may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.~~

(Code 1967, § 5-2.6; Ord. No. 09-02162021, 3-1-2021)

~~**Sec. 2-441. Compensation of the regulatory board.**~~

~~All members of the regulatory board shall receive annually $600.00, payable quarterly.~~

(Ord. No. 41-11152021, 12-6-2021)

City of Auburn, Maine
Office of the Assessor
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

January 2, 2024

Mayor Harmon and Members of the City Council,

The Regulatory Advisory Board was created in 2021, combining the Board of Assessment Review, the Zoning Board of Appeals, and adding all other regulatory review functions as directed by the City Council. The size of the new board was increased from 5 full members to 7. Prior to the creation of the new board the Board of Assessment Review had a 5 member board. In the time since the Regulatory Advisory Board was created 3 members whose terms ended chose not to serve again.

The Board of Assessment Review is a very specialized Board. Members require training to understand Title 36 governing valuation and tax abatement and appeal procedures. The Zoning Board of Appeals is also a specialized Board. They are responsible for hearing appeals concerning interpretation of zoning, decisions of the Code Enforcement Officers, and granting of variances. This requires training of a completely different nature. The Board of Assessment Review may hear an appeal once per year and many years there have been no appeals. The time commitment is not typically substantial.

To meet statutory requirements, it is crucial to have enough board members to hear tax appeals. It is the opinion of this office that if the Board of Assessment Review were reinstated as a separate Board a greater number of applicants may apply to fill the vacancies.

The Assessing Department has a pending application to the Regulatory Advisory Board. The current Board does not have enough members to constitute a quorum. Luckily a

request for an extension of time beyond the statutory 60 days was granted by the taxpayer, allowing enough time to follow the current procedures, find applicants and have them appointed by the City Council.

I believe we, as a municipality, have the responsibility to follow due process in a timely manner and I am requesting the City Council consider reinstating the Board of Assessment Review with the hope that this will encourage more applicants to fill the vacancies and avoid situations such as this. I appreciate your consideration.

Karen Scammon, CMA-4
Assessor
City of Auburn

Ordinance 04-01162024

City Council Order

IN CITY COUNCIL

AMENDING THE AUBURN CODE OF ORDINANCES, ARTICLE V, DIVISION 2, SEC. 2-430, 2-431, 2-432, 2-433, 2-434, 2-438, 2-441 TO REINSTATE THE BOARD OF ASSESSMENT REVIEW

BE IT ORDAINED, that the City Council hereby amends the Auburn Code of Ordinances, Article V, Division 2, sec. 2-430, 2-431, 2-432, 2-433, 2-434, 2-438, 2-441 to reinstate the Board of Assessment Review

DIVISION 2. - BOARD OF ASSESSMENT REVIEW
State Law reference— Board of assessment review, 36 M.R.S § 471-A and § 844-N.

Sec. 2-430. - Membership; responsibility.

A board of assessment review (the Board) shall be appointed by the city council, consisting of five regular members and three alternate members, to serve without compensation.

The purpose of the board of assessment review is to hear property tax appeals pursuant to Maine Statute. The Board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.

Sec. 2-431. - Term of members.

The initial terms of office of the members of the board of assessment review shall be staggered terms. The city council shall annually appoint members to serve on the board for three-year terms. Their successors shall be appointed for three-year terms.

Sec. 2-432. - Assessment review appeals procedure.

When written application is made by a taxpayer for a review of a refusal by the tax assessor to grant a request for an abatement, the board of assessment review shall, within 14 days of the receipt of such request, set a date for hearing, of which the applicant shall receive at least seven days' written notice. In its conduct of the hearing the Board shall act as an impartial panel to receive evidence from the appellant and the assessor, advocating for neither party in rendering a decision. The Board shall conform that decision to all applicable statutes. At such hearing the applicant shall have the right to be heard in person, to present witnesses, to examine the tax assessor and any witnesses presented on behalf of the Assessing Department, and to be represented by counsel. Upon the evidence presented, the Board shall determine whether the applicant has met their burden of proof and may grant such reasonable abatement of their assessment as it determines to be proper.

City Council Order

The board of assessment review must provide written notice of the decision on an appeal within 60 days of receiving the appeal unless the taxpayer agrees to an extension of the decision deadline.

Sec. 2-433. - Quorum.

The board of assessment review shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to serve in place of any absent member.

Sec. 2-434. - Rules and regulations for conduct of hearings.

The board of assessment review may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.

Sec. 2-435. - Legal counsel.

The board of assessment review may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.
(other sections edited)

Ordinance 05-01162024

City Council Order

IN CITY COUNCIL

Amending Chapter 60, Article XV reinstating the Zoning Board of Appeals ordinance

Be it ordained, that the City Council hereby amends Chapter 60, Article XV by reinstating the Zoning Board of Appeals ordinance (attached).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ARTICLE XV. - BOARD OF APPEALS

DIVISION 1. - GENERALLY
DIVISION 2. - ORGANIZATION
DIVISION 3. - APPEALS PROCEDURE
DIVISION 4. - POWERS AND DUTIES
DIVISION 5. - JUDICIAL APPEAL
DIVISION 6. - SPECIAL APPEAL

DIVISION 1. - GENERALLY

Secs. 60-1116—60-1129. - Reserved.

Secs. 60-1116—60-1129. - Reserved.

DIVISION 2. - ORGANIZATION

Sec. 60-1130. - Membership.
Sec. 60-1131. - Term of office.
Sec. 60-1132. - Associate members.
Sec. 60-1133. - Jurisdiction.
Sec. 60-1134. - Board rules.
Sec. 60-1135. - Quorum.
Secs. 60-1136—60-1150. - Reserved.

Sec. 60-1130. - Membership.

There shall be a board of appeals consisting of up to seven members and two associate members appointed by the city council. Each member shall be at all times a resident of the city.

(Ord. of 9-21-2009, § 6.1A)

Sec. 60-1131. - Term of office.

The members and associate members of the board shall serve ~~no more than three consecutive~~ three-year terms.

(Ord. of 9-21-2009, § 6.1B)

Sec. 60-1132. - Associate members.

An associate member shall have a vote only in the event that one or more regular members of the board are absent or are disqualified from serving on a particular matter because of a conflict of interest.

(Ord. of 9-21-2009, § 6.1C)

Sec. 60-1133. - Jurisdiction.

The board of appeals shall have jurisdiction over:

(1) Interpretation of provisions of the zoning chapter called into question;

(2) Administrative appeals from decisions or lack thereof of the building inspector or code enforcement officer in regard to an application for a permit under the zoning chapter;

(3) The granting of variances from the requirements of the zoning chapter would cause undue hardship.

(Ord. of 9-21-2009, § 6.1D)

Sec. 60-1134. - Board rules.

The board shall adopt, and may from time to time amend, rules and regulations to govern the conduct of its business. The tape recording of the board's proceedings, the transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusion and the appropriate order, relief or denial thereof.

(Ord. of 9-21-2009, § 6.1E)

Sec. 60-1135. - Quorum.

~~Five~~ A majority of appointed members **(minimum of 3)** shall constitute a quorum at any meeting.

(Ord. of 9-21-2009, § 6.1F)

Secs. 60-1136—60-1150. - Reserved.

DIVISION 3. - APPEALS PROCEDURE

Sec. 60-1151. - Petition.
Sec. 60-1152. - Public hearing.
Sec. 60-1153. - Decision.
Secs. 60-1154—60-1184. - Reserved.

Sec. 60-1151. - Petition.

Written petitions for appeal signed by any party in interest shall be filed in duplicate in the office of the municipal officer charged with enforcement of the zoning ordinance, together with the fee in the amount provided in the city fee schedule, within 30 days from the date of the decision or order. The municipal officer shall forward to the board of appeals, planning director, the chairman of the planning board and the city solicitor, one copy of such petition. The planning director, or in his absence, the chairman of the planning board, shall forward to the board of appeals as soon as possible any pertinent city planning information in his possession bearing on such appeal. The city solicitor shall forward to the board of appeals as soon as possible any pertinent legal information bearing on such appeal. Where no such information is received by the board of appeals by the time of the meeting at which such appeal is scheduled to be heard, it shall be presumed that none was available at that time. In any case in which such planning and legal information is received, it shall be summarized at the public hearing and an opportunity afforded for comment by those interested in the appeal.

(Ord. of 9-21-2009, § 6.2A)

Sec. 60-1152. - Public hearing.

(a) On each such petition, the board shall hold a public hearing, within 65 days of the filing of the appeal petition. Notice of the time, date, place, appellant name and subject of each such hearing shall be given by publication in a newspaper of general circulation in the city on two separate dates not more than 12 nor less than three days before the date of such hearing. Notification of the public hearing shall also be sent to the appellant, the planning director, the building inspector, the city manager and all owners of abutting property and property located directly across the street from the site of the property which is the subject of the appeal by mailing to them copies of such notice as published. Notices shall be mailed to such property owners at the addresses appearing for them in the then current property tax listing of the city. Failure of any property owner to receive such mail notice of any such public hearing shall not necessitate another hearing and shall not constitute grounds for objection by such property owner and shall not invalidate any action by the board of appeals on such appeal or application for variance.

(b) The chairman, or in his absence the acting chairman, shall preside at the public hearing. All hearings of the board of appeals shall be open to the public.

(c) The chairman shall open the hearing and determine whether a quorum of the board of appeals is present. For each appeal heard, the chairman shall summarize the nature of the appeal, identify all relevant information submitted, determine the board's jurisdiction and the appellant's standing, determine the parties to the action and proceed to accept oral and written testimony from the appellant and the public for and against the appeal. When all parties have been heard, the chairman shall close the hearing or, if additional time is needed, continue it to a later date.

(d) The chairman shall determine that the appellant has standing, that is, the right to appear as an appellant before the board. An appellant must hold title to the land, be part owner or have an option to buy or lease property and/or building, in order to have standing.

(e) The chairman shall determine the parties to the action. The appellant, municipal officers, planning board, abutting property owners, individuals who might be adversely affected by any decision and any member of the general public attending the meeting who has made specific statements concerning terms of the appeal, may be made party to the action.

(Ord. of 9-21-2009, § 6.2B)

Sec. 60-1153. - Decision.

(a) The decision of the board shall be made as soon as possible, but not later than 30 days of the public hearing, unless extended by mutual agreement of the board and appellant. Failure of the board to act within 30 days shall be deemed to be the denial of the petition sought, subject to judicial appeal.

(b) The board of appeals may by an affirmative vote of a majority of those members present amend or revise a decision of the building inspector, code enforcement officer or of any other municipal officer acting under the zoning ordinance. The board of appeals may permit variances from literal application of the zoning ordinance in accordance with the principles, conditions and procedures set forth in this chapter, subject to the duty of the board to promote the public health, safety, convenience and welfare and to adhere to the central intents and purposes of this chapter. Approval may be subject to conditions, modifications and restrictions as the board of appeals may deem necessary.

(c) The board shall keep a record of each appeal entertained, noting the date when received from the building inspector or code enforcement officer, the date of hearing, the applicant or appellant and the date of the decision. The board shall record by resolution the final disposition of every appeal. All of the foregoing shall be public records filed with the office charged with enforcement of the zoning ordinance. Notice of the decision shall be mailed within seven days to the applicant or appellant. Each notice shall specify that judicial appeals shall be made pursuant to the terms of section 60-1208

(d) The right to proceed under any variance or petition granted under the terms of this chapter, voted by the board of appeals, or under change in a decision of the building inspector, code enforcement officer or other municipal official voted by the board of appeals, shall expire if such right be not exercised beginning within six months from the date of such vote. If such right is not exercised within six months of the date of the vote, the board may grant a six-month extension without having to make another finding of hardship provided that:

(1) Conditions upon which the appeal was granted have not changed; and

(2) The appellant can show just cause for the delay in beginning the project.

(Ord. of 9-21-2009, § 6.2C)

Secs. 60-1154—60-1184. - Reserved.

DIVISION 4. - POWERS AND DUTIES

Sec. 60-1185. - Interpretation.
Sec. 60-1186. - Administrative appeals.
Sec. 60-1187. - Variance.
Secs. 60-1188—60-1207. - Reserved.

Sec. 60-1185. - Interpretation.

(a) Except as otherwise provided in this chapter, the board of appeals shall interpret provisions of the zoning ordinance which are called into question. Only persons with standing may appeal the denial of a permit which was based on provisions of the zoning ordinance.

(b) Where there is no evidence to the contrary, zoning ordinance language should be given its ordinary meaning. Statements of purpose may provide a key to the intent of zoning provision. In interpreting the ordinance, the board may request the advice of the city solicitor, the planning director or qualified experts in zoning law.

(Ord. of 9-21-2009, § 6.3A)

Sec. 60-1186. - Administrative appeals.

(a) The board of appeals may hear appeals in the administration of the zoning chapter in order to determine if the building inspector or code enforcement officer erred in granting or denying a permit. An applicant who is given no decision on a permit request, or who is denied a permit may appeal.

(b) If the board of appeals finds that the building inspector or code enforcement officer acted in error, it should order the error to be corrected.

(Ord. of 9-21-2009, § 6.3B)

Sec. 60-1187. - Variance.

(a) The board of appeals may grant a variance from the dimensional regulations and supplementary district regulations contained in the zoning chapter where the strict application of the ordinance, or a provision thereof, to the petitioner or property would cause undue hardship based on:

(1) The land in question cannot yield a reasonable return unless the variance is granted;

(2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

(3) The granting of a variance will not alter the essential character of the locality; and

(4) The hardship is not the result of action taken by the appellant or a prior owner.

Variances granted under this subsection (a) shall be the minimum necessary to relieve hardship. The burden of proof is on the applicant to prove undue hardship.

(b) The board of appeals may grant a variance for the expansion, extension or enlargement of nonconforming buildings or uses provided that:

(1) The use being requested shall be approved by a majority of those members present (not less than a quorum being present).

(2) The board of appeals shall make findings that the requirements of subsection (a) of this section have been met.

(c) In addition to the criteria in this section, in determining whether or not to grant a variance, the board shall also take into consideration the following:

(1) Fire, electrical and police safety requirements;

(2) The adequacy of the traffic circulation system in the immediate vicinity;

(3) The availability of an adequate water supply;

(4) The availability of adequate sewerage facilities;

(5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts;

(6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district;

(7) Would not endanger the public health, safety or convenience; and

(8) Would not impair the integrity of the zoning chapter.

(d) Wherever necessary to meet the criteria or consideration listed in this division, the board, when granting a variance, may attach such conditions or restrictions as are in accordance with the objectives and purposes of this zoning chapter.

(e) The planning director, or his representative, shall be responsible for reviewing the records of hearings of the board of appeals. Such review shall be conducted on a monthly basis and shall be for the purpose of maintaining the zoning ordinance. The ordinance may be deemed to be in need of amendment when variances for identical purposes or reasons are applied for in a single zoning district or regarding a specific section of this chapter on three or more occasions within a given calendar year. In any case in which the zoning ordinances are deemed to be in need of amendment, the planning director or his representative shall prepare a report indicating whether the variances applied for suggest that the ordinance or the description of the zoning districts should be amended. Such reports shall be forwarded to the planning board for its review and recommendation.

(Ord. of 9-21-2009, § 6.3C)

Secs. 60-1188—60-1207. - Reserved.

DIVISION 5. - JUDICIAL APPEAL

Sec. 60-1208. - Superior court.
Secs. 60-1209—60-1234. - Reserved.

Sec. 60-1208. - Superior court.

Appeals from decisions of the city planning board or of the city zoning board of appeals or on account of the failure of any municipal official or board to comply with the order of the board of appeals shall be taken to the

superior court within 30 days of such decision or action in accordance with Rule 80B of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 2691(3). Except as otherwise provided by statute, every person shall have the right to inspect and copy any record of the board's proceedings, provided that, the inspection be scheduled to occur during regular hours and at such a time as will not inconvenience the regular activities of the office having custody of the record and provided further that the cost of copying the recorded or, if necessary, the translation of mechanical or electronic date compilations into some other form, shall be paid by the person requesting the copy.

(Ord. of 9-21-2009, § 6.4)

Secs. 60-1209—60-1234. - Reserved.

DIVISION 6. - SPECIAL APPEAL

Sec. 60-1235. - Floodplain district variances.
Sec. 60-1236. - Shoreland zone variance.
Sec. 60-1237. - Lake Auburn Watershed zone variance.
Secs. 60-1238—60-1255. - Reserved.

Sec. 60-1235. - Floodplain district variances.

The board of appeals may grant a variance from strict compliance with requirements of division 2 of article XII of this chapter after public notice and public hearing as provided in this article, provided the following conditions are met:

(1) The applicant can show that a failure to grant a variance would result in undue hardship as defined in 30-A M.R.S.A. § 4353.

(2) A determination made by the board with a certification from a registered professional engineer provided by the applicant, if need be, that the granting of the variance will not result in increased flood heights. The professional engineer shall include the following information within their certification: criteria on which the certification was based; any assumptions that were made; source of data for those assumptions; and references to the research material that was relied upon in making the certification. In addition, the board shall determine as a condition for the granting of the variance that it will not result in threats to public safety, extraordinary public expense, create a nuisances, causes fraud on or victimization of the public or conflict with existing local laws or ordinances.

(3) A determination by the board that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) The applicant shall be notified in writing that the issuance of a variance to building a structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risks to life and property.

(Ord. of 9-21-2009, § 6.5A)

Sec. 60-1236. - Shoreland zone variance.

When by reasons of extraordinary physical conditions peculiar to the land or building under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by reason of the literal application and rigorous enforcement of the terms of this chapter), the board of zoning appeals may grant a variance from strict compliance with the requirements of division 2 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the adjacent water body. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5B)

Sec. 60-1237. - Lake Auburn Watershed Overlay District variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn Water District with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn Water District that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

Secs. 60-1238—60-1255. - Reserved.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 16, 2024 **Ordinance:** 06-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Amending Sec. 2-466 of the Code of Ordinances correcting the Planning Board Compensation language

---

Information: In December of 2021, Council voted to adopt section 2-466 (g) of the code adding ***"All members of the planning board, regular and associate, shall receive annually $1,200, payable quarterly, with an effective date of January 1, 2022"***. When this was adopted, the compensation language in section 2-466 (a) that stated "***Members shall serve without compensation"*** did get get removed.

Passage of this ordinance amendment will clean up that language.

City Budgetary Impacts: None

Staff Recommended Action: Recommend passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

Ordinance 06-01162024

City Council Order

IN CITY COUNCIL

Amending Chapter 2, Article V, Division 4, Sec. 2-433 (a) of the Auburn Code of Ordinances striking the language regarding compensation

Be it ordained, that the City Council hereby amends Chapter 2, Article V, Division 4, Sec. 2-433 (a) of the Auburn Code of Ordinances striking the language regarding compensation as shown below.

Sec. 2-466. Membership: appointment, removal, terms, vacancies.

(a) There shall be a planning board of seven regular and two associate members. Members of the planning board shall be residents of the city. Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the planning board. ~~Members shall serve without compensation.~~

(b) Regular members of the planning board shall be appointed by the city council for terms of three years. Such terms shall be staggered so that the term of not more than three members shall expire in any calendar year. Incumbent members of the planning board shall serve for the balance of their terms and thereafter until their successors are appointed.

(c) The city council shall appoint two associate members for a term of three years each. Such terms shall be staggered so that the terms of not more than one associate member, expires in any calendar year. Associate members may participate in deliberations of the planning board but shall not vote unless temporarily acting on behalf of a regular member who is absent or has been recused.

(d) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.

(e) Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before removal such members shall be given an opportunity to be heard in his own defense at a public hearing before the city council.

(f) The planning board may appoint a high school student advisory representative who is a high school student residing in Auburn for a one year term. The student advisory representative may participate in deliberations of the planning board but shall not be entitled to vote.

(g) All members of the planning board, regular and associate, shall receive annually $1,200.00, payable quarterly, with an effective date of January 1, 2022.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 16, 2024 **Order:** 14-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Directing the SNRB to create a solid waste and recycling plan for the City of Auburn

Information: This order will direct the Sustainability and Natural Resource Management Board to work with relevant subcommittees with support from staff to create a solid waste and recycling plan for the city. The plan will be presented to the City Council no later thank August 19, 2024.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: N/a

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 14-01162024

City Council Order

IN CITY COUNCIL

ORDERED, that the Sustainability and Natural Resource Management Board will work with all relevant subcommittees with support from city staff to create a Solid Waste and Recycling plan for the City of Auburn. This plan should be presented to the City Council no later than August 19, 2024. This plan will play a role in the creation of the Cities Request for Proposal that will be issued for potential contract services for Solid Waste and Recycling.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 16, 2024 **Order:** 15-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Mayor Jeffrey Harmon to the Maine Municipal Association's Legislative Policy Committee

---

Information: Any elected or appointed municipal official holding office in any Maine Municipal Association (MMA) member community is eligible to serve on the Legislative Policy Committee. There are two seats on the LPC for each State Senate District. Members serve two-year terms, representing their own community and other municipalities in their Senate District.

The LPC brings elected and appointed officials together from towns and cities across the state. According to its by-laws, the purpose of the LPS is "to define municipal interests and to maximize those interest through effective participation in the legislative process." Operating something like a town meeting, the LPS establishes MMA's public policy positions on all matters of direct and statewide municipal interest for representation in the State House.

MMA's strength as a municipal advocate depends on the active help of a dedicated LPC membership.

This appointment fills the remaining term that was held by the Previous Mayor, Jason Levesque and runs until June 2024.

City Budgetary Impacts: None

Staff Recommended Action: Recommend Passage

Previous Meetings and History: June 6 and July 18 of 2022

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 15-01162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Mayor Jeffrey Harmon to serve on the Maine Municipal Association's Legislative Policy Committee filling the remainder of the term held by the previous Mayor with a term expiration date of June 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

6TO: **Phillip Crowell, City Manager**

FROM: **Jill Eastman, Finance Director**

REF: **December 2023 Financial Report**

DATE: **January 16, 2024**

The following is a discussion regarding the significant variances found in the City's December 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 sixth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 50.0% 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.

Revenues

Revenues collected through December 31st, including the school department, were $53,423,996, or 47.21%, of the budget. The municipal revenues including property taxes were $37,052,386, or 50.16% of the budget which is 4.54% lower than last year during the same period. The accounts listed below are noteworthy.

The current year's tax revenue is at 50.26% as compared to 56.39% last year. This is a decrease over last year of $2,479,352.

Excise tax for the month of December is 51.95%. This is an increase over FY 23, of $15,583.

State Revenue Sharing at the end of December is 57.34% or $3,425,835 which is $633,957 more than last year in December.

Expenditures

City expenditures through December 2023 were $32,390,451 or 59.87% of the budget. This is 1.37 % more than the same period last year. Noteworthy variances are:

A. The main variances are Health and Social Services is %295,094 higher than FY 23, Debt Service is $167,017 less than FY23, Public Safety Departments are higher than last year by $397,065 and Public Works is higher than FY 23 by $814,739.

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

B. Investments

This section contains an investment schedule as of December 31st. Currently the City's funds are earning an average interest rate of 4.29% compared to 2.35% last fiscal year at this time.

Respectfully submitted,

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of December 31, November 2023, and June 2023

	December 31 2023	November 30 2023	Increase (Decrease)	Unaudited JUNE 30 2023
ASSETS				
CASH	$ 48,355,768	$ 41,635,592	$ 6,720,176	$ 43,592,529
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	2,808,752	3,343,716	(534,964)	2,703,976
TAXES RECEIVABLE-CURRENT	23,928,739	24,211,518	(282,779)	949,747
DELINQUENT TAXES	606,704	611,574	(4,870)	442,839
TAX LIENS	713,418	819,526	(106,108)	430,056
NET DUE TO/FROM OTHER FUNDS	(21,067,465)	(11,139,460)	(9,928,005)	(11,595,819)
TOTAL ASSETS	**$ 55,345,916**	**$ 59,482,466**	**$ (4,136,550)**	**$ 36,523,328**
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	$ 10,017,368	$ (20,605)	$ 10,037,973	$ 901,846
PAYROLL LIABILITIES	(876,184)	(188,092)	(688,092)	(350,435)
ACCRUED PAYROLL	43,709	245,746	(202,037)	(570,829)
STATE FEES PAYABLE	(72,900)	(81,299)	8,400	(129,140)
ESCROWED AMOUNTS	(32,713)	(32,713)	0	(32,462)
DEFERRED REVENUE	(25,225,116)	(25,618,817)	393,701	(1,798,833)
DUE TO OTHER FUNDS	-	-	-	-
TOTAL LIABILITIES	**$ (16,145,836)**	**$ (25,695,780)**	**$ 9,549,943**	**$ (1,979,853)**
FUND BALANCE - UNASSIGNED/ASSIGNED	$ (36,736,284)	$ (31,037,870)	$ (5,698,414)	$ (31,544,658)
FUND BALANCE - RESTRICTED	(1,774,533)	(2,059,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
TOTAL FUND BALANCE	**$ (39,200,080)**	**$ (33,786,686)**	**$ (5,413,394)**	**$ (34,543,474)**
TOTAL LIABILITIES AND FUND BALANCE	**$ (55,345,916)**	**$ (59,482,466)**	**$ 4,136,550**	**$ (36,523,328)**

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH December 31, 2023 VS December 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU DEC 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU DEC 2022	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	$ 53,935,348	$ 27,107,037	50.26%	$ 52,463,320	$ 29,586,389	56.39%	$ (2,479,352)
PRIOR YEAR TAX REVENUE	$ -	$ 478,717		$ -	$ 597,851		$ (119,134)
HOMESTEAD EXEMPTION REIMBURSEMENT	$ 1,770,000	$ 1,320,847	74.62%	$ 1,770,000	$ 1,322,921	74.74%	$ (2,074)
EXCISE	$ 4,535,000	$ 2,355,831	51.95%	$ 4,435,000	$ 2,340,248	52.77%	$ 15,583
PENALTIES & INTEREST	$ 80,000	$ 48,099	60.12%	$ 120,000	$ 42,500	35.42%	$ 5,599
TOTAL TAXES	$ 60,320,348	$ 31,310,531	51.91%	$ 58,788,320	$ 33,889,909	57.65%	$ (2,579,378)
LICENSES AND PERMITS							
BUSINESS	$ 240,000	$ 131,111	54.63%	$ 190,000	$ 148,945	78.39%	$ (17,834)
NON-BUSINESS	$ 199,100	$ 198,743	99.82%	$ 195,250	$ 148,037	75.82%	$ 50,706
TOTAL LICENSES	$ 439,100	$ 329,853	75.12%	$ 385,250	$ 296,982	77.09%	$ 32,871
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	$ 400,000	$ 484,820	121.21%	$ 400,000	$ 419,774	104.94%	$ 65,046
STATE REVENUE SHARING	$ 5,975,000	$ 3,425,835	57.34%	$ 4,504,100	$ 2,791,878	61.99%	$ 633,957
WELFARE REIMBURSEMENT	$ 125,000	$ 201,177	160.94%	$ 83,912	$ 25,825	30.78%	$ 175,352
OTHER STATE AID	$ 94,000	$ 12,883	13.71%	$ 32,000	$ -	0.00%	$ 12,883
CITY OF LEWISTON	$ 182,000	$ -	0.00%	$ 182,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	$ 6,776,000	$ 4,124,716	60.87%	$ 5,202,012	$ 3,237,477	62.24%	$ 887,239
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	$ 355,550	$ 81,259	22.85%	$ 361,400	$ 97,340	26.93%	$ (16,081)
PUBLIC SAFETY	$ 26,400	$ 16,795	63.62%	$ 30,800	$ 57,323	186.11%	$ (40,528)
EMS TRANSPORT	$ 1,465,000	$ 777,951	53.10%	$ 1,350,000	$ 705,546	52.26%	$ 72,405
TOTAL CHARGE FOR SERVICES	$ 1,846,950	$ 876,005	47.43%	$ 1,742,200	$ 860,209	49.37%	$ 15,796
FINES							
PARKING TICKETS & MISC FINES	$ 23,000	$ 10,798	46.95%	$ 28,000	$ 11,336	40.49%	$ (538)
MISCELLANEOUS							
INVESTMENT INCOME	$ 45,000	$ 206,434	458.74%	$ 30,000	$ 30,500	101.67%	$ 175,934
RENTS	$ 75,000	$ 7,190	9.59%	$ 75,000	$ 5,259	7.01%	$ 1,931
UNCLASSIFIED	$ 20,000	$ 44,644	223.22%	$ 20,000	$ 57,174	285.87%	$ (12,530)
COMMERCIAL SOLID WASTE FEES	$ -	$ 24,772		$ -	$ 26,136		$ (1,364)
SALE OF PROPERTY	$ 100,000	$ 20,731	20.73%	$ 100,000	$ 778	0.78%	$ 19,953
MMWAC HOST FEES	$ 240,000	$ 96,713	40.30%	$ 240,000	$ 116,055	48.36%	$ (19,342)
TRANSFER IN: TIF	$ 1,500,000	$ -	0.00%	$ 1,140,000	$ -	0.00%	$ -
TRANSFER IN: Other Funds	$ 362,500	$ -	0.00%	$ 619,000	$ -	0.00%	$ -
ENERGY EFFICIENCY							$ -
SPONSORSHIPS - COMMUNITY ENGAGEMENT	$ 40,000	$ -		$ -	$ -		
CDBG	$ 588,154	$ -	0.00%	$ 588,154	$ -	0.00%	$ -
UTILITY REIMBURSEMENT	$ 20,000	$ -	0.00%	$ 20,000	$ 2,521	12.61%	$ (2,521)
CITY FUND BALANCE CONTRIBUTION	$ 1,500,000	$ -	0.00%	$ 1,500,000	$ -	0.00%	$ -
TOTAL MISCELLANEOUS	$ 4,490,654	$ 400,482	8.92%	$ 4,332,154	$ 238,423	5.50%	$ 162,059
TOTAL GENERAL FUND REVENUES	**$ 73,896,052**	**$ 37,052,386**	50.14%	**$ 70,477,936**	**$ 38,534,336**	54.68%	**$ (1,481,950)**
SCHOOL REVENUES							
EDUCATION SUBSIDY	$ 36,663,037	$ 16,276,835	44.40%	$ 34,826,024	$ 18,952,206	54.42%	$ (2,675,371)
EDUCATION	$ 611,103	$ 94,776	15.51%	$ 489,465	$ 236,193	48.26%	$ (141,417)
SCHOOL FUND BALANCE CONTRIBUTION	$ 2,000,000	$ -	0.00%	$ 1,251,726	$ 17,723	1.42%	$ (17,723)
TOTAL SCHOOL	$ 39,274,140	$ 16,371,611	41.69%	$ 36,567,215	$ 19,206,122	52.52%	$ (2,834,511)
GRAND TOTAL REVENUES	**$ 113,170,192**	**$ 53,423,996**	**47.21%**	**$ 107,045,151**	**$ 57,740,458**	**53.94%**	**$ (4,316,462)**

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH December 31, 2023 VS December 31, 2022

DEPARTMENT	FY 2024 BUDGET	EXP THRU DEC 2023	% OF BUDGET	FY 2023 BUDGET	EXP THRU DEC 2022	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	$ 171,750	$ 85,324	49.68%	$ 170,500	$ 74,675	43.80%	$ 10,649
CITY MANAGER	$ 695,009	$ 304,588	43.83%	$ 510,978	$ 234,364	45.87%	$ 70,224
COMMUNICATIONS & ENGAGEMENT	$ 356,522	$ 169,834	47.64%	$ 218,746	$ 84,928	38.82%	$ 84,906
CITY CLERK	$ 290,268	$ 145,242	50.04%	$ 257,506	$ 142,509	55.34%	$ 2,733
FINANCE	$ 1,228,112	$ 770,025	62.70%	$ 1,138,802	$ 677,009	59.45%	$ 93,016
HUMAN RESOURCES	$ 246,260	$ 120,409	48.90%	$ 222,099	$ 106,786	48.08%	$ 13,623
INFORMATION TECHNOLOGY	$ 917,487	$ 542,684	59.15%	$ 827,000	$ 503,088	60.83%	$ 39,596
TOTAL ADMINISTRATION	$ 3,905,408	$ 2,138,106	54.75%	$ 3,345,631	$ 1,823,359	54.50%	$ 314,747
COMMUNITY SERVICES							
PLANNING & PERMITTING	$ 682,189	$ 350,764	51.42%	$ 666,629	$ 370,465	55.57%	$ (19,701)
ECONOMIC DEVELOPMENT	$ 123,893	$ 95,226	76.86%	$ 286,598	$ 159,169	55.54%	$ (63,943)
BUSINESS & COMMUNITY DEVELOPMENT	$ 710,692	$ 178,263	25.08%	$ 671,411	$ 143,261	21.34%	$ 35,002
HEALTH & SOCIAL SERVICES	$ 180,825	$ 358,165	198.07%	$ 119,875	$ 63,071	52.61%	$ 295,094
RECREATION & SPORTS TOURISM	$ 722,416	$ 298,900	41.38%	$ 762,440	$ 322,955	42.36%	$ (24,055)
PUBLIC LIBRARY	$ 1,138,659	$ 654,145	57.45%	$ 1,084,437	$ 632,590	58.33%	$ 21,555
TOTAL COMMUNITY SERVICES	$ 3,558,674	$ 1,935,463	54.39%	$ 3,591,390	$ 1,691,511	47.10%	$ 243,952
FISCAL SERVICES							
DEBT SERVICE	$ 8,334,544	$ 7,382,946	88.58%	$ 8,361,254	$ 7,549,963	90.30%	$ (167,017)
CAPITAL INVESTMENT & PURCHASING	$ 783,252	$ 357,176	45.60%	$ 672,473	$ 305,738	45.46%	$ 51,438
WORKERS COMPENSATION	$ 715,400	$ 715,400	100.00%	$ 698,000	$ 698,000	100.00%	$ 17,400
WAGES & BENEFITS	$ 8,257,879	$ 3,442,079	41.68%	$ 7,876,393	$ 3,342,325	42.43%	$ 99,754
EMERGENCY RESERVE (10108062-670000)	$ 550,000	$ -	0.00%	$ 461,230	$ -	0.00%	$ -
TOTAL FISCAL SERVICES	$ 18,641,075	$ 11,897,601	63.82%	$ 18,069,350	$ 11,896,026	65.84%	$ 1,575
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	$ 6,304,713	$ 3,110,663	49.34%	$ 5,693,284	$ 2,850,111	50.06%	$ 260,552
POLICE DEPARTMENT	$ 5,207,160	$ 2,553,601	49.04%	$ 4,945,034	$ 2,417,088	48.88%	$ 136,513
TOTAL PUBLIC SAFETY	$ 11,511,873	$ 5,664,264	49.20%	$ 10,638,318	$ 5,267,199	49.51%	$ 397,065
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	$ 6,108,837	$ 3,101,878	50.78%	$ 5,600,109	$ 2,350,875	41.98%	$ 751,003
SOLID WASTE DISPOSAL*	$ 1,386,000	$ 597,398	43.10%	$ 1,320,000	$ 533,662	40.43%	$ 63,736
WATER AND SEWER	$ 792,716	$ 390,602	49.27%	$ 792,716	$ 390,602	49.27%	$ -
TOTAL PUBLIC WORKS	$ 8,287,553	$ 4,089,878	49.35%	$ 7,712,825	$ 3,275,139	42.46%	$ 814,739
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	$ 205,000	$ 204,819	99.91%	$ 205,000	$ 203,195	99.12%	$ 1,624
E911 COMMUNICATION CENTER	$ 1,287,401	$ 521,968	40.54%	$ 1,217,713	$ 608,856	50.00%	$ (86,888)
LATC-PUBLIC TRANSIT	$ 400,079	$ -	0.00%	$ 431,811	$ -	0.00%	$ -
LA ARTS	$ 20,000	$ 15,000		$ 30,000	$ 15,000		
TAX SHARING	$ 260,000	$ -	0.00%	$ 260,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL	$ 2,172,480	$ 741,787	34.14%	$ 2,144,524	$ 827,051	38.57%	$ (85,264)
COUNTY TAX	$ 2,972,037	$ 2,972,037	100.00%	$ 2,761,220	$ 2,761,220	100.00%	$ 210,817
TIF (10108058-580000)	$ 3,049,803	$ 2,951,315	96.77%	$ 3,049,803	$ 2,479,088	81.29%	$ 472,227
OVERLAY	$ -	$ -		$ -	$ -		$ -
							$ -
TOTAL CITY DEPARTMENTS	**$ 54,098,903**	**$ 32,390,451**	**59.87%**	**$ 51,313,061**	**$ 30,020,593**	**58.50%**	**$ 2,369,858**
EDUCATION DEPARTMENT	$ 59,071,289	$ 9,958,207	16.86%	$ 55,732,090	$ 18,654,687	33.47%	$ (8,696,480)
TOTAL GENERAL FUND EXPENDITURES	**$ 113,170,192**	**$ 42,348,658**	**37.42%**	**$ 107,045,151**	**$ 48,675,280**	**45.47%**	**$ (6,326,622)**

CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF December 31, 2023

INVESTMENT		FUND	BALANCE December 31, 2023	BALANCE November 30, 2023	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	$ 13,070,156.01	$ 13,070,201.01	**2.00%**
ANDROSCOGGIN BANK	502	SR-TIF	$ 1,052,675.41	$ 1,054,623.81	**2.00%**
ANDROSCOGGIN BANK	836	GENERAL FUND	$ 18,847,043.87	$ 25,847,043.87	**2.00%**
ANDROSCOGGIN BANK	801	WORKERS COMP	$ 53,660.22	$ 53,660.22	**2.00%**
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	$ 346,951.33	$ 346,951.33	**2.00%**
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	$ 231,661.08	$ 231,661.08	**2.00%**
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	$ 476,435.18	$ 476,435.18	**2.00%**
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	$ 139,309.74	$ 114,466.88	**2.00%**
NOMURA 2		ELHS Bond Proceeds	$ 7,587,941.00	$ 13,347,999.00	**2.08%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.25%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.45%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.35%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.80%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.75%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.60%**
GRAND TOTAL			**$ 46,555,833.84**	**$ 59,293,042.38**	**4.29%**

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2023 - June 30, 2024
Report as of December 31, 2023

	Beginning Balance 12/1/2023	December 2023 New Charges	Payments	Refunds	Adjustments	Write-Offs	Ending Balance 12/31/2023
Bluecross	**$ 43,397.46**	$ 20,122.20	$ (9,111.35)		$ (1,674.25)		**$ 52,734.06**
Intercept	**$ (1,069.40)**						**$ (1,069.40)**
Medicare	**$ 292,311.88**	$ 150,092.00	$ (44,046.13)		$ (61,181.47)		**$ 337,176.28**
Medicaid	**$ (36,331.13)**	$ 57,957.55	$ (28,435.87)		$ (21,834.12)		**$ (28,643.57)**
Other/Commercial	**$ 114,757.67**	$ 29,895.60	$ (13,343.85)		$ (965.36)		**$ 130,344.06**
Patient	**$ 77,858.86**	$ 11,215.40	$ (9,461.14)		$ (652.11)	$ (31,092.18)	**$ 47,868.83**
Worker's Comp	**$ (7,206.41)**		$ (3,909.60)				**$ (11,116.01)**
TOTAL	**$ 483,718.93**	**$ 269,282.75**	**$ (108,307.94)**	**$ -**	**$ (86,307.31)**	**$ (31,092.18)**	**$ 527,294.25**

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2023 - June 30, 2024
Report as of December 31, 2023

	July 2023	August 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Totals	% of Total
Bluecross	$ 12,163.20	$ 17,050.40	$ 11,900.40	$ 18,210.00	$ 13,878.60	$ 20,122.20	$ 93,324.80	5.58%
Intercept	$ -	$ (969.20)	$ 200.00	$ 300.00	$ -		$ (469.20)	-0.03%
Medicare	$ 144,760.40	$ 176,422.00	$ 141,352.25	$ 217,867.20	$ 150,402.45	$ 150,092.00	$ 980,896.30	58.68%
Medicaid	$ 61,035.00	$ 82,884.40	$ 53,226.00	$ 58,306.80	$ 53,655.00	$ 57,957.55	$ 367,064.75	21.96%
Other/Commercial	$ 17,128.40	$ 36,769.30	$ 14,611.00	$ 30,035.95	$ 19,624.05	$ 29,895.60	$ 148,064.30	8.86%
Patient	$ 13,258.80	$ 16,885.60	$ 14,580.20	$ 19,484.60	$ 6,522.20	$ 11,215.40	$ 81,946.80	4.90%
Worker's Comp				$ -	$ 859.40		$ 859.40	0.05%
TOTAL	$ 248,345.80	$ 329,042.50	$ 235,869.85	$ 344,204.55	$ 244,941.70	$ 269,282.75	$ 1,671,687.15	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2023 - June 30, 2024
Report as of December 31, 2023

	July 2023	August 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Totals	% of Total
Bluecross	12	27	12	20	15	24	110	5.41%
Intercept	0	3	2	3	0	0	8	0.39%
Medicare	178	236	172	254	172	178	1190	58.48%
Medicaid	72	112	59	64	65	64	436	21.43%
Other/Commercial	17	63	18	35	24	38	195	9.58%
Patient	16	20	16	25	7	11	95	4.67%
Worker's Comp			0		1	0	1	0.05%
TOTAL	295	461	279	401	284	315	2035	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES
As of December 31, 2023

.	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1917 Wellness Grant	1928 Vending	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2009 PD Evidence Money Deposits	2010 State Drug Money	2011 PD Capital Reserve	2014 Speed Grant	2015 AARP Walkability Grant	2016 Pedestrian Safety	2018 Nat Opioid Settlement	2019 Law Enforcement Training	
Fund Balance 7/1/23	$ 419,018.01	$ 7,337.93	$ 37,205.06	$ 7,041.18	$ -	$ 2,808.57	$ (862,167.55)	$ (101,432.52)	$ 212,779.28	$ 8,224.66	$ 31,585.83	$ 5,736.24	$ -	$ 545.31	$ 212,510.51	$ (8,205.29)	$ (27,012.78)
Revenues FY24	$ 25,351.04	$ 524.00	$ 807.70	$ 3,837.00	$ 254.70	$ 3,232.99	$ -	$ -	$ 2,301.00			$ 8,629.65			$ 41,251.49		$ 86,189.57
Expenditures FY24	$ 148,377.00			$ 3,503.30	$ 287.76	$ 16,957.99	$ 2,134,136.20	$ 19,000.00	$ (2,030.00)	$ 11,935.65		$ 8,638.77	$ 2,033.49				$ 2,342,840.16
Fund Balance 12/31/2023	**$ 295,992.05**	**$ 7,861.93**	**$ 38,012.76**	**$ 7,374.88**	**$ (33.06)**	**$ (10,916.43)**	**$ (2,996,303.75)**	**$ (120,432.52)**	**$ 217,110.28**	**$ (3,710.99)**	**$ 31,585.83**	**$ 5,727.12**	**$ (2,033.49)**	**$ 545.31**	**$ 253,762.00**	**$ (8,205.29)**	$ (2,283,663.37)

	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2051 Project Canopy	2054 EMS Transport Capital Reserve	2059 Distracted Driving	2068 Northern Borders Grant	
Fund Balance 7/1/23	$ 1,207,031.43	$ 30,379.80	$ 25,064.37	$ 40,215.76	$ 3,374.73	$ 20,536.23	$ 21,618.18	$ -	$ 110,525.79	$ (1,695.00)	$ 2,213.05	$ (1,522.60)	$ 288,581.46	$ 802.57	$ 178,046.71	$ 1,925,172.48
Revenues FY24	$ 652,501.37			$ 88,756.50			$ 350.00		$ 31,196.49				$ 202,615.62			$ 975,419.98
Expenditures FY24	$ 687,073.41		$ 9,933.77	$ 2,847.40	$ 7,674.97		$ 1,187.10		$ 23,048.43							$ 731,765.08
Fund Balance 12/31/2023	**$ 1,172,459.39**	**$ 30,379.80**	**$ 15,130.60**	**$ 126,124.86**	**$ (4,300.24)**	**$ 20,536.23**	**$ 20,781.08**	**$ -**	**$ 118,673.85**	**$ (1,695.00)**	**$ 2,213.05**	**$ (1,522.60)**	**$ 491,197.08**	**$ 802.57**	**$ 178,046.71**	$ 2,168,827.38

	2071 Com Engage Spec Events	2080 Futsol Court Project	2085 Edna Hodakin Crowley Park	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation	2700 Capital Reserve Funds	2100 School Capital Reserve	
Fund Balance 7/1/23	$ 48,854.00	$ 25,353.61	$ 6,053.02	$ 11,279,077.49	$ 482.09	$ 82,000.00	$ 228,248.69	$ -	$ -	$ 11,670,068.90
Revenues FY24				$ 58,836.55	$ 17,618.56	$ -	$ 166,029.13	$ 2,023,255.00	$ 286,000.00	$ 2,551,739.24
Expenditures FY24	$ 18,750.00			$ 1,118,377.85	$ 7,974.78	$ 18,250.05	$ 263,661.06		$ 29,000.00	$ 1,456,013.74
Fund Balance 12/31/2023	**$ 30,104.00**	**$ 25,353.61**	**$ 6,053.02**	**$ 10,219,536.19**	**$ 10,125.87**	**$ 63,749.95**	**$ 130,616.76**	**$ 2,023,255.00**	**$ 257,000.00**	$ 12,765,794.40

	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	2600 Stable Ridge TIF 27	Total Special Revenues	TIF Totals
Fund Balance 7/1/23	**$ 126,694.39**	**$ 806,274.01**	**$ 786,690.71**	**$ (627,211.49)**	**$ 623,092.36**	**$ (662,615.38)**	**$ 19,435.74**	**$ 27,952.81**	**$ 1,120.91**	**$ 74,350.62**	**$ 132,062.18**	**$ (28,481.47)**	**$ 13,914.35**	**$ (76,544.08)**	**$ 59,527.65**	**$ -**	$ 14,844,491.91	$ 1,276,263.31
Revenues FY24	$ 320,418.48		$ 1,067,545.12	$ 157,316.25	$ 305,587.10	$ 423,195.28	$ 36,072.86	$ 30,616.50	$ 69,246.45	$ 58,305.98	$ 114,488.40	$ 113,293.40	$ 42,837.59	$ 37,087.06	$ 71,601.08	$ 103,703.60	$ 6,564,663.94	$ 2,951,315.15
Expenditures FY24		$ -	$ 21,495.16	$ 260,900.00		$ 105,461.73	$ 18,036.43		$ 34,623.23	$ 14,577.06	$ 28,622.10	$ 133,754.34	$ 21,418.80	$ 2,619.48	$ -		$ 5,172,127.31	$ 641,508.33
Fund Balance 12/31/2023	**$ 447,112.87**	**$ 806,274.01**	**$ 1,832,740.67**	**$ (730,795.24)**	**$ 928,679.46**	**$ (344,881.83)**	**$ 37,472.17**	**$ 58,569.31**	**$ 35,744.13**	**$ 118,079.54**	**$ 217,928.48**	**$ (48,942.41)**	**$ 35,333.14**	**$ (42,076.50)**	**$ 131,128.73**	**$ 103,703.60**	$ 16,133,324.94	$ 3,482,366.53

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for December 31, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of December 31, 2023.

INGERSOLL TURF FACILITY

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of December 31, 2023.

Current Assets:
As of the end of December 2023 the total current assets of Ingersoll Turf Facility were $431,288. This consisted of cash and cash equivalents.

Noncurrent Assets:
Ingersoll's noncurrent assets are the building, and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of December 31, 2023, was $34,044.

Liabilities:
Ingersoll had no accounts payable as of December 31, 2023.

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 Ingersoll Turf Facility through December 2023 are $94,463. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through December 2023 were $12,847. These expenses include program costs and capital purchases. Personal and operating costs are now in the Recreation budget.

As of December 2023, Ingersoll has an operating gain of $81,616 compared to a net gain in November 2023 of $63,756.

As of December 31, 2023, Ingersoll has an increase in net assets of $83,362.

The budget to actual reports for revenue and expenditures, show that the revenue for FY24 compared to FY 23.

Statement of Net Assets
Ingersoll Turf Facility
December 31, 2023
Business-type Activities - Enterprise Fund

		December 31 2023	November 30 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 231,233	$ 231,233	$ -
Interfund receivables/payables		$ 200,055	$ 180,449	19,606
Accounts receivable		-	-	-
	Total current assets	431,288	411,682	19,606
Noncurrent assets:				
Capital assets:				
Buildings		672,279	672,279	-
Equipment		119,673	119,673	-
Land improvements		18,584	18,584	-
Less accumulated depreciation		(776,492)	(776,492)	-
	Total noncurrent assets	34,044	34,044	-
	Total assets	465,332	445,726	19,606
LIABILITIES				
Accounts payable		$ -	$ -	-
Interfund payable		$ -	$ -	-
Total liabilities		-	-	-
NET ASSETS				
Invested in capital assets		$ 34,044	$ 34,044	$ -
Unrestricted		$ 431,288	$ 411,682	$ 19,606
Total net assets		**$ 465,332**	**$ 445,726**	**$ 19,606**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
December 31, 2023

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	$ 94,463
Operating expenses:	
Personnel	-
Supplies	-
Utilities	293
Repairs and maintenance	
Rent	-
Depreciation	-
Capital expenses	8,555
Other expenses	3,999
Total operating expenses	12,847
Operating gain (loss)	81,616
Nonoperating revenue (expense):	
Interest income	1,746
Interest expense (debt service)	-
Total nonoperating expense	1,746
Gain (Loss) before transfer	83,362
Transfers out	-
Change in net assets	83,362
Total net assets, July 1	381,970
Total net assets, December 31, 2023	**$ 465,332**

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through December 31, 2023 compared to December 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU DEC 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU DEC 2022	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship		$ 7,525			$ 1,500	
Batting Cages		$ 13,105			$ 2,855	
Programs		$ 13,501			$ 12,801	
Rental Income		$ 60,332			$ 34,717	
TOTAL CHARGE FOR SERVICES	$ -	$ 94,463		$ -	$ 51,873	
INTEREST ON INVESTMENTS	$ -	$ 1,746		$ -	$ 173	
GRAND TOTAL REVENUES	**$ -**	**$ 96,209**		**$ -**	**$ 52,046**	

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through December 31, 2023 compared to December 31, 2022

DESCRIPTION	FY 2024 BUDGET	ACTUAL EXPENDITURES THRU DEC 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU DEC 2022	% OF BUDGET	Difference
Salaries & Benefits	See Recreation Budget			See Recreation Budget			$ -
Purchased Services							$ -
Programs		$ 3,999			$ 4,761		$ (762)
Supplies					$ 1,641		$ (1,641)
Utilities		$ 293					$ 293
Insurance Premiums	$ -			$ -	$ -		
Capital Outlay	$ -	$ 8,555		$ -	$ 11,136		$ (2,581)
	$ -	$ 12,847		$ -	$ 17,538		$ (4,691)
GRAND TOTAL EXPENDITURES	**$ -**	**$ 12,847**		**$ -**	**$ 17,538**		**$ (4,691)**

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for December 31, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of December 31, 2023.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, November 30, 2023.

Current Assets:
As of the end of December 2023 the total current assets of Norway Savings Bank Arena were ($1,386,000). These consisted of cash and cash equivalents of $280,764, accounts receivable of $26,500, and an interfund payable of $1,693,324.

Noncurrent Assets:
Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of December 31, 2023, was $102,173.

Liabilities:
Norway Arena had accounts payable of $5,308 as of December 31, 2023.

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 December 2023 are $418,376. 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 December 2023 were $397,566. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of December 2023, Norway Arena had an operating gain of $20,810.

As of December 31, 2023 Norway Arena has an increase in net assets of $20,810.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY24 is $3,058 less than in FY23 and expenditures in FY24 are $43,929 more than last year in December.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
December 31, 2023
Business-type Activities - Enterprise Fund

		December 31 2023	November 30 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 280,764	$ 280,764	$ -
Interfund receivables		$ (1,693,324)	$ (1,759,972)	$ 66,648
Prepaid Rent				$ -
Accounts receivable		26,560	26,560	$ -
	Total current assets	(1,386,000)	(1,452,648)	66,648
Noncurrent assets:				
Capital assets:				
Buildings		58,223	58,223	-
Equipment		517,049	517,049	-
Land improvements		-	-	-
Less accumulated depreciation		(473,099)	(473,099)	-
	Total noncurrent assets	102,173	102,173	-
	Total assets	(1,283,827)	(1,350,475)	66,648
LIABILITIES				
Accounts payable		$ 5,398	$ 4,400	$ 998
Net OPEB liability		$ 64,614	$ 64,614	$ -
Net pension liability		(52,355)	(52,355)	-
Total liabilities		17,657	16,659	998
NET ASSETS				
Invested in capital assets		$ 102,173	$ 102,173	$ -
Unrestricted		$ (1,403,657)	$ (1,469,307)	$ 65,650
Total net assets		**$ (1,301,484)**	**$ (1,367,134)**	**$ 65,650**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
December 31, 2023

	Norway Savings Arena
Operating revenues:	
Charges for services	$ 418,376
Operating expenses:	
Personnel	190,905
Supplies	53,578
Utilities	16,938
Repairs and maintenance	19,766
Insurance Premium	-
Depreciation	
Capital expenses	101,600
Other expenses	14,779
Total operating expenses	397,566
Operating gain (loss)	20,810
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	20,810
Transfers out	-
Change in net assets	20,810
Total net assets, July 1	(1,322,294)
Total net assets, December 31, 2022	**$ (1,301,484)**

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through December 31, 2023 compared to December 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU DEC 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU DEC 2022	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concssions	$ 16,500	$ 9,000	54.55%	$ 16,500		0.00%	$ 9,000
Skate Rentals	$ 6,000	$ 1,495	24.92%	$ 6,000		0.00%	$ 1,495
Pepsi Vending Machines	$ 2,000	$ 415	20.75%	$ 2,000	$ 522	26.10%	$ (107)
Games Vending Machines	$ 3,000	$ -	0.00%	$ 3,000	$ -	0.00%	$ -
Vending Food	$ 2,000	$ 239	11.95%	$ 2,000	$ 374	18.70%	$ (135)
Sponsorships	$ 230,000	$ 94,327	41.01%	$ 230,000	$ 86,382	37.56%	$ 7,945
Pro Shop	$ 7,000	$ 3,432	49.03%	$ 7,000	$ 2,340	33.43%	$ 1,092
Programs	$ 20,000	$ -	0.00%	$ 20,000		0.00%	$ -
Rental Income	$ 702,000	$ 285,741	40.70%	$ 702,000	$ 273,824	39.01%	$ 11,917
Camps/Clinics	$ 50,000	$ 11,560	23.12%	$ 50,000	$ 21,010	42.02%	$ (9,450)
Tournaments	$ 50,000	$ 12,167	24.33%	$ 50,000	$ 36,982	73.96%	$ (24,815)
TOTAL CHARGE FOR SERVICES	$ 1,088,500	$ 418,376	38.44%	$ 1,088,500	$ 421,434	38.72%	$ (3,058)

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through December 31, 2023 compared to December 31, 2022

DESCRIPTION	FY 2024 BUDGET	ACTUAL EXPENDITURES THRU DEC 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU DEC 2022	% OF BUDGET	VARIANCE
Salaries & Benefits	$ 291,095	$ 190,905	65.58%	$ 291,095	$ 181,926	62.50%	$ 8,979
Purchased Services	$ 136,900	$ 34,545	25.23%	$ 136,900	$ 57,652	42.11%	$ (23,107)
Supplies	$ 76,562	$ 53,578	69.98%	$ 76,562	$ 20,818	27.19%	$ 32,760
Utilities	$ 267,000	$ 16,938	6.34%	$ 267,000	$ 69,447	26.01%	$ (52,509)
Capital Outlay	$ 50,000	$ 101,600	203.20%	$ 50,000	$ 23,794	47.59%	$ 77,806
Rent	$ -	$ -		$ -	$ -		$ -
	$ 821,557	$ 397,566	48.39%	$ 821,557	$ 353,637	43.04%	$ 43,929
GRAND TOTAL EXPENDITURES	**$ 821,557**	**$ 397,566**	**48.39%**	**$ 821,557**	**$ 353,637**	**43.04%**	**$ 43,929**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 16, 2024

Subject: Executive Session

Information: Personnel matter, 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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 16, 2024

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

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 Workshop & Meeting
Agenda
February 5, 2024
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Dangerous Buildings Process and Statute Overview – Eric Cousens
B. Proposed Zoning Amendment Discussion (Sec. 60-1304) – Eric Cousens
C. Tax Acquired Property – Kelsey Earle and Jay Brenchick
D. Transportation Systems Department Position – Phil Crowell

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Milks

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 16-02052024*
Confirming Mayor Harmon's re-appointment of Leonard Kimble to serve on the Ethics Panel with a term expiration of 11/01/2026.

II. Minutes – January 16,2024, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Presentation – Tax Increment Financing (TIF)/Credit Enhancement Agreement (CEA) – Glen Holmes
- Formation of a Mayor's Ad Hoc Committee on the Public Safety Building
- Formation of a Mayor's Ad Hoc Committee on Housing

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. Ordinance 03-01162024

Amending Article V, Division 2, Sections 2-430, 2-431, 2-433, 2-434, 2-435, AND 2-441 of Auburn's Code of Ordinances and striking all language referencing the Regulatory Advisory Board.
Second reading.

2. Ordinance 04-01162024
Amending Article V, Division 2, Sections 2-430, 2-431, 2-432, 2-433, 2-434, and 2-435 of Auburn's Code of Ordinances and reinstating the Board of Assessment Review ordinance.
Second reading.

3. Ordinance 06-01162024
Amending Sec. 2-466 of the Auburn Code of Ordinances correcting the Planning Board Compensation language. Second reading.

VI. New Business

1. Order 17-02052024
Amending the Future Land Use Plan map in the Comprehensive Plan to designate City Assessor's Parcel I.D.'s 174-004, 174-004-001 and 174-004-002 land use as Suburban Development District.
Public hearing.

2. Ordinance 07-02052024
Amending the zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending approximately 11 acres of Parcel ID 174-004-001, located on Riverside Drive, from the Agriculture and Resource Protection (AGRP) zoning district to the Low-Density Rural Residence (RR) zoning district. Public hearing and first reading.

3. Ordinance 08-02052024
Amending the zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002, located on Riverside Drive, from the Agriculture and Resource Protection (AGRP or AG) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district. Public hearing and first reading.

4. Order 18-02052024
Setting the date for a public hearing for a Dangerous Building located at 46 Fair Street.

5. Order 19-02052024
Ratifying the Fire Department's contract agreement (wages).

6. Order 20-02052024
Authorizing the use of $89,306.42 from the fund balance to support the 2024 Lewiston Auburn Warming Center to be located in the City of Lewiston.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports (Mayor, City Council, City Manager)

IX. Executive Sessions

1. Economic development, pursuant to 1 M.R.S.A. §405(6)(C) where premature disclosure would prejudice the competitive or bargaining position of the City.

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop: February 5, 2024

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: Dangerous Buildings and 80K Action Overview

Information: This workshop is to discuss the Dangerous Buildings Statute and how it can be used to correct problems with damaged or poorly maintained properties that become dangerous.

Dangerous Buildings: 17 M.R.S. §§2851-2859 authorize the municipal officers (City Council) to determine that a building or structure is "dangerous" and to order appropriate corrective action either by the owner or by the town if the owner does nothing to correct the issues. Other than in the case of a building which is so dangerous that immediate court action is required, there is no express authority given to the CEO to act under this statute. Buildings or structures which can be dealt with under this statute must fit within one of the following categories: • structurally unsafe; • unstable; • unsanitary; • constitutes a fire hazard; • is unsuitable or improper for the use or occupancy to which it is put; • constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property. An example of this process can be viewed at the December 5, 2022 CC Meeting Packet or the discussion and action can be viewed on the City Youtube Page beginning at 2:10:50
.

Prior to proposing a building for a Council Finding, generally a building may have sustained significant damage from an accident, fire or natural disaster or, staff has been working with a property owner for a long period of time and conditions have deteriorated.

A poorly maintained building impacts the decisions of abutting property owners and reduces investment in surrounding properties. Poor housing quality makes it harder to attract residents to the area which further reduces market competition and demand for a particular neighborhood. Likewise, a poorly managed building that allows for trash and debris problems, nuisance noise and/or pervasive criminal activity affects the behavior of other residents and can become more widespread in a neighborhood, with impacts that are similar to a poorly maintained building.

The City has a few options for enforcement when staff level options are exhausted and legal action is needed. The most common two options are Dangerous Building Cases or a lawsuit called an 80k Action.

80K Action: The term “80K” is derived from the rule contained in the Maine Rules of Civil Procedure which prescribes the legal procedure which must be followed in prosecuting land use violations. Rule 80K provides a "Summary Procedure," which means it moves faster than other court proceedings. The violator can answer the Complaint orally in court rather than in writing, and the court can decide the main issues

of the case with a minimum amount of formality. That reduces the time and expense involved, without sacrificing the due process rights of the person accused of the violation. Even this option costs at least $2-3,000 and takes more time to get a court date than it used to.

Staff Recommended Action: Discussion and questions.

Previous Meetings and History: October 17, 2022 workshop.

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments: Dangerous Buildings Statute, images of example violations, Example findings and Order from previous action.

§2851. Dangerous buildings

The municipal officers in the case of a municipality or the county commissioners in the case of the unorganized or deorganized areas in their county may after notice pursuant to section 2857 and hearing adjudge a building to be a nuisance or dangerous, in accordance with subsection 2-A, and may make and record an order, in accordance with subsection 3, prescribing what disposal must be made of that building. The order may allow for delay of disposal if the owner or party in interest has demonstrated the ability and willingness to satisfactorily rehabilitate the building. If an appeal pursuant to section 2852 is not filed or, if an appeal pursuant to section 2852 is filed and the Superior Court does not order, stay or overturn the order to dispose of the building, the municipal officers or the county commissioners shall cause the nuisance to be abated or removed in compliance with the order. After recording an attested copy of the notice required by section 2857 in the registry of deeds located within the county where the building is situated, the municipality or the county may seek a writ of attachment of the property on which the building is located in accordance with Title 14, chapter 507 and the Maine Rules of Civil Procedure. [PL 2019, c. 557, §1 (AMD).]

For the purposes of this subchapter, "building" means a building or structure or any portion of a building or structure or any wharf, pier, pilings or any portion of a wharf, pier or pilings thereof that is or was located on or extending from land within the boundaries of the municipality or the unorganized or deorganized area, as measured from low water mark, and "parties in interest" has the same meaning as in Title 14, section 6321. [PL 2017, c. 136, §1 (NEW).]

1. Notice.
[PL 2017, c. 136, §1 (RP).]

2. Notice; how published.
[PL 2017, c. 136, §1 (RP).]

2-A. Standard. To adjudge a building to be a nuisance or dangerous, the municipal officers or county commissioners must find that the building is structurally unsafe, unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property.
[PL 2017, c. 136, §1 (NEW).]

3. Recording of the order. An order made by the municipal officers or county commissioners under this section must be recorded by the municipal or county clerk, who shall cause an attested copy to be served upon the owner and all parties in interest in the same way service of process is made in accordance with the Maine Rules of Civil Procedure. If the name or address cannot be ascertained, the clerk shall publish a copy of the order in the same manner as provided for notice in section 2857.
[PL 2017, c. 136, §1 (AMD).]

4. Proceedings in Superior Court. In addition to proceedings before the municipal officers or the county commissioners, the municipality or the county may seek an order of demolition by filing a complaint in the Superior Court situated in the county where the building is located. The complaint must identify the location of the property and set forth the reasons why the municipality or the county seeks its removal. Service of the complaint must be made upon the owner and parties in interest in accordance with the Maine Rules of Civil Procedure. After hearing before the court sitting without a jury, the court shall issue an appropriate order and, if it requires removal of the building, it shall award costs as authorized by this subchapter to the municipality or the county. The municipality or the county may petition the court for a writ of attachment of the property on which the building is located in accordance with Title 14, chapter 507 and the Maine Rules of Civil Procedure. Appeal from a decision of the Superior Court is to the law court in accordance with the Maine Rules of Civil Procedure.
[PL 2019, c. 557, §2 (AMD).]

SECTION HISTORY

PL 1965, c. 284 (RPR). PL 1967, c. 401, §1 (AMD). PL 1973, c. 143, §1 (AMD). PL 1979, c. 27, §§1-3 (AMD). PL 1997, c. 6, §1 (AMD). PL 2017, c. 136, §1 (AMD). PL 2019, c. 557, §§1, 2 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 130th Maine Legislature and is current through October 1, 2022. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

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.


86


PAZZUZO
+ +
Paco
escobar




• WEBSTER • GRAMMAR • SCHO

City Council Order

IN CITY COUNCIL

CITY OF AUBURN CITY COUNCIL
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER OF DEMOLITION

110 HAMPSHIRE STREET

On December 5, 2022, at 7:00 p.m., the Auburn City Council held a hearing at 60 Court Street in Auburn, Maine to determine whether the ("Structures") at 110 Hampshire Street in Auburn, Maine, further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 10028, Page 126 (the "Premises"), are dangerous or nuisances pursuant to 17 M.R.S. § 2851. As such, the Council makes the following findings of fact and conclusions of law, and orders that the Structures be demolished.

Findings of Fact

Present at the hearing on this matter for the city was Eric Cousens, Director of Planning & Permitting, and Kris Beaudoin, Code Enforcement Officer. The following individuals appeared on behalf of the owner and/or parties in interest Alexandria Savard .

After considering the testimony and evidence presented, the City Council makes the following findings of fact:

1. The Premises and Structures are owned by Lions Real Estate LLC (the "Owner"). Planning, Permitting & Code Department ("Department") **Exhibits 1**.
2. Alexandria Savard Owner of Lions Real Estate LLC was served with copies of the Notice of Hearing ("Notice") on November 17, 2022. **Exhibit 2.**
3. A copy of that Notice was also recorded in the Androscoggin County Registry of Deeds on November 16, 2022. **Exhibit 3.**
4. The Council has accepted and adopts the facts stated in the affidavits and supporting exhibits of Code Enforcement Officers Kris Beaudoin, Cy Wilkinson, and Jennifer Dick. Department **Exhibits 4, 5 and 6.**
5. The Structures are structurally unsafe.
6. The Structures are unfit for human occupancy due to significant structural damage.
7. The Structures constitute a hazard to health and safety because of inadequate maintenance.

City Council Order

8. The Owner have been given the opportunity to remedy the conditions at the Premises but have failed to do so.

Conclusions of Law

Applying the legal standards set forth in 17 M.R.S. § 2851, the Auburn City Council reaches the following conclusions of law:

9. The Structures are structurally unsafe and unstable.
10. The Structures are unsanitary.
11. The Structures constitutes a fire hazard.
12. The Structures are unsuitable and improper for human habitation.
13. The Structures are a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment.
14. The Structures are dangerous to life and property.

Any one of these conclusions would be sufficient to support a finding that the Structures are a nuisance and dangerous buildings, and the Council hereby concludes that the Structure at 110 Hampshire Street is a nuisance and dangerous building within the meaning of 17 M.R.S. § 2851.

Order 15-12052022

Having found that the Structures at 110 Hampshire Street is a nuisance and dangerous buildings within the meaning of 17 M.R.S. § 2851, the Auburn City Council hereby ORDERS:

15. That the Owner, and/or their successors or assigns, demolish the Structures, remove all debris, and stabilize the site within ninety (90) days of service of this Order.
16. That if the Owners, and/or their successors or assigns, fail to comply with this Order in the time frame set forth herein, the City shall have the authority to carry out this Order.
17. That within ninety (90) days after demand by the City, the Owners, and/or their successors or assigns, shall reimburse the City for all expenses it incurs in connection with this proceeding, including, but not limited to, expenses for securing and maintaining the Structure, service and other costs incurred, attorneys' fees, and any and all demolition and clean-up costs.
18. That if the Owners, and/or their successors and assigns, fail to timely reimburse the City for the expenses provided for above, the City shall assess a special tax against the Premises, as provided for in 17 M.R.S. § 2853 and/or recover its costs by means of a collection action.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 158-12052022

City Council Order

This decision may be appealed to Superior Court under Maine Rule of Civil Procedure 80B.

I, Susan Clements-Dallaire, City Clerk for the City of Auburn, certify that on December 5, 2022, the Auburn City Council adopted the above Order.

Dated:

Susan Clements-Dallaire
City Clerk

STATE OF MAINE

ANDROSCOGGIN, ss

Dec 8, 2022

Before me this day personally appeared Susan Clements-Dallaire who acknowledges the foregoing instrument to be her free act and deed.

Notary Public/Attorney at Law

TAMMY THATCHER
Notary Public-Maine
My Commission Expires
March 13, 2024

Passage on 12/5/2022, 6-1 (Councilor Walker opposed).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop Date: February 5, 2024

Author: John Blais, Deputy Director of Planning & Permitting

Subject: Review of Ordinance, Sec.60-1304 Public hearing, Findings Timing Consideration

---

Information: The Council is considering a text change in Sec. 60-1304 regarding planning board holding a public hearing which is currently within 30 days and the review of the timing on the final action on a site plan within 60 days of receiving a complete application. These developments are typical for a review of projects that fall under special exception and site plan review. Often staff provide feedback for additional materials (traffic, lighting, stormwater, buffers etc.) that could extend the public hearing deadline and could make it challenging to complete the public hearing within the 30-day notice period and action from the planning board could extend 60 days if additional information is requested from the Planning Board. For example, a second opinion at the request of the planning board with an affirmative vote. Staff has looked at several other communities (Biddeford, South Portland, and Bangor) some communities provide shorter time frame (Bangor) while other increase the time frames which could fall more in -line with meeting the considerations of the public and planning board and adhering to established ordinance.

City Budgetary Impacts: None

Staff Recommended Action: Consider extending both the public hearing and the action of the planning board as referenced in Sec. 60-1304. Staff suggest extending the public notice period from 30 days to 90 days and the final action from 60 days to 120 days.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Auburn Sec. 60-1304, South Portland Article XV, Bangor 165-113, Biddeford Section 3

Sec. 60-1304. Same—Public hearing; findings.

The planning board shall, within 30 days of receipt of a completed application, hold a public hearing. Notice of a hearing shall be given in the manner provided for in division 3 of article XVII of this chapter. The planning board will take final action on the site plan within 60 days of receiving a completed application, or within such other time limit as may be mutually agreed to. Such final action shall consist of either:

(1) A finding and determination that the proposed project will constitute a suitable development and will not result in a detriment to the neighborhood or the environment; or

(2) A written denial of the application stating the reasons for such denial, upon a finding that:

a. The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will create hazards to safety.

b. The bulk, location or operation of proposed buildings and structures will be detrimental to and adversely affect the use and values of existing development in the neighborhood or the health or safety of persons residing or working therein.

c. The provisions for on-site landscaping are inadequate to screen neighboring properties from unsightly features of the development.

d. The site plan does not adequately provide for the soil and drainage problems which the development may give rise to in accordance with section 60-1301(14).

e. The provisions for exterior lighting create safety hazards for motorists traveling on adjacent streets, or are inadequate for the safety or occupants or users of the site, or will create a nuisance affecting adjacent properties.

f. The proposed development will unduly burden off-site sewer drainage or water systems.

g. The proposed development will create a fire hazard by failing to provide adequate access to the site, or to buildings on the site, for emergency vehicles.

h. The proposed development violates provisions of the zoning regulations applicable to the site or other applicable laws, regulations or ordinances.

i. The proposed development will unduly impact the ability to provide municipal services.

(Ord. of 9-21-2009, § 7.1D(5))

and/or adjustment. Any office which does not attend a preapplication meeting may provide comments to the meeting record.

(b) If any significant changes in the project details are made after the preapplication meeting, the applicant must notify the Staff Coordinator and any other City departments or divisions who attended the preapplication meeting. [Amended 1-9-2017 by Ord. No. 17-055]

(6) Notwithstanding other provisions of this chapter, the Planning Officer or their designee may refrain from placing an application on the agenda of the Planning Board upon the failure of an applicant or its representative to attend a preapplication meeting, or if the applicant makes significant changes to the project after the preapplication meeting. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

(7) The Director of Community and Economic Development or their designee may, at their sole discretion, waive the requirement for a preapplication meeting where the elements of the project are simple, straightforward and do not warrant such advance planning.

§ 165-113 Planning Board review.

[Amended 8-8-2005 by Ord. No. 05-250; 2-11-2008 by Ord. No. 08-070; 1-9-2017 by Ord. No. 17-055]

For those site developments requiring a land development permit under § **165-109**, the following procedures will be followed:

A. Application initiation. After the Staff Coordinator receives an application, they shall forward the application and all plans and specifications to the Code Enforcement Division, Planning Division, Engineering Department, and any other staff as appropriate for processing. Staff shall determine whether the application is technically compliant and notify the Staff Coordinator and Planning Officer of their findings, along with any recommendations.

B. Staff processing. The Planning Officer shall review the application and plans for compliance with the appropriate provisions of this chapter, including § **165-114** below, the requirements of the district in which it lies (Article **XIII**, **XIV** or **XV**) and the requirements of Article **XVII**, **XVIII** or **XIX** and shall, within 10 days after the application has been forwarded to staff for review, notify the applicant, in writing, of any deficiencies in the land development permit application or required submittals, as well as any recommended modifications. The applicant may then either amend the land development permit application and plans in accordance with the recommendations of the Planning Division staff or request Planning Board review thereon without amendment. Upon receipt of an amended application and plans or notification of the applicant's decision to request Planning Board review without amendment, the Planning Officer will place the request on the next agenda for the next Planning Board meeting with their written recommendation thereon, excepting that, if the next Planning Board meeting is fewer than seven days in the future, the Planning Officer may instead place the request on the agenda for the subsequent regularly scheduled meeting or a special meeting. The Planning Officer shall also cause the owners of record of property abutting and/or within 100 feet of the exterior boundaries of the property involved to be notified, in writing, of the pending request. Failure of any person owning property within said 100 feet to receive notice provided herein shall not invalidate any action by the Planning Board.

C. Planning Board review.

(1) The Planning Board shall review the application and plans at its next regularly scheduled meeting (or a special meeting called by the Planning Board). The Board shall make a final determination on the completeness and eligibility of any application and plans for Planning Board action. If final approval of a land development permit is before the Board (and the application and plans are complete), the Board shall, within 21 days after the date of such review, either approve, approve with modifications and/or conditions or disapprove the request. However, no land development permit will be approved unless it receives a majority of affirmative votes of the Planning Board members (i.e., four votes). If a majority of the Board shall so order, it shall hold a public hearing on any permit application for a land development permit which does not otherwise require a public hearing.

(2) At any Planning Board review or public hearing, an applicant may be represented by their designated representative. Any scheduled public hearing will not be continued to another time except for good cause and by majority vote of the Planning Board. Any advertising costs necessitated by a rehearing requested by an applicant shall be borne by the applicant. Failure by the applicant or their designated representative to appear at the Planning Board meeting at which their proposal is to be heard may result in the review being tabled until the next regularly scheduled meeting, although the Board may take action if it so chooses.

(c) Each applicant shall pay an application fee as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order.

(d) The Planning Board may establish additional requirements for applications by regulation and may, in reviewing any application for a site plan permit, require the applicant to submit additional information which will aid in review of the proposed development.

(e) The Planning Board may establish a classification of minor site plan developments and adopt modified application forms appropriate for such development. Minor site plan developments shall be those proposed developments which, in the judgment of the Planning Board, are not so substantial in size or potential adverse impact that the full application form described herein is necessary.

(f) Upon receiving an application, the Planning Department shall issue to the applicant a dated receipt. Within thirty (30) days of receipt of an application, the department shall notify the applicant in writing either that the application is a complete application or, if incomplete, the specific additional material needed to make a complete application.

(g) A public hearing on an application for site plan approval shall be held within ninety (90) days of receipt of a completed application, unless the applicant agrees to an extension of the time period.

(i) The Planning Board shall, within thirty (30) days of a public hearing, or such period as the applicant agrees to, issue a decision on the application, said decision to include findings of facts and any conditions imposed by the Board.

(5) Supplemental information for medium- and large-scale ground-mounted solar energy systems:

(a) Plan drawings of the solar energy system signed by a Professional Engineer licensed to practice in the State of Maine showing the proposed layout of the system, any potential shading from nearby structures, the distance between proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector.

(b) Documentation of the major system components to be used, including the panels, mounting system, and inverter(s).

(c) For grid-intertie photovoltaic systems, evidence of meeting the local electric utility's transmission and distribution interconnection requirements for generation. This can be a Site Plan Condition of Approval if evidence is provided that the necessary application has been accepted for review by the utility.

(d) Name, address, and contact information of the proposed system installer, the project proponent, project proponent agent, and all co-proponents or property owners, if any.

(e) For large-scale solar energy systems, the following additional information is required:

City of Biddeford, ME
Section 3

A. Sketch plan. When an application, on a form provided by the City, is submitted to the Planning Board, that application will have formal standing before the Planning Board. The Planning Board shall then consider the sketch plan and provide planning direction to the applicant in accordance with all pertinent provisions of the ordinance. After completing its review of the application, the Planning Board shall vote to deny, approve or approve with conditions. The date of sketch plan approval, denial, or conditional approval shall be the date that the Planning Board votes on a sketch plan application.

Downloaded from https://ecode360.com/BI3074 on 2024-01-31

Section 3

B.

Final plan. Once the Planning Board votes to deem a final plan application is complete, the Board shall undertake the review of the proposal. Once review is complete, the Planning Board shall vote to deny, approve, or approve with conditions. For site plan applications, the date of final plan approval, denial or approval with conditions shall be the date that the Planning Board votes on a final plan application. In the case of subdivisions, the date of approval and the date of approval with conditions shall be the date that the chair of the Planning Board signs the recordable subdivision plan; if a subdivision application is denied, the date of denial shall be the date in which the Planning Board votes to deny the application.

Downloaded from https://ecode360.com/BI3074 on 2024-01-31

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 5, 2024

Author: Kelsey Earle

Subject: Sale of Tax Acquired/City-Owned Properties

Information:
City-owned properties are often kept for parks, cemeteries, river access, etc. Not all city-owned properties are tax-acquired.
Tax acquiring a property is a minimum 18-month process often closer to two-years. If a property is tax-acquired, the goal is to return the property to the tax roll. On June 30, 2023, L.D. 101 was signed into law, changing the process by which the city does so. L.D. 101 states that if tax acquired real estate will be sold to someone other than the former owner, written notice on a form prepared by the State Tax Assessor must be sent at least 90-days before the property is listed for sale. The law stipulates what costs may be deducted by the municipality from the sale of the property, any excess sale proceeds (defined in the law) must be paid to the former owner(s).

City Budgetary Impacts: None

Staff Recommended Action: For review.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Copy of Notice of Sale template.

CITY OF AUBURN
NOTICE OF INTENT TO SELL TAX-ACQUIRED PROPERTY
(36 M.R.S. § 943-C)

IMPORTANT: DO NOT DISREGARD THIS NOTICE. YOU HAVE 90 DAYS TO RESPOND OR YOUR RIGHTS UNDER THIS ALTERNATIVE SALE PROCESS MAY BE FORFEITED.

SENT VIA FIRST-CLASS MAIL & CERTIFIED MAIL, RETURN RECEIPT REQUESTED

DATE

FORMER OWNER
ADDRESS LINE 1
ADDRESS LINE 2

Re: NOTICE OF SALE OF TAX ACQUIRED PROPERTY

The real estate tax lien mortgage held by the City of Auburn for unpaid real estate taxes on your former property located at ADDRESS (Tax Map XX, Lot XX) foreclosed on DATE. As a result, the City of Auburn now owns this property.

You are receiving this notice because the City of Auburn intends to sell this property. Under 36 M.R.S. § 943-C, as the former owner of this property, you have the right to require that the City of Auburn to hire a real estate broker to list and sell the property via quitclaim deed and pay to you, as the former owner, any sale proceeds in excess of:

(1) The sum of all taxes owed on the property;
(2) Property taxes that would have been assessed on the property during the period following foreclosure when the property is owned by the municipality;
(3) All accrued interest;
(4) Fees, including property listing and real estate broker's fees;
(5) Any other expenses incurred by the municipality in selling or maintaining the property, including, but not limited to, an administrative fee equal to 10% of the property taxes owed and reasonable attorney's fees;
(6) The cost to the municipality of the lien and foreclosure process, including, but not limited to, reasonable attorney's fees; and
(7) Unpaid sewer, water or other utility charges and fees imposed by the municipality.

Pursuant to 36 M.R.S. § 943-C, "former owner" means the owner or owners of record at the time of foreclosure or, if deceased, the former owner's heirs, devisees or personal representatives.

As a condition of receiving the proceeds from the sale of your former property, you will be required to execute a quitclaim (release) deed conveying any interest you may have in the property to the City of Auburn. In addition, by accepting the proceeds, you also waive any right you may have to challenge the foreclosure by the Town.

If you want to require the Town to use the alternative sale process under 36 M.R.S. § 943-C and hire a real estate broker to sell the property, please complete and sign the second page of this notice and return it to the Town **on or before DATE [90 days from date of the notice].**

FAILURE TO SUBMIT YOUR DEMAND IN WRITING WITHIN 90 DAYS OF THE DATE OF THIS NOTICE WILL RESULT IN THE LOSS OF YOUR RIGHT TO THE ALTERNATIVE SALE PROCESS.

If you have any questions, please contact me at [EMAIL & PHONE #] to discuss this notice.

Sincerely,

NAME
TITLE

Written Demand by Former Owner to Require the City of Auburn to Use the Alternative Sale Process for Sale of Foreclosed Property

Property Info: ADDRESS
Tax Map XX, Lot XX

PROVIDE INFORMATION FOR ALL OWNERS OF RECORD AS OF FORECLOSURE DATE

OWNER 1
Name:_____ Phone:_____ Email:_____

Current Address: _____

City:_____ State:_____ Zip:_____

OWNER 2
Name:_____ Phone:_____ Email:_____

Current Address: _____

City:_____ State:_____ Zip:_____

☐ If the owner(s) of record is deceased, and you are filing this demand as their heir, devisee, or personal representative, check here and enter your information below.

Name:_____ Phone:_____ Email:_____

Current Address: _____

City:_____ State:_____ Zip:_____

By signing this form, I declare under penalties of perjury that I was the owner of record of the property described above at the time of the foreclosure (or am the heir, devisee or personal representative of the owner of record) and am demanding that the City of Auburn use the alternative sale process under 36 M.R.S. § 943-C. I understand that I may be asked to verify my ownership or status, and my signature on this application shall serve as authorization for the Tax Collector or their designee(s) to investigate and verify any information contained herein.

Dated: _____

Printed Name: _____

Signed: _____

SUBMIT THIS COMPLETED FORM TO:

[NAME & TITLE]
CITY OF AUBURN
60 COURT STREET
AUBURN, ME 04210

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 5, 2024

Author: Phil Crowell, City Manager

Subject: Transportation Director Position

Information:
In 2022, a transportation systems position was created and funded with ARPA funds. The purpose of the position was to support the evaluation and analysis of transportation efforts throughout the City and regionally.

Since March 29, 2023, the Transportation Systems Director, has been managing the Auburn Lewiston Municipal Airport on a day-to-day basis. This has included addressing personnel/HR issues, reigning in spending and updating AR/AP processes, streamlining administrative activities, managing contracted services to meet airport needs, responding to the FAA and MaineDOT on compliance and project matters, and negotiating and advancing airport lease opportunities.

The airport is on an improved trajectory with major stakeholders and customers pleased with improved service and access. The upcoming airport master plan process and FAA-funded hangar project sets the stage for further financial improvements to make the operation more sustainable over time.

Efforts have also been underway to re-establish the freight intermodal facility which will require expanded outreach to business prospects, further negotiation with St. Lawrence and Atlantic, and coordination/securing support from MaineDOT. On-going interest in passenger rail service re-establishment will also require coordination at multiple levels, and the ability to recommend and advance to the state collective local positions. Finally, rail to trail project opportunities exist in both cities and stakeholder and public engagement will be needed as they move forward.

In addition to the airport and rail-related activities, both Auburn and Lewiston are embarking on significant transportation planning initiatives that will position both cities for state and federal funding. Those include the Safe Streets and Roads for All (SS4A) project, Village Partnership/Planning Partnership Initiative projects with MaineDOT, and UPWP funded projects through ATRC for Lisbon Street and Washington Street corridors.

Based on the background provided within the attached memo and the opportunities outlined above, Auburn and Lewiston could embark on a cooperative management structure for advancing these projects. The concept would be for the city of Lewiston, through the Lewiston and Auburn Railroad Company and the Auburn Lewiston Municipal Airport, to contract with the City of Auburn and its Transportation Department for management and policy development services. The City of Auburn, through expanded leases at the Intermodal Facility, could further fund the management and policy development services through an Enterprise Fund.

City Budgetary Impacts: None. Allocate existing budgetary accounts and new revenue.

Staff Recommended Action: Coordinate with the City of Lewiston, Auburn Lewiston Municipal Airport, and Lewiston Auburn Railroad Company to contract management for a Regional Multi-Modal position.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments: Transportation Systems Department Memo 1-26-24

City of Auburn, Maine
Transportation Systems Department
Jonathan P. LaBonté, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TO: Phil Crowell, Auburn City Manager
FROM: Jonathan P LaBonte
DATE: January 26, 2024
RE: Contract Management for Regional Multi-Modal Priorities

Background

Since March 29, 2023, as Auburn's Transportation Systems Director, I have been managing the Auburn-Lewiston Municipal Airport on a day-to-day basis. This has included addressing personnel/HR issues, reigning in spending and updating AR/AP processes, streamlining administrative activities, managing contracted services to meet airport needs, responding to the FAA and MaineDOT on compliance and project matters, and negotiating and advancing airport lease opportunities. This added activity was completed as the Board Chair and the City of Auburn funded that time through my regular employment.

As President of the Lewiston and Auburn Railroad Company (LARC) representing the City of Auburn as an appointed resident and predating my employment with the City, a monthly stipend has been provided for management of LARC projects and relationships, as well as responding to requests from both cities for feedback and monitoring of rail-related activities at a local, regional, and state level (passenger rail studies, freight rail studies, rail to trail efforts). This stipend has been to the President of LARC as a resident appointee, and not as Transportation Systems Director. At present, LARC's President is the primary party monitoring rail-related initiatives which impact Auburn and Lewiston.

The city of Auburn is on a month-to-month lease with Power and Construction Group for the Auburn Intermodal facility. They are prepared to sign a long-term lease. St. Lawrence and Atlantic wishes to execute a lease for access to the Auburn Intermodal as well. Both of those parties would need access to and traverse both Airport and LARC properties to conduct their business. Unfortunately, business opportunities have been lost over the last decade because of the varied pricing to access airport, LARC, or city of Auburn properties.

Opportunity

The airport is on an improved trajectory with major stakeholders and customers pleased with improved service and access. The upcoming airport master plan process and FAA-funded hangar project sets the stage for further financial improvements to make the operation more sustainable over time.

Re-establishing the freight intermodal facility will require expanded outreach to business prospects, further negotiation with St. Lawrence and Atlantic, and coordination/securing support from MaineDOT. On-going interest in passenger rail service re-establishment will also require coordination at multiple levels, and the ability to recommend and advance to the state collective local positions. Finally, rail to trail project opportunities exist in both cities and stakeholder and public engagement will be needed as they move forward.

In addition to the airport and rail-related activities, both Auburn and Lewiston are embarking on significant transportation planning initiatives that will position both cities for state and federal funding. Those include the Safe Streets and Roads for All (SS4A) project, Village Partnership/Planning Partnership Initiative projects with MaineDOT, and UPWP funded projects through ATRC for Lisbon Street and Washington Street corridors.

Framework

While multiple organizational systems are still in place for air, rail, and highway project development in the two cities, improving central coordination and communication of policy direction and project management could position the region for increased private and public investment.

Based on the background provided and the opportunity outlined, the two cities could embark on a cooperative management structure for advancing these projects. The concept would be for the city of Lewiston, through the Lewiston and Auburn Railroad Company and the Auburn Lewiston Municipal Airport, to contract with the City of Auburn and its Transportation Department for management and policy development services. The City of Auburn, through expanded leases at the Intermodal Facility, could further fund the management and policy development services through an Enterprise Fund.

Scope of work components in a contract for management with the City of Auburn could include:

- Aviation – Airport Management Services (a new Auburn resident would be appointed and Jonathan would serve in a management role and not the current dual role)
- Rail – Freight business development, passenger rail service advancement, rail-trail project support would be among ongoing activities (a new Auburn resident would be appointed to the LARC board and Jonathan would serve in a designated management role)
- Highway – Project management support for planning initiatives underway/soon to be started. This task would need further definition, but could include coordination of UPWP/PPI efforts on behalf of the City of Lewiston (engagement with Lewiston city management and other designated parties, consultant, MaineDOT, ATRC, and FHWA on behalf of city)
- Organizational Review – Communicate with Auburn Manager and Lewiston Administrator on strategies that might support more efficient multi-modal policy making and budgeting.

Financial Model

Auburn Lewiston Municipal Airport

FY25 Expense

- ~$65,000 to City of Auburn for contract management by Transportation Systems Director (~20 hours/week)

City of Auburn Intermodal Facility (will require updated leases)

FY 24 Revenue (all to General Fund)

- Current revenue - $28,200/annually for lease, $0 for payment in lieu of taxes

FY 24 Expense - N/A

Proposed FY25 Revenue

- $84,000/annually for lease **and** $28,000/annually for payment in lieu of taxes

Proposed FY25 Expense

- $28,000 to General Fund (Payment in lieu of taxes)
- $84,000 to Transportation Enterprise Fund (business development and infrastructure growth activities)

Lewiston and Auburn Railroad Company

FY 25 Expense

- $40,000 to City of Auburn for contract management of freight rail properties, rail-related growth initiatives on behalf of LARC's shareholders (freight, intermodal, passenger, rail-trail) and other transportation projects as determined by shareholders.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 5, 2024 **Order:** 16-02052024

Author: Sue Clements-Dallaire, City Clerk

Subject: Ethics Committee Appointments

Information: The Ordinance states that two regular voting members and one alternate member of the Ethics Committee are appointed by the Mayor and confirmed by the City Council and one regular voting member and one alternate is appointed by the School Committee Chair and confirmed by the School Committee.

Mayor Harmon would like to re-appoint Leonard Kimble to serve another term as a regular voting member with a term expiration of 11-1-2026.

City Budgetary Impacts: None

Staff Recommended Action: Confirm the Mayor's re-appointment of Leonard Kimble to the Ethics Committee.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 16-02052024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby confirms Mayor Harmon's re-appointment of Leonard Kimble as a regular voting member to the Ethics Committee with a term expiration of November 1, 2026.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING JANUARY 16, 2024, VOL. 37 PAGE 126

Mayor Harmon 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. All Councilors were present.

Pledge of Allegiance

I. Consent Items

1. Order 07-01162024*
Re-appointing Riley Bergeron to the Planning Board as a full member with a term expiration of 01/01/2027 as recommended by the Appointment Committee.

2. Order 08-01162024*
Appointing Timothy DeRoche to the Planning Board as a full member with a term expiration of 01/01/2027 as recommended by the Appointment Committee.

3. Order 09-01162024*
Appointing Ryan Smith to the Planning Board as a full member with a term expiration of 01/01/2027 as recommended by the Appointment Committee.

4. Order 10-01162024*
Appointing Paul Josephson to the Complete Streets Committee with a term expiration of 01/01/2027 as recommended by the Appointment Committee.

5. Order 11-01162024*
Appointing Barbara (Bonnie) Lounsbury to serve a 4-year term as Chair of the Registration Appeals Board as nominated by the Municipal Clerk.

Items #1, #2, and #3 were removed from the Consent Agenda and moved to New Business per the request of a member of the public (David Trask).

Motion was made by Councilor Gerry and seconded by Councilor Cowan for passage of the remaining two consent items.

Passage 7-0.

II. Minutes – January 2, 2024, Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Milks to approve the minutes of the January 2, 2024, Regular Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions - None

IV. Open Session –

Evan Cyr, 122 Granite Street, talked about transparency, action taken at a previous meeting to rescind Planning Board appointments, an item that was tabled at the previous meeting, and the appointment process.

Jeff Cote, 465 Merrow Road provided a handout to Councilors and discussed the poor road conditions of Merrow Road.

V. **Unfinished Business** - None

VI. **New Business**

Orders 07-01162024, 08-01162024, and 09-01162024 below were removed from the Consent Agenda and placed under New Business.

Order 07-01162024
Re-appointing Riley Bergeron to the Planning Board as a full member with a term expiration of 01/01/2027 as recommended by the Appointment Committee.

Motion was made by Councilor Whiting and seconded by Councilor Gerry for passage.

Public comment – No one from the public spoke.

Passage 7-0.

Order 08-01162024
Appointing Timothy DeRoche to the Planning Board as a full member with a term expiration of 01/01/2027 as recommended by the Appointment Committee.

Motion was made by Councilor Gerry and seconded by Councilor Milks for passage.

Public comment – No one from the public spoke.

Passage 7-0.

Order 09-01162024
Appointing Ryan Smith to the Planning Board as a full member with a term expiration of 01/01/2027 as recommended by the Appointment Committee.

Motion was made by Councilor Gerry and seconded by Councilor Whiting for passage.

Public comment – David Trask, 89 Partridge Lane, spoke regarding transparency and inclusivity, action taken by the council to rescind the Planning Board appointments that were voted on at the 12-4-2023 council meeting, and the nomination of Mr. Smith.

Passage 4-3 (Councilors Walker, Weisner, and Milks opposed).

1. **Order 12-01162024**
Approving the liquor license for Burnt Ends Barbeque, LLC. located at 120 Center Street. Public hearing and vote.

Motion was made by Councilor Milks and seconded by Councilor Walker for passage.

Public hearing - No one from the public spoke.

Passage 7-0.

2. **Order 13-01162024**
Amending Order 171-12182023, previously adopted by the City Council on 12/18/2023, correcting the language as outlined in Sec. 26-25 of our ordinance.

Motion was made by Councilor Whiting and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 7-0.

3. **Ordinance 03-01162024**
Amending Article V, Division 2, Sections 2-430, 2-431, 2-433, 2-434, 2-435, and 2-441 of Auburn's Code of Ordinances and striking all language referencing the Regulatory Advisory Board. Public hearing and first reading.

Motion was made by Councilor Gerry and seconded by Councilor Cowan for passage.

Public hearing – No one from the public spoke.

Passage 6-0-1 (Councilor Milks abstained).

4. **Ordinance 04-01162024**
Amending Article V, Division 2, Sections 2-430, 2-431, 2-432, 2-433, 2-434, and 2-435 of Auburn's Code of Ordinances and reinstating the Board of Assessment Review ordinance. Public hearing and first reading.

Motion was made by Councilor Gerry and seconded by Councilor Whiting for passage.

Public hearing – No one from the public spoke.

Passage 6-0-1 (Councilor Milks abstained).

5. **Ordinance 05-01162024**
Amending Chapter 60, Article XV reinstating the Zoning Board of Appeals ordinance. Public hearing and first reading.

Motion was made by Councilor Walker and seconded by Councilor Whiting for passage.

Public hearing – No one from the public spoke.

Passage 6-0-1 (Councilor Milks abstained).

6. **Ordinance 06-01162024**
Amending Sec. 2-466 of the Auburn Code of Ordinances correcting the Planning Board Compensation language. Public hearing and first reading.

Motion was made by Councilor Cowan and seconded by Councilor Whiting for passage.

Public hearing – No one from the public spoke.

Passage 7-0.

7. **Order 14-01162024**
Directing the Sustainability & Natural Resource Management Board to create a solid waste and recycling plan to be presented to the City Council no later than August 19, 2024.

Motion was made by Councilor Gerry and seconded by Councilor Cowan for passage.

Public comment – No one from the public spoke.

Passage 7-0.

8. **Order 15-01162024**
Appointing Mayor Jeffrey Harmon to serve on the Maine Municipal Associations' Legislative Policy Committee with a term expiration of June 2024.

Motion was made by Councilor Whiting and seconded by Councilor Cowan for passage.

Public comment – No one from the public spoke.

Passage 7-0.

VII. Open Session -

Evan Cyr, 122 Granite Street spoke again regarding transparency and letting a tabled item die without providing an explanation, adding that there are residents that are in full support of the delay of the Lake Auburn Watershed zoning ordinances.

VIII. Reports

Mayor Harmon reported that the Auburn Water District Board of Trustees will be meeting tomorrow at the district office.

Councilor Whiting reported that the Auburn Nordic Association has plenty of snow, and he congratulated Miss Condit and Miss Garcia who both had top ten finishes in the Roy Varney Nordic Race.

Councilor Cowan reported that the Lewiston Auburn Transit Committee (LATC) will be meeting in February.

Councilor Platz provided an update on last School Committee meeting adding that more information can be found on the school department's website. He also gave a shout out to Public Works crews for their work with snow clean up.

City Manager Crowell reported that the 1st Legislative Policy Committee session for the Maine Municipal Association will be held later this week. He reported on the orientation process for city staff and announced that the City Council retreat is scheduled for February 3rd from 8:00 a.m. until noon at Auburn Hall, in the Community Room and is open to the public.

December 2023 Finance Report – Kelsey Earle

Motion was made by Councilor Milks and seconded by Councilor Weisner to accept the December Finance Report.

Passage 7-0.

IX. Executive Sessions –

Labor contract discussion, pursuant to 1 M.R.S.A. §405(6)(D).

Motion was made by Councilor Whiting and seconded by Councilor Cowan to go into executive session.

Passage 6-0 (Councilor Walker was not in the room for the vote). Time in – 8:04 pm.

Council was declared out of executive session at 8:40 pm.

Economic development, pursuant to 1 M.R.S.A. §405(6)(C) where premature disclosure would prejudice the competitive or bargaining position of the City.

Motion was made by Councilor Weisner and seconded by Councilor Walker to go into executive session.

Passage 7-0. Time in – 8:40 pm.

Council was declared out of executive session at 9:17 pm.

VIII. Adjournment – the meeting adjourned at 9:17 pm.

A TRUE COPY

ATTEST Susan Clements-Dallaire
Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 5, 2024

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Tax increment Financing (TIF)/ Credit Enhancement (CEA) presentation

---

Information: Staff will present an overview of Tax Increment Financing Districts and Credit Enhancement Agreements, providing information on the current agreements and districts and how they benefit the city.

City Budgetary Impacts: NONE

Staff Recommended Action: NONE

Previous Meetings and History: NONE

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Presentation

Tax Increment Financing

Planning Today for a Prosperous Tomorrow

Glen E. Holmes, Director of Business & Community Development

1

TIF Basics

Tax Increment Finance (TIF) is a mechanism for capturing the future tax benefits of real estate improvements, in order to incentivize development and pay for the cost of municipal infrastructure and improvements.

Two types: Affordable Housing – Approved by Maine State Housing Authority (MSHA)
Municipal– Approved by Maine Department of Economic & Community Development (DECD)

- Large-scale redevelopment of blighted or under-utilized districts
- Provide Economic Development opportunities and/or Job Creation programs
- Promote Mixed-Use Developments & Incentivize Public-Private Partnerships
- Incentivize Affordable Housing Development
- Funding Brownfield/Blight Remediation and/or Neighborhood Revitalization Efforts
- Long-term financing of infrastructure improvements such as:
  - Public Facilities
  - Utilities
  - Transportation
  - Environmental Remediation

2

Key Terms

- **TIF District -** Municipality created geographic area
- **Original Assessed Value** (OAV) -Current taxable value "frozen" before development
- **Increased Assessed Value** (IAV) – New taxes generated by development
- **Captured Assessed Value** (CAV) - % of taxes from IAV that is sheltered
- **Total Tax Shift** - Savings from sheltered CAV over term of TIF
- **TIF District Revenue** (TDR) - Taxes from CAV to fund Development Program
- **Development Program –** Approved plan & budget for TIF District Revenues
- **Credit Enhancement Agreement** (CEA) – Reimbursement of TDR to Developer
- **Omnibus TIF** – Larger scale, Multi-faceted incentives not totally defined at creation

auburnmaine.gov

3

Policy & Procedures

City TIF Districts are managed by the **Finance Department** and **Business & Community Development Department** and follows a prescriptive policy and application process.

1. Interested businesses and/or developers complete a TIF application Package.
2. Business & Community Development staff review applications and prepare TIF packages.
3. Complete proposals are posted publicly for 10 days prior to a Public Hearing.
4. After Public Hearing, the City Council reviews and may vote to approve TIF District.
5. If the City Council approves the TIF it is sent to the proper state authority for approval.
   - Affordable Housing TIFs are approved by Maine State Housing Authority (MSHA)
   - Municipal TIFs are approved by Maine Department of Economic & Community Development (DECD)
6. If approved, city staff monitors the project for compliance for the term of the TIF.

auburnmaine.gov

4

Example

TIF #23 Schooner Memory Care – Construct 66 mixed-income assisted living units at 196 Stetson Rd

Original Assessed Value (OAV)	$327,100		Development Program Budget	
New Investment	$17,000,000		Max CEA = 35% CAV or	$625,511
Amount of IAV Captured	58.5%		Admin Cost	$40,600
Captured Assessed Value (CAV)	$8,512,700		Road Improvements	$1,203,500
Total Projected Revenue	**$1,787,180**		**Total Project Expense**	**$1,869,611**

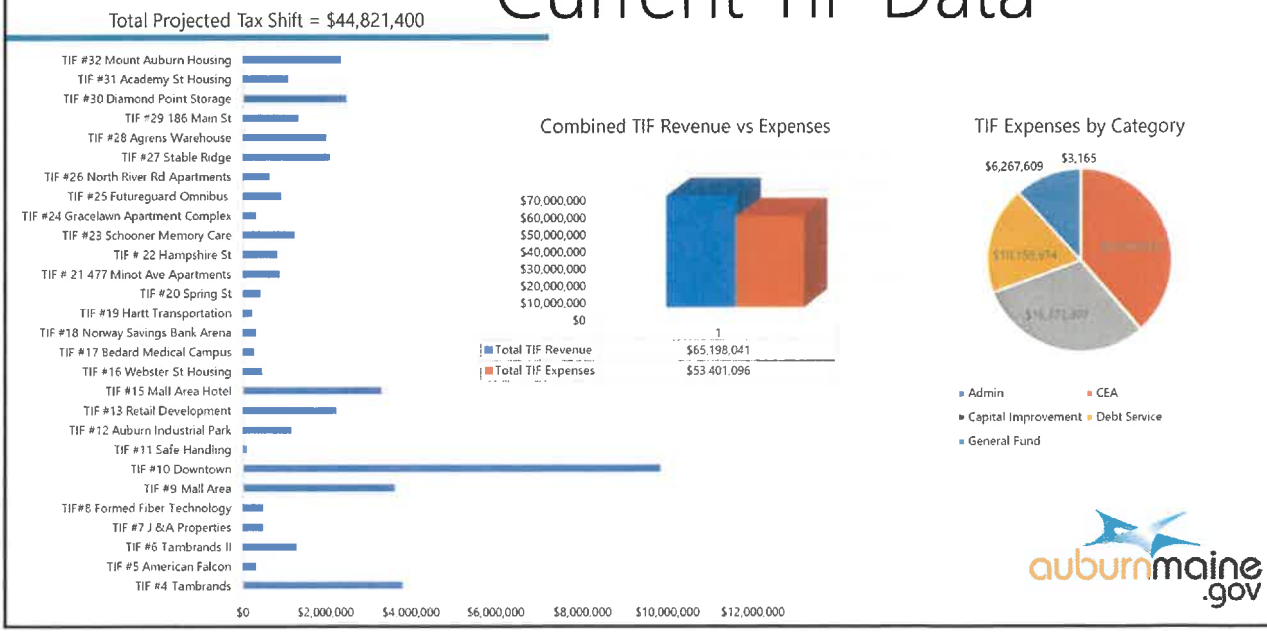
TIF Cashflow to Date	
TIF Age	5 of 20 years
Revenue	$463,649
Admin	$1,733
CEA	$121,698
Debt Service Payments for Road Improvements	$389,160

Community Benefit	
New Assisted living units	66
New FTE jobs created	56

auburnmaine.gov

5

Current TIF Data



auburnmaine.gov

6

Statutory Limitations

The city is must comply with Acreage and Valuation Caps as established by state statute.

- Each proposed TIF cannot exceed 2% of the total **acreage** of the city.
- The total amount of all current & proposed TIFs cannot exceed 5% of the total **acreage** of the city.
    - Exclusions from this calculation include:
        - Existing/proposed Downtown TIF Districts
        - Transit-Orientated Development TIF Districts
        - Community Wind Power TIF Districts
        - Pinetree Development Zones approved prior to Jan.1, 2009
- Total amount of all current and proposed TIFs cannot exceed 5% of the total **municipal valuation**.
    - Exclusions from this calculation include:
        - Affordable Housing Development Districts
        - Existing/proposed Downtown TIF Districts
        - Transit-Orientated Development TIF Districts
        - Community Wind Power TIF Districts
        - Pinetree Development Zones approved prior to Jan.1, 2009
        - Single Taxpayer/High Valuation TIF Districts

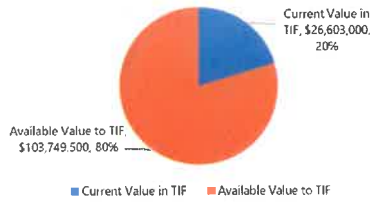
auburnmaine.gov

7

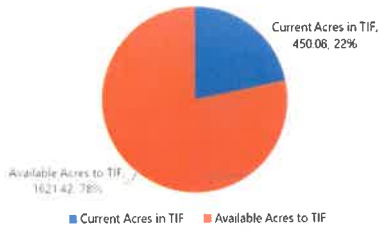
Future TIF Capacity

Based on current active TIF Districts the City of Auburn has the available capacity for new TIFs.
As existing TIFs expire or are modified, or the total valuation of the city increases, these values will change.

Total Original Assessed Value (OAV) Allowable



Total Acres Allowable to TIF



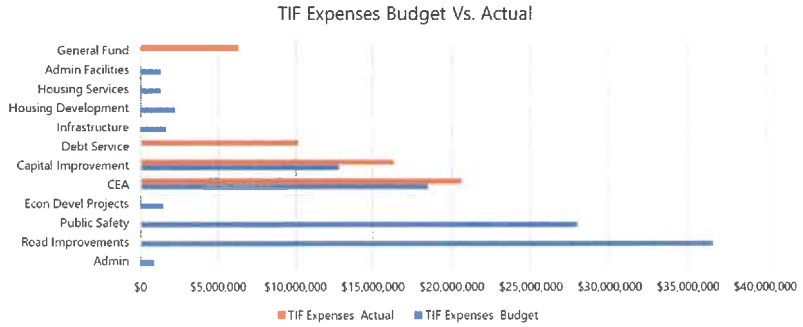
auburnmaine.gov

8

Statutory Project Costs

The city is must provide an estimated budget for the captured TIF revenue for approval by DECD. State law provides allowable expenses and projects which may be included within the Project Cost budget.

- Authorized Project Costs – 30-A MRSA Section 5225
- Affordable Housing Development - 30-A MRSA Section 5249



9

Risks and Common Criticism

Common Risks:

- Development projections do not meet budget expectations
  - Potential development/investments do not materialize
  - Assessed value of projects is less than projected
  - Reduced MIL rate lowers TIF revenues
- Developer underperforms or project is under capitalized
- Projects and agreements are not adequately monitored to ensure public benefit
- No community support

Common Criticisms:

- Taxpayers subsidizing private development through credit enhancement agreements
- TIF expenses by-pass public budget process

10

Q & A

11

CITY OF AUBURN
TAX INCREMENT FINANCING
&
CREDIT ENHANCEMENT
POLICY
AND
GUIDELINES

The following are the City of Auburn Tax Increment Financing (TIF) Policy and Credit Enhancement Agreement Application Guidelines.

I. Purpose and Introduction

TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy), and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. Specific municipal shelter benefits for the term of the TIF include: No reduction in State aid for education, no decrease in municipal revenue sharing, and no increase in County taxes (assuming 100% capture).

A Tax Increment Financing District is a tool available to the City of Auburn to promote economic development. TIF enables the City to revitalize and redevelop designated areas and build community and economic growth through public-private partnerships. The TIF District allows the City to capture some or all of the incremental real and/or personal property tax revenues derived from new development or expansion of an existing development and provides a means of financing the economic and community development goals of Auburn as set forth in the Development Program of the District adopted by the City Council and as authorized by state law. The captured tax revenues from a TIF District can be used to finance municipal investments and City infrastructure projects; and can also be used to provide incentive or financing to a private development in the form of an associated Credit Enhancement Agreement (CEA), as authorized by the Development Program of the District and state law.

These guidelines are to provide guidance and outline standards for the development of TIF's and CEA's in the City when utilizing TIF Districts and TIF revenue for the City's development and redevelopment efforts. Notwithstanding compliance with any or all of these guidelines, the creation of a TIF District or authorization of a Credit Enhancement Agreement is a policy decision of the City of Auburn to be evaluated by the City on a case-by-case basis. Adopting this policy or any TIF District does not create a right or entitlement to assistance by any applicant.

II. Eligibility for Assistance

Economic development projects may be eligible for Tax Increment Financing assistance from the City when they meet the following standards:

- Would not occur without City assistance.
- Create or retain employment opportunities.
- Significantly expand the City's tax base by a minimum of $1,000,000.
- Diversify the economy and tax base of the City
- Conform to the quality and types of development the City seeks as outlined in the Comprehensive Plan, Strategic Plan, Downtown Revitalization Plan, Economic Development Action Plan, and Zoning Ordinances.
- Demonstrate a public benefit, such as expanding public infrastructure to service areas beyond the project or creating job opportunities or affordable housing.
- Public benefits from development must outweigh any possible adverse impacts on existing businesses or residents of the City.

The City provides TIF assistance through a Credit Enhancement Agreement that provides developers with reimbursement of a percentage of the property tax revenue paid on the increased assessed value (or incremental value) of their property. Tax revenue on the incremental value returned to the developers under a Credit Enhancement Agreement will not exceed an average of 75% of the incremental taxes over the life of the particular tax increment financing district or the Credit Enhancement Agreement. Further, the City Council may establish a cap on the total incremental taxes to be reimbursed to a developer under a CEA on an annual and/or cumulative basis. The applicant is required to submit all documentation required by the City in consideration of a Credit Enhancement Agreement. A Public Hearing shall be held to receive public comment on a completed CEA application at least ten days prior to a meeting at which the CEA is being considered for approval by the City Council.

III. Application Process

The City has established an Application for Tax Increment Financing & Credit Enhancement Agreement. Applications (whether initiated by the City or requested by a developer or business) will be reviewed by the Business and Community Development Department Staff and considered by the City Manager. Applications for a new TIF District or an amendment to an existing TIF District are subject to final approval by the City Council and the Maine Department of Economic and Community Development (DECD). The specific terms of TIF assistance through a CEA will be negotiated between the City and the applicant on a case-by-case basis. The City Manager or the City Manager's designee will negotiate for the City, and all recommendations for TIF assistance shall be based on the merits of the project and compliance with these guidelines. Based on City Council direction and approval, Business and Community Development staff will coordinate all activities regarding applications and will prepare materials as needed. The Director of Business and Community Development will assist the developer through the process. They will monitor ongoing investments in the development project if TIF assistance is granted.

All applicants for TIF assistance must pay a $500 non-refundable application fee at the time of submission. All applicants are required to reimburse the City of Auburn for all legal and administrative costs incurred as a result of the TIF proposal, including the cost of preparing all materials necessary to establish a new TIF District, amend an existing TIF District and draft the Credit Enhancement Agreement. If a Credit Enhancement Agreement is approved, an annual fee equal to 2% of the incremental tax reallocated back to the project will be assessed.

IV. Waiver of Provisions

The City of Auburn reserves the right under certain conditions to waive the provisions of the policy. The decision to do so shall be made by applying the following guidelines to ensure that the project remains within the general parameters of the Auburn Comprehensive Plan and community development vision(s). Criteria to be considered with granting a waiver are:

- Consistency with the Auburn Comprehensive Plan
- Consistency with the Downtown Revitalization Plan
- Consistency with the City's Economic Development Plan
- Consistency with the Development Plan of the TIF District
- Consistency with other local, State, and Federal laws/rules
- Evidence of need, and
- Capacity to carry out the project

V. Mandatory Guidelines

In all instances, applicants for tax increment financing and Credit Enhancement Agreements must demonstrate that the City's participation is economically needed to undertake the project. Such justification is demonstrated by:

- Need to offset infrastructure costs unique to the site
- Need to offset economic advantages available if it should develop a project or expand operations outside of Auburn
- Lack of sufficient funding sources to meet the entire capital investments needed to undertake the project
- The project creates significant new tax value throughout the Downtown District and other areas the City Council deems necessary
- The developer is financially capable of undertaking the project
- The developer is compliant with all statutory and regulatory guidelines of the City of Auburn and the State of Maine

VI. Guidelines that Determine the Level of Municipal Participation

Although the applicants' project need not meet each of the following criteria, the following will be used to determine the City of Auburn's participation level.

- Assists an established business in Auburn, retaining existing employment opportunities
- Creates long-term permanent and quality employment opportunities
- Contributes to the revitalization of the Downtown District or other areas in need of development or redevelopment
- Improves a blighted building site in need of rehabilitation
- Creates public infrastructure facilities that have applications beyond the particular development, road improvements, parking, sidewalks, green space, etc.
- Supports or will support community projects, job training, internships, and programs that assist the under-employed and supports local contractors and suppliers.

VII. Transfer of Ownership

If the applicant transfers ownership of property in the TIF District subject to a CEA to which the applicant is a party, the applicant must notify the City Manager in writing prior to finalizing the transfer. The prospective new owner must agree, in writing, to accept the provisions of the agreement as presented to and approved by the City Council before the City will release any further TIF reimbursements under the CEA. Failure to provide notice of a transfer of ownership by the applicant or for the prospective new owner to accept the terms of the CEA before the transfer shall render the CEA invalid, and no further payments under it shall be authorized.

VIII. Annual Expenditure of TIF Revenues for Municipal Projects

Each year the Director of Business and Community Development will review all proposed TIF Revenue expenditures as part of the City Budget process to ensure compliance with the existing TIFs.

Annual allocations of TIF revenues to fund existing Credit Enhancement Agreement commitments will be factored into the annual review of the use of the available TIF revenues and estimates of proposed Credit Enhancement Agreements will be calculated by the City Assessor and City Treasurer and provided to the City Manager for review and consideration.

City of Auburn, Maine
Business & Community Development
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

APPLICATION FOR BUSINESS ASSISTANCE

Applicant Name	
Address	
Primary Contact	
Phone	
Email	
Project Name	

On a separate sheet of paper please answer the following questions. Please include this coversheet with your formal application:

1. In no more than three pages provide relevant information on the Applicant's background and development experience. Include resumes of key individuals assigned to the project.

2. Identify the Applicant's consultants involved or proposed to be involved in the project noting relevant experience on similar projects (i.e., engineer, land use planner, legal counsel, Applicant's financial advisor).

3. Describe the proposed project, including the size, scope, phasing, construction materials, and impact on parking, traffic and adjoining property. Discuss any development, planning, engineering, architectural or legal issues which may impact the City or adjoining property. Specifically outline residential development, if any, to be included in the project. Include any plans prepared for the project, if available. At a minimum, a concept plan shall be submitted with the application.

4. Define the boundaries of the proposed project by address and on a map.

5. Identify the property which is currently in the control of the Applicant via ownership or option. If under option note the option expiration date.

6. Is the property currently zoned for the proposed use? If not, what zoning change will be required?

7. Will the proposed project result in the relocation of economic activity from another location within the City? If so, discuss the nature of any anticipated relocations and the impact the relocation would have on the neighborhood where such activity is currently located.

8. State the need and justification for development assistance. Explain how the applicant intends to demonstrate compliance with a "but for" test. Substantiate that other alternative methods of financing have been thoroughly explored.

9. Identify sources, amounts, and status of all debt financing and/or equity funding available to complete the Project. Does the applicant anticipate the debt to be privately financed by the construction lender or developer or publicly sold? Please prepare information in the following table format'.
   Contact Person & Phone #
   Amount
   Term Status

10. Provide an outline of the costs associated with the development of the proposed project(s) and related parcel(s) located within any relevant TIF districts. Identify in the outline those costs you would propose to fund and the proposed payback time or conditions.

11. In one page or less, discuss and document information used to describe the market feasibility of each element of the proposed project. If a formal feasibility or comparable studies have been prepared, attach such reports as an appendix to this application.

12. Estimate the incremental property taxes to be generated by the project.

13. Provide an estimate of the market value of all fixtures and equipment to be used by all owners or tenants of the proposed project which will be taxed as personal property.

14. Identify any proposed tenants of the project. Have leases been negotiated or signed? What type of lease is contemplated?

15. Who will own and operate the developed property?

16. Briefly describe the benefits of the proposed project to the City, particularly in economic and quality of life terms.

17. Attach a letter from a financial institution indicating that the applicant has sufficient financial resources to obtain the private financing for the project.

18. Describe the project schedule:
    Preliminary Construction Start Date:
    Preliminary Construction Completion Date:
    Phasing Anticipated:
    Date Occupied or Opened:

Submit completed application to:

Director of Business & Community Development
City of Auburn
60 Court St
Auburn, Me 04210

Phone: (207) 333-6601 Ext. 1159
Email: GHolmes@auburnmaine.gov

City of Auburn, Maine
Mayor Jeffrey D. Harmon
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Mayor's Ad-Hoc Public Safety Building Committee

Charge
The **Mayor's Ad-hoc Public Safety Building Committee** will attend meetings with the Office of Facilities and Energy as they finalize design and construction documents to bring the project to the bid-ready (sometimes referred to as "shovel-ready") state.

Responsibilities
The Committee's purpose is to:
- Make recommendations to the Office of Facilities and Energy for the hiring of a Design Team and Construction Manager
- Perform community outreach activities to ensure that residents' voices are heard and ensure they are informed of what is happening throughout this phase of the project

Reporting
The Committee will file a periodic report to the City Council as key milestones are completed. The Committee's webpage will be updated regularly to keep residents informed.

Committee Members
Michael Heskanen
Ward 2
Retired Architect

Tim Simpson
Ward 3
Retired Pre-Sales Mechanical Engineer

Andy Titus
Ward 3
Former City Councilor

City of Auburn, Maine
Mayor Jeffrey D. Harmon
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Mayor's Ad-Hoc Committee on Housing

Charge

The **Mayor's Ad-hoc Committee on Housing** will provide recommendations to the City Council as to the number and type of housing units needed in Auburn through 2030 and strategies to achieve those housing goals.

Reporting

The Committee will file a periodic report to the City Council as key milestones are completed. The Committee's webpage will be updated regularly to keep residents informed.

Committee Members

Co-Chairs

- Rick Whiting (City Councilor)
- Ned Claxton (Homeowner and former State Senator)

Members

- Mary Beth Booth (Condominium resident)
- Jan Barrett (Senior housing resident)
- Celia McGukian (Non-profit housing)
- Chris Eugley (Homeowner and small landlord, <10 units)
- Kathryn Manson (Renter)
- Fatuma Hussein (Non-profit developer)
- Mathieu Duvall (Homeowner and former Planning Board member)
- Anthony Jolicoeur (Large landlord, >10 units)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 5, 2024 **Ordinances:** 03-01162024 through 04-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Reinstating the Board of Assessment Review and the Zoning Board of Appeals and eliminating the Regulatory Advisory Board

---

Information: In 2021, Council voted to adopted the Regulatory Advisory Board to perform the responsibilities of the board of assessment review, and the zoning board of appeals. Staff is proposing to reinstate the Board of Assessment Review (with a few proposed amendments) and the Zoning Board of Appeals and eliminating the Regulatory Advisory Board.

City Budgetary Impacts: None

Staff Recommended Action: Passage of second reading for Ordinance 03-01162024 which will eliminate the Regulatory Advisory Board, and Ordinance 04-01162024 which reinstates the Board of Assessment.

Ordinance 05-01162024 to reinstate the Zoning Board of Appeals will be brought back to the Council for a second reading following a review with the Planning Board.

Previous Meetings and History: Board of Assessment Review and Zoning Board of Appeals combined into the Regulatory Advisory Board in 2021. This was discussed during the January 2, 2024 City Council Workshop to eliminate the Regulatory Advisory Board and reinstate the Board of Assessment Review and the Zoning Board of Appeals. A public hearing was held and each passed the first reading on 1/16/2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Proposed ordinance amendment striking references to the Regulatory Advisory Board, and ordinances proposing the reinstatement of the Board of Assessment Review and Zoning Board of Appeals Ordinances.

City Council Order

IN CITY COUNCIL

AMENDING ARTICLE V, DIVISION 2, SECTIONS 2-430, 2-431, 2-433, 2-434, 2-435, AND 2-441 OF THE AUBURN CODE OF ORDINANCES STRIKING ALL LANGUAGE REFERENCING THE REGISTRATION BOARD OF APPEALS.

Be it Ordained, that the City Council hereby amends the code of ordinances Article V, Division 2, Sections 2-430, 2-431, 2-433, 2-434, 2-435, and 2-441 of the Auburn Code of Ordinances striking all language referencing the registration board of appeals as seen below.

Sec. 2-430. Membership; responsibility.

~~A board of regulatory advisory shall be appointed by the city council, consisting of seven members.~~

~~The purpose of the regulatory advisory board is to perform the responsibilities of the board of assessment review, board of appeals, and all other regulatory review functions as directed by the city council. The board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.~~

~~Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the regulatory advisory board.~~

(Code 1967, § 5-2.1; Ord. No. 04-02162021, 3-1-2021; Ord. No. 02-01032022, 1-18-2022)

Editor's note(s)—Ord. No. 04-02162021, adopted March 1, 2021 changed the title of § 2-430 from "membership; compensation of members" to "membership; responsibility."

Sec. 2-431. Term of members.

~~The initial terms of office of the members of the regulatory advisory board shall be staggered terms. The city council shall annually appoint one member to serve on the board for a three-year term. Their successors shall be appointed for three-year terms.~~

(Code 1967, § 5-2.2; Ord. No. 05-02162021, 3-1-2021)

Sec. 2-433. Quorum.

~~The regulatory board shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to replace him.~~

(Code 1967, § 5-2.4; Ord. No. 07-02162021, 3-1-2021)

City Council Order

Sec. 2-434. Rules and regulations for conduct of hearings.

~~The regulatory board may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.~~

(Code 1967, § 5-2.5; Ord. No. 08-02162021, 3-1-2021)

Sec. 2-435. Legal counsel.

~~The regulatory board may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.~~

(Code 1967, § 5-2.6; Ord. No. 09-02162021, 3-1-2021)

~~**Sec. 2-441. Compensation of the regulatory board.**~~

~~All members of the regulatory board shall receive annually $600.00, payable quarterly.~~

(Ord. No. 41-11152021, 12-6-2021)

Passage of first reading on 1/2/2024 6-0-1 (Councilor Milks abstained).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Ordinance 04-01162024

City Council Order

IN CITY COUNCIL

AMENDING THE AUBURN CODE OF ORDINANCES, ARTICLE V, DIVISION 2, SEC. 2-430, 2-431, 2-432, 2-433, 2-434, 2-438, 2-441 TO REINSTATE THE BOARD OF ASSESSMENT REVIEW

BE IT ORDAINED, that the City Council hereby amends the Auburn Code of Ordinances, Article V, Division 2, sec. 2-430, 2-431, 2-432, 2-433, 2-434, 2-438, 2-441 to reinstate the Board of Assessment Review

DIVISION 2. - BOARD OF ASSESSMENT REVIEW
State Law reference— Board of assessment review, 36 M.R.S § 471-A and § 844-N.

Sec. 2-430. - Membership; responsibility.

A board of assessment review (the Board) shall be appointed by the city council, consisting of five regular members and three alternate members, to serve without compensation.

The purpose of the board of assessment review is to hear property tax appeals pursuant to Maine Statute. The Board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.

Sec. 2-431. - Term of members.

The initial terms of office of the members of the board of assessment review shall be staggered terms. The city council shall annually appoint members to serve on the board for three-year terms. Their successors shall be appointed for three-year terms.

Sec. 2-432. - Assessment review appeals procedure.

When written application is made by a taxpayer for a review of a refusal by the tax assessor to grant a request for an abatement, the board of assessment review shall, within 14 days of the receipt of such request, set a date for hearing, of which the applicant shall receive at least seven days' written notice. In its conduct of the hearing the Board shall act as an impartial panel to receive evidence from the appellant and the assessor, advocating for neither party in rendering a decision. The Board shall conform that decision to all applicable statutes. At such hearing the applicant shall have the right to be heard in person, to present witnesses, to examine the tax assessor and any witnesses presented on behalf of the Assessing Department, and to be represented by counsel. Upon the evidence presented, the Board shall determine whether the applicant has met their burden of proof and may grant such reasonable abatement of their assessment as it determines to be proper.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

The board of assessment review must provide written notice of the decision on an appeal within 60 days of receiving the appeal unless the taxpayer agrees to an extension of the decision deadline.

Sec. 2-433. - Quorum.

The board of assessment review shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to serve in place of any absent member.

Sec. 2-434. - Rules and regulations for conduct of hearings.

The board of assessment review may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.

Sec. 2-435. - Legal counsel.

The board of assessment review may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.
(other sections edited)

Passage of first reading on 1/2/2024 6-0-1 (Councilor Milks abstained).

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 5, 2024 **Ordinance:** 06-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Amending Sec. 2-466 of the Code of Ordinances correcting the Planning Board Compensation language

---

Information: In December of 2021, Council voted to adopt section 2-466 (g) of the code adding ***"All members of the planning board, regular and associate, shall receive annually $1,200, payable quarterly, with an effective date of January 1, 2022"***. When this was adopted, the compensation language in section 2-466 (a) that stated "***Members shall serve without compensation"*** did get get removed.

Passage of this ordinance amendment will clean up that language.

City Budgetary Impacts: None

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Public hearing and first reading held on 01/16/2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

Ordinance 06-01162024

City Council Order

IN CITY COUNCIL

Amending Chapter 2, Article V, Division 4, Sec. 2-433 (a) of the Auburn Code of Ordinances striking the language regarding compensation

Be it ordained, that the City Council hereby amends Chapter 2, Article V, Division 4, Sec. 2-433 (a) of the Auburn Code of Ordinances striking the language regarding compensation as shown below.

Sec. 2-466. Membership: appointment, removal, terms, vacancies.

(a) There shall be a planning board of seven regular and two associate members. Members of the planning board shall be residents of the city. Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the planning board. ~~Members shall serve without compensation.~~

(b) Regular members of the planning board shall be appointed by the city council for terms of three years. Such terms shall be staggered so that the term of not more than three members shall expire in any calendar year. Incumbent members of the planning board shall serve for the balance of their terms and thereafter until their successors are appointed.

(c) The city council shall appoint two associate members for a term of three years each. Such terms shall be staggered so that the terms of not more than one associate member, expires in any calendar year. Associate members may participate in deliberations of the planning board but shall not vote unless temporarily acting on behalf of a regular member who is absent or has been recused.

(d) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.

(e) Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before removal such members shall be given an opportunity to be heard in his own defense at a public hearing before the city council.

(f) The planning board may appoint a high school student advisory representative who is a high school student residing in Auburn for a one year term. The student advisory representative may participate in deliberations of the planning board but shall not be entitled to vote.

(g) All members of the planning board, regular and associate, shall receive annually $1,200.00, payable quarterly, with an effective date of January 1, 2022.

Passage of first reading on 1/2/2024 7-0.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 5, 2024 **Order:** 17-02052024

Author: Katherine Cook, Planning Coordinator

Subject: First reading, Public Hearing: Consider amending the Comprehensive Plan Future Land Use Plan map in the Comprehensive Plan to designate City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002 land use as Suburban Development District.

Information: At the January 9th, 2024 Planning Board meeting, the Board voted to recommend that City Council amend the Future Land Use Plan map in the Comprehensive Plan to designate parts of City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002 land use from Agriculture District to Suburban Development District following the FEMA 1% chance annual floodplain boundary. Their decision followed the findings that 1.) the proposed amendment aligns with the growth patter existing across along Riverside Drive; 2.) Sec. 2-475(2)- Jurisdiction and authority states that among other powers, the planning board has the jurisdiction and authority to prepare and recommend to the city council changes in and amendments to the comprehensive plan as necessary, and 3.) The proposed future land use plan amendment is supported by the text of the Comprehensive Plan.

The Planning Board recommended initiating a Comprehensive Plan Future Land Use Plan Map Amendment at the December 12th, 2023 Meeting to be considered with the petition to rezone Parcel I.D. 174-004-001. Discussion at the meeting indicated that the Planning Board felt the zoning on three Parcels, 174-004, 174-004-001, and 174-004-002, should be amended to Rural Residential to match the zoning southerly along Riverside Drive, but that they were more comfortable considering this after a Comprehensive Plan Future Land Use Map had been made to follow this pattern.

The proposal to recommend amending the Comprehensive Plan Future Land Use Plan Map is consistent with the land use patterns in the Riverside Drive area. Chapter 2, Sec. 1 of the Auburn Comprehensive Plan specifies that "The Suburban Development District (SD) allows for the development of a limited range of residential and community uses at a density of 6-8 units per acre in areas that are served or can be served by public/ community sewerage and/or public/community water. The Suburban Development District, which the Planning Board recommends overlay this area, generally follows the boundaries of the Suburban Residence and Multifamily Suburban zoning Districts except in this case along Riverside Drive, where the Suburban Development District follows the existing RR district abutting the three parcels considered.

City Budgetary Impacts: None known.

Planning Recommended Action: The Planning Board recommends City Council vote favorably to amend the Future Land Use Plan by updating the future development pattern on the three parcels from the Agriculture District to the Suburban Development District for the reasons listed in the Planning Board's Finding of Facts.

Previous Meetings and History: January 9th, 2024 PB meeting

City Manager Comments:

Consider the proposed recommendation. Signature: Phillip Crowell Jr.

Attachments: Ordinance, Motion, Staff Report, Sketch Map.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Recommendation on Comprehensive Plan Amendment Near Riverside Drive
Date: 02/05/2024

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on January 9th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ COMPREHENSIVE PLAN MAP AMENDMENT: Consider amending the Future Land Use Plan map in the Comprehensive Plan to designate City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002 land use as Suburban Development District. The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. This map amendment is supported in the text of the Comprehensive Plan and was initiated by the Planning Board.

Motion: To recommend amending the Future Land Use Plan map in the Comprehensive Plan to designate parts of City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002 land use from Agriculture District to Suburban Development District following the FEMA 1% chance annual floodplain boundary as shown on the attached sketch map prepared for the January 9th, 2024, Planning Board meeting: Dave Trask; **Second:** Darren Finnegan.

Amended: to add the text "with the findings of fact that: (1) The proposed amendment aligns with the growth pattern existing across along Riverside Drive. (2) Sec. 2-475(2)- Jurisdiction and authority states that among other powers, the Planning Board has the jurisdiction and authority to prepare and recommend to the city council changes in and amendments to the Comprehensive Plan as necessary. (3) The proposed future land use plan amendment is supported by the text of the Comprehensive Plan: Evan Cyr; **Second:** Dave Trask;

Vote: 5-1-0 **Motion carries**

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine
04210 www.auburnmaine.gov |
207.333.6601

Date: January 5, 2024
To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Subject: Staff Report on Comprehensive Plan Map Amendment

I. Proposal: Public Hearing/ Comprehensive Plan Map Amendment: Consider amending the Future Land Use Plan map in the Comprehensive Plan to designate City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002 land use as Suburban Development District. The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. This map amendment is supported in the text of the Comprehensive Plan.





II. Background: In November, the Planning Board considered a petition signed by at least 25 registered Auburn voters to amend the zoning map for Parcel I.D. 174-004-001 along Riverside Drive. The parcel to be rezoned belongs to Robert Gagnon and was one of three parcels designated Agriculture and Resource Protection (AG or AGRP) with zone boundaries following these three property lines instead of the Low-Density Rural Residence or Rural Residential (RR) zoning district following the FEMA flood plain map (not the property lines) as are the parcels extending south along Riverside Drive after crossing under the Maine Turnpike. Mr. Gagnon's proposed amendment is a parcel between two other parcels which are currently zoned AGRP.
The Planning Board questioned whether changing the zoning of just Mr. Gagnon's parcel would constitute a spot zone. The Board tabled the decision in December and asked to review a map that follows the FEMA floodplain and includes amending the zoning of both abutting parcels from AGRP to RR in addition to the petitioned parcel. The total zoning map amendment consideration at this time became changing 18.2 +/- acres from AGRP to RR. They concluded the following parcels:

- PID 174-004 1.30 Acres
- PID 174-004-001 9.50 Acres
- PID 174-004-002 7.40 Acres

Zoning map amendments are recommended by the Planning Board if they follow the Comprehensive Plan text and general land use development patterns. "The Future Land

Use Plan (FLUP) shows graphically how the City's land use policies apply to the land area of the community, and where and how growth and development should and should not be accommodated over the next decade".

At the December meeting, the city staff recommended amending the zoning map from AGRP to RR on the above listed three parcels following the floodplain because this would continue the zoning pattern existing south along abutting parcels on Riverside Drive. The board instead asked the city staff to prepare a Future Land Use Plan (FLUP) amendment updating the future development pattern on the three parcels from the Agriculture District to the Suburban Development District, which follows the same boundaries as the current designated RR zoning district. The zoning change may be recommended by the board with or without a recommendation to also amend the Comprehensive Plan, because the board has the flexibility, designated in its language to generally guide development, chapter 2 states, "*The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. The intention is that the FLUP will guide near-term revisions to the city's zoning ordinance and maps to ensuring the city's land use regulations are consistent with the policies set forth in this Comprehensive Plan. In addition, by designating transitional districts, the Future Land Use Plan is designed to guide future zoning changes when the circumstances become appropriate."*

The Planning Board asked to consider a Comprehensive Plan amendment to reflect the development pattern along the rest of the Riverside Drive. Recommending zoning map amendments alone is within the Planning Board's range of authority, as is recommending amendments to the Comprehensive Plan, including the Future Pland Use Plan. Sec. 2-475(2)- Jurisdiction and authority states that among other powers, the Planning Board has the jurisdiction and authority to "*prepare and recommend to the city council changes in and amendments to the comprehensive plan as necessary.*"

Amending the Comprehensive Plan is consistent with the text and authority allotted within the Comprehensive Plan and is consistent with existing land use patterns. Chapter 2, Sec. 1 of the Auburn Comprehensive Plan specifies that *"The Suburban Development District (SD) allows for the development of a limited range of residential and community uses at a density of 6-8 units per acre in areas that are served or can be served by public/ community sewerage and/or public/community water. The Suburban Development District generally follows the boundaries of the Suburban Residence and Multifamily Suburban zoning Districts".* One exception is along Riverside Drive, where the Suburban Development District follows the existing RR district abutting the three parcels considered. RR is a lower density and intensity use than SR.

III. Planning Board Action: Staff recommends that the Planning Board hold a public hearing and make a favorable recommendation to the city council to amend the Comprehensive Plan.

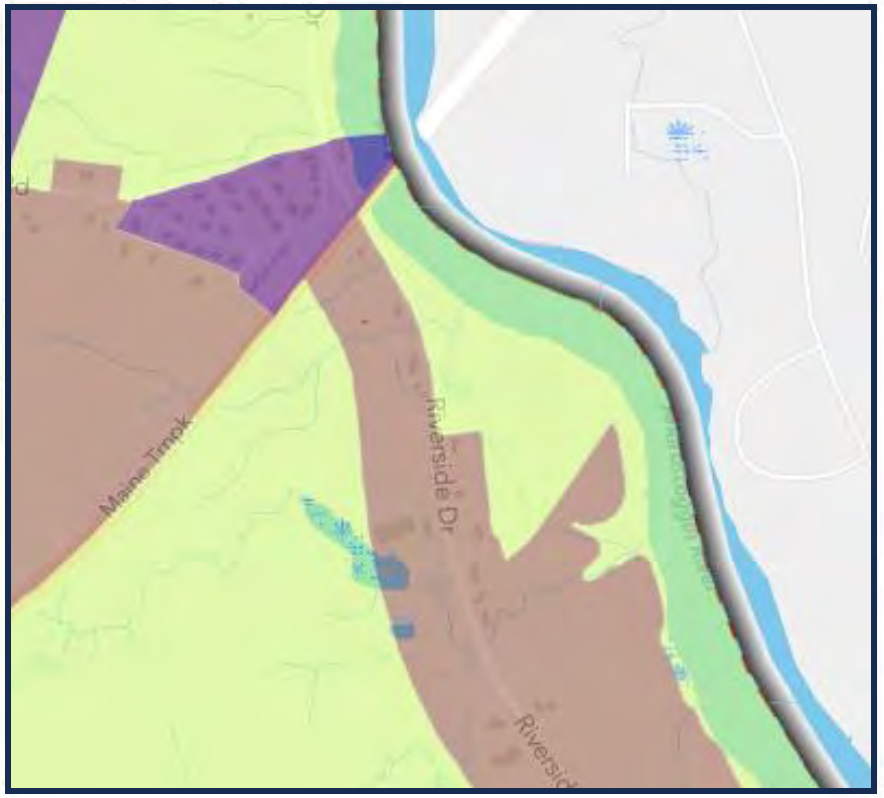
IV. Suggested Finding of Fact:

1. The proposed amendment aligns with the growth patter existing across along Riverside Drive

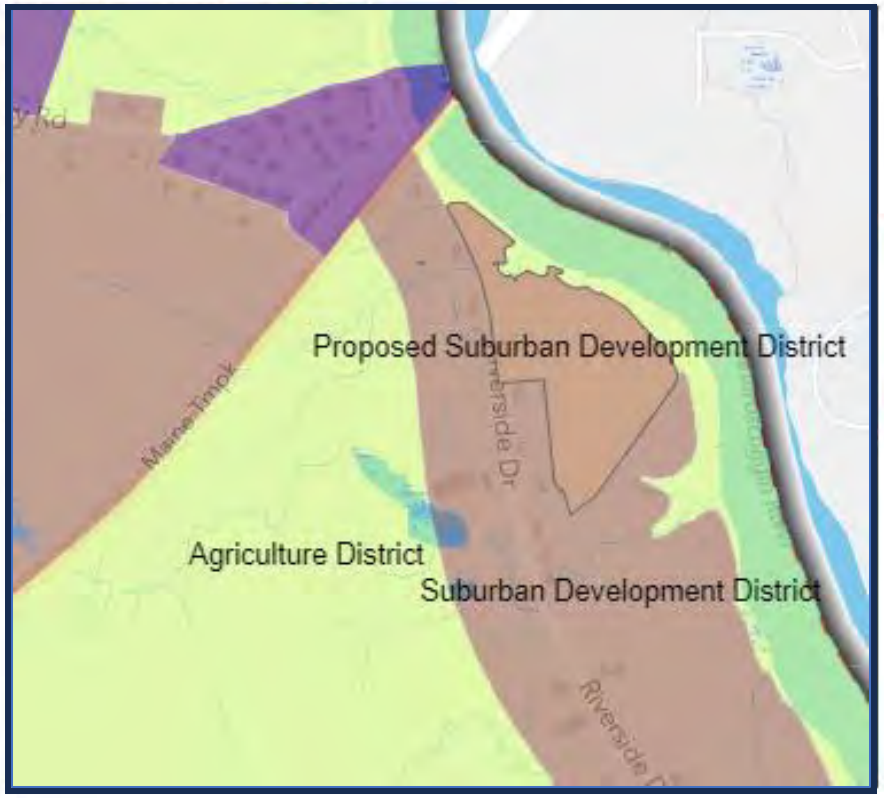
2. Sec. 2-475(2)- Jurisdiction and authority states that among other powers, the Planning Board has the jurisdiction and authority to prepare and recommend to the city council changes in and amendments to the Comprehensive Plan as necessary.
3. The proposed future land use plan amendment is supported by the text of the Comprehensive Plan.

V. Suggested Motion: I make a motion to recommend amending the Future Land Use Plan map in the Comprehensive Plan to designate parts of City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002 land use from Agriculture District to Suburban Development District following the FEMA 1% chance annual floodplain boundary as shown on the attached sketch map prepared for the January 9th, 2024, Planning Board meeting.

Comprehensive Plan 2010 (2021 Update) Future Land Use Plan Map
Amendment Sketch Map Prepared for 01/09/2024 PB Meeting



Existing Future Land Use Plan



Proposed Future Land Use Plan

- Traditional Neighborhood Development District
- Conservation/Open Space
- Suburban Development District
- Commercial Development District
- Form-Based Code Development District
- Agriculture District
- Residential Development District
- Rural Development District
- Industrial Development District
- Commercial Form-Based Code Gateway Development District (Union/Center/Turner)
- Commercial Form-Based Code Gateway Development District (Washington Street)
- Other

auburnmaine.gov

ORDER 17-02052024

City Council Ordinance

IN CITY COUNCIL

TITLE: Comprehensive Plan Future Land Use Plan Map Near Riverside Drive.

ORDERED, that the City Council hereby approves the amendment of the Future Land Use Plan map in the Comprehensive Plan as follows:

Amend the Future Land Use Plan map in the Comprehensive Plan to designate City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002 land use as Suburban Development District following the 1% Chance FEMA Flood Hazard Line.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 5, 2024 **Ordinance:** 07-02052024

Author: Katherine Cook, Planning Coordinator

Subject: First reading and Public Hearing: Consider the Petition-initiated proposal to amend Parcel ID 174-004-001 from the Agriculture and Resource Protection (AGRP) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district located on Riverside Drive

---

Information: At the November 14th, 2023 Planning Board meeting, the Planning Board tabled the petition initiated by Robert Gagnon requesting to amend the zoning on one parcel to rezone a parcel on Riverside Drive, P.I.D. 174-004-001 from the Agriculture and Resource Protection zoning district to the Rural Residential zoning district with the concern that changing the zoning on one parcel while the two parcels abutting Mr. Gagnon's would remain zoned AGRP would amount to spot zoning. The Board asked to see another map amendment option in the following month which incorporated P.I.D.s 174-004 and 174-004-002 in addition to the original proposed change.

The following month, at the December 12th 2023 meeting, the Planning Board reviewed map amendment they initiated which included the parcel that was the subject of the petition with the two additional parcels. The PB voted to table the decision on both the petition-initiated amendment and the PB initiated amendment so they could initiate a Comprehensive Plan Future Land Use map change concurrently.

Finally, on the January 9th Planning Board meeting, the PB voted to take the petition off the table and made a motion to recommend against amending Parcel I.D. 174-004-001 from AGRP to RR with the finding that rezoning a single parcel creates a discontinuity for land use in the area and is inconsistent with the Future land Use Plan.

City Council has the option to deny this petition request for the reasons recommended by the Planning Board or may vote to approve this zoning amendment on the single parcel initiated by the petition, or the three parcels together initiated by the planning board. The single parcel in question is depicted in the FLUP as Agricultural but is abutting RR Designated land and would constitute a natural and predictable expansion of the Rural Residential zone following the pattern of several lots running southerly along Riverside Drive.

The City Council tonight will also vote on whether to amend the zoning on the Planning Board initiated zoning and Comprehensive Plan Future Land Use Plan map amendments. That is a separate decision from this one.

City Budgetary Impacts: None known.

Planning Board Recommended Action: The Planning Board recommends City Council not to approve the Petition-initiated proposal to amend Parcel ID 174-004-001 from the Agriculture and Resource Protection (AGRP) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district located on Riverside Drive

Previous Meetings and History: November 14th, 2023, December 12th, 2023, January 9th, 2024 PB meetings

City Manager Comments:

Consider the Proposed recommendation. Signature: Phillip Crowell Jr.

Attachments: Ordinance, Motion, Staff Report, Sketch Map, Verified Rezoning Petition, Rural Residence Zoning District Ordinance.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Recommendation on Petition-initiated Map Amendment Near Riverside Drive
Date: 02/05/2024

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on January 9th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ MAP AMENDMENT: Consider amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor's Parcel ID 174-004-001 from the Agriculture and Resource Protection (AGRP) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district. This parcel is located on Riverside Drive. This zoning amendment has been initiated via petition and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Motion: To take from the table item #3 from the December 12, 2023 Planning Board meeting agenda, which consisted of a zoning map change initiated by a citizen petition: Evan Cyr; **Second**: Dave Trask; **Vote**: 6-0-0 **Motion carries**

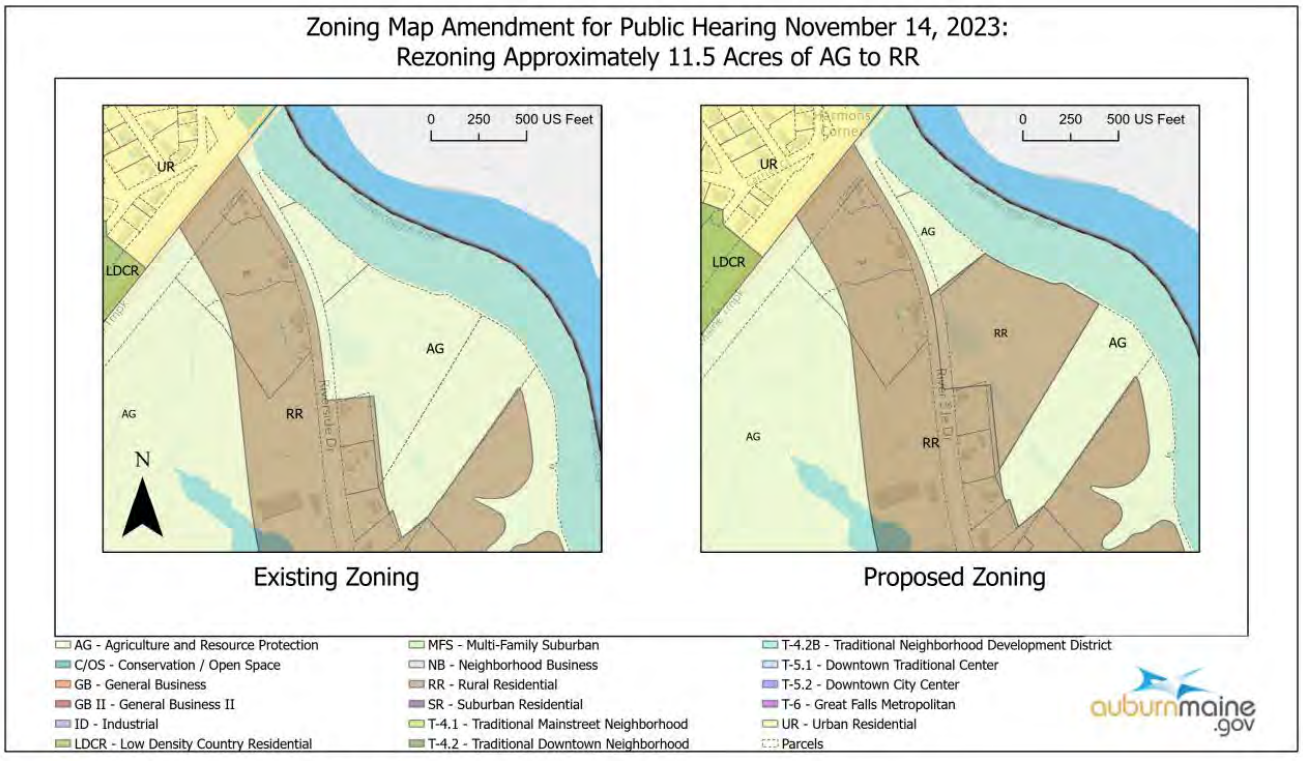
Motion: To forward a recommendation to City Council to not amend the zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor's Parcel I.D. 174-004-001 and located on Riverside Drive, from the Agriculture and Resource Protection (AGRP or AG) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district following the interior 0.2% flood hazard line with the findings that rezoning a single parcel creates a discontinuity for land use in the area and is inconsistent with the future land use plan; **Second:** Tim DeRoche; **Vote:** 6-0-0. **Motion carries**

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine
04210 www.auburnmaine.gov |
207.333.6601

Date: November 14, 2023
To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Subject: Staff Report on Zone Change Petition for Parcel ID 074-004-001 on Riverside Drive

I. Proposal: Public Hearing/ Map Amendment:

Consider amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor's Parcel ID 174-004-001 from the Agriculture and Resource Protection (AGRP) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district. This parcel is located on Riverside Drive. This zoning amendment has been initiated via petition and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.



Source: City of Auburn, Zoning Map, dated May 16, 2016

Materials:

1. Petition and Receipt
2. Zoning Map Amendment for Public Hearing November 14, 2023: Rezoning Approximately 11.5 Acres of AG to RR

II. Background:

Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, Sec. 8.1A)
One of the primary tests of a zone change is its conformance with the Comprehensive Plan.

The 2021 Comprehensive Plan provides two standards and mechanisms to consider if rezoning the parcel is logical.
"The Future Land Use Plan (FLUP) shows graphically how the City's land use policies apply to the land area of the community, and where and how growth and development should and should not be accommodated over the next decade. The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. The intention is that this Future Land use Plan will guide near-term revisions to the City's zoning ordinance and maps to assure that the City's land use regulations are consistent with the policies set forth in this Comprehensive Plan. In addition, by designating transitional districts, the Future Land Use Plan is designed to guide future zoning changes when the circumstances become appropriate.

This parcel is shown in the FLUP as Agricultural, but the parcel is abutting with RR designated land. Staff believe this is a natural and logical expansion of the Rural Residential zone on Mr. Gagnon's parcel.

Planning Board Action:

Staff recommends that the planning board hold a Public Hearing and make a favorable recommendation to City Council on the proposal.

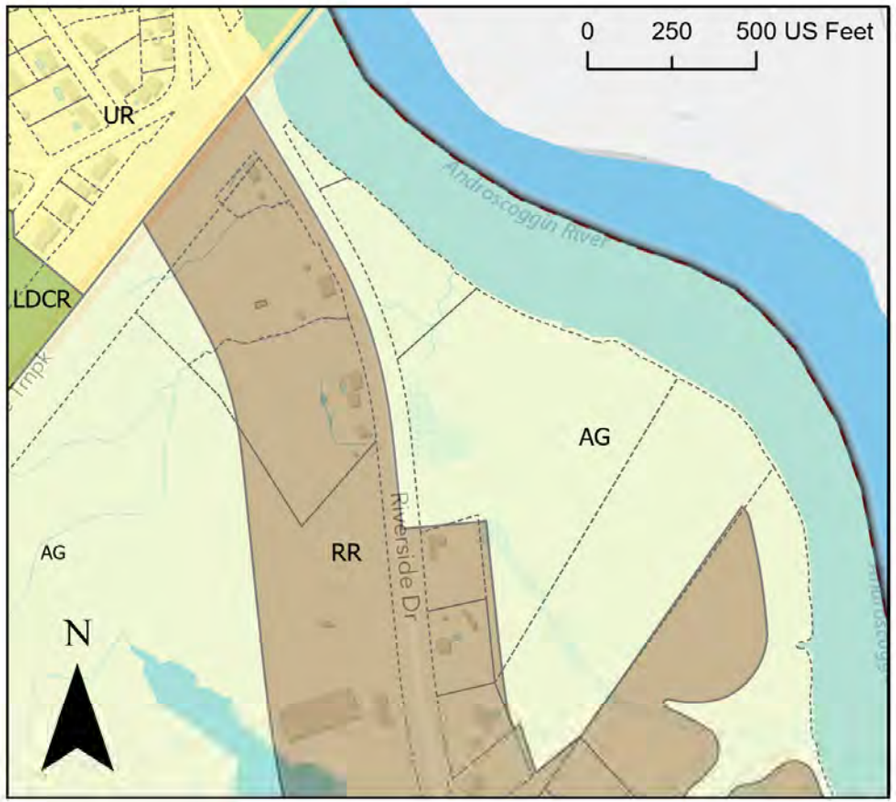
III. Suggested Finding of Fact:

1. The applicant submitted rezoning petitions and signatures, City Zoning maps with Parcels identified, 500' abutters list, and plans on October 6, 2023, thus meeting the time frame and submission standards (Sec. 60-1446). The 25 plus signatures have been attested by the City Clerks office.
2. The proposal can be implemented without detriment to city resources.
3. The proposal meets the general future land use plan pattern of development and is consistent with the current comprehensive plan.
4. The zone change will occur outside the Lake Auburn watershed.

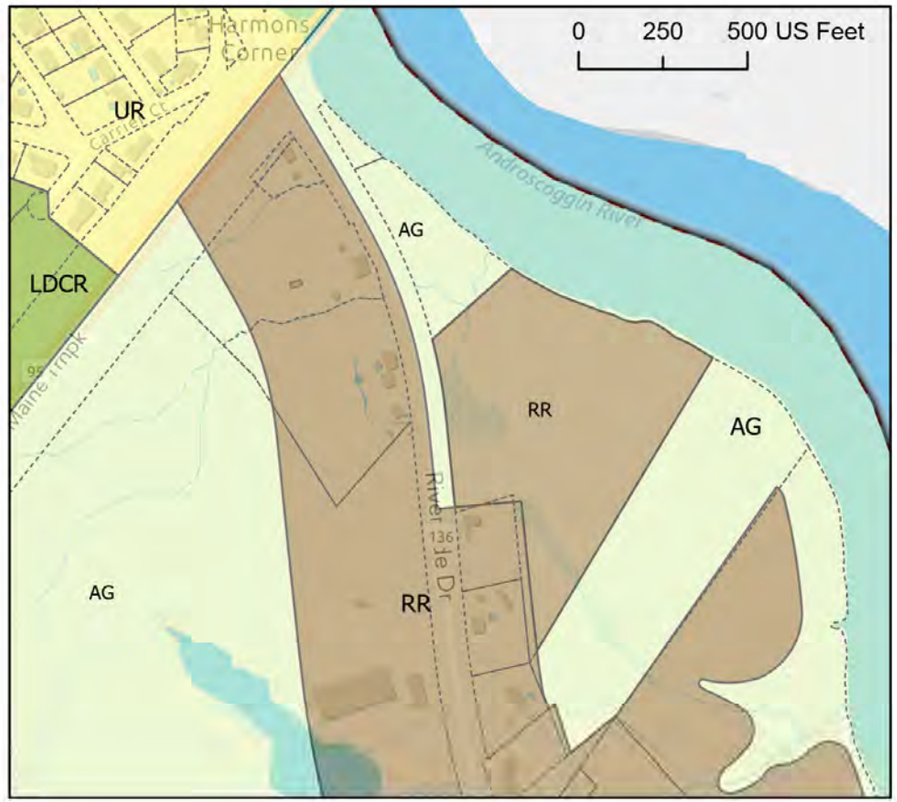
V. Suggested Motion:

I make a motion to forward a favorable recommendation to City Council to amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor's Parcel ID 174-004-001 from the Agriculture and Resource Protection zoning district to the Low-Density Rural Residence or Rural Residence zoning district."

Zoning Map Amendment for Public Hearing November 14, 2023:
Rezoning Approximately 10 Acres of AG to RR



Existing Zoning



Proposed Zoning

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

Source: City of Auburn, Zoning Map, dated May 16, 2016

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Agricultural/Rural zoning portion of the zoning ordinance on (PID 174-004-001) to allow for a Zone change of AG – Agricultural and Resource Protection to Rural Residential to support housing opportunities in an otherwise residential zoned neighborhood along Riverside Drive (see attached map). The property has not been in agricultural use for the last 30 years. The abutting lot in common is currently zoned Rural Residential and is owned in common by Robert Gagnon who lives at 944 Riverside Drive.

One of the primary tests of a zone change is its conformance with the Comprehensive Plan. The proposed Future Land Use Plan as part of the 2021 Comprehensive Plan update process has this area zoned as Rural Residential. The lot could be considered spot zoned AG-with Rural Residential all around the lot. Majority of the lot is outside the floodplain.

Print Name	City of Auburn Legal Address	Signature
LEROY WALKER SR	41 Bound St Auburn	Leroy Walker Sr
Scott Schmaltz	240 main st. Auburn	Scott Schmaltz
TODD WEATH	143 MAIN ST. #11 AUBURN	
Pamela Coffin Vigue	127 Winter Street Auburn	Pamela Coffin Vigue
MARK VIGUE	127 winter Street Auburn	
John M Valliéres	35 EIGHTH ST Auburn	
Holly Miller	28 Newbury St. Auburn, ME	Holly Miller
Michele Hall	157 Washington St S Auburn, Me	
Billie GAMMON	25 Val View Drive Auburn, ME	
PATRICK TRAVERS	97 ROY AVE AUBURN ME	
Chrissy Ames	161 Fairview Ave Auburn, ME	Chrissy Ames
Amy Tyler	87 Louise St Auburn ME 04210	
Joanne Labrie	371 main St, Auburn	Labrie
Joshua Desmarais	19 Holly St Auburn	
Rana Moody	19 Holly st Aub	
Hannah Olcott	19 Holly St Aub	
Dwayne Walter	420 mill St Auburn ME	

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Agricultural/Rural zoning portion of the zoning ordinance on (PID 174-004-001) to allow for a Zone change of AG – Agricultural and Resource Protection to Rural Residential to support housing opportunities in an otherwise residential zoned neighborhood along Riverside Drive (see attached map). The property has not been in agricultural use for the last 30 years. The abutting lot in common is currently zoned Rural Residential and is owned in common by Robert Gagnon who lives at 944 Riverside Drive.

One of the primary tests of a zone change is its conformance with the Comprehensive Plan. The proposed Future Land Use Plan as part of the 2021 Comprehensive Plan update process has this area zoned as Rural Residential. The lot could be considered spot zoned AG-with Rural Residential all around the lot. Majority of the lot is outside the floodplain.

Print Name	City of Auburn Legal Address	Signature
Robert Gagnon	944 Riverside Drive Aub	Robert M Gagnon
TINA CROTEAU	734 PARK AVE AUB	Tina M. Croteau
NORMAND THERRIEN	3 PATTON ST. AUBURN	Normand Therrien
Linda Therrien	3 Patton ST Auburn	Linda Therrien
Claudette Charest	54 Penley Cor. Rd. Auburn	Claudette Charest
Roger Smith	336 Danville Windham R	Roger Smith
Earnest Olsen Jr	120 Sixth	Earnest Olsen Jr
JOANN BRochu	19 INTERURBAN Rd	
John Reid	38 Sherry Lane	
Janice Pelletier	7 Josslyn Street Auburn	
Daryl Lamore	34 westwaterman Rd Auburn	
Jane L Audet	86 Taft Ave	Jane L Audet
Susan Douglass	14 Fox Hollow Drive	
Caleb Johnson	134 second st	Caleb J

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

REGISTRAR'S CERTIFICATION

MUNICIPALITY Auburn

TOTAL VALID 15 TOTAL INVALID 2

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote.

DATE & TIME PETITION RECEIVED

Signature of Registrar: Dennis Pooner

Date petition certified: 10/23/23

Mike Violette	Mike Violette	145 3rd St Auburn ME
Katherine Cote	Katherine Cote	813 Sopers Mill Rd, Auburn ME 04210
RUDY WING	Rudy Wing	UPP PENLEY CORNER RD Auburn ME 04210

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

REGISTRAR'S CERTIFICATION

MUNICIPALITY Auburn

TOTAL VALID 14 TOTAL INVALID 3

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote.

DATE & TIME PETITION RECEIVED

Signature of Registrar: Dennis Pooner

Date petition certified: 10/23/23

DIVISION 4. LOW DENSITY RURAL RESIDENCE DISTRICT

Sec. 60-228. Purpose.

This district is intended to provide for low density rural residential areas while protecting adjacent agriculture and resource protection districts, allowing a degree of residential development compatible with maintenance of environmental quality and preservation of the open character of the area.

(Ord. of 9-21-2009, § 3.41A)

Sec. 60-229. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) All uses permitted in the Agriculture and Resource Protection District pursuant to section 60-145(a), except 60-145(a)(14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(5) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.

(6) Licensed veterinarians provided that the lot is of at least three acres.

(7) Wayside stands.

(8) Accessory uses, buildings or structures.

(9) Lawn maintenance services.

(10) Municipal uses and buildings.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

(1) Radio, radar, television and radio-telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, buildings occupants, land uses and properties.

b. In no case shall such tower be located less than 1½ times its height from the nearest property line.

(2) Care homes, lodginghouses and boardinghouses.

(3) Recreational uses of land intended or designed for public use, subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(4) Child day care centers, provided that:

a. They are located on arterial and collector streets as defined in the Auburn Tomorrow Comprehensive Plan.

b. They shall not be located closer than 1,000 feet from other established day care centers.

c. These standards shall not apply to section 60-52.

(5) Cemeteries, provided that:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(6) Community-based residential facilities, provided that:

a. The minimum distance between any two such facilities shall be 1,500 feet.

b. Any such facility shall house no more than eight persons.

(7) Licensed kennels provided that there shall be available land area of at least three acres.

(8) Training schools.

(9) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(10) Adult day centers.

(11) Landscape services.

(12) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(13) Schools.

(14) Churches or temples.

(15) Libraries.

(16) Museums.

(17) Adaptive reuse of structures of community significance.

(18) Public safety services.

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(19) Government services.

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(20) Government offices.

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(21) Municipal or public utilities and communication facilities.

(Ord. of 9-21-2009, § 3.41B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 12-08192019, 9-9-2019; Ord. No. 11-03012021, § 12, 3-15-2021; Ord. No. 02-02132023, 2-17-2023)

Sec. 60-230. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 43,560 square feet and measuring less than 250 feet in width. No lot shall be less than 150 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted, provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per acre.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. A public building, church or temple, and accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements of specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.41C; Ord. No. 11-03012021, §§ 13, 14, 3-15-2021)

Secs. 60-231—60-253. Reserved.

Ordinance 07-02052024

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment Rezoning Certain Land from AGRP to RR

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, by amending part of City Assessor's Parcel ID 174-004-001 from the Agriculture and Resource Protection (AGRP) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district following the 1% Chance FEMA Flood Hazard Line.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 5, 2024 **Ordinance:** 08-02052024

Author: Katherine Cook, Planning Coordinator

Subject: First reading and Public Hearing: Consider the Planning Board initiated amendment to change part of 174-004, 174-004-001 and 174-004-002 located on Riverside Drive, from the Agriculture and Resource Protection (AGRP) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district.

Information: At the December 12th 2023 Planning Board meeting, the Board tabled the petition initiated by Robert Gagnon requesting to amend the zoning on one parcel on Riverside Drive, P.I.D. 174-004-001 from the Agriculture and Resource Protection zoning district to the Rural Residential zoning district. This decision was tabled because the Board stated that changing the zoning on one parcel would amount to spot zoning if the two parcels abutting Mr. Gagnon's remained zoned AGRP. The Board asked to see another map amendment option in the following month which incorporated P.I.D.s 174-004 and 174-004-002 in addition to the original proposed change.

The following month, at the December 12th, 2023, Planning Board meeting, the Planning Board reviewed a map amendment they initiated which included the parcel that was the subject of the petition with two additional parcels. The Planning Board voted to table the decision on both the petition-initiated amendment (one parcel only) and the Planning Board-initiated amendment (3 parcels) so they could initiate a Comprehensive Plan Future Land Use map change concurrently.

Finally, on the January 9th Planning Board meeting, the Board took a vote which resulted in a tie to recommend amending Parcel I.D.s 174-004, 174-004-001 and 174-004-002. A tie vote does not get approved. Following the failure of this motion, the Planning Board voted to not amend Parcel I.D.s 174-004, 174-004-001 and 174-004-002, but did not make specific findings.

City Council has the option to approve or deny approve this zoning amendment on these three parcels. Staff understands both options could be consistent with the Comprehensive Plan.

City Budgetary Impacts: None known.

Planning Board Recommended Action: The Planning Board recommends that the City Council vote not to approve the proposal to amend zoning map by amending part of 174-004, 174-004-001 and

174-004-002 located on Riverside Drive, from the Agriculture and Resource Protection (AGRP) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district following the annual 2% Flood Hazard Line based on the Planning Board Recommendation.

Previous Meetings and History: November 14th, 2023, December 12th, 2023, January 9th, 2024, PB meetings; Sketch Map for Public Hearing December 12, 2023, Rezoning Approximately 19 Acres of AG to RR; Division 4 Low Density Rural Residential Zoning District Regulations.

City Manager Comments:

Consider the proposed recommendation. Signature:

Attachments: Ordinance, Motion, Staff Report on Zone change for Parcel I.D. 074-004, 074-004-001, and 074-004-002, Sketch Map.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Recommendation on Petition-initiated Map Amendment Near Riverside Drive
Date: 02/05/2024

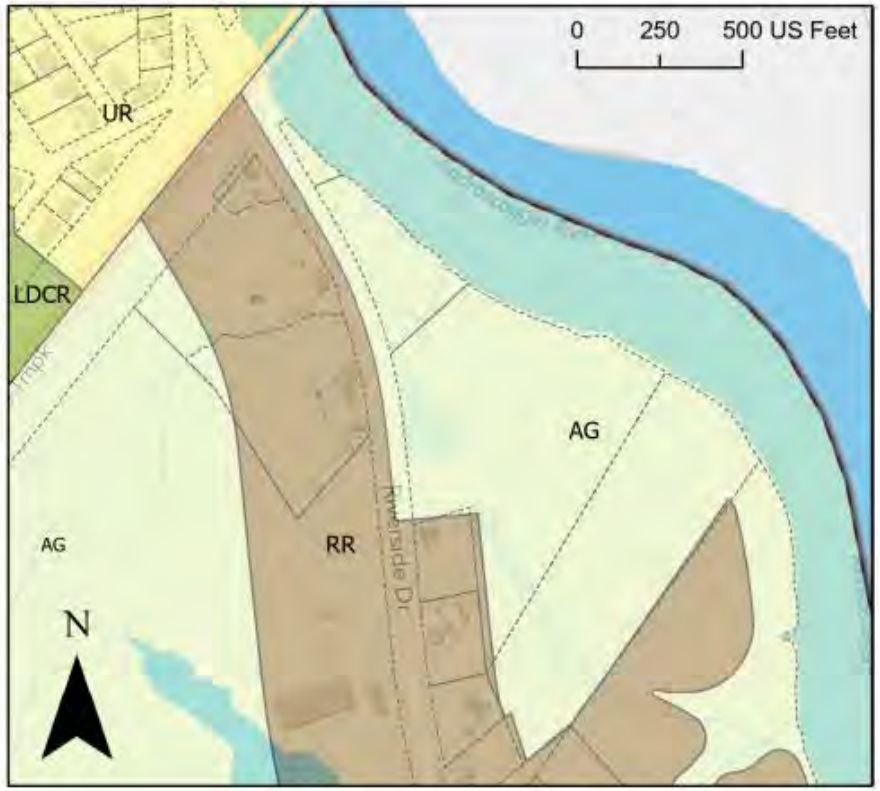
This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on January 9th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ MAP AMENDMENT (TABLED FROM DECEMBER 12, 2023): Consider amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002, located on Riverside Drive, from the Agriculture and Resource Protection (AGRP or AG) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district.

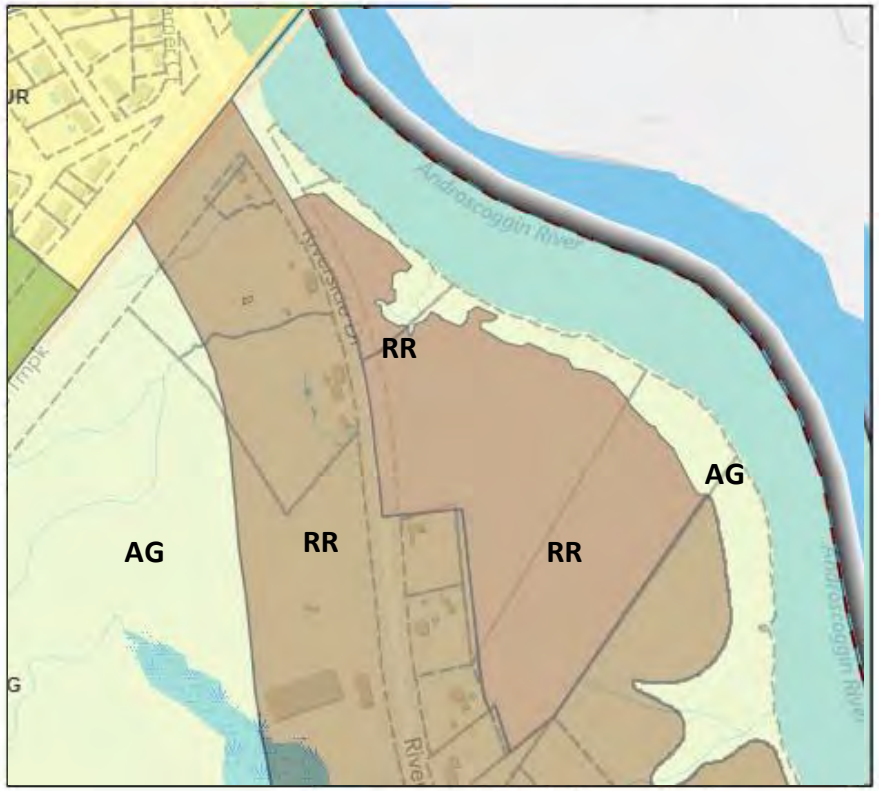
Motion: To forward recommendation to City Council to amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor's Parcel IDs 174-004-001, 174-004-002 and 174-004 from the Agriculture and Resource Protection zoning district to the Low-Density Rural Residence or Rural Residence zoning district following the interior 0.2% annual chance flood hazard line for total zone change of 18.2+/- acres with the findings that the proposal can be implemented without detriment to city resources, that the proposal meets the general future land use development pattern in the area and is consistent with the revised comprehensive plan; **Second: Dave Trask; Vote: 3-3-0. Motion does not carry.**

Motion: To forward a recommendation to City Council to not amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor's Parcel IDs 174-004-001, 174-004-002 and 174-004 from the Agriculture and Resource Protection zoning district to the Low-Density Rural Residence or Rural Residence zoning district following the interior 0.2% annual chance flood hazard line for total zone change of 18.2+/- . **Second: Tim Deroche; Vote: 3-2-1 Motion Carries**

Zoning Map Amendment for Public Hearing December 12, 2023:
Rezoning Approximately 19 Acres of AG to RR



Existing Zoning



Proposed Zoning

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

Source: City of Auburn, Zoning Map, dated May 16, 2016

Ordinance 08-02052024

City Council Ordinance

IN CITY COUNCIL

TITLE: Planning Board-Initiated Zoning Map Amendment Near Riverside Drive

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to amend City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002, located on Riverside Drive, from the Agriculture and Resource Protection (AGRP or AG) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district following the 1% Chance FEMA Flood Hazard Line.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop: February 5, 2024 **Order:** 18-02052024

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: Setting Hearing Date for a Potentially Dangerous Building at 46 Fair Street (PID 337-002)

Information: Staff has been working with the property owner for over a year to encourage the correction of violations at the property. The Owner is Red Coral Investments, LLC, a Registered Corporation in Nevada. Staff believes that it is necessary to present the information to the Council to determine if the structure is Dangerous pursuant to 17 M.R.S. §§2851-2859 also known as the Dangerous Buildings Statute. We would like the Council to schedule a hearing for that purpose at the regularly scheduled Council Meeting on March 18, 2024, at 7PM.

Staff Recommended Action: Vote to approve the attached order to schedule a Dangerous Buildings Hearing for 46 Fair Street at the regularly scheduled Council Meeting on March 18, 2024, at 7PM, City Council Chambers at Auburn Hall, 60 Court Street, Auburn, ME 04210.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order.

ORDER 18-02052024

City Council Order

IN CITY COUNCIL

Ordered, that the Auburn City Council schedule a Dangerous Buildings Public Hearing pursuant to 17 M.R.S. §§2851-2859 to consider 46 Fair Street, Auburn Maine at the regularly scheduled Council Meeting on March 18, 2024, at 7PM, City Council Chambers at Auburn Hall, 60 Court Street, Auburn, ME 04210.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: 02/05/2024 **Order:** 19-02052024

Author: Brian Wood, Assistant City Manager

Subject: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the IAFFA Local 797 from 07/01/2022 To 06/30/2025

Information: The Collective Bargaining Agreement between the City of Auburn and IAFFA Local 797

The following is a summary of the changes:

Adjusted an increase in the FY 24 contract of 2.5% effective 2/4/2024, to reflect market value for retention and recruitment.

City Budgetary Impacts:

Staff Recommended Action: Staff recommends the City Council vote for passage of this Resolve.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Contract Agreement from 07/01/2022

Collective Bargaining Agreement

Between the

City of Auburn

and the

AUBURN FIREFIGHTERS ASSOCIATION (LOCAL NO. 797)

July 1, 2022 – June 30, 2025

Table of Contents

PREAMBLE 5
ARTICLE I - Recognition 5
Section 1 - Association 5
Section 2 - Non-Discrimination 5
Section 3 - Public Servants/Ethical Standards 6
ARTICLE II - Management Rights 6
ARTICLE III - Labor Management 6
Section 1 - Purpose 6
Section 2 - Employee's Role 7
Section 3 - Management's Role 7
Section 4 - Committee Participation 7
ARTICLE IV - Dues Check-Off 8
Section 1 - Fair Share 8
Section 2 - Check-off 9
Section 3 - Association Indemnification 10
ARTICLE V - Strikes and Slowdowns 10
ARTICLE VI - Wages and Compensation 10
Section 1 - Wages 10
Section 2 – Lateral Entry 11
Section 3 – Ambulance Assignment Incentive 11
Section 3 - Tuition Reimbursement for Work-Related Courses 11
Section 4 – EMS Licenses 13
ARTICLE VII - Hours of Work and Overtime 14
Section 1 - Hours of Work 14
Section 2 - Use of Free Time 14
Section 3 - Overtime and Compensatory Time 15
ARTICLE VIII - Acting Rank 15
ARTICLE IX - Holidays 16
ARTICLE X - Vacations 17
Section 1 - Vacation Accrual 17
Section 2 - Vacation Selection 18
Section 3 - Vacation Changes 20
Section 4 - Floating Holidays 20
ARTICLE XI - Sick Leave 21
Section 1 - Use of Sick Leave 21
Section 2 - Return to Work/Fitness for Duty 22

Section 3 - Sick Leave Authentication 22
Section 4 - Wellness Incentive Days 23
Section 5 - Sick Bank 23
ARTICLE XII - Grievance Procedure 23
Section 1 - Grievance Procedure 23
Section 2 - Firefighters Grievance 24
Section 3 - City Grievance 25
Section 4 - Extensions of Time Limits 26
ARTICLE XIII - Leaves 26
Section 1 - Funeral Leave 26
Section 2 - Emergency Leave 27
Section 3 – Incidental Leaves 27
Section 4 - Association Meetings and Seminar Leave 27
Section 5 - Leave of Absence 28
ARTICLE XIV - Exchange of Shifts and Transfers 28
Section 1 - Exchange of Shifts 28
Section 2 - Transfers, Permanent Positions, Bidding, EMT Assignments 30
ARTICLE XV - Recall to Work 34
Section 1 - Off-Duty 34
Section 2 - Replacement Coverage Turns 35
ARTICLE XVI - Health and Safety 35
Section 1 - Health Promotion Program and Employee Cost Share 35
Section 2 - Health Insurance 36
Section 3 - Payment Program for Waiving Health Insurance Coverage with the City of Auburn 37
Section 4 - Extent of Coverage 38
Section 5 - Benefits Supplementing Workers' Compensation Benefits 39
Section 6 - Expense of Injury or Illness 40
Section 7 - Light Duty Return to Work 40
Section 8 - Damage to Glasses and Teeth 43
Section 9 - Department Physician 43
Section 10 - Substance Abuse Testing Program 43
Section 11 - General Safety 43
Section 12 – Vaccination Requirements 44
ARTICLE XVII - Separation from Department 45
Section 1 - Retirement 45
Section 2 - Vacation Cash-out 46
Section 3 – Cash out of Accrued Sick Leave 46
Section 4 - Compensatory Time 47

Section 5 - Uniform Reimbursement 47
Section 6 - Lay-offs 47
ARTICLE XVIII - Miscellaneous Provisions 48
Section 1 - Uniform Reimbursement Policy 48
Section 2 – Laundry Service 49
Section 3 – Use of Wireless Internet 49
Section 4 - Association Meetings 49
Section 5 - Discipline 50
Section 6 - Indemnity 51
Section 7 - Residence of Firefighters 51
Section 8 - Jury Duty and Court Appearances 51
ARTICLE XIX - Fire Prevention Officer 51
ARTICLE XX - Duration of the Contract 54
ARTICLE XXI - Inconsistent Rules, Regulations and Ordinances 54
ARTICLE XXII - Active Agreement 54
ARTICLE XXIII - Savings Clause 55
Appendix A - Health Promotion Program 57
Health Risk Analysis and Education 57
Health Care Advisory Team 58
Health Care Management Proposal 58
Cafeteria Benefit Plan Options 59
Wage Schedule 59

PREAMBLE

Agreement made this day: _____ by the City of Auburn and the Auburn Firefighters Association, Local No. 797, International Association of Firefighters, AFL-CIO (hereinafter referred to as the Association.)

Pursuant to the provisions of Title 26 M.R.S.A., Chapter 9-A, §961, the City of Auburn, Maine enters into this agreement with the Auburn Firefighters Association, Local No. 797, International Association of Firefighters, AFL-CIO (herein referred to as the Association) to promote the improvement of the relationship between the City and the Association and their employees/members by providing a uniform basis for recognizing the right of public employees to join labor organizations of their own choosing and to be represented by such organizations in collective bargaining for terms and conditions of employment.

In consideration of the respective promises of the parties hereto and, pursuant to the provisions of M.R.S.A. Tile 26, Chapter 9-A (1973), and in order to increase general efficiency in the Fire Department, and to promote morale, equal rights, well being, and security of the Fire Department's permanent employees, it is agreed by the parties hereto as follows:

ARTICLE I - Recognition

Section 1 - Association

The City hereby recognizes the Association as the sole and exclusive bargaining agent of all members of the Auburn Fire Department except for the Chief, Deputy Chief, EMS Director and clerical staff for purposes of bargaining with respect to rates of pay, wages, hours of work, working conditions and all other terms and conditions of employment.

Section 2 - Non-Discrimination

The City agrees that no employee shall in any manner be discriminated against or coerced, restrained or influenced on account of membership in the Association by reason of his/her holding office therein, or by reason of being a member of a collective bargaining committee of the Association, and the City agrees that the provisions of this Article shall be applicable to all persons to whom this Agreement applies without discrimination.

All employees have the right to work in an environment free from discrimination unrelated to job performance. Intimidation and harassment of employees, whether it be by

fellow employees or by management personnel, including sexual harassment in all its various forms, is unacceptable conduct, which may constitute as grounds for disciplinary action. This provision shall not in any way prevent the Association from discharging its duty of fair representation of any of its members.

Section 3 - Public Servants/Ethical Standards

The individual members of the Department and of the Association are to regard themselves as public servants, and as such they are to be governed by the highest ideals of honor and integrity in order that they may merit the respect and confidence of the general public.

Section 4 - Union Political Activity

No firefighter shall be discharged, disciplined or discriminated against because of activity on behalf of the Union, which does not interfere with the discharge of his/her duties or any assignment, violate any provisions of the agreement, or violate any policy, ordinance, law of the City of Auburn, State of Maine, or of the United States. Political activity by Local 797 for candidates to Auburn City Council, Auburn School Committee, County Government, or State elected office shall provide an accounting of all contributions to the City Manager and City Clerk.

ARTICLE II - Management Rights

Except as otherwise provided in this contract, the City shall remain vested solely and exclusively with all of its common law and its statutory rights and with all management and supervision of operations and personnel including the right to hire, promote, suspend or otherwise discipline firefighters with just cause under the City Charter and Ordinances.

ARTICLE III - Labor Management

Section 1 - Purpose

The City, Union, and its members, agree to participate in a Labor Management Committee, whose purpose is to work together in identifying and implementing improvements to the operations of the Auburn Fire Department and service to the citizens of Auburn. The goals of the Committee include fostering good communications (both internal and external to the department), sharing operational ideas and departmental concerns, reviewing operational and capital budgetary items as well as future planning initiatives, improving customer service

(internal and external), increasing accountability and effectiveness, increasing productivity and realization of cost savings.

Section 2 - Employee's Role

Employees are encouraged to openly and actively share ideas and suggestions with the Committee. When faced with a concern or complaint, employees may introduce the subject at the Labor Management Committee for discussion and potential resolution. If this does not resolve the issue, employees may refer to Article XII, "Grievance Procedure".

Section 3 - Management's Role

Management is encouraged to foster a work environment which allows employees to be knowledgeable of departmental activities and planning, actively approach management, and to have the opportunity for open dialog. Management is also encouraged to discuss employee concerns and complaints, and to solicit input and suggestions to improve the operations of the Department and the work environment.

Section 4 - Committee Participation

The Labor Management Committee will meet monthly and consist of at least two (2) representatives from both the City and the Union. For the City, the members may include, but not limited to, the Fire Chief, Deputy Fire Chief, the Human Resources Director, the Assistant City Manager, the City Manager, or another member of city administration. The Union agrees to appoint at least three (3) representatives to the Committee and other members as may be needed for individual issues and/or sub-committees. Each Labor Management Committee meeting shall be called to order after a quorum of four (4) members—but no less than two City and two Union members—by the Fire Chief, or in his absence the Union President, or in his absence another person appointed by the Fire Chief, who will serve as chair; have its meeting time be posted in a place accessible to all employees and be open to other employees; have an agenda with at least unfinished and new business items; shall be recorded by way of written minutes; and shall have its draft and/or approved minutes be electronically posted. Notice for items to be placed on the Labor Management Committee Agenda shall be made not less than three (3) working days prior to the scheduled meeting. There shall be no extra compensation for those appointed to serve on the Labor Management Committee, unless already scheduled to work. Other Union members may attend if their work schedule permits.

It is in the best interest of the City of Auburn, the Fire Department, and our citizens, to create a forum such as the Labor Management Committee to function productively and effectively. If, at any time, either party determines the process is not working or is failing, either party may invite the Assistant City Manager or City Manager to attend to help facilitate and foster a healthy work environment between labor and management.

For the FY23 work plan the committee has been agreed to set the following priorities: The committee will select scheduling software that will meet the following needs of the organization and will implement use of the system.

- Improves efficiency of scheduling OT by allowing for automated calling or texting of staff to fill available vacancies. The system shall also be used for staff to respond to the request.
- Allows all staff (via online access or app), to see upcoming shifts and schedules.
- Allows for staff to enter time off requests and for Officers to approve or deny such requests.

ARTICLE IV - Dues Check-Off

Section 1 - Fair Share

The Association shall have exclusive rights to payroll deductions of membership dues and service fees. Any firefighter who at any time on or after the effective date of this Agreement is not a member of the Association shall, within thirty days after such conditions are met be required to choose from the options of: (1) membership in the Association; (2) payment to the Association of a service fee equal to 80% of Association dues as a contribution towards the cost of collective bargaining, contract administration and the adjustment of grievances; or (3) exclusion from both. Each such firefighter shall be required to make his/her choice in writing on payroll deduction forms supplied by the Association. Failure to choose membership or the 80% service fee option shall constitute a choice of exclusion from both. An employee choosing exclusion from both membership and 80% service fee option shall be irrevocably bound by such choice except as provided hereinafter and if the employee request, shall be entitled to the services of the Association under the agreement only upon payment to the Association of reasonable fees, including fifty dollars per hour for employee representative services, and attorney's fees and costs and expenses, including arbitration fees and expenses, incurred by the Association on behalf of such employee. Any firefighter who is required by this Article or who was required under the terms of the predecessor agreement, to select from the options set about above may change his/her status with respect to those options during the 20-day period immediately prior to the expiration of this Agreement by giving written notice to the City and to the Association during that period.

The Union agrees to assume full responsibility to ensure full compliance with the requirements laid down by the US. Supreme Court in Chicago Teachers Union v. Hudson 106 S. Ct. 1066(1986), with respect to the constitutional rights of fair share fee payers.

It is specifically agreed that any dispute concerning the amount of fair share fee and/or the responsibilities of the Union with respect to fair share fee payers as set forth above shall not be subject to the grievance and arbitration procedures set forth in this Agreement.

Any employee covered by this Agreement at any time may submit a grievance to the City and have such grievance adjusted without the intervention of the Association, if the adjustment is not inconsistent with the terms of this collective bargaining agreement and if the Association has been given reasonable opportunity to be present at any such meeting of the parties called for the resolution of such grievance.

The Association agrees in consideration thereof for itself and its members to individually and collectively perform loyal and efficient work and services, and it and they will use their influence and best efforts to promote and advance the interests of the taxpayer of Auburn.

Section 2 - Check-off

Upon written authorization of a firefighter, approved by the Association President, the City agrees to have the appropriate City Department deduct from the pay of each firefighter, as so authorized, the amount of funds as indicated on the Fair Share Agreement between the firefighter and Association, to be deducted from his/her pay check each week, and deliver same to the Association Treasurer at his/her request, provided, however, that if any employee has no check due him or the check is not large enough to satisfy other deductions, then in that event no deduction will be made from said firefighter for that period. In no event will the City be obligated to collect fines or assessments charged by the Association to its members. The City shall not be obliged to deduct funds from the weekly pay after receiving written notice, on forms provided by the Association, that he/she no longer authorizes such deductions. The Association agrees in consideration thereof for itself and its members to individually and collectively perform loyal and efficient work and service, and it and they will use their influence and best efforts to promote and advance the interests of the taxpayer of Auburn.

Section 3 - Association Indemnification

The Association shall indemnify, defend and save the City harmless against any and all claims, demands, suits, or other forms of liability (monetary or otherwise) and for all legal costs that shall arise out of or by reason of action taken or not taken by the City in complying with provisions of this Article. If an improper deduction is made, the Association shall refund directly to the employee any such amount.

ARTICLE V - Strikes and Slowdowns

The Association agrees that firefighters who are subject to the terms of this Agreement shall have no rights to engage in any work stoppage, slowdown, or strike in consideration of the right to a resolution of disputed questions. Any or all employees who violate the provisions of this Article may be subject to disciplinary action, including discharge. This provision is not intended to reflect an employee's refusal to carry out an unjustifiable management request.

ARTICLE VI - Wages and Compensation

Section 1 - Wages

All firefighters covered under this Agreement shall be paid in accordance with the attached wage schedule(s).

FY 2023 – 4.5% COLA
FY 2024 – 5% COLA, Effective 2/4/2024, an additional 2.5% to reflect market adjust.
FY 2025 – 5.5% COLA

All firefighters must complete performance evaluations on their anniversary date of hire or date of promotion. Firefighters who are eligible for a step-increase will receive it effective on their anniversary date of hire or promotion.

Firefighters who are promoted will be slotted at the entry step of the new rank or at the step which brings them closest to but not less than 7.5%. The slotting of firefighters promoted to a higher rank will be considered as part of the overall pay plan recommendation by Labor Management Committee.

Any firefighter who receives a change or lapse in EMS license shall immediately notify the officer in charge of EMS Services in writing. Any firefighter who continues to receive EMS pay after his/her license has lapsed or who falsifies his/her license may be subjected to one week's suspension without pay.

Section 2 – Lateral Entry

The Fire Chief can adjust the starting pay rate for new employees between the entry step and the 6th anniversary step. Employees may be credited up to 1 step for every 1 year of full time employment status with a Fire or EMS agency. Only time worked at a fire department that has 24/7 staffing or an EMS service that responds to 1000 calls for service annually will be considered. Only full years (365 days) will be credited.

Employees who have not reached the 6th anniversary step may be brought up to the 6th anniversary step by being credited 1 step for every 1 year of full-time employment status with a Fire or EMS agency that occurred prior to their hire. Only time worked at a fire department that has 24/7 staffing or an EMS service that responds to 1000 calls for service annually will be considered. Only full years (365 days) will be credited. The employee shall submit request for this adjustment and must provide proof of full-time employment status.

The Union President or their designee must be notified in writing when an employee receives a wage adjustment as described in this article.

Section 3 – Ambulance Assignment Incentive

Effective July 1, 2022 a stipend of $3.50 per hour shall be paid to each firefighter working on the Rescue/Ambulances.

Paramedics performing a precepting function for EMS students shall be paid a stipend of $1.00 per hour while precepting.

Section 3 - Tuition Reimbursement for Work-Related Courses

The City will reimburse 100% of the tuition for courses, seminars and conferences as long as the following criteria are met:

1. The course, seminar, conference receives written pre-approval by the Fire Chief.

2. The course is ***directly work-related*** (with the exception of elective courses accepted as part of the course curriculum for a Degree in Fire Science or Paramedicine); and

3. The firefighter agrees to use the knowledge and skills gained in training paid in part by the City for the benefit of the City.

4. Approved courses in the amount of $100.00 or greater may be pre-paid by the City. Upon successful completion of a course with a passing grade or certificate of completion, the City will reimburse the individual firefighter for the balance due of the approved tuition expenses, which are not covered by scholarships, or other educational financial assistance. If the firefighter receives pre-payment for the course and he/she does not pass or receive a certification/license of completion, he/she will reimburse the City for the cost of the course.

The City will pay the full cost of all pre-approved EMS related courses, case reviews, seminars and skill labs. The City agrees to fund paramedic training for at least one employee per year, as needed. If a firefighter does not obtain the license or pass the course, case review, seminar or skill lab, after the City has paid the cost of the course, the firefighter/EMT will reimburse the cost incurred by the City at the full rate up to a maximum of $30,000. As of October 16, 2012, if the firefighter has successfully completed an EMS upgrade, through the reimbursement of the city, the firefighter will be required to maintain the license for a minimum of three years. Should the firefighter separate prior to completing eighteen months of service at the new license level the firefighter will reimburse the city a prorated amount of the tuition with a maximum reimbursement of $30,000. The breakdown of the proration will be as follows:

- Firefighters that separate from the department less than six months after completion of the course will be required to repay the entire cost of tuition and books
- Firefighters that separate between six and twelve months after completion of the course will be required to repay fifty percent of the cost of tuition and books
- Firefighters that separate between twelve months and eighteen months will be required to repay twenty-five percent of the tuition and books

After maintaining the license upgrade beyond the three-year minimum, the firefighter will be required to provide a three (3) month notice of intent to have the license lapse.

5. The City will reimburse costs of textbooks for pre-approved courses up to 50% or $50.00 whichever is greater. Approval for reimbursement for textbooks is dependent upon the constraints on funds in the Fire Department training account.

In response to a request, the Battalion Chief or Acting Battalion Chief may reassign on a temporary basis, personnel in order to allow on-duty personnel to attend educational

opportunities in the local area. This section is intended to apply to those classes that have been requested by individual firefighters as opposed to departmental training. If the battalion is not at minimum, the firefighter(s) may attend class on duty in their personal vehicle but will remain on call and will take a portable radio with them to class. At the discretion of the Battalion Chief or the Acting Battalion Chief, the firefighter may only need to respond on a "Condition" assignment. If battalion staffing is at minimum, the firefighter(s) may take apparatus to class if the other members of that company are in agreement to go along with the firefighter(s) attending class or the firefighter may attend class in a privately owned vehicle with a portable (the apparatus would be treated as per current standards for apparatus down one firefighter on emergency leave). Whenever possible, if more than one firefighter on duty is attending the same class, the Battalion Chief or the Acting Battalion Chief will assign these personnel to the same piece of apparatus in order to limit the number of units on delayed response. Reassignments will be made in such a way as to keep Rescue in service and in normal response whenever possible. The following conditions will be required in order to utilize on duty participation for class:

1. On-duty attendance to class must be pre-approved by the Fire Chief.

2. The Chief has the right to limit the number of on-duty personnel attending class.

3. The class may only be in either Auburn or in a community that is contiguous to the City of Auburn.

4. Units must remain in service at all times.

5. Spare Department vehicles may be used in place of privately-owned vehicles.

6. There will always be a minimum of ten (10) firefighters in Auburn not on delayed response, unless specifically approved by the Chief or his designee.

Section 4 – EMS Licenses

- All employees, excluding the FPO, must maintain an EMS license not lower than the EMT-Basic level. Any employee that does not have an EMS license at the signing of this contract will not be required to maintain and EMT-Basic License.
- Any state, region or department mandated EMS license upgrade or training for EMT and above shall either be provided by the department while on duty or be fully compensated by the City to include overtime, tuition, and books.

- The City shall provide an adequate training program to assure that all current EMS providers are able to achieve the Maine EMS required continuing education hours in order to renew their license.
- Paramedic hiring is preferred.
- New Hires after January 1, 2015, are required to be a Paramedic within four (4) years.
- Support for new hires and current employees that volunteer to attend Paramedic training:
  - Approved costs, fees, overtime and/or shift coverage needed for the firefighter to attend the Paramedic course or to maintain licensure shall be borne by the City.
  - Except as otherwise identified "Approved costs or fees" shall mean the costs of textbooks, registration, lab, testing, tolls, and parking.
  - A department vehicle and fuel shall be provided for travel or mileage for use of a personal vehicle shall be reimbursed at the prevailing city rate ($.38 for 2016), but not less than 60% of the IRS standard mileage rate, from point of departure or duty station if training occurs on a scheduled duty day.

ARTICLE VII - Hours of Work and Overtime

Section 1 - Hours of Work

Firefighters' regular workweek shall consist of an average of forty-two (42) hours per week. For the duration of this contract, the regular tour of duty (on-duty shift) shall consist of a twenty-four-hour continuous time period commencing at 7:00 a.m. and ending at 7:00 a.m. the following day. Firefighters shall remain in active status performing work assignments between the hours of 7:00 a.m. and 10:00 p.m. and 6:00 a.m. and 6:59 a.m. during on-duty shifts, except for the free time periods. The department will be organized under a four (4) battalion system.

A work cycle, for the duration of this contract, is defined as one twenty-four-hour tour of on-duty time (on-duty shift) followed by three consecutive twenty-four-hour time periods off beginning at 7:00 a.m. following the on-duty shift.

Section 2 - Use of Free Time

Firefighters shall be permitted to use recreational facilities furnished by the Auburn Firefighters Benefit Association when they are not specifically assigned to firefighting or other duties. It is understood that firefighters on a voluntary basis will frequently use their free time for study and on-the-job training.

Section 3 - Overtime and Compensatory Time

Firefighters performing work on scheduled off-duty shifts shall have a choice of being compensated at their overtime rate of one and one-half (1½) times their hourly rate as per the attached wage schedule or by accruing compensatory time at one and one half times the number of hours actually worked, except that for multiple alarms. (See Article XV) Firefighters participating on teams established or created by the Department (with the exception of firefighters serving on the Labor Management Committee) on their off-duty time shall have a choice of being compensated at their regular overtime rate or by accruing compensatory time at one and one-half times the number of hours actually worked. The following conditions shall apply to the accrual of comp time:

1. Effective May 26, 2015, firefighters may accrue up to 96 hours with an option to increase that number on a case-by-case basis as determined by the Fire Chief or his designee.

2. Comp time accrued on or after May 26, 2015, may be carried for up to twenty-four (24) months. If the comp time is not used and has been carried for more than twelve (12) months, it will be paid out the last pay-period of the fiscal year at the regular hourly rate in effect for the firefighter at that time.

3. No firefighter may choose to take comp time on a day on which his/her battalion would thereby be reduced below the minimum staffing level (because of prior scheduled vacations, existing extended sick leave, on-the-job injuries, or other cause known at the time notice is given). Compensatory time shall only be taken in 12 or more hour increments which begin or end at 07:00.

Any on-duty firefighter returning to the fire station and completing his/her duties prior to 7:15 a.m. after answering a call received before the completion of his/her work shift at 7:00 a.m. shall receive no extra compensation. If he/she returns and completes his/her duties after 7:15 a.m. he/she shall be paid for one-half (1/2) hour at his/her overtime rate. If after 7:30 a.m. and before 8:00 a.m. he/she shall be paid for one (1) hour at his/her overtime rate; if after 8:00 a.m., at his/her overtime rate for all time worked after 7:00 a.m. as set forth in the attached schedule.

ARTICLE VIII - Acting Rank

Any firefighter selected to act as an officer of higher rank shall be entitled to receive acting rank in the amount of seven and one half (7.5)% over the non-EMS firefighter base hourly rate for the amount of hours performing acting rank

A firefighter performing overtime work while acting in higher rank shall receive one and one-half (1 ½) times his/her hourly rate of pay in such higher rank for such overtime work.

Firefighters, Lieutenants and Captains shall have the right to decline to serve as an officer of higher rank unless, in the judgment of the Chief, the Deputy Chief, or the Battalion Chief on duty, no other qualified on-duty firefighter is willing and available to serve. No firefighter who has been assigned to act in higher rank and who, in the judgment of the supervising officer, is performing such duties in a proper manner shall be reassigned to other duty for the purpose of depriving him/her of an opportunity to receive extra pay under the provisions of this Article.

If an Engine or Truck company Lieutenant is on vacation, floating holiday, wellness day or comp time, a Lieutenant from that Platoon, assigned to a rescue, shall have the option to fill the vacant Lieutenants position on the Engine or Truck. These opportunities shall be distributed as equally as practical among the Rescue Lieutenants.

ARTICLE IX - Holidays

Each firefighter covered by this Agreement, shall, in addition to his/her regular weekly wage, be paid 1/4 of his/her weekly wage for each of the following holidays:

1. New Year's Day
2. Washington's Birthday
3. Patriot's Day
4. Memorial Day
5. Juneteenth
6. Independence Day
7. Labor Day
8. Columbus / Indigenous Peoples' Day
9. Veteran's Day
10. Thanksgiving Day
11. Christmas Day
12. Martin Luther King Day
13. Any one-time national holiday mandated by the President and observed by other Auburn City Departments

Holiday pay will be based on the non-EMS firefighter's rank and step.

The day after Thanksgiving will be holiday routine, but the firefighter will not receive holiday pay.

Firefighters shall receive holiday pay during the pay period following the date in which the holiday falls. The Office Manager will post the calendar noting the holiday pay dates for the year.

ARTICLE X - Vacations

Section 1 - Vacation Accrual

For the purposes of this article, it is understood that years of service will mean continuous years of service. Probationary firefighters (members with less than twelve (12) months of service) will accumulate hours at the rate of eight (8) hours per calendar month. Probationary firefighters may not take vacation leave during their first twelve (12) months of service unless there are special circumstances which would warrant the Chief, or in his absence, the Deputy Fire Chief authorizing a waiver of the restriction on vacation leave. Requests for waivers and the administrative decision regarding the request shall be in written form.

Firefighters with less than six (6) years of service will accrue vacation hours at the rate of eight (8) hours per calendar month. Firefighters with a minimum of six (6) years of service but less than fourteen (14) years of service will accrue vacation hours at the rate of twelve (12) hours per calendar month. Firefighters with fourteen (14) or more years of service shall accrue vacation hours at the rate of sixteen (16) hours per calendar month. Effective January 1, 2014 firefighters with twenty (20) or more years of service shall accrue vacation hours at twenty (20) hours per calendar month. If the firefighter's anniversary date of hire falls on or before the 15th of the month, the firefighter will receive his/her additional vacation accrual that month. If the firefighter's anniversary date falls on or after the 16th of the month, then the firefighter will receive his/her additional vacation accrual the following month. This will occur only during the sixth, fourteenth and twentieth years of service.

Vacation hours will continue to accrue during sick leave absences, while on on-the-job-injury, or any other paid absences authorized by the Chief or Deputy Chief.

Except for the first month of service and the last month of service, vacation hours for each month shall be awarded on the last day of each calendar month and then added to the firefighter's current balance. The month in which employment begins shall be counted as a month of service if the date of hire occurs before the 16th of that month. The month in which employment terminates shall count as a month of service if the date of resignation is after the 15th day of the month. The Fire Department administration will post a report detailing each firefighter's total accumulation of vacation hours. Firefighters may take vacation time at any

point throughout the year, but on January first of any year, all vacation balances will not be in a negative number. It must be zero or greater. It will be the responsibility of the Deputy Chief to make sure no one uses more time than they should.

Unless otherwise specified in this Article, vacation leave will be taken in increments of one-week periods (blocks). For vacation leave purposes, a one-week period is defined as commencing on Sunday at 7:00 hours and ending on the following Saturday (at the end of the shift 07:00 hours).

Vacation leave will be deducted on an hour for hour basis with a minimum of a twenty-four (24) hour time period (continuous block of time). Thus, if two duty days fall within the vacation week, then forty-eight (48) hours will be deducted from the firefighter's total hours accumulated. Also, if only one duty day falls within the vacation week, then twenty-four (24) hours will be deducted from the firefighter's total vacation hours.

Section 2 - Vacation Selection

Vacations shall be chosen by firefighters on the basis of total years of service in the department without regard for time served in a specific rank. A maximum of two firefighters per battalion can be on vacation at the same time.

Vacation period selections for the upcoming calendar year shall commence with the initial department wide process conducted in the first full week of November starting on Monday and ending on Thursday of the present year. The Battalion Chief will notify all upcoming year shift members in writing of the date and time for vacation selection at least two (2) weeks prior to actual picking date. During this period of time all vacation weeks will be picked. Firefighters may decline to select any or all of their vacation periods during this process. Any firefighter who declines to select their vacation period(s) during this process forfeits his selection and may not select his/her vacation periods until the vacation process is completed. The firefighter who declines to select their vacation period(s) must notify the Deputy Chief, or in his absence, the Chief, of his decision.

For purposes of record keeping, the firefighter's declination(s) shall be noted (and initialed) in the appropriate block(s) on the cover sheet attached to his/her battalion's schedule.

The selection of vacation periods earned for the upcoming calendar year shall take priority over all other earned periods of time off (including vacation periods carried over from

the previous year). During the month of November each firefighter, based on seniority, shall have the opportunity in a department wide process to:

1. Select/decline their first two seven (7) day vacation blocks (to be completed during the first full week of November on their duty day starting Monday). If an employee is not present during this time frame, he/she needs to leave a list with the Battalion Chief of the dates he/she wishes to take, as well as a phone number, so the Battalion Chief can contact the employee if the dates he/she has asked for are not available. If the employee does not conform to this, he/she will forfeit their vacation selection and not be allowed to pick their vacation until after November 21st. Any employee who passes on their picks at this point or any other point in the vacation selection process will not be allowed to pick the remaining vacation time until after November 21st.

2. After seven (7) years of service, select/decline their third seven (7) calendar day vacation block upon the battalion's completion of step 1 (to be completed on the first duty day of that week), and then,

3. After fifteen (15) years of service, select/decline their fourth seven (7) calendar day vacation block upon the battalion's completion of step 2. (Selection of fourth week block will be completed on the first duty day in the first week of November.)

4. After twenty-one (21) years of service, select/decline their fifth seven (7) calendar day vacation block upon the battalion's completion of step 3. (Selection of fifth week block will be completed on the first duty day in the first week of November.)

If firefighters are changing battalion, they shall select vacations dates with the battalion they will be working with in the upcoming year.

Upon completion of the November selection process, the battalion cover sheet and vacation selection process shall be forwarded to the Deputy Chief and a copy posted on-line. Following the completion of the November selection process, the firefighters may randomly substitute/exchange up to two vacation block weeks (48 on-duty hours per week) for up to four individual vacation days (twenty-four hour on-duty shifts). The selection of individual vacation days shall commence no sooner than 11/21. All requests for earned time off including carried over vacation periods, etc. for the upcoming calendar year shall not be accepted nor submitted prior to 07:00 hours on 11/21. All time off requests will be submitted using SOP N-103. The requests shall be forwarded to a Battalion Chief in written form including the date of the request,

time of day the request was submitted (hours: minutes), and the signature of the BC or his replacement.

Section 3 - Vacation Changes

Any firefighter having declined to select a vacation period during the November process shall be allowed to select any unclaimed vacation period (less than two firefighters on vacation) for that calendar year. The request shall be forwarded to the Battalion Chief in written form including the date of the request, time of day the request was submitted (hours: minutes), and signature of the BC or his replacement. A firefighter's change of a previously selected vacation period will not be allowed if it causes replacement hiring to maintain the minimum staffing level per battalion on a day when a floating holiday has already been confirmed. A firefighter who requests vacation time that includes a day already approved as a floating holiday and that would cause replacement hiring to maintain minimum staffing level per battalion on that day will be responsible to find a swap or have to forego the change in vacation.

Firefighters shall be entitled to unlimited changes in previously selected vacations provided that notice of such change is approved by the Battalion Chief, and all other conditions for vacation changes are met. Approval or denial of the requested change shall be in written form. Such approval by a Battalion Chief shall not be unreasonably withheld.

A firefighter may accumulate an absolute maximum of 350 hours at the end of any calendar year. If the hours exceed 350 hours, all unused hours will be forfeited, except if a firefighter is unable to take vacation due to an on-the-job-injury or extended sick leave. If a firefighter is unable to take vacation due to an OJI or extended sick leave, he/she can exceed the cap by 192 hours.

Section 4 - Floating Holidays

Each firefighter is entitled to choose and take off one floating holiday per calendar year. From 07:00 hours on the Friday after vacation selection through 11/20, firefighters shall either pick or pass on selecting their floating holidays. All requests shall include a single date selection and will be submitted to the Battalion Chief's office in e-mail form. Firefighters may choose a day on which their battalion would thereby be reduced below the apparatus staffing level except due to prior scheduled vacations or floating holidays. Within twenty-four (24) hours of the request, the Battalion Chief shall notify the requesting firefighter that his/her floating holiday date is confirmed, approved pending the battalion's return above the apparatus staffing level, or that it is denied because of prior scheduled vacation or floating holidays. A floating holiday that

is approved pending the battalion's return above the apparatus staffing level will be a placeholder only. The firefighter shall ensure that his/her holiday has been confirmed at least one shift before his/her selected date.

If selecting a holiday after 11/20, no firefighter may choose a holiday on a day on which his/her battalion would thereby be reduced below the apparatus staffing level (because of prior scheduled vacations, existing extended sick leave, on-the-job injuries, or other cause known at the time notice is given). Within twenty-four (24) hours of the request, the Battalion Chief shall notify the requesting firefighter that his/her floating holiday date is confirmed, or that it is denied because it would cause a reduction in force below the staffing level per apparatus.

The purpose of this provision is to allow the firefighter choosing a floating holiday to make advance plans for the enjoyment of that holiday, while minimizing the occasion on which the City will incur extra cost for replacement to maintain apparatus staffing.

Floating holidays may not be carried over from one year to another without the approval of the Chief. The Chief will consider any extenuating circumstances when approving or denying the carryover of floating holidays.

ARTICLE XI - Sick Leave

Section 1 - Use of Sick Leave

It is the expectation of the City of Auburn and I.A.F.F., Local 797 that firefighters will be available for duty. However, it is recognized from time to time, a firefighter will be absent due to illness. Therefore, firefighters shall accrue sick leave at a rate of thirteen (13) hours for each calendar month of service to be used for the firefighter's personal illness or for a member of the firefighter's "immediate family". For purposes of this article, "immediate family" is defined as a spouse, significant other, child, or parent. A firefighter absent because of any one or more of the foregoing reasons shall cause such fact to be reported to the officer in charge immediately. A firefighter shall also be entitled to sick leave when his/her disability arises out of or in the course of actual gainful employment outside the Fire Department, except when he/she is receiving worker's compensation for injury or illness. A firefighter on sick leave shall call in when he/she is able to return to duty.

Actual hours of sick leave used shall be charged against a firefighter for each workday that he/she is absent from duty for any of the reasons set out in the first paragraph of this Article.

Section 2 - Return to Work/Fitness for Duty

Any firefighter who is unable to work for eight (8) consecutive calendar days (counted beginning with the date of absence shown on the "Report of Absence" Report) or more due to personal injury or illness shall deliver a doctor's certificate before returning to work stating that the firefighter is fit for duty. The expenses, if any, for obtaining the doctor's certificate shall be borne by the City, including reimbursement to the firefighter within one (1) week of submission of a request for reimbursement with attached receipt. The officer on duty may require him/her to report to work if it is his/her regularly scheduled workday. Such returning firefighters shall be charged for sick leave on a pro-rated basis, and his/her replacement, if any, shall be paid on a pro-rated basis.

Section 3 - Sick Leave Authentication

The Fire Chief, or his designee will review the sick leave records to determine if there is a potential pattern of sick leave abuse. Such patterns might include but are not limited to the following be:

1. The firefighter uses sick days as soon as they are credited to him/her

2. High usage of sick leave for the firefighter or his immediate family without corresponding documentation as to the reasons for sick leave

3. Use of sick leave the shift before or the shift after scheduled vacation, floating holidays or swaps
4. Use of sick leave on the days for which leave had been previously requested, but denied

5. Use of sick leave on a particular day of the week

6. Use of sick leave which corresponds to an undesirable work assignment

7. Use of sick leave for a full 24-hour shift when the firefighter could have reported back to work for a partial shift

8. Use of sick time for reasons other than as defined explicitly in Article XI Section 1

If the Fire Chief or his/her designee notes an occurrence of sick leave use as described above, the principles of “progressive discipline” will be in order recognizing that the gravity and severity of the sick leave abuse may influence what discipline is issued.

a. Written warning - Copy to Union President. Any written warning inserted in the Employee's personnel file shall be removed after a two (2)-year period with no subsequent offenses.
b. Written reprimand – Copy to Union President. Any written reprimand inserted in the Employee's personnel file may be removed following the process outlined in Article XVIII Section 5 - Discipline
c. Suspension up to 2 (two) duty days (notice to be given in writing – copy to Union President).

If the Employer has reason to discipline an Employee, it shall be done in a manner that will not embarrass the employee before other Employees or the public.

Section 4 - Wellness Incentive Days

Firefighters who participate in the City of Auburn Wellness Incentive Program and who have earned a Wellness Day Off may request the Wellness Day off by submitting the request 96 hours in advance to his/her Battalion Chief. It is the responsibility of the firefighter to call into the Battalion Chief no earlier than 6:00 a.m. to determine if his/her shift is within the apparatus staffing for the day. If the shift does not have to hire extra personnel, the firefighter may have the shift off without being charged against his/her accrued sick or vacation leave. If the apparatus is at minimum staffing, the firefighter may not use his/her Wellness Incentive Day on that day.

Section 5 - Sick Bank

The City Manager may from time to time authorize a sick bank for individual employees on a case-by-case basis if they meet certain criteria. If a firefighter voluntarily participates in a City-wide sick bank, the hours donated will be deducted from the firefighter's accumulated sick and/or vacation leave.

ARTICLE XII - Grievance Procedure

Section 1 - Grievance Procedure

A grievance shall be defined as any dispute or disagreement raised by an employee in the bargaining unit or the City involving interpretation or application of the specific provisions of this collective bargaining agreement. Grievances, when presented by the Union to the City or by the City to the Union shall state in writing what provision of the collective bargaining agreement has been violated, and how the agreement has been violated, and shall state what the requested remedy is. Grievances shall be settled as provided in the following sections.

Section 2 - Firefighters Grievance

Step 1. The aggrieved firefighter shall first meet with the individual(s) with whom he/she has the issue in order to determine all the facts and to attempt to resolve the issue before proceeding with the grievance. This meeting should be held as soon as reasonably possible.

Step 2. Any aggrieved firefighter shall submit his/her grievance to the Association.

Step 3. The Association may submit a grievance on its own behalf, or that of one or more of its members. Any such grievance will be submitted by delivery in writing to the Fire Chief. A grievance on behalf of less than all members of the Association shall be filed within thirty (30) calendar days after the aggrieved firefighter(s) knew, or should have known of the facts giving rise to the grievance. A grievance on behalf of the Association itself, or of all of its members, shall be filed within thirty (30) calendar days after one or more of the Association elected officers knew, or should have known of the facts giving rise to the grievance. Any grievance not filed within the thirty (30) calendar days time limit or, under any circumstances, within one (1) year of the time of occurrence that gave rise to the grievance shall not be considered timely and shall be deemed waived. The Fire Chief shall issue a written response to the Association within ten (10) administrative working days of a receipt of a grievance.

Step 4. (Optional) If unsatisfied with the Fire Chief's action, the Association may request a meeting with the Assistant City Manager or Human Resources Director to review the grievance. The meeting shall include all parties pertinent to the grievance and shall be held within ten (10) working days from the date of the Fire Chief's decision.

Step 5. If unsatisfied with the Fire Chief's action, or the steps as outlined in Step 4 above, the Association may appeal in writing to the City Manager within ten (10) administrative working days after receipt of the Fire Chief's decision (or ten (10) administrative working days after meeting outlined in Step 4 above). The City Manager will schedule and hear the appeal within ten (10) administrative working days after receipt of the notice of appeal. At this hearing the Association may present witnesses and evidence in support of their position. The City Manager shall forthwith consider the appeal, witnesses and evidence and notify the Association of his/her decision within ten (10) administrative working days after the hearing takes place.

Step 6. If unsatisfied with the City Manager's decision the Association, within ten (10) administrative working days after receipt of the City Manager's decision, may advance the grievance to mediation pursuant to Title 26, M.R.S.A. §965(2), Mediation, so as to have a mediator appointed from the Panel of Mediators to assist the parties in resolving the grievance. Upon filing for mediation, the requesting party may simultaneously file for arbitration, provided the mediation be scheduled and take place prior to arbitration. To expedite the process, the requesting party may provide the estimated share of providing the service and then be reimbursed pursuant to Title 26, M.R.S.A §965(5). Mediators appointed to grievances that are furthered to arbitration are not allowed to participate with the arbitration process. Upon mutual consent, the City and Association may waive the preceding steps and progress to Arbitration.

In the event the parties were unable to resolve the grievance, the grievance may be advanced to binding arbitration, by giving written notice of its intention to do so within ten (10) administrative working days after the conclusion of the mediation process. The parties shall agree upon a single neutral arbitrator *from the Maine Board of Arbitration and Conciliation (MBAC)* or if the parties are unable to agree, either party may request the American Arbitration Association (AAA) to assign an arbitrator. The request to the *MBAC* or *AAA* must be made within thirty (30) days after the conclusion of the mediation process. The arbitration shall be in accordance with the Rules of the *MBAC* or the *AAA*. The arbitrator shall have no authority to add to, subtract from or modify the provisions of this Agreement. The arbitrator shall be requested to issue his decision within thirty (30) days after the conclusion of the testimony and argument. The decision shall be final and binding upon the parties thereto although subject to appeal to the Maine Superior Court and Maine Supreme Judicial Court.

Costs associated with this process and arbitrator decisions shall be determined by Title 26, M.R.S.A. §965.

Section 3 - City Grievance

The City shall notify the Association within thirty (30) days of the day it knows, or reasonably should have known the facts giving rise to the dispute. Any grievances not filed within the thirty (30) day time limit, or, under any circumstances, within one year of the time of occurrence that gave rise to the grievance shall not be considered timely and shall be deemed waived. Within ten (10) administrative working days thereafter, the parties shall meet to attempt to resolve the matter at the Labor Management Committee.

If unsatisfied with the Labor Management process, the City within ten (10) administrative working days may advance the grievance to mediation pursuant to Title 26, M.R.S.A. §965(2), Mediation, so as to assist the parties in resolving the grievance. Upon filing for mediation, the requesting party may simultaneously file for arbitration, provided the mediation be scheduled and take place prior to arbitration. To expedite the process, the requesting party may provide the estimated share of providing the service and then be reimbursed pursuant to Title 26, M.R.S.A §965(5). Subsequent and necessary action may be advanced within ten (10) administrative working days after receipt of the mediation process, whereby the parties were unable to effect a settlement of their controversy, by either party, pursuant to Title 26, M.R.S.A. §965(4), Arbitration. Mediators appointed to controversies that are furthered to arbitration are not allowed to participate with the arbitration process. Upon mutual consent, the City and Association may waive the preceding steps to Arbitration. Costs associated with this process and arbitrator decisions shall be determined by Title 26, M.R.S.A. §965, Obligation to bargain, as amended.

Section 4 - Extensions of Time Limits

Time limits provided herein may be extended by written agreement of the parties. Request for extension shall not unreasonably be withheld.

ARTICLE XIII - Leaves

The Auburn Fire Department and the City of Auburn have a proprietary interest in ensuring the safety and security of its staff, citizens, and visitors. To that end it is the goal of both stakeholders to limit the amount of time that firefighters are away from their apparatus or stations. Evidence has proven that the earlier a sufficient number of trained responders arrive to manage an incident, regardless of nature, the faster the incident will be controlled increasing the chances of a positive outcome.

Section 1 - Funeral Leave

Leave of absence without loss of pay and without loss of sick leave shall be granted to any firefighter for five (5) consecutive calendar days because of death of a spouse or child and three (3) consecutive calendar days because of a death in the immediate family, plus any actual travel time reasonably required to return from out-of-state. Immediate family shall be defined to include mother, stepmother, father, stepfather, brother, stepbrother, sister, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparents, spouse's grandparents, grandchildren, and any other person living in the firefighter's household. Such leave shall commence not later than the date of interment. Any additional time needed

after the expiration of the five (5) day period in the case of a spouse or child or three (3) day period in the case of other immediate family members shall be charged against the firefighter's sick leave. If the firefighter is unable to return to duty at the end of the five (5) or three (3) day period, he/she shall so notify the Battalion Chief on duty at Central Fire Station by the fifth or third day.

A firefighter may also be granted leave to attend the funerals of the persons not mentioned in the Article at the discretion of the Chief. If the firefighter takes more than six (6) hours for the funeral for an individual not specifically mentioned in the list above, the entire time will be charged against the firefighter's accrued sick leave.

Section 2 - Emergency Leave

Any firefighter shall be permitted to leave immediately (without loss of pay) and without replacement on account of any emergency concerning his/her home or his/her family upon giving notice to the Battalion Chief or officer in charge, provided that he/she report within an hour after taking leave the amount of time that will be required to attend the emergency. Any time away from work in excess of one (1) hour will be charged to sick leave.

Section 3 – Incidental Leaves

Incidental Leave is an unplanned leave for taking care of non-emergency personal business, such as going to the bank to cash a check. It is not meant for a long-term absence of more than 15 to 30 minutes or for planned events. These are reasonable conditions to be imposed on incidental leave to accomplish the needed task. The Battalion Chief and the Acting Battalion Chief may approve incidental leave and have the right to impose other restrictions on this leave or may allow for longer leave if the reason makes sense. For normal incidental leave 15 to 30 minutes will be the time limits to shoot for.

Emergency leave is for an *emergency***,** and not a leave to be used for in a planned event. Emergency leave is for those unplanned events that need your immediate attention such as an emergency concerning your family or your home.

Section 4 - Association Meetings and Seminar Leave

A firefighter shall be granted leave of absence without loss of pay to attend meetings or seminars approved by the Association provided, however, that such leave shall not exceed an accumulated total of three (3) on-duty working days, and provided further, that the City shall not

be required to grant such leave if a replacement would have to be obtained in accordance with the staffing requirements established in Article XV, Section 1 of this Agreement.

Leave will be granted for the firefighter for the meeting and any reasonable travel time. The firefighter will be expected to return to work following the leave. Multi-day/overnight leave will be granted as necessary. The maximum number of days approved shall not exceed twelve (12) on-duty days per calendar year. If approved, association leave shall be interpreted the same as Floating Holidays when approving other time off.

Section 5 - Leave of Absence

An Employee may be granted a leave of absence without pay by the City Manager on the recommendation of the Fire Chief with such leave not to exceed one (1) year in length. A request for absence will not be unreasonably withheld if there is no undue hardship within the department. The granting of the leave shall protect the Employee's existing continuous service for the leave period but shall not count as service time for Maine State Retirement, nor shall vacation or sick leave accrue during the absence, nor will the Employee receive pay for municipal holidays or any other benefits such as health insurance. The Employer may hire a replacement for the vacant position, if the employee desires to return to work, the employee must notify the Fire Chief in writing. The Employee will be required to maintain all certifications for the position and to take a pre-employment medical exam, substance abuse test, physical agility test to determine if he/she is physically fit to perform the essential job functions, and criminal background. The Employee will only be offered reinstatement if a position is available and if the request is made within the granted leave period.

ARTICLE XIV - Exchange of Shifts and Transfers

Section 1 - Exchange of Shifts

Firefighters shall be permitted to exchange work shifts provided that exchanges of shifts shall not occur in which it would allow an individual to accept and get paid for overtime and then trade that shift. Further provisions include:

1. Their replacements are qualified to perform their duties.

2. Exchanges may be made for the purpose of engaging in gainful employment so long as such gainful employment involves activities directly related to the firefighter's job duties and/or professional development. Such an exchange must be pre-approved in writing by the Chief or his/her designee. Approved exchanges for gainful employment shall not count towards the bank referenced below.

3. An employee whose loaned time off is being repaid may perform such work as he/she usually performs when not on duty with the Fire Department.

4. Exchanges being made for the purpose of satisfying military service requirements or approved education and training, shall not be counted towards the bank referenced in number five below for either the firefighter initiating or fulfilling "pay-back" the swap

5. Each firefighter shall have a bank of 288 hours from which he/she may draw for exchange of shifts in excess of twelve (12) hours. Swaps of twelve (12) hours or less do not count toward the swap bank. Swaps referenced in #7 below may also not count at the discretion of the Chief or his/her designee.

6. No more than three (3) firefighters on any work shift may be granted such exchanges except that, in the discretion of the Battalion Chief, additional exchanges may be permitted provided their replacements are qualified and no weakening in the department's firefighting capacity will result.

7. A firefighter may not be allowed to participate in 24-hour exchanges of shifts which would cause him to be off-duty for more than four consecutive work cycles (a work cycle is defined as one 24-hour period on-duty followed by three 24 hour periods off-duty) unless approved by the Chief or his/her designee. Situations qualifying for such approval include but shall not be limited to military leave, educational endeavors, and extended illness/injury.

8. The Battalion Chief may approve swaps according to these guidelines except as noted elsewhere in this article.

9. Swaps shall be repaid on an hour-for-hour basis within one year of the swap being initiated. With the exception of IAFF Local 797 union business, no other arrangements or considerations shall be made between the swapping parties.

10. If an individual is hired for 12 or more hours of overtime, they may allow another individual to work up to six (6) sequential hours of that shift. The hired individual will be checked off according to the overtime hiring rules and each party will be compensated at time and one half for the actual hours they worked.

This exchange of twenty-four (24) hour shift limitation shall not affect vacation or other off-duty time provided for in this agreement and is not intended to prevent individuals from

coordinating exchanges of shift with vacations or other off-duty time provided for in this agreement.

The limitation on the number of allowable exchanges of twenty-four-hour shifts shall not affect occasions when the firefighter requests a swap for the purposes of attending a job-related seminar, course or other educational program, provided that the firefighter has the proper documentation as to the nature and schedule of the seminar, course, etc., and has received prior approval from the Chief or his designee.

If a firefighter who is due to work the shift of another on account of an exchange becomes ill or is injured off the job more than 24 hours prior to the time he/she is due to report for that shift, it is that firefighter's responsibility to find a replacement so that the exchange does not cost the City additional money in the form of overtime for a replacement. If a firefighter who is due to work the shift of another is injured on the job more than seventy-two (72) hours prior to the time he/she is due to report for duty, it is that firefighter's responsibility to find a replacement so that the exchange does not cost the City additional money in the form of overtime for a replacement. If such a replacement is not found, the firefighter shall be responsible for reimbursing the City in the amount of the difference between what his regular pay would have been for that shift and the amount actually paid to the person who replaced him/her.

Section 2 - Transfers, Permanent Positions, Bidding, EMT Assignments

1. Vacancies: When a permanent vacancy occurs in a position, transfers will be governed by the provisions of this article. As used in this article a "vacancy" shall mean a position not occupied due to death, retirement, transfer, resignation, dismissal, promotion of an incumbent or an unfilled newly created position. When a vacancy occurs, rank for rank picking by seniority will be done within the battalion that has the vacancy. Only the affected rank will pick. If the selection creates a non-EMS unit, refer to Section 2-5.

2. Establishing Permanent Positions: On the first Wednesday of every other October commencing in 2002, each member will be given the opportunity to pick his permanent assignment from any of the remaining positions in his rank. An Executive Committee member will assist the Deputy Chief in the administration of this transfer process. The most senior Battalion Chief will pick first having four (4) choices. The next senior Battalion Chief will have three (3) choices, etc., until all Battalion Chiefs have picked. The next picking will be done by the Captains, Lieutenants and the Privates observing the same procedure.

Positions above and beyond those required for the in-service apparatus shall be known as Float positions. An in-service apparatus is one that will be staffed 24 hours a day, 7 days a week and is subject to positional picking process. Employees assigned to Float positions may be assigned to work on any apparatus, at any time, based on the needs of the department. This may include but is not limited to, being assigned to backfill so others can participate in training or meetings, staffing department details, storm coverage, or staffing additional apparatus during peak times or during events. In these instances, the Battalions Chief will consider seniority, when circumstances permit, by giving the more senior float the option of offered assignments. Float positions may also be used at the discretion of the Battalion Chief, to relieve individuals on apparatus assignment on a temporary basis when deemed necessary. This shall not be used to move an employee off their assigned apparatus position against their will. The Deputy Chief will monitor float assignments to ensure no one Float is being unfairly burdened. Unless needed elsewhere, when at full staff levels, additional personnel will be assigned to the aerial or an engine. Due to the nature of the position, those in the Float position will not have consistent contact with any one officer. Therefore, the Captain of the platoon shall be identified as their officer.

After all members have picked according to the provisions of this section they will be in their permanent positions. If a member is not available to make this selection, a prioritized list of selections must be left in writing with the Deputy Chief. All transfers will take effect on the first Sunday in January.

Any employee who holds an EMS position under this Article, shall maintain his/her EMS license required for his/her permanent position.

3. Bidding: Every year (except when establishing permanent positions) during the last two weeks in September any member who would like to change his position shall put it in writing in a sealed envelope and submit it to the Deputy Chief. Those positions will be put into a pool and are the only positions up for bid. All bids will be awarded in order of seniority according to rank. Members who have not submitted their position to the pool will not be allowed to bid. Posting date will be October 1st and will include all available positions and personnel by rank and seniority. Bidding will be done during the first two weeks in October.

4. Seniority: Transfers shall be rank for rank and seniority is defined as time in rank. "Time-in-rank" seniority is defined as the length of continuous service in their present rank from the date of promotion, less any adjustments due to approved leaves of absence without pay (unless otherwise agreed by the City Manager).

In the case of an officer who has been reduced in rank, that officer's time-in-rank seniority shall be considered to be the length of continuous service in that particular rank including the time the officer was in the rank from which he was reduced. If time in rank is equal, then time in the Department prevails.

5. EMT Assignment Procedures:

(a) The rescue crew shall consist of a State of Maine licensed paramedic and at least a State of Maine licensed EMS provider.

(b) All apparatus will have at least one State of Maine licensed EMS provider assigned to it.

(c) Paramedics will be distributed as equally as possible between the battalion with a minimum of four (4) assigned per battalion.

(d) If an apparatus/rescue does not have a State of Maine licensed EMS provider assigned to it after establishing permanent positions, the senior State of Maine licensed provider of the same rank on the battalion will be asked to go to the apparatus/rescue that is lacking a State of Maine licensed EMS provider. If he chooses that assignment, he will bump the junior person of the same rank on that truck. The person who got bumped has the right to go to the firefighter on the battalion that he is most senior to and bump him, that following suit until everyone has a position. If he chooses, he can go to the vacant spot held by the State of Maine licensed EMS provider that is moving. If the senior State of Maine licensed EMS provider of the same rank does not want to move, the next senior State of Maine licensed EMS provider of the same rank on the battalion will be asked to go to that position continuing the same procedure as described above. This process will be repeated until all apparatus/rescue have State of Maine EMS provider assigned to it. If the EMS position is not filled, the junior State of Maine EMS provider of the same rank on that battalion will assume that position.

6. Paramedic Roster: The Fire Department shall have a minimum Paramedic roster level of sixteen (16). Current Paramedics will be included as part of the roster. The increase to 16 paramedics will be accomplished as new firefighters are hired. Paramedics shall be required to maintain their EMS license while part of the minimum paramedic roster level. The most senior Paramedic will be removed from the Paramedic roster when his/her replacement has attained their Paramedic license. On a case-by-case basis, a firefighter may request a temporary reduction in their EMS License due to personal reasons. Any reduction will first be discussed by Labor Management Committee.

Paramedic Roster Rules

1. Employees hired after January 1, 2015, shall obtain and continue to retain a paramedic license while part of the minimum Paramedic roster. This includes complying with state mandated continuing education requirements. Maintenance of such licensure level required by this article shall constitute a condition of employment and failure to maintain such required license shall be considered just cause for dismissal.
2. Employees hired before January 1, 2015, shall continue to retain a Paramedic license while part of the minimum Paramedic roster. This includes complying with state mandated continuing education requirements. Any employee whose EMS license has lapsed or has been downgraded for failure to comply with continuing education requirements will forfeit their EMS pay and be reduced an amount equal to two (2) anniversary steps. If and when the employee's license is reinstated, the employee will return to full pay and status.
3. Paramedics may request to downgrade licensure under the following conditions:
    a. There are sufficient number of Paramedics with less seniority which will allow the reduction to occur without negatively impacting minimum Paramedic staffing levels;
    b. The Paramedic has experienced a catastrophic event, not of his own doing, that would prohibit him/her from continuing to perform as a Paramedic safely. For example, an incident that results in post-traumatic stress.
    c. Either incident will require an administrative review followed by discussion with the Labor/Management Group.

Actions against the Provider's License:

1. Any employee whose EMS license is being investigated by MEMS shall notify the Chief or his designee immediately.
2. The employee shall maintain full pay and status pending the results of the MEMS investigation unless the State, Regional, and/or Department's Medical Director prohibits the employee from working in EMS or limits the capacity in which an employee can provide EMS.
3. In cases where the employee is prohibited from working in EMS or has limits on their capacity in which he/she can provide EMS as a result of an internal action, the employee will be paid in accordance with their ability to perform EMS.
4. Providers hired after January 1, 2015 that are on the Paramedic Roster who are downgraded as an action of MEMS from an investigation, regardless of duration, may be subject to termination.

7. Filling of a Temporary Vacancy: This situation is intended to cover long term vacancies of one month or more such as leaves of absence, on the job injuries and/or extended sick leave a firefighter from an unaffected battalion may volunteer to fill the vacant position after the need for the vacancy has been posted. The specific criteria (such as rank and EMS licensure level) will be identified in the posting and only those that fit the criteria may apply. The vacancy will be posted for two work cycles (8 days). Any firefighter who would like to volunteer to fill the temporary vacancy shall do so in writing to the Deputy Chief. The volunteer with the most seniority will be selected.

Should no firefighter volunteer to fill the temporary vacancy, then the Chief will select a firefighter to do so from an unaffected battalion. Those firefighters filling temporary vacancies may take previously selected vacations and floating holidays, even though it will cause a decrease in the apparatus staffing for those days. The Chief will take into consideration other types of negative impacts the firefighter may have when filling the temporary vacancy. The firefighter who is assigned to fill the temporary vacancy will go back to his previous assignment when the absent firefighter returns to the department or the vacancy becomes permanent. If the bidding for the temporary vacancy creates a non-EMS pump/rescue, refer to Sec. 2-5.

ARTICLE XV - Recall to Work

Section 1 - Off-Duty

Off-duty firefighters may be recalled to duty in the case of multiple alarms, major emergencies, or when staffing per apparatus is below the required level. The required minimum staffing level for each structural engine company is three (3); aerial company is three (3) and one Battalion Chief. The parties agree that in no event will the City be required to assign more than three firefighters per apparatus as set forth above, plus the Battalion Chief. The Chief may increase the staffing requirements when conditions reasonably warrant his/her doing so.

Staffing for other apparatus not listed above will be at the discretion of the Fire Chief or designee.

Stand-by duty shall no longer be required provided that a sufficient number of firefighters return to duty for multiple alarms or major emergencies. If a sufficient number of firefighters do not return to duty, in the judgment of the Chief, up to four (4) firefighters may be required to serve on stand-by. All firefighters will be called on multiple alarms and Box 33's unless canceled by the Incident Commander.

The firefighter will be notified of second alarms and/or Box 33's by automated text messaging system (primary notification) and/or by telephone (secondary notification). Acknowledgment of arrival time occurs when the firefighter reports for duty at the station or substation and is logged on to the Battalion Chief's multiple alarm sheets.

The time of work performed in the case of multiple alarms shall be computed from the time of notification based upon the nearest quarter hour, except that any firefighter reporting more than forty-five (45) minutes after notification of the alarm shall be paid for work performed computed from actual reporting. Any firefighter must report within forty-five (45) minutes from the time the firefighter is notified of a multiple alarm to be eligible for three hours of time and a half for a minimum payment.

Any firefighter responding to a multiple alarm arriving more than one (1) hour prior to the time that he/she would otherwise have been required to report for duty shall receive a minimum of $50.00.

Section 2 - Replacement Coverage Turns

When staffing falls below requirements as set forth in Article XV, Section 1, replacements shall be obtained from the extra work list. When there is no EMT on duty and additional staff is required, the City shall recall an EMT as the name appears on the extra work list or compulsory work list. If there are no firefighters/EMTs willing to work, replacements shall then be obtained from the compulsory work list. Any firefighter or firefighter/EMT selected to work from the compulsory work list shall have the right to find his/her own replacement.

When hiring a replacement, the Department will follow the Rules for Overtime Hiring.

ARTICLE XVI - Health and Safety

Section 1 - Health Promotion Program and Employee Cost Share

Firefighters and the City agree to implement a Health Promotion Program with the following goals:

1. To promote wellness and health by rewarding employees and their dependents for healthy behavior that will encourage employees to develop and maintain healthy habits;

2. To reduce the overall need for health care services by City employees and their dependents; and,

3. To slow the rate of increase in the City's health insurance premiums.

Employees (and the spouse if applicable) who participate in the Health Promotion Program and make their best efforts to achieve health management goals will pay a minimum of 15% of the monthly premiums. Employees who do not participate in the Health Promotion Program will pay a maximum of 25% of the monthly premiums, as established by the Maine Municipal Employees Health Trust (or alternative health insurance carrier); regardless if the employee is in a single, single parent or family plan. The employee's contribution will be withheld on a weekly basis, based upon 48 weeks in the calendar year.

In the event that the Health Promotion Program is eliminated, through loss of funding or any other reason, the employee cost share will continue to be 15% of monthly premiums for the life of this agreement.

A full description of the Health Promotion Program is attached as Appendix A.

Section 2 - Health Insurance

The Association recognizes the increasing cost of providing health insurance to employees. To assist the City in addressing this mutual concern, the Association will join with the City in its efforts to provide further education and information for members in regards to the use of MMEHT cost containment benefit guidelines.

Effective 1/1/14 the City will implement the PPO 500 Plan through the Maine Municipal Employees Health Trust, on a voluntary basis at the employer/employee cost share as outlined in Article XVI Section 1. Health Promotion Program and Employee Cost. Employees who opt to remain in the Point of Service C Plan will pay the difference in premiums between the PPO 500 Plan and the POS C Plan for single, single parent and family subscribers. The City may change or offer alternative health insurance programs including, but not limited to insurance carriers, health maintenance organizations, preferred provider organizations, or to self-insure so long as the new or alternative coverage and benefits are substantially similar to the plan most recently provided to the membership and further provided that:

1. The City, by written communication, notifies the Association, no less than sixty days prior to implementation, of the specific details of any changes or alternatives in health insurance.

2. That the City, subsequent to the written notification but within sixty days, meets with the Association to discuss the changes or alternatives.

3. That any disagreement between the parties to this labor contract as to the changes or alternatives being "substantially similar" be resolved by arbitration.

4. That such changes or alternatives shall not increase the financial burden places upon employees above the current level.

The City may institute cost containment measures relative to insurance coverage so long as the basic level of insurance benefits remains "substantially similar" to the current coverage and no financial burden is incurred by the employees. Such changes may include, but are not limited to, mandatory second opinions for elective surgery, pre-admission and continuing admission review, prohibition on weekend admission except in emergency situations, and mandatory out-patient elective surgery for certain designated surgical procedures.

The City shall provide adequate staff assistance to help firefighter's process claim forms, including mailing of claims and medical forms to health care providers.

Section 3 – Health Reimbursement Account –

Effective 7/1/14, the City will implement a Health Reimbursement Account (HRA) for use toward deductibles and co-insurance in the amount of $750 for single person and $1,500 for single parent subscribers and family subscribers in the PPO 500 Plan. Unused money in the HRA rolls over from one year to the next and each fiscal year, the City will refund each account up to the $750 and $1500 maximums.

Section 3 - Payment Program for Waiving Health Insurance Coverage with the City of Auburn

Any firefighter may elect to waive coverage in the City's health insurance plan. Any firefighter waiving full coverage or partial coverage for which he/she would otherwise be eligible shall be paid according to the following conditions:

Except as stated in Article XVII Section 1. Separation From Department, any firefighter eligible for full family coverage or single coverage and who elects to waive health insurance coverage shall receive a payment equal to the amount of five (5) months of health insurance premiums. The waiver payments will be made in twelve (12) monthly payments.

A firefighter who is eligible for a full family plan but opts to take either a "single parent plan" or a "single plan" shall receive an annual payment equal to five months of the difference in premiums between the plan for which he/she is eligible and the plan which he/she opts to take.

Firefighters who are married to other City (non-school) employees covered by the health insurance shall be eligible for an amount equal to five (5) months of insurance premiums at the single rate if he/she waives health insurance coverage with the City.

The payments in lieu of health insurance shall be based on the premiums in effect the month the premiums are paid. All health insurance waiver premiums are based upon the PPO 500 Plan premiums effective 1/1/2014.

A new firefighter who waives health insurance coverage shall not be eligible for the payment in lieu of insurance until he/she has successfully completed the probationary period.

If the firefighter wishes to be reinstated on the health insurance policy or change his/her coverage from a single or a single parent plan (if he/she would otherwise be eligible for full coverage) he/she may do so as long as he or she follows the insurance carrier's requirements for evidence of insurability and portability of coverage provisions.

If a firefighter is reinstated (or covered for the first time) after receiving payment for waiving health insurance coverage, the firefighter shall repay the City the balance of the payment, pro-rated on a monthly basis.

In order to receive payment for waiving health insurance coverage or to be reinstated on the health insurance plan, the firefighter must submit written notice to the Human Resources Director. Discontinuance of health insurance or reinstatement of coverage will be effective the first day of the following month in which written notice has been received, provided that the employee meets all conditions, which may be imposed by the health insurance carrier.

Section 4 - Extent of Coverage

The extent of coverage provided under the existing insurance policies (including HMO and self-insured plans) referred to in the Agreement shall be governed by the terms and conditions set forth in said policies or plans in existence at the time of the dispute. Any questions or disputes concerning said insurance policies or plans or benefits hereunder shall be resolved in accordance with the terms and conditions set forth in said policies or plans and shall

not be subject to the grievance and arbitration procedures set forth in the Agreement. The failure of any insurance carrier(s) or plan administrator(s) to provide any benefit for which it has contracted or is obligated shall result in no liability to the City, nor shall such failure be considered a breach by the City of any obligation undertaken under this or any other Agreement.

Section 5 - Benefits Supplementing Workers' Compensation Benefits

If a firefighter receives a personal injury or is disabled by occupational disease arising out of and in the course of his/her employment by the City, the City will, provided that the provisions of this Article are met by the firefighter, continue his/her full contract wages and other benefits, without interruption or waiting period, so long as he/she is incapacitated to perform firefighter's work as a result of the personal injury or occupational disease. The City has the right to contest a workers' compensation claim. Such a claim will be appealed and resolved according to the procedures provided by the workers' compensation statutes and regulations.

An aggrieved firefighter may seek relief only under the Workers' Compensation Act before the Workers' Compensation Commission. In the event of a final decision by the Workers' Compensation Commission that the firefighter' injury or illness arose out of and in the course of his/her employment with the City, and incapacitated him/her for his/her work as a firefighter, then, in addition to benefits payable under the Workers' Compensation Act, the City shall provide the firefighter all additional benefits due under this contract, if any, retroactive to the date of incapacity. No firefighter shall receive any combination of benefits from the City or its Workers' Compensation carrier, including, but not limited to sick pay and vacation pay, which benefits total more than such employee's benefits under this contract, or the Workers' Compensation Act, whichever is greater. No firefighter shall lose sick pay benefits during time he/she is entitled to benefits under this section.

The firefighter who is receiving or claims benefits under this Article shall, if requested by the City, promptly file a claim for Workers' Compensation benefits. Otherwise, the employee may exercise rights under Workers' Compensation Act as he/she wishes, or not. If a claim for Workers' Compensation benefits is not filed within thirty (30) days after receipt of a written request making reference to this provision in the contract, then the City may terminate wages provided under this Article unless and until the firefighter files the requested claim.

Upon filing a claim for continuation of wages under this Article, the firefighter shall, upon request by the City, execute a certificate authorizing the City to obtain in writing from any physician, osteopath, chiropractor, or any other health care provider, any written information

which is or has been obtained in connection with the examination or treatment of the employee and which relates to any injury or disease for which compensation is claimed.

The City shall have, for any benefits paid a firefighter pursuant to this Article, the identical lien and rights as against third parties and the firefighter as the City or its insurance carrier may give as regards worker's compensation benefits under 39 M.R.S.A.§68. At the request of the City, the firefighter shall sign such documents and perform such acts as are reasonably required in order to effectively subrogate the City to the firefighter's claim(s).

The rights of the City and the firefighter under this Article are in addition to and not limited by the Workers' Compensation Act of the State of Maine and regulations issued pursuant thereto.

Section 6 - Expense of Injury or Illness

The City shall pay all hospital, medical, and surgical expenses incurred by any firefighters on account of injury or illness arising out of and during the course of their employment; except that it shall not be required to pay for any such expenses which are covered by insurance provided by the City or otherwise assumed by the City.

Section 7 - Light Duty Return to Work

The City and Local 797, IAFF agree to continue the Light Duty Return-to-Work Program for firefighters. The goal of the program is:

1. To assist the firefighter in the return to his/her pre-injury position with the Fire Department;

2. To provide some "connectedness of the firefighter to the Department;

3. To speed the recovery process;

4. To provide for meaningful work for the Department and the Firefighter;

5. To make maximum use of the Firefighter's skills and abilities. To that end, the City has defined specific work assignments or light duty activities that will be made available to employees injured at work who are unable for period of time, as defined in this section, to perform their regular firefighting duties.

a. No light duty assignment shall result in the transfer, displacement, or lay-off of another firefighter, nor shall any assignment be made for the purpose of demeaning, discriminating or punishing the employee for his/her injury, illness, or absence from work.

b. The individual participating in the light duty program will not count toward the apparatus staffing level on duty for that shift.

c. The injured employee will not be required to work on any other shift that his battalion would normally work, unless mutually agreed between the firefighter and the City. If mutually agreed between the firefighter and the City, the firefighter will work the administrative work schedule (8:00 a.m. - 4:30 p.m. M-F) or an alternative flexible schedule to be determined on a case by case basis. It is understood that any alternate schedule will be based upon an average of a 42-hour work week. The firefighter will not be required to work for any other department than the Fire Department, unless mutually agreed upon between the City and the firefighter.

d. The employee on light duty will receive full pay and benefits as provided by Article XVI Health and Safety, Section 5. Benefits Supplementing Workers' Compensation Benefits.

e. In order to improve the effectiveness of the Light Duty Return to Work Program, and to fully utilize the skills and abilities of the injured firefighter, the Deputy Chief, the Battalion Chief on-duty and the injured firefighter will meet at the beginning of the shift to discuss the firefighter's medical restrictions; the work that falls within the medical restrictions that need to be performed that day; the firefighter's special training, expertise or interests; and the firefighters suggestions for ways that he/she might best enhance the Department's operations while on light duty

At the end of each shift, the firefighter on light duty will provide a description of the activities performed during the shift and will turn this record into the Battalion Chief at the end of each shift

f. The firefighter may be on light duty status for a maximum of one year, or until he/she reaches maximum medical improvement, or until he/she is able to return to regular status, whichever occurs first. A firefighter's medical condition will be reviewed at least quarterly (more frequently if necessary) to determine if the firefighter is still unable to return to firefighter duties.

g. The hours worked on light duty will be turned into the City's workers' compensation claims manager weekly in order that the workers' compensation benefit may be re-calculated. This will have no effect on the firefighter's regular wages from the City, as the firefighter will endorse the workers' compensation check over to the City as is current practice.

h. No firefighter will be required to perform light duty activities that are not within the employee's work capacity. If the employee and the Fire Chief are unable to reach agreement as to the employee's capacity to perform any light duty job, the Chief or his designee will submit a written light duty job description to the department designated physician for his/her determination that the proposed duties are within the employee's work capacity.

i. Light duty assignments may be filled by the firefighter who is unable to perform regular duty as a result of an off-the-job illness or injury as long as the following conditions are met:

i. Participation is on a voluntary basis;

ii. The firefighter has exhausted his accrued sick leave;

iii. There is a light duty position available. Light duty positions will be filled first by firefighters who are unable to return to regular duty as a result of an on-the-job illness or injury.

iv. The firefighter may be in light duty capacity for a maximum of three months, or until he/she reaches maximum medical improvement, or until he/she is able to return to regular duty, whichever is soonest.

v. Firefighters on light duty due to an off-the-job illness or injury will work the administrative work schedule (8:00 a.m. - 4:30 p.m. M-F).

vi. Firefighters on light duty due to an off-the-job illness or injury will receive payment only for those hours actually worked.

j. The department will develop a list of light duty activities for the firefighter. It will be management's right as to which activity is filled by which firefighter. It shall be the

responsibility of the Fire Chief or his designee to match the work capacity skills and abilities of the firefighter with the light duty activities available at the time of the injury.

Section 8 - Damage to Glasses and Teeth

The City shall pay all expenses incurred by a firefighter for loss or damage of eyeglasses, false teeth, and hearing aids while on an emergency call. This benefit shall not diminish any benefits available under the Workers' Compensation Act.

Section 9 - Department Physician

The City of Auburn may retain a department designated physician to be the primary contact for all work-related injuries, to oversee the Respiratory Fitness Program and for other situations when in the judgment of the Fire Chief, medical consultation regarding a firefighter's fitness for duty is needed.

In recognition of the essential job functions, which require the firefighter to be in good physical condition, the City and the firefighter have mutual interest in the firefighter's overall health and well-being. Firefighters are strongly encouraged to have regular exams on a schedule set forth by their primary care physician and to discuss with their primary care physician the physical demands of their profession. The City offers a comprehensive health insurance package, as well as an Employee Assistance Program and Wellness related programs, which defray the costs of annual medical exams and follow-up treatment.

Section 10 - Substance Abuse Testing Program

The City of Auburn and Local 797 will reach agreement on all sections of the Substance Abuse Testing Policy for firefighters before it is submitted to the Department of Labor for approval. If the Substance Abuse Testing Policy is found not to be in compliance with state statutes, the City and the Union agree to reopen the contract for purposes of renegotiating only those specific sections of the Substance Abuse Testing Policy found not to be in compliance. These sections will be resubmitted to the Department of Labor for approval.

No substance abuse test will be administered until the Substance Abuse Testing Policy for firefighters (attached as an addendum to this contract) has been approved by the Department of Labor and all regulations pertaining to implementation have been met.

Section 11 - General Safety

The Health and Safety Team will continue to consider and make recommendations on safety issues.

Section 12 – Vaccination Requirements

In accordance with Maine EMS rules Chapter 21 "Immunization Requirements", the city must require that a Covered Emergency Medical Services Person provide to the City, a Certificate of Immunization or documentation of an Exemption pertaining to COVID 19 and Influenza. The intent of this article is to ensure that both the City and the employees remain in compliance with this Maine EMS Mandate.

Per Maine EMS, "Covered Emergency Medical Services Person" means an advanced emergency medical services person, a basic emergency medical services person or any person licensed by this board who routinely provides Direct Patient Care. For the purposes of this definition, EMS students that provide Direct Patient Care are Covered Emergency Medical Services Persons.

Employees that meet the definition of "Covered Emergency Medical Service Person" are required to meet the vaccination requirements and to provide proof to the Deputy Chief, of such vaccinations or an exemption as described in the rule.

Compliance with the vaccination rule is a condition of employment. An employee found to be in non-compliance with this rule will be given a one time, thirty (30) day period, to come into compliance. During this 30-day period the firefighter will be required to find voluntary alternate ride assignments if currently assigned to a rescue. The department expects all licensed uniformed firefighters to provide patient care. Failure to come into compliance may result in termination.

Firefighters required to receive vaccination or boosters off duty will be compensated at the firefighter's overtime rate.

If an employee should experience any signs or symptoms that prevent them from working within 72 hours of receiving a vaccination or booster shot, on or off duty, the firefighter shall be allotted administrative leave until signs and symptoms cease.
As with any workplace injury, the employee may report suspected illness or injury resulting from vaccination. Such report will be processed through the normal Workers Compensation Claims process.

Any firefighter that elects to separate from the department rather than meet the COVID and Influenza vaccination requirements as defined by the rule, will be allotted all benefits of separation under Article XVII-Separation from the Department.

If upon implementation of this vaccination requirement, any current employee elects not to receive the vaccinations to become compliant with the rule, and is separated from the Fire

Department, for one year the employee will be considered for any city position that the employee may be eligible for.

ARTICLE XVII - Separation from Department

Section 1 - Retirement

The members of the Auburn Fire Department participate in the Maine Public Employees Retirement System Consolidation Plan -- Special Plan II. Effective 7/1/14, the City will implement MePERS Special Plan 3C (two-thirds pension at 25 years with no minimum age) for those firefighters who have less than 25 years of service with the Department. Firefighters with 25 years of service or more at the time of implementation of Special Plan 3C will not be eligible for Special Plan 3C.

The City will implement a In Service Retirement Program for Firefighters who reach 25 years of service in the MePERS on 7/1/14 or later. Participants in the In-Service Retirement Program will retire in order to draw his/her pension and will remain employed for up to five additional years or upon reaching thirty (30) years of service as defined by MePERS.

At the completion of the Firefighter's twenty fourth (24th) year as determined by MePERS, the Firefighter will declare his/her intention to participate in the In-Service Retirement Program when eligible and will state his/her intentions to the Fire Chief or his/her designee. The Firefighter may opt into the In-Service Retirement Program at any time after attaining 25 years of service, however, may participate in the plan until he/she reaches 30 years of total service.

The firefighter in the In-Service Retirement Program will cash out all accrued vacation time and all accrued sick time as per this article. Firefighters may reserve 48 hours of sick leave from being cashed out. This sick time may be retained and used as a starting sick leave balance upon participation in the In-Service Retirement Program. Firefighters must state in writing to the Office Manager that they want to reserve this sick time from being cashed out prior to the final submission of the termination forms and cash-out is submitted to the Finance Department. The Firefighter understands that any sick leave hours held in reserve and not cashed out may negatively affect his/her pension through Maine Public Employees Retirement System. It is his/her responsibility to thoroughly understand any potential impacts. During the five years that the firefighter works under the In-Service Retirement Program, the firefighter will accrue vacation and sick time, but will be entitled to cash-out only accrued but unused vacation leave. Firefighters who retire and participate in the In-Service Program who have more than 1440 hours of accrued sick leave at retirement will put the excess hours over 1440 into a "lapsed sick leave" account. The use of the lapsed sick leave account is for the sole purpose of covering the

firefighter's extended absences of more than 3 weeks and for conditions that would be covered by the City's Family and Medical Leave policy. The lapsed sick leave account is for the firefighter's own personal absence as a result of illness or accident and is not intended to be transferred to a sick bank for any other firefighter or City employee.

The City will share the savings generated from not making employer contributions to MePERS with the Firefighter on the In-Service Retirement Program on a 50/50 basis, with the savings for the firefighter to be paid to a supplemental retirement fund or a Retirement Health Savings Account.

Section 2 - Vacation Cash-out

If a firefighter separates from the department with accrued and unused vacation hours, he/she will be entitled to "cash out" the unused vacation hours according to the following parameters:

1. Up to 350 hours.

2. Up to 480 hours if on OJI or extended sick leave.

Upon separation, if the firefighter's vacation bank is in the negative, the hours will be deducted from the firefighter's last paycheck.

For purposes of "cashing out" unused vacation time, each period/week of vacation time shall be calculated as being equivalent to forty-two hours at the firefighters' regular rate of pay. A vacation hour is equivalent to .875 pay hours (48 times .875 equals 42 hours at regular rate of pay.

Section 3 – Cash out of Accrued Sick Leave

With the exception of a voluntary election for those firefighters participating in the In-Service Retirement Program, one-half (1/2) of the accumulated sick leave, subject to a maximum of 720 hours, shall be paid the firefighter upon involuntary separation or retirement, resignation with ten (10) years or more of service with the City of Auburn. In the event of a non-work-related death of a firefighter, 50% of the accrued sick leave up to a maximum of 720 hours will be paid to the firefighter's beneficiaries. In the event that a firefighter dies in the line of duty, 100% of the firefighter's accumulated sick leave will be paid to the firefighter's beneficiary. The City's obligations in this regard shall be satisfied by payment, in the discretion of the Manager, to

the deceased's estate, his/her administrator or executor, or his/her widow/widower or children, or other person(s) designated in writing by the deceased.

Section 4 - Compensatory Time

Any accrued but unused compensatory time will be paid to the firefighter upon separation from the department.

Section 5 - Uniform Reimbursement

The balance in the uniform reimbursement account will be paid in cash in the event of the firefighter's separation from service (retirement, resignation etc.). Any cash payment from this account will be taxed. All firefighters retiring or entering the DROP Program during the term of this contract shall receive the accrued balance of the clothing allowance. All others will have two (2) years (until June 30, 2016) to spend down the balance to meet the two-year maximum balance.

Upon termination of employment, the department member shall reimburse the City for that portion of the clothing allowance paid but not earned. The earned portion of clothing allowance shall consist of the number of months in the final year of employment that a person has been on duty. In this instance, "on duty" refers to separation date from the department.

Section 6 - Lay-offs

Lay-off – In the event it becomes necessary for the City to lay-off firefighters for any reason(s), the firefighters shall be laid off in the inverse order of seniority by rank. Any officer selected to be laid off may elect to accept a reduction in rank in which case the least senior member of the Department in the next lowest rank shall be laid off or reduced in rank if a lower rank is available. Any officer electing to accept a reduction in rank in lieu of a proposed lay-off must be qualified as determined by the Fire Chief to assume the duties of the new position. If there is a conflict between seniority during a lay-off and assignment of paramedics in accordance to Section 2-5 EMT Assignments, Section 2-5 of the contract shall have precedence.

In the event the Department must make deep personnel cuts which result in lay-off of 50% of the firefighters, the Fire Chief will have complete discretion as to who will be laid off as long as he/she can demonstrate the reasons for his/her selections. Continuous time in the Department will be given the utmost consideration when these selections are made.

If possible, the City will provide a two-week notice to the firefighters affected by the lay-offs.

Recall – The firefighters who are laid off shall be placed on a recall list for a period of two years. Firefighters who are reduced in rank will be placed on a reinstatement list. If there is a recall, firefighters who are on the recall list shall be recalled or reinstated to their original rank in the inverse order of their lay-off or reduction in rank provided that they are presently qualified to perform the duties as determined by the Chief. The firefighters will be required maintain all certifications for the position and to take a pre-employment medical exam, substance abuse test and physical agility test to determine if he/she is physically fit to perform the essential job functions of the job. It is the responsibility of the firefighter to provide the Fire Department and the Human Resources Department with a current address and telephone number. Notice of recall will be sent to the firefighter by certified mail. The firefighter has ten (10) working days to respond to the recall notice.

No new firefighters will be hired within this one-year period unless all the laid-off firefighters have been afforded the recall.

ARTICLE XVIII - Miscellaneous Provisions

Section 1 - Uniform Reimbursement Policy

The City will establish a reimbursable uniform account similar to the Wellness Account. An amount equal to the following amounts will be credited to the firefighter on July 1st of each year:

Probationary and Permanent Firefighter – $485.
Captain -- $510.00
Battalion Chief -- $510.00

In addition to the above, the City will purchase full dress uniforms for those members of the department required to wear such uniforms at any time. The City will reimburse the firefighter $100.00 toward the purchase of a new uniform jacket on a one-time basis only.

a. Procedures for submitting bills: The firefighter will purchase the uniforms as per the attached list and then submit the receipts to the AFD administrative office personnel. The administrative personnel will forward the receipts to the Finance Department for reimbursement to the firefighter.

b. Accrual: The entire uniform credit does not have to be drawn down completely each year. Effective 6/30/16, the Firefighter may carryover the value of one year's uniform allowance from one fiscal year to next in order to purchase more expensive uniform items, but in no case may the firefighter's balance in the uniform reimbursement account exceed two years of allowance, except as specifically provided in Article XVII Separation from Department Section 5 Uniform Reimbursement. In April, the City will notify the firefighters of the current balance in the account on order that they may draw down the balance below the maximum two-year allowance. In this way, the firefighter may use the accrual from more than one year to make large infrequent uniform purchases such as structural firefighting boots. The Labor Management Committee will monitor the usage of the uniform reimbursement account. If it appears that firefighters are not drawing down the balance in the accounts over a two to three year period, then the Labor Management Committee will consider the implementation of caps on the maximum amount that can be carried over from one year to the following year (uniform accrual).

c. List of approved uniform items: The firefighter may submit receipts for reimbursement for uniform clothing as specified in the uniform policy in the AFD Employee Handbook. Items purchased through the uniform reimbursement account must meet IRS regulations in order to be tax exempt. This list is subject to change if the Department uniform policy changes.

Section 2 – Laundry Service

Effective 7/1/14 the City will discontinue contracted laundry service and firefighter will launder department bed linens, towels, and uniforms at the stations. Firefighters will receive $100 per firefighter per year to be used toward the purchase of personal bed linens and towels and laundry cleaning supplies. The City will continue to provide and maintain a washer and dryer at each station. The Fire Chief through Labor/Management will establish policy on items to be purchased with this account and the method of purchasing these items.

Section 3 – Use of Wireless Internet

The City agrees to provide internet access/service in all AFD stations for use by bargaining unit employees consistent with the City's Computer Use and Support Policy.

Section 4 - Association Meetings

The Auburn Firefighters Association shall be permitted to hold regularly scheduled meetings at the Central Fire Station, but substation firefighters shall not be called in by the

Association. The Association shall also be permitted to hold four (4) meetings per year at the Central Fire Station at which all units shall be allowed to attend. In addition to the above, the Association shall be granted the right to hold additional meetings at Central Station where such are required solely for the purpose of submitting a proposed collective bargaining agreement to the membership for ratification and to include all units at such meetings. The Chief shall be notified of any such special meetings in advance.

Section 5 - Discipline

Employees shall only be disciplined or discharged for just cause. The employer shall have the authority to bypass any step in the discipline process that is warranted by the severity of the infraction.

a. Oral reprimand requires a written record of the oral warning given and the reason(s) therefore. Any documented oral reprimand inserted in the Employee's personnel file shall be removed after a six (6) month period.
b. Written warning requires written notification, indicating the violation, reason(s) therefore, to the employee with a copy given to the Union President. Any written warning inserted in the Employee's personnel file shall be removed after a two (2) year period with no subsequent offenses.
c. Written reprimand requires written notification indicating the violation, reason(s) therefore, to the employee with a copy given to the Union President. A written reprimand which has not previously been the subject of a hearing shall not be placed in a member's personnel file unless the member is first given the opportunity to see a copy of the reprimand. Within five (5) days thereafter, the member may file a written reply. If the Chief thereafter places the written reprimand in the member's personnel file, he/she shall also include the reply. Two years after the incident, a firefighter may submit a request to the Chief that single incidents be purged from his/her file, such request to be determined by a three-member committee composed of: The City Manager or designee, the Chief of the Fire Department, and the Association President or designee (who shall serve on the committee only at the request of the individual).
d. Suspension/Demotion requires written notification, indicating the violation, reason(s) and dates of suspension, demotion, probation, to the employee with a copy given to the Union President.
e. Discharge requires written notification, indicating the violation, reason(s) and dates of suspension, demotion, probation, to the employee with a copy given to the Union President.

If the Employer has reason to reprimand an Employee, it shall be done in a manner that will not embarrass the employee before other Employees or the public. Any disciplinary action

or measure will be governed according to Fire Department Rules and Regulations. Such discipline may be processed as a grievance through the regular grievance procedure.

Section 6 - Indemnity

The City agrees to protect, save harmless, and indemnify a firefighter from and against all fines, penalties, loss, damage, cost and expense suffered or sustained by him/her or for which he/she may be held or become liable by reason or injury, including death, to persons or property, or other causes whatsoever, in the event an attempt should be made to hold him/her liable therefore in connection with the performance of his/her duties as a firefighter, including, without limitation on the foregoing, the operation of Fire Department vehicles and apparatus.

Section 7 - Residence of Firefighters

Firefighters may live in any location. The lack of a residency requirement may be re-evaluated in terms of impact on the department.

Section 8 - Jury Duty and Court Appearances

Requirements of jury duty for firefighters shall be as outlined in the Administrative Manual of the City of Auburn, however, if the firefighter is excused by the court for any reason, he/she shall be required to return promptly thereafter unless the time of release is less than one hour of the time the firefighter tour of duty is scheduled to end.

Fire Department personnel covered by this Agreement required to make an off-duty attendance at court for purposes directly related to their work as Auburn Firefighters shall receive a minimum of three (3) hours pay at his/her regular base hourly rate for each such attendance or time and one-half (1 1/2) his/her regular base hourly rate for all hours in attendance, whichever is greater. Any compensation (from other than the City) received by firefighters for attendance at any court or official hearing while on duty or if called while off-duty for a work-related matter shall be paid to the City.

ARTICLE XIX - Fire Prevention Officer

NFPA Standards and Rules as it applies to inspections, reference, enforcement, and review as it pertains to plans review, building, construction and code enforcement may be conducted by planning/code enforcement staff.

The Fire Prevention Officer will be paid according to the attached wage schedule. The Fire Prevention Officer's evaluation will be conducted on his/her anniversary date of hire.

The Fire Prevention Officer will be entitled to the same tuition and books reimbursement as provided to other firefighters.

The Fire Prevention Officer will work the administrative work schedule -- 8:00 a.m. to 4:30 p.m. Monday through Friday.

Flextime –

The purpose of flex time is to allow some flexibility in the FPO's work schedule so that he/she can more effectively meet the demands of his/her job that occur outside normal business hours.

Flextime will not be awarded on a strict hour for hour basis; rather, the DC and the FPO will meet after the event to determine how much flextime is appropriate.

The FPO will make every attempt to submit a verbal request for flextime off to the DC as soon as possible so that administration can plan for the absence of the FPO.

Overtime –

Overtime will be paid to the FPO at the rate of 1 and ½ times his/her normal rate of pay. A minimum of 3 hours of overtime will be paid when he/she is called before 7:00 am or after 4:30 pm on a normal working day, or for fire investigations occurring anytime during normally scheduled off duty time. The FPO will be compensated at the OT rate only for actual hours worked on all other call back situations.

Overtime will be paid in the event that the Police Department, Chief, Deputy Chief, or an Acting/Battalion Chief requests that the FPO attend an emergency event outside his normal work schedule.

Upon receiving such a request, the FPO will make every attempt to contact the requestor and either resolve the issue over the phone or confirm that it is a situation that requires his attendance.

A brief written explanatory report will be submitted to the Deputy Chief along with a request for overtime payment. Upon approval, this will be forwarded to the Office Manager for payroll processing.

Should the situation in fact turn out not to warrant the presence of the FPO, this will be included in a brief report specified in #4 and appropriate action will be taken to educate the person who made the errant request.

Overtime pay will not be withheld from the FPO in the event of an unnecessary request so long as the FPO complies with item 3.

The Fire Prevention Officer will receive the following holidays off with no additional compensation:

1. New Year's Day
2. Washington's Birthday
3. Patriot's Day
4. Memorial Day
5. Juneteenth
6. Independence Day
7. Labor Day
8. Columbus /Indigenous Peoples' Day
9. Veteran's Day
10. Thanksgiving Day and the day after
11. Christmas Day
12. Martin Luther King Day
13. Any one-time national holiday mandated by the President and observed by another Auburn City Departments

He/she will receive one personal day per contract year.

Vacation accrual for the Fire Prevention Officer will be as follows: One day per month; 15 days per year after completion of the fifth year of employment; 20 days per year after completion of the 12th year of employment. The Fire Prevention Officer may accumulate, up to a maximum of 30 days.

The Fire Prevention Officer will accumulate one sick day (7.5 hours) per month up to a maximum of 150 days. The Fire Prevention Officer may cash out one half of accumulated sick leave up to a maximum of 75 days conditional upon him/her having 10 or more years of employment with the City of Auburn.

The Fire Prevention Officer may also take Wellness Days, if earned through the City's Wellness Program. He must schedule Wellness Days off through the Deputy Fire Chief.

The Fire Prevention Officer will annually be credited with $385 in the uniform reimbursement account.

ARTICLE XX - Duration of the Contract

This agreement shall be effective upon execution and shall continue in force and in effect from July 1, 2022 until June 30, 2025. The provisions hereof shall remain in effect after that termination date if the parties are engaged in collective bargaining, mediation, fact-finding, or interest arbitration pursuant to the Maine Public Employees Labor Relations Act, or legal action relating thereto. No interest arbitration decision shall be given retroactive effect unless it is determined by reference to the facts and circumstances surrounding the negotiation that retroactive application would be just. In that case, the decision shall be made retroactive to the extent State law gives the arbitrator the power to make it so.

ARTICLE XXI - Inconsistent Rules, Regulations and Ordinances

The City may adopt such rules, regulations, ordinances, or charter provisions as it deems necessary for the operation of the Fire Department and the conduct of its employees, provided such rules do not conflict with any of the provisions of this Agreement. Any disagreements between the City and the Association as to whether or not a particular rule, regulation, ordinance conflicts with this Agreement shall be resolved by the arbitration procedure as outlined in Article XII of the Collective Bargaining Agreement.

To the extent any rule, regulation, or ordinance is found to be inconsistent with this Collective Bargaining Agreement, this Collective Bargaining Agreement shall prevail to the extent of the inconsistency.

The President of the Association shall receive a copy of all departmental orders and notices and copies of proposed changes in the Administration Manual.

ARTICLE XXII - Active Agreement

The contract may be changed during the term of this agreement when (1) the members of the Labor Management Committee have reached consensus and agreed to discuss any particular change(s) in the contract; and (2) the Union and the City Council have voted to make the change that was discussed and is being proposed by the Labor Management Committee.

ARTICLE XXIII - Savings Clause

If any provision of this agreement, or the application of such provision, should be rendered or declared invalid by any court action or by reason of any existing or subsequently enacted legislation, the remaining parts or portions of this Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Auburn has caused its corporate seal to be affixed to this instrument, and has caused this instrument to be signed for it and in the name of its appropriate municipal authorities and by its duly authorized officials as set forth below, and Auburn Firefighters Association, Local No. 797, of the International Association of Firefighters, A.F.L.-C.I.O. has caused this instrument to be signed by its President, thereunto duly authorized, on the date first above mentioned.

Witnesses:

City of Auburn

_____

By: _____

Phil Crowell
Its City Manager

Auburn Firefighters Association, Local 797 of the International Association of Firefighters A.F.L.-C.I.O.

_____

By: _____

Chris Moretto
Its President

Appendix A - Health Promotion Program

The program seeks voluntary participation in a health promotion and health care management system which focuses primarily on prevention activities. The goals include:

- To improve the health of each employee, through a personal risk assessment, continual education, and personal wellness plans;
- By employees being actively involved in their overall healthcare and by focusing on prevention, the use of higher cost medical services may decline which will result in long term savings in health insurance premiums;
- To reward employees and their dependents for healthy behavior.

Health Risk Analysis and Education

The first major part of the program is an individual health risk analysis which will be available for each employee who desires one. This service may be provided by a health care provider that will be under contract with the City to provide these services or by the employee's primary care physician. If the employee opts to use his/her primary care physician, the result of the health risk analysis will be provided to the City's contracted health promotion provider. The health risk analysis will include but not be limited to high blood pressure, elevated cholesterol, diabetes screening, smoking, and proper body weight. The aggregate results of the analysis for all City employees will be available to the City. However, consistent with federal law, the City will not have access to individual's health risk analysis.

A health care educator will be assigned and responsible to work with each and every member that signs up for the program (dependents are not required but are encouraged to participate in the program). These educators will work to establish the base line for health risk factors for each member. Once established, the educators will work with the member to provide wellness goals and benchmarks. Educational material and motivation will be a core part of the program.

After the initial consultation, each member will receive at least one additional face-to-face meeting annually. Such meetings will be primarily designed to be on the job site for the employees and in a private setting. Depending on the results of the health risk analysis and the goals of the member, additional meetings will be scheduled. Should a face-to-face consultation not be practical, phone and email may be acceptable alternatives.

The City, after consultation with the Health Care Provider and the City Wellness Team, will, at a minimum, provide monthly health related programs and topics that relate to the challenges that are facing the members. The City will continue to seek creative and meaningful ways to reward and recognize employees making progress in obtaining their individual health care goals.

Health Care Advisory Team

The City's Wellness Team will meet regularly to assist in recommending health-related programs, adjustments to the percentage distribution and any wellness issues or concerns that may arise. There will be at least one fire fighter on the team. Though the Team may recommend changes or adjustments to the program, the City will make the final determination to either accept or reject such recommendations. Lastly, since communications is such an integral part of any successful program, the Team will serve as an information conduit to City employees to assist in keeping them apprised of ongoing health care issues.

Health Care Management Proposal

Except as stated in Article XVII Section 1 Separation From Department, the insurance proposal is as follows: Employees' portion of health insurance premium increases from 15% to 25%, effective January 1, 2021. The program's implementation date is July 1, 2021. During the first year of the program employees need only agree to participate in the program to obtain the 10% health insurance premium savings. After January 1, 2022, employees are expected to meet the specific goals by utilizing their 'best efforts' as established by the Health Care Educators to obtain the full 10% savings.

- Health Promotion Program and Health Insurance Cost Share

The employee cost share for firefighters who do not participate in the Health Promotion Program will be 25%. Employees who are participating in the Health Promotion Program are expected to meet the specific goals by utilizing their 'best efforts'. The program has two goals: First, to improve the health of each employee through risk assessment and education; second, to reduce the long-term cost of health insurance for each employee and the City. As such, an employee who makes a 'best effort' but falls short of fully meeting their goals will not be penalized, providing, however, that the following three criteria are met:

a. the employee has participated in the Health Risk Assessment;
b. has made reasonable progress and improvement since the last measurement;

c. has been recommended by their health care provider/educator as having made their 'best effort'.

The City will meet and discuss with the Union in all cases it deems an employee to not have met this standard. Each case shall be decided on an individual basis and shall not be used as a reference in any way for any other employee.

At all times, the employee Primary Care Physician (PCP) shall be responsible for establishing and /or modifying appropriate goals. The Health Care Educator shall be responsible, in consultation with the employee's PCP, to determine the appropriate activities to meet such goals and to determine whether or not the employee has made a 'best effort'. In the event of a conflict between the PCP and the Health Care Educator, the employee's PCP shall have final say in re-determining and/or modifying previously established goals.

Cafeteria Benefit Plan Options

The City will contribute $650 to the Cafeteria Benefit Plan, of which the Flexible Spending Account is an option. The Flexible Spending Account can be used for office visit co-payments, lab work, diagnostic testing, prescriptions and other medicals. A firefighter may elect to put money from the Cafeteria Benefit into the Flex Spending Account and may increase the amount in the account by making additional contributions through payroll deductions. All money must meet the standards set by the IRS. Additionally, firefighters may cash out up to 48 hours of accrued time (sick or vacation) to the Cafeteria Benefit Plan, to be used towards the Flexible Spending Account or any other option on the plan.

Wage Schedule

Please see the attached Fire Fighter and Fire Prevention Officer Wage Schedules dated July 1, 2022 to June 30, 2025.

ORDER 19-02052024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute a revised Collective Bargaining Agreement, predicated on the wage reopener MOU signed in April of 2023, between the City of Auburn and the Local 797 representing the Auburn Fire Department Collective Bargaining Unit.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 5, 2024 **Order:** 20-02052024

Author: Phil Crowell, City Manager

Subject: 2024 Lewiston Auburn Warming Center

Information:
The Immigrant Resource Center is reques ng the ci es of Lewiston and Auburn provide the 2024 warming center services funding. The Immigrant Resource Center is reques ng $98,223.42 from the City of Lewiston and $89,306.42 from City Of Auburn to operate the 2024 warming center.

The proposed warming center will be located at Calvary United Methodist Church located at 59 Sab us Street in Lewiston. This facility o ers unique advantages for our intended services. Located in downtown Lewiston, this facility ensures direct access to public transport on for client visits. Conveniently situated within walking distance of essen al and social services such as health, food, housing, mental health, recovery services, educ on, laundry services and much more.

The warming center will operate for 8 weeks, st ng on 2/8/24 and closing on 4/5/24. The center will have oper on hours from 6pm to 8am Monday through Friday. And it will operate 24 hours on Saturday and Sunday to accommodate the limited services over the weekend.

City Budgetary Impacts: Authorize the use of Fund Balance in the amount of $89,306.42

Staff Recommended Action: Consider the order being proposed and funding allocation.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Warming Center Proposal and Warming Center Budget

Lewiston Auburn Warming Center Request For Funding Proposal

I. Background & Unmet Needs

In recent years, Lewiston Auburn has witnessed a significant rise in homelessness, necessitating comprehensive homelessness prevention services. Through creative collaboration and partnerships, a temporary warming center was established in January 2023, to provide a warm meal and place for the unhoused in Androscoggin County. While this initiative successfully addressed the immediate needs of providing shelter and meals during the coldest hours (12am-8am), it did not present a sustainable, long-term solution to homelessness. Hence, we need to establish a temporary warming center for the 2024 winter season.

II. Format, Delivery, and Scope

A. Location and Facilities:

The proposed warming center will be located at Calvary United Methodist Church located at 59 Sabattus Street in Lewiston. This facility offers unique advantages for our intended services. Located in downtown Lewiston, this facility ensures direct access to public transportation for client visits. Conveniently situated within walking distance of essential and social services such as health, food, housing, mental health, recovery services, education, laundry services and much more.

B. Operation:

The warming center will operate for 8 weeks, starting on 2/8th and closing on 4/5th 2024. The center will have operation hours from 6pm to 8am Monday through Friday. And it will operate 24 hours on Saturday and Sunday to accommodate the limited services over the weekend.

C. Staffing and Services:

Operated in collaboration with the Immigrant Resource Center of Maine, the cities of Auburn and Lewiston, and various partner agencies, the warming center will engage with mental health providers, recovery service providers, navigation service providers, schools, food service providers, housing authorities, HUBs, health care providers, outreach workers, landlords, general assistance offices, and larger social services networks. Staff will offer direction, supervision, and supportive services to individuals at the center, assisting them in accessing community-based programs related to housing, case management, mental health, substance use, employment and more. Security personnel, contracted through vendors, will enhance safety measures.

Additionally, the warming center will have Homelessness prevention services that will include GAP rental assistance, wrap-around services, rapid re-housing, and stability services, ensuring that unhoused individuals can attain and maintain permanent housing.

III. Budget

The Immigrant Resource Center is requesting the cities of Lewiston and Auburn provide the 2024 warming center services funding. The Immigrant Resource Center is requesting $98,223.42 from the City of Lewiston and $89,306.42 from City Of Auburn to operate the 2024 warming center. Please see the attached budget that details the funding request.

Immigrant Resource Center of Maine
Warming Center Budget 2024

Name of Line Item	Lewiston	Auburn
Personnel		
1. Center Staff (3 @100%) $28.00/hr./98 hr.week/10.5 weeks	$ 32,928.00	$ 32,928.00
2. Program Manager (1@10%) $37.00/hr/4 hr. week/8 weeks	$ 592.00	$ 592.00
3. Administration & Finance (3 @ 5%) $164.75(average)/2hr.week/10.5 weeks	$ 1,318.00	$ 1,318.00
TOTAL PERSONNEL	**$ 34,838.00**	**$ 34,838.00**
Fringe Benefits		
1. Employer's FICA/Medicare	$ 1,332.55	$ 3,135.55
2. Unemployment Insurance	$ 891.85	$ 891.85
3. Worker's Compensation	$ 421.54	$ 421.54
4. Health/Dental/Vision Insurance	$ 7,149.60	$ 7,149.60
TOTAL FRINGE BENEFITS	**$ 9,795.54**	**$ 11,598.54**
Consultants		
1. Security (1 @ 100%) $38.00/hr/98hr. Week/ 10.5 weeks	$ 14,896.00	$ 14,896.00
TOTAL CONSULTANTS	**$ 14,896.00**	**$ 14,896.00**
Supplies		
1. Paper Products (@150.00/week) x 12.5 weeks	$ 937.50	$ 937.50
2. Cleaning Supplies (@ $300.00/week)	$ 2,250.00	$ 2,250.00
TOTAL SUPPLIES	**$ 3,187.50**	**$ 3,187.50**
Insurance		
1. Liability & Property Damage	$ 2,500.00	$ 2,500.00
TOTAL INSURANCE	**$ 2,500.00**	**$ 2,500.00**
Other		
1.Calgary Church	$ 15,000.00	$ 5,000.00
2.Food (@ $2,800.00/week) 10.5 Weeks	$ 14,700.00	$ 14,700.00
3.First-Aid Kit	$ 200.00	$ 200.00
4.Gloves and Masks	$ 500.00	$ 250.00
5.Narcan (Naloxone Duty Belt Pouch | Holds Two NARCAN® Nasal Sprays) @ $180.00/pack	$ 360.00	$ 140.00
6.Cleaning and Desinfecting Crew for Closing Center	$ 1,500.00	$ 1,500.00
7.Travel @.45¢ (15 miles/day/73/days)	$ 246.38	$ 246.38
8.Miscellaneous	$ 500.00	$ 250.00
TOTAL OTHER	**$ 33,006.38**	**$ 22,286.38**
TOTAL	**$ 98,223.42**	**$ 89,306.42**

ORDER 20-02052024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby authorizes the use of $89,306.42 from the Fund Balance to provide funding for 2024 warming center services. The proposed warming center will be located at the Calvary United Methodist Church located at 59 Sabattus Street in Lewiston from 2/8/2024 through 4/5/2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 5, 2024

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

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 Workshop & Meeting
Agenda
Tuesday, February 20, 2024
Auburn Hall, Council Chambers

5:30 P.M. Workshop

A. LA Arts – Jim Parakilas
B. Androscoggin Historical Society – Curtis Jack and Wendy Tardif
C. Auburn Lewiston Airport – Jonathan LaBonté
D. Assessing Update – Karen Scammon and Joe St. Peter
E. Innovation Designation – Jay Brenchick, Eric Cousens, Glen Holmes

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Weisner

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 22-02202024*
Appointing Philip Savignano to serve on the Parks & Recreation Advisory Board with a term expiration of 10/01/2025 as nominated by the Appointment Committee.

2. Order 23-02202024*
Appointing Robert Hayes to serve as an associate member of the Planning Board with a term expiration of 01/01/2026 as nominated by the Appointment Committee.

3. Order 24-02202024*
Appointing Denis Bergeron to serve on the Sewer District Board of Trustees with a term expiration of 03/01/2025 as nominated by the Appointment Committee.

4. Order 25-02202024*
Re-appointing Thomas Moulin to serve on the Sewer District Board of Trustees with a term expiration of 03/01/2028 as nominated by the Appointment Committee.

5. Order 26-02202024*

Appointing Denis Bergeron to serve on the Water District Board of Trustees with a term expiration of 03/01/2028 as nominated by the Appointment Committee.

II. Minutes

- February 5, 2024 Regular Council Meeting
- February 12, 2024 Special Council Meeting

III. Communications, Presentations and Recognitions

- FEMA Presentation - Allen Renn

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business - None

VI. New Business

1. Public Hearing - CDBG & HOME Consortium Action Plan for Program Year 2024

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report

IX. Executive Sessions

1. Economic development, pursuant to 1 M.R.S.A. §405(6)(C) where premature disclosure would prejudice the competitive or bargaining position of the City. **Possible action to follow.**
2. Economic development, pursuant to 1 M.R.S.A. §405(6)(C) where premature disclosure would prejudice the competitive or bargaining position of the City.

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 20, 2024

Author: Sue Clements-Dallaire, City Clerk

Subject: Presentations – LA Arts, and the Androscoggin Historical Society

---

Information: Jim Paakilas along with Gerald Walsh will provide an update/presentation on LA Arts, followed by Curtis Jack and Wendy Tardif who will provide an update/presentation on the Androscoggin Historical Society.

City Budgetary Impacts: N/A

Staff Recommended Action: Presentation and discussion

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: None

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 20, 2024 **Order:**

Author: Jonathan P. LaBonte

Subject: Auburn Lewiston Municipal Airport – FY25 DRAFT Budget Overview

---

Information: The Auburn Lewiston Municipal Airport is governed by a nine member Board of Directors, established through a 1979 Interlocal Agreement. The Board of Directors establishes the annual budget and, if needed, submits a request to the airport sponsors (the two cities) for a subsidy. The attached memo and draft budget highlight drivers for fiscal year 2025 and the request for a flat operating subsidy for the third straight year of $205,000 per city.

City Budgetary Impacts: $205,000 for fiscal year 2025 operating budget

---

Staff Recommended Action: Discussion

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:
FY2025 Airport Budget Memo
DRAFT FY2025 Airport Budget

Auburn Lewiston Municipal Airport
80 Airport Drive, Auburn, ME 04210
(207) 786 0631 FAX: (207) 782 3024
www.flytomaine.com

TO: Mayors Harmon and Sheline and the Auburn and Lewiston City Councils
FROM: Jonathan P. LaBonte, Board Chair and City of Auburn Transportation Systems Director
DATE: February 20, 2024
RE: Fiscal Year 2025 Airport Budget Draft

This memo serves to supplement the included draft of the fiscal year 2025 Auburn Lewiston Municipal Airport operating budget. The Airport has been undergoing significant change over the last 12 months, and continuing to refine the business model to achieve financial sustainability is the primary objective. While follow up memos or workshops could delve deeper into elements of those reforms, outlined here are key drivers in the budget when compared to fiscal year 2024.

Airport Administration and Operations

Airport Personnel and Contracted Services

Reductions in headcount in FY23 and FY24 were necessary to align with projected revenues and to ensure the airport was staffed appropriately to meet its primary objectives. We continue to monitor needs for all services (administrative, financial, flight line services, and operations). Current staffing count (not FTE's) is four airport employees, two contracted operations (through Auburn Public Works and Dirigo Aerospace Solutions), and two contracted flight line services (through Dirigo Aerospace Solutions). Staff are cross trained and services are often scheduled as needed (wildlife mitigation, winter operations, etc). The support services that have been leveraged in the management transition (Auburn Transportation Director, IT, Finance, PW, and HR) were not accounted for in FY24 given the financial realities the airport faced. The concept under consideration to have the Airport contracted managed by the City of Auburn would address elements of that and memorialize the administrative efficiencies we've implemented.

Airport Building Leases

We successfully secured tenants to master lease two of the airport-owned hangars (Hangar #2 and Hangar #9). This generates positive rental fee incomes, reduces staff needs to manage single aircraft tenants, and shifts the liability of utilities onto the tenant. With the arrival of a flight school, we were able to include in their Operating Rights Agreement management of the airport-owned flight simulator. This will retain public access, and allow the airport to generate more consistent revenue per hour used.

Since the eviction of Elite Airways from Hangar #5, and the approximately six months it took to secure the building empty, a tenant for the entire building has not yet been identified. The airport has outstanding debt of approximately $1.2 million in principal (50% held by each city) and the budget includes resuming those payments of $57,500 to each city. In FY23 and FY24, the payments were not made and the debt service extended out to 2037. Without a master lease on this building, the airport must pay all utilities and preventative maintenance. While we are generating some revenue from transient jets and based general aviation tenants, it is far from covering the actual costs for the airport to operate this building.

Maintenance Initiatives

For airfield maintenance, the airport has only partially converted airfield lighting to LED. Estimates are being secured and we will continue to upgrade airfield signage to more energy efficient models to reduce operating expenses over time. In addition, the airport has not historically managed a ready inventory of parts/supplies for airfield maintenance. We are having discussions with vendors and other airports to consider purchasing inventory to shorten response times for airfield repairs.

For pavement maintenance, we expect MaineDOT to include the airport in a pavement conditions assessment during calendar year 2024. For FY25, we will be developing a new five-year pavement management program to use for budgeting for the future (aligned with the new five-year CIP that will be an output of the Airport Master Plan Update). FY25 operations budget activities (non-CIP) will include spot pavement repair, pavement marking and additional crack filling.

Computer/Office Setup
With reduced headcount and re-alignment of responsibilities, FY25 brings the opportunity to set up a base of airport operations in the maintenance building (access to computer workstations, phones, radio equipment, etc) and improve the terminal building as a hub for the FBO (flight line services, pilot lounge, flight planning, etc). Replacement of dated workstations with new workstations and potential fiber interconnections are possibilities.

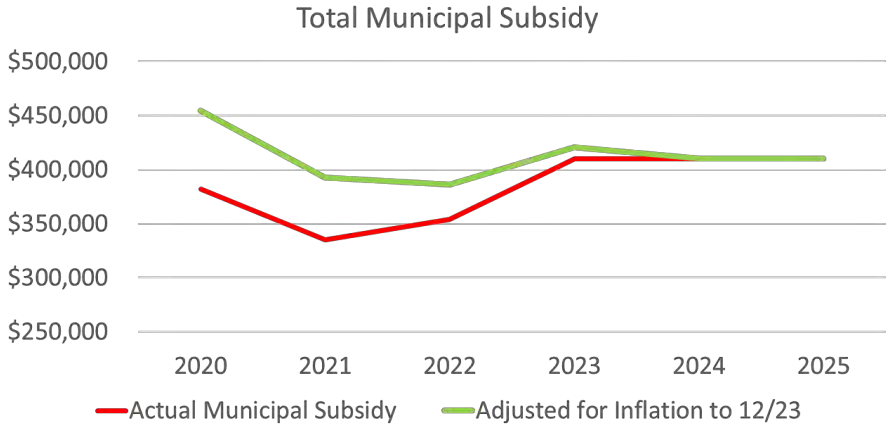
Auburn Air Center (Flight Line Services)

Flight Line Services Revenues
While fuel sales are up in FY24 over FY23, we have budgeted conservatively for FY25 in terms of net revenue from fuel sales. Any improvement over budgeted net revenue (fuel sales value minus fuel expense) will help the airport in building reserve accounts for projects and one-time initiatives. A rate review of airport fees will occur during this budget season to ensure we are equitable in the marketplace and are charging fees necessary to cover the overhead of offering these services.

Flight Line Services Expenses
The intent will be to pursue continuing the partnership with Dirigo Aerospace Solutions for shift coverage for flight line services in FY25. While airport staff will remain cross-trained for coverage when needed, the focused attention with an experience contractor has greatly impacted customer service and retaining and expanding sales. The largest line item, fuel purchases, is through a contract with Avfuel. A new contract was executed with them that will need to lower cost access to equipment (Jet A refueler truck), additional marketing support (direct and in-kind), and access to training certification programs.

Subsidy Request

The requested subsidy is flat for the third straight fiscal year at $205,000. The chart below shows a five year trend of actual airport subsidies and dollars adjusted for inflation.



AUBURN LEWISTON AIRPORT
PROPOSED BUDGET
FY2024

	FY2021 APPROVED BUDGET	FY2021 ACTUAL	FY2022 APPROVED BUDGET	FY2022 REVISED BUDGET	UNAUDITED FY2022 ACTUAL	FY2023 APPROVED BUDGET	FY2023 REVISED BUDGET	FY2023 ACTUAL (UNAUDITED) AS OF 6/30/2023	FY2024 ADOPTED BUDGET	FY2025 PROPOSED BUDGET	% CHANGE
REVENUES											
Operations											
Fees - Fuel Flowage	17,250	10,415	15,000	15,000	14,602	20,000	20,000	12,082	13,500	18,500	27%
Fees - Landings	27,544	20,435	23,788	23,788	25,561	30,000	30,000	29,730	27,000	40,000	33%
Christian Hill Materials	67,500	104,535	97,500	97,500	75,258	97,500	97,500	71,867	100,000	100,000	0%
Rental Fees	260,740	264,321	256,540	256,540	270,588	248,290	248,290	208,372	207,500	175,000	-19%
Flight Simulator	-	-	-	-	-	-	7,000	192	6,500	2,000	-225%
	373,034	399,706	392,828	392,828	386,010	395,790	402,790	322,243	354,500	335,500	-6%
Non-Operations											
Municipal Subsidy	335,000	335,000	354,000	354,000	354,000	410,000	410,000	410,000	410,000	410,000	0%
Tax Sharing	28,000	25,550	27,500	27,500	23,100	28,000	28,000	-	-	-	
Service fees	2,500	245,485	1,500	1,500	103	1,500	1,500	467	500	500	0%
Investment Income	1,100	751	1,100	1,100	563	1,100	1,100	2,946	1,000	3,000	67%
Sale of Hangar #5 Assets									75,000	75,000	0%
Sale of Assets	-	29,986	-	-	15,800	45,000	45,000	49,169	-	-	
	366,600	636,772	384,100	384,100	393,566	485,600	485,600	462,582	486,500	488,500	0%
TOTAL REVENUES	739,634	1,036,478	776,928	776,928	779,576	881,390	888,390	784,825	841,000	824,000	-2%
EXPENDITURES											
Regular Salaries	262,200	251,550	268,918	268,918	233,378	305,107	305,107	287,229	262,035	265,000	1%
Overtime	4,000	3,795	4,000	4,000	4,115	4,000	4,000	5,054	4,000	7,500	47%
Fringe Benefits	107,319	113,207	108,161	108,161	104,134	132,902	132,902	118,957	166,445	152,172	-9%
Professional Development	9,460	9,460	9,855	9,855	2,200	14,755	14,755	1,938	6,000	15,000	60%
Gen/Professional	2,000	425	2,000	2,000	425	2,000	2,000	10,491	9,000	17,800	49%
MV Supplies - Gas & Oil	11,350	10,799	15,175	15,175	11,878	12,700	12,700	18,175	20,000	25,000	20%
Snow and Ice Control	30,475	17,424	26,488	26,488	9,390	30,988	30,988	17,385	18,000	18,000	0%
Utilities	35,769	29,872	32,953	32,953	39,145	33,425	33,425	50,641	125,500	111,500	-13%
Building Maintenance	31,750	47,987	34,000	34,000	19,463	36,800	36,800	48,586	23,100	23,362	1%
Vehicle Maintenance	14,175	32,947	16,675	16,675	38,728	20,875	20,875	21,041	17,831	18,831	5%
Radio Maintenance	5,350	399	5,350	5,350	4,434	3,050	3,050	361	1,700	1,700	0%
Electrical Maintenance	1,000	3,847	1,000	1,000	3,906	5,000	5,000	7,757	7,000	7,000	0%
Airfield Maintenance	18,007	252,321	19,033	24,438	23,420	26,710	26,710	18,405	30,750	32,250	5%
Computer / Office Machine	7,000	9,926	7,000	7,000	11,814	20,000	20,000	20,657	20,500	15,000	-37%
Pavement Maintenance	8,798	272	8,798	8,798	-	7,298	7,298	-	6,000	29,000	79%
Advertising and Promo	9,500	5,399	6,500	9,065	2,162	12,500	12,500	12,458	6,500	7,500	13%
Professional Services	7,000	14,422	15,000	15,000	18,354	15,000	15,000	29,845	35,800	35,800	0%
Legal Services	5,000	9,527	7,500	7,500	7,704	15,000	15,000	37,700	45,000	20,000	-125%
Hanger Loan to Cities	115,000	36,111	115,000	115,000	33,050	115,000	115,000	-	-	115,000	100%
Life Flight Land Fund Loan									12,000	12,000	0%
Office Supplies	5,600	2,549	5,600	5,600	4,470	4,600	4,600	4,436	4,100	4,100	0%
Telephone and Internet	4,850	3,312	5,310	5,310	6,899	6,260	6,260	5,048	5,700	9,000	37%
Insurance Premiums	40,278	36,947	40,278	40,278	67,495	41,486	41,486	36,221	40,200	38,700	-4%
Depreciation	-	666,427	-	-	-	-	-	-	-	-	
TOTAL EXPENDITURES	735,881	1,558,923	754,594	762,564	646,564	865,456	865,456	752,384	867,161	981,215	12%
OVER / UNDER	**3,753**	**(522,445)**	**22,334**	**14,364**	**133,011**	**15,934**	**22,934**	**32,441**	**(26,161)**	**(157,215)**	83%

AUBURN LEWISTON AIRPORT
PROPOSED BUDGET
FY2024

	FY2021 APPROVED BUDGET	FY2021 ACTUAL	FY2022 APPROVED BUDGET	FY2022 REVISED BUDGET	UNAUDITED FY2022 ACTUAL	FY2023 APPROVED BUDGET	FY2023 REVISED BUDGET	FY2023 ACTUAL (UNAUDITED) AS OF 6/30/2023	FY2024 ADOPTED BUDGET	FY2025 PROPOSED BUDGET	% CHANGE
FBO BUDGET											
REVENUES											
Fuel and Oil Sales	834,383	468,942	671,250	671,250	780,048	1,066,000	1,066,000	707,853	661,372	1,007,750	34%
Tie Down & Hanger Fees	33,125	33,764	33,125	33,125	31,439	35,000	35,000	50,723	50,000	60,000	17%
Catering	2,500	1,129	2,500	2,500	886	2,500	2,500	1,231	-	-	
After Hour Call Out	4,000	3,100	4,000	4,000	7,077	6,000	6,000	14,600	5,625	10,000	44%
Flight Services	6,000	2,129	3,750	3,750	930	6,475	6,475	2,218	6,620	7,000	5%
Rental Car	4,930	1,389	5,500	5,500	2,231	-	-	2,018	3,340	3,000	-11%
Service Lease	-	-	-	-	-	-	-		7,200	-	
TOTAL REVENUES	884,938	510,453	720,125	720,125	822,611	1,115,975	1,115,975	778,643	734,157	1,087,750	33%
EXPENDITURES											
Regular Salaries	189,800	178,763	185,318	185,318	183,418	232,398	232,398	197,640	150,000	200,000	25%
Overtime	4,000	1,081	4,000	4,000	6,260	4,000	4,000	6,245	4,000	-	
Fringe Benefits	65,795	54,780	65,445	65,445	49,117	148,133	148,133	36,874	-	-	
Advertising	6,500	868	6,500	9,065	937	6,000	8,565	18	1,200	-	
Meals	3,255	331	3,255	3,255	987	15,700	15,700	169	-	-	
Plant Equipment	2,065	536	2,065	2,065	2,788	2,065	7,838	7,926	2,065	1,800	-15%
Ground Support Equipment	20,200	26,712	21,400	21,400	72,326	22,400	25,516	27,679	16,000	11,200	-43%
Fuels & Oils	574,595	329,406	436,051	436,051	594,712	691,201	697,125	513,707	525,000	702,500	25%
Fuel Flowage									12,500	17,500	29%
Supplies Aircraft Maintenance	4,000	940	1,500	1,500	63	849	849	536	-	-	
Insurance Premiums	-	-	-	-	-	-	-	-	2,500	-	
Utilities	16,428	13,208	16,428	16,428	14,705	16,163	16,163	16,649	-	-	
	886,638	606,624	741,962	744,527	925,313	1,138,909	1,156,287	807,442	713,265	933,000	24%
OVER / UNDER	**(1,700)**	**(96,171)**	**(21,837)**	**(24,402)**	**(102,702)**	**(22,934)**	**(40,312)**	**(28,799)**	**20,892**	**154,750**	86%

FY25 Capital Improvement Program
Project Description Form

Project Title: Congressionally Directed Spending (CDS) Hangar Project

Operational Funding Division: Auburn Lewiston Airport **Project Name:**

Est. Total Cost FY25:	2,750,000	**Est. Total Cost FY25-FY29:**	0
City Share FY25:	68,750	**City Share FY25-FY29:**	0

Project Description:
Construction of a new pre-fabricated metal 10-Unit T-Hangar with associated taxilanes using CDS funding and BIL AIG to support the site work. Work will include data collection, permitting & environmental review, design, bidding, construction administration and Resident Engineering.

Consistency with the Comprehensive or Strategic Plans or other related planning documents:
The hangar location will be consistent with the Airport Master Plan (2006) and Board discussions for growth of general aviation activity on the "west" side of the airport proximate to existing flight line services. The consultant hired for the Airport Master Plan Update has been engaged as the engineer for this construction project and siting options are aligned with best practices intended for the master plan update.

Justification for project implementation/construction and segments, if applicable:
The Board of Directors has set a direction to focus on growing/sustaining general aviation activity and hangar designs are focused on serving those customers. Previous Boards of Directors and airport management had focused hangar development/airport investment on courting commercial air service, something that the FAA and MaineDOT did not see justification for. The airport is now positioned to leverage this "earmark" and the Bipartisan Infrastructure Law to construct space to base an additional 10 aircraft here with 90% of that

Future maintenance costs if known, including contracts and special service requirements:
The full building design has not been completed, but the airport would have on-going maintenance costs associated with this new hangar. It is the intent of the Board of Directors to set the monthly rental rates within lease agreements to be sufficient to cover maintenance of the facility and ensure a constribution to pavement and general facility maintenance airport-wide.

How were cost estimates obtained and expenditure commitment:
Engineering cost estimates were developed based on project scoping conversations with both MaineDOT and the FAA.

FUNDING SOURCES

Source	Amount					
City Operating Budget						
Auburn CIP	68,750					
Federal/State Funding	**2,612,500**	**Agency:**		**Approval Received?**	Yes	No
Lewiston CIP	68,750	**Agency:**		**Approval Received?**	Yes	No
Total Project Costs	**2,750,000**					

IMPLEMENTATION SCHEDULE (Fiscal Years)

	2025	2026	2027	2028	2029	Future
Total Project Cost	2,750,000					
Non-City Share	2,612,500					
Auburn and Lewiston Share	137,500	0	0	0	0	0

Attach on separate page(s)/sheet additional information (if needed)

FY25 Capital Improvement Program
Project Description Form

Project Title: **Annual Pavement Management Program**

Operational Funding Division: Auburn Lewiston Airport **Project Name:**

Est. Total Cost FY25:	300,000	**Est. Total Cost FY25-FY29:**	0
Each City Share FY25:	150,000	**City Share FY25-FY29:**	0

Project Description:
This funding would be for targeted pavement rehabilitation at the Cold Storage Hangar, crack filling in locations along both runways, the parallel taxiway, and at the hangar condos and Hangar #5 ramp, and pavement marking.

Consistency with the Comprehensive or Strategic Plans or other related planning documents:
The airport is developing a pavement management program, which will be a five year plan brought to the board for adoption and inclusion in the business plan, to ensure we meet our federal obligations to maintain all runways, taxi-ways, and aprons. By accepting federal funds at the airport, we commit that local funds will be used to sustain the airports infrastructure, including pavement rehabilitation, crack filling, seal coating, and pavement markings. In addition, the airport has taken on responsibility through previous lease negotiations for areas around private hangars that would not be eligible for federal or state funding, and requires local funding for on-going pavement management.

Justification for project implementation/construction and segments, if applicable:
The FAA provides the airport $150,000 per year through the Airport Improvement Program and $292,000 per year through the Bipartisan Infrastructure Law. Through federal fiscal year 2025, those funds have been committed to the design, engineering, and construction of associated site work for the hangar funded through a Congressionally Directed Spending request from 2022 ($1.6 million for hangar only). MaineDOT's recent airport inspection confirmed the need for pavement investment in FY25.

Future maintenance costs if known, including contracts and special service requirements:
No expansion of paved areas, so ongoing maintenance remains the same.

How were cost estimates obtained and expenditure commitment:
MaineDOT cost estimates for project types from the ongoing State Aviation System plan being completed by an engineering consulting firm.

FUNDING SOURCES

Source	Amount				
City Operating Budget					
Auburn CIP	150,000				
Federal/State Funding		**Agency:**		**Approval Received?**	Yes No
Lewiston CIP	150,000	**Agency:**		**Approval Received?**	Yes No
Total Project Costs	**300,000**				

IMPLEMENTATION SCHEDULE (Fiscal Years)

	2025	2026	2027	2028	2029	Future
Total Project Cost	300,000					
Non-City Share	0					
Aubrun and Lewiston Share	300,000	0	0	0	0	0

Attach on separate page(s)/sheet additional information (if needed)

FY25 Capital Improvement Program
Project Description Form

Project Title: Fire Fighting Foam Trailer (Mobile)

Operational Funding Division: Auburn Lewiston Airport **Project Name:**

Est. Total Cost FY25:	65,000	**Est. Total Cost FY25-FY29:**	0
Each City Share FY25:	32,500	**City Share FY25-FY29:**	0

Project Description:
Purchase and fit-out for a 750 gpm single tote fire fighting foam trailer.

Consistency with the Comprehensive or Strategic Plans or other related planning documents:
A review of Lewiston, Auburn, and County EMA emergency response plans and capabilities will be completed, to ensure that fire fighting foam be available for hazards related to the airport/aircraft/fuel and "outside the fence" hazards in the region.

Justification for project implementation/construction and segments, if applicable:
The Auburn-Lewiston region, and its municipal fire departments, are not currently equiped with all tools necessary to respond to an aircraft involved fire (or fuel involved incidents elsewhere). The two Presidential visits and the planning requests for emergency response raised clearly limitations on site. The airport intends to update the emergency operations plan, alongside both cities and the Androscoggin County EMA, and investment in this tool would best prepare us for response scenarios

Future maintenance costs if known, including contracts and special service requirements:
On-going costs for training with the fire departments of both sponsors as well as foam replacement from training exercises or actual responses will be further evaluated during the planning efforts.

How were cost estimates obtained and expenditure commitment:
Both city fire chiefs had scoped this specific piece of equipment from a vendor in 2019. That vendor was contacted for a planning level cost estimate for equipment comparable to the 2019 quote. It is the intent of the airport to assess non-local funding sources through the

FUNDING SOURCES

Source	Amount					
City Operating Budget						
Auburn Share	32,500					
Federal/State Funding	**0**	**Agency:**		**Approval Received?**	Yes	No
Lewiston Share	32,500	**Agency:**		**Approval Received?**	Yes	No
Total Project Costs	**65,000**					

IMPLEMENTATION SCHEDULE (Fiscal Years)

	2025	2026	2027	2028	2029	Future
Total Project Cost	65,000					
Non-City Share	0					
Auburn and Lewiston Share	65,000	0	0	0	0	0

Attach on separate page(s)/sheet additional information (if needed)

FY25 Capital Improvement Program
Project Description Form

Project Title: **Risk Management Initiatives to Improve Safety and Security**

Operational Funding Division: Auburn Lewiston Airport **Project Name:**

Est. Total Cost FY25:	0	**Est. Total Cost FY25-FY29:**	0
City Share FY25:	0	**City Share FY25-FY29:**	0

Project Description:
These are a series of projects to upgrade existing airport infrastructure to meet modern safety and security standards. Gate upgrades with a new operator and the appropriate safety features (estimate $40,000). Video Surveillence for Terminal building/point of sale and entrance/apron/tie-down cameras to mirror technologies used by both cities for safety/security monitoring (estimate $50,000). Access Control replaced with new card readers/keypads (estimate $40,000). Vehicle Fuel System Management to mirror those used by the two cities with an electronic monitoring system (estimate $20,000)

Consistency with the Comprehensive or Strategic Plans or other related planning documents:

Justification for project implementation/construction and segments, if applicable:
The existing vehicle entrance gates do not have opener mechanisms that protect from the risk of closing on a vehicle or person between the gate and the main fence. Terminal building/point of sale and entrance/apron/tie-down cameras would be replaced with technology sufficient for professional use to mirror technologies used by both cities for safety/security monitoring. Access control to cameras would be limited to IT/Public Safety Agencies. Existing keyed access to buildings and vehicle gates, which cannot be fully monitored or

Future maintenance costs if known, including contracts and special service requirements:
Preventative maintenance schedules for gates and other upgraded equipment would be built into workload/work order system planning, but would not require a third party to complete ongoing basic maintenance.

How were cost estimates obtained and expenditure commitment:
Vendors and installers familiar with airport systems and comparable tools used by both cities would brought on-site and cost estimates tied to the respective scopes of work were documented. Cost-share split 50/50 with other airport sponsor, the City of Auburn.

FUNDING SOURCES

Source	Amount					
City Operating Budget						
Auburn Share	75,000					
Federal/State Funding		**Agency:**		**Approval Received?**	Yes	No
Lewiston Share	75,000	**Agency:**		**Approval Received?**	Yes	No
Total Project Costs	**150,000**					

IMPLEMENTATION SCHEDULE (Fiscal Years)

	2025	2026	2027	2028	2029	Future
Total Project Cost	150,000					
Non-City Share	0					
Auburn and Lewiston Share	150,000	0	0	0	0	0

Attach on separate page(s)/sheet additional information (if needed)

Auburn Lewiston Municipal Airport
80 Airport Drive, Auburn, ME 04210
(207) 786 0631 FAX: (207) 782 3024
www.flytomaine.com

TO: Mayors Harmon and Sheline and the Auburn and Lewiston City Councils
FROM: Jonathan P. LaBonte, Board Chair and City of Auburn Transportation Systems Director
DATE: February 20, 2024
RE: Fiscal Year 2025 Airport CIP Requests

Overall Capital Planning

The Airport Board, and FAA designated sponsors (the Cities of Auburn and Lewiston), recognize that the long-term success of this facility requires a plan and associated financial projections to achieve it. Context as to the current state of planning, given the transition of the last 11 months, may be helpful.

We are in the midst of the latest Airport Master Plan Update with our engineering partners at McFarland Johnson. This FAA prescribed process[1] is being funded 90% with FAA funds, 5% with MaineDOT funds, and 5% with previously allocated CIP funds from the two cities. This process has not been completed at the Airport since 2006[2], and much has changed in not only operations of the Airport but in aviation and regional transportation since then.

This process will conclude in the spring of 2025. A key deliverable will be a new five-year CIP that lays out steps to implement the plan and the financial resources necessary to do that. It is the intent of the Board that this remains a "fiscally constrained" CIP, in that projects will leverage the limited annual FAA appropriations and meet our core obligations under the Grant Assurances[3] the two cities accepted to operate this facility. In parallel with the master plan, the Airport will develop a business plan to improve the predictability of its operations and keep the Board and staff accountable to the long-term direction.

Hangar Development Project (Congressionally Directed Spending/Earmark)

The Airport received Congressionally Directed Spending (CDS) in the amount of $1.6 million towards the construction of a hangar. Based on the analysis of likely customers to lease hangar space, the Board has directed the development of a t-hangar with up to 10 individual units. The CDS funding is not enough to cover both the hangar construction and the associated sitework and taxi lanes to serve the hangar and connect it with remaining areas of the airport. Funding that is part of on-going FAA capital support for the airport through the Bipartisan Infrastructure Law (BIL) will cover those remaining costs. As with most FAA projects, the costs will be covered 90% FAA, 5% MaineDOT and 5% local (the two cities/sponsors).

The process to utilize FAA funds is different from other funds from the federal government (FHWA, CDBG/HUD, etc). The Airport must hire an engineering firm and complete the design, permitting, and bidding for the project before we can officially submit to be awarded a grant. Despite the funds being appropriated and available to the Airport, there is a twice a year window that opens to formally "apply" to use those funds. To stay on schedule and not risk losing funds, we are targeting a fall 2024 application. We need to demonstrate the local share is committed by then, thus the FY25 CIP request.

While the current estimated cost is just over $2.7 million for this project, the total local property taxpayer investment will be under $70,000 per city. Based on current market conditions for t-hangars, the airport could generate an additional $40,000-$50,000 annually in revenue. Recognizing that all of this project's funding is still taxpayer money, the return for local taxpayers is significant and will assist the Airport in its path towards financial sustainability.

---

[1] https://www.faa.gov/documentLibrary/media/Advisory_Circular/150-5070-6B-Change-2-Consolidated.pdf
[2] https://flytomaine.com/wp-content/uploads/2022/11/AIRPORT-MASTER-PLAN2006.pdf
[3] https://www.faa.gov/airports/aip/grant_assurances

Auburn Lewiston Municipal Airport
80 Airport Drive, Auburn, ME 04210
(207) 786 0631 FAX: (207) 782 3024
www.flytomaine.com

Pavement Management

As mentioned earlier, an Airport Master Plan Update is underway, along with its associated capital program development. For pavement management, MaineDOT often assists by conducting a pavement condition assessment to score pavement across the airport and assist with multi-year planning for maintenance and upgrade of both pavement and pavement markings. The last assessment was completed in 2018 and we expect MaineDOT to have a consultant visit this summer to update the condition report, which we will use to build a five-to-ten-year pavement program.

By accepting federal funding, the Airport must meet a series of Grant Assurances (link on previous page). Grant Assurance 11 is focused on Pavement Preventive Maintenance-Management. The Airport is obligated to maintain all pavement to an acceptable level or risk the loss of federal funding. To assist in monitoring conditions, both the FAA and MaineDOT send aviation engineers to conduct annual inspections of airport conditions. During the fall 2023 visit, MaineDOT noted several areas of pavement as poor (apron near Cold Storage Hangar), areas needing pavement marking, and areas needing crack filling to protect the life of surfaces. While we recognize the Airport should have already had a pavement maintenance plan in a five-year CIP, we are not in a position to further delay protecting surfaces critical to safety of flight or take the risk of jeopardizing federal funding.

Fire Fighting Foam Trailer

As the first responding fire station in the two cities, the foam trailer is recommended to be placed at Auburn Central Station on Minot Avenue. Because this unit is a tow-behind trailer, responding firefighters need to be prepared to respond to the location of any incident. At over 670 acres, with over 3.5 miles of city street as its perimeter, requiring responding firefighters to enter the airport property to access a garage for the trailer and then respond to the location of an incident would create an unnecessary delay. Such a delay could lead to loss of life, further serious injury to those involved in a crash, or increased damage to property. The delay would be even more significant if there were a crash on an approach to the airport at a greater distance.

With respect to outside the fence use, it is the Airport's understanding that neither municipal fire department has the ability to contend with a fuel fire with a tool like this foam trailer. One of the interests in this project previously was the ability to respond to other community incidents, such as an overturned heating oil truck on Alfred Plourde Parkway or Center Street. By utilizing local dollars for this capability, it is not required to stay within the fence at the airport. This request has come forward again as our community capabilities for fire fighting and rescue for aviation incidents have been raised by charters, governmental agencies, and others that fly into our facility.

Risk Management Initiatives

The current airport gate card system does not allow the airport to eliminate access for anyone once they have received a gate card. The airport also lacks the ability to "lock down" the airport without traveling to each gate and unplugging it and manually locking the pedestrian gates. The ability, or lack thereof, to secure the facility has arisen many times in the last year including the evening of and days after October 25th, during both Presidential Visits, during law enforcement investigations that involve aircraft, and when reviewing airport liability. Given the age of the gate openers themselves, we are regularly responding to gates that have jammed or frozen open, creating a risk of authorized vehicular access to the airfield or access for wildlife that increases the risk of collisions with aircraft. With the Airport back on the municipal fiber optic network, we have the capability to introduce gate opening technology that could isolate individual users from access and/or allow for all or select vehicle and pedestrian gates to be locked.

The fuel system technology upgrades are intended to mirror the municipal fuel systems for tracking vehicles and who is withdrawing. The current clipboard system is inefficient, lacks accountability, and creates added administrative work as we attempt to keep unnecessary tasks to a minimum going forward.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 20, 2024

Author: Karen Scammon, CMA-4, City Assessor

Subject: Explanation of Income and Expense letters to multi-unit apartment owners and 5-year farm income verification letters to property owners enrolled in the Farmland Special Land Use designation.

Information: To provide the Council with information and to answer questions.

City Budgetary Impacts: None

Staff Recommended Action: Informational presentation.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: None

City of Auburn
City Council Information Sheet

Council Workshop Date: February 20, 2024

Author: Jay Brenchick, Eric Cousens, Glen Holmes

Subject: Innovation/Tech Hub Designation

Information:

The purpose of this workshop is to inform our elected officials and residents of Auburn of the Tech Hub designation the State of Maine has received and the City of Auburn's efforts to align with state and federal initiatives. In the coming weeks, staff will provide subsequent updates and proposals before the City Council and Planning Board.

In October 2023, the Governor's Office announced that the Economic Development Administration (EDA) designated Maine's Forest Bioproducts Advanced Manufacturing Tech Hub as a Federal "Tech Hub." The designation acknowledges that Maine's forest bioproducts sector has the potential for rapid growth and opens the door for significant Federal investment.

The Maine Technology Institute (MTI) and the Governor's Office partnered with a consortium that included the University of Maine, the Roux Institute, the Maine Community College System, the Maine Venture Fund, and others during the application process.

Maine's Forest Bioproducts Tech Hub will accelerate research and development of natural polymers and other wood fiber bioproducts that sequester carbon and replace plastics and toxic chemicals while bolstering "Made in America" supply chain goals.

The City of Auburn Economic Development has been in regular communication with the University of Maine, the Roux Institute, the Maine Composites Alliance, the Manufacturers Association of Maine, the Maine Manufacturers Extension Partnership, and the Maine Department of Economic and Community Development to position Auburn for participation in the Tech Hub designation and other state and federal innovation initiatives.

The Economic Development Department; Planning, Permitting & Code Department; and Business and Community Development Department will work together to create an Innovation/Tech Hub Designation in the area surrounding Exit 75 and the Auburn-Lewiston Municipal Airport. This designation aims to align the City of Auburn's zoning, business resources, marketing, and economic development partnerships with the efforts made at the state and federal levels.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments:

EDA TECH HUBS Designation Benefit Fact Sheet
EDA TECH HUBS Phase 1 Fact Sheet

TECH HUBS

U.S. Economic Development Administration

FACT SHEET
Phase 1 Portfolio

EDA Designates 31 Tech Hubs across the nation that are accelerating the development and deployment of technology and innovation to grow the U.S. economy, protect our national security, and create good jobs.

On October 23, 2023, the U.S. Department of Commerce's Economic Development Administration (EDA) designated 31 Tech Hubs that are strengthening the country's economic and national security, and global competitiveness by enabling the industries of the future to start, grow, and remain in regions across the United States. The program was funded through the bipartisan CHIPS and Science Act, signed into law by President Biden in August 2022.

A Tech Hubs Designation is a strong endorsement of a region's plan to supercharge a critical technology ecosystem and become a global leader over the next decade.

The 31 Designated Tech Hubs will have the opportunity to compete for $500 million in implementation funding in the next phase of the Tech Hubs competition.

Each Tech Hub applied as a consortium of higher education, government, industry, economic development, labor or workforce, and other organizations focused on improving technology and innovation across the country.

From nearly 200 consortia that applied for Designation, EDA designated 31 Tech Hubs that demonstrated that their region can create, scale, and deliver technologies important to our national and economic security while ensuring that the resulting economic benefits are shared by all.

Departments and agencies across the U.S. government are committed to supporting the global competitiveness and growth of these Tech Hubs by offering them multiple benefits.

The 31 Designated Tech Hubs, located across 32 states and Puerto Rico, will leverage existing talent, resources, and assets to mature critical and emerging technology sectors, while advancing equitable growth.

Of the Designated Tech Hubs:

- Six include a tribal government;
- 22 significantly benefit small and rural communities;
- Four are headquartered in low population states;
- Four include coal communities;
- 12 include strong participation from labor organizations; and
- 14 include states that have historically received lower levels of federal research dollars.

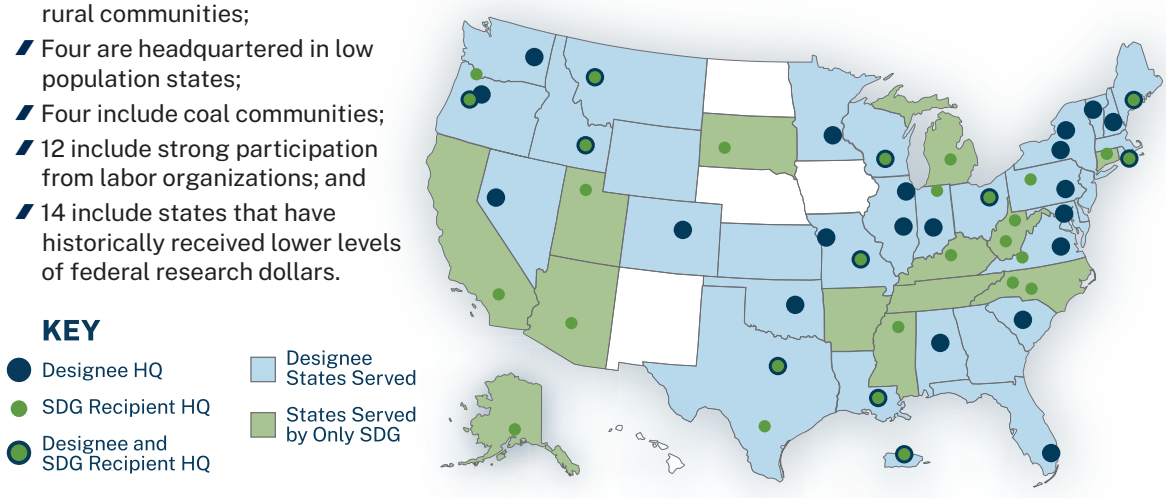
Successful Tech Hubs will:

- **Build the Workforce of the Future**
  Create good jobs and attract the workforce and talent that will drive economic growth in regions across the country.
- **Enable Growth**
  Encourage more innovative businesses to start and grow all throughout America.
- **Innovate & Commercialize**
  Test and deploy new technologies and build infrastructure necessary to translate innovation into economic growth.
- **Boost America's Economic and National Security**
  Strengthen communities' economic resilience and maintain our technological edge.

Of the 31 Tech Hubs, 11 received Strategy Development Grants to strengthen their consortia and mature their approach to becoming more globally competitive.

EDA also awarded 18 additional Strategy Development Grants to consortia to further mature their plans and achieve designation in the future.

All Designated Tech Hubs are focused on technologies and innovation critical to U.S. economic and national security.



Designated Tech Hubs Portfolio

The 31 Designated Tech Hubs are:

- **Enabling safe and effective autonomous systems (3 Hubs)** to ensure that autonomous systems are deployed — whether on land, in air, or at sea — safely, securely, and equitably and that more of their complex supply chains grow in the United States.
- **Maintaining our quantum edge (2 Hubs)** to maintain global leadership in this foundational technology that will underpin new sensing, communications, and computing capabilities to fundamentally change our daily lives and our national security in ways still unforeseen.
- **Advancing biomanufacturing (6 Hubs)** to enable the United States to remain at the forefront of innovation in and delivery of positive health outcomes by expanding domestic production of essential small molecule drugs, innovative biologics, regenerative tissue, and medical devices.
- **Delivering precise and predictive medicine (5 Hubs)** to improve health outcomes and increase longevity with drugs, devices, and therapies that are closely tailored to each person's unique genome, environment, and history by developing these products and services and getting them in the hands of doctors and patients.
- **Accelerating our energy transition (5 Hubs)** to make the United States a global competitor in the energy markets of the future by building diverse, resilient, and sustainable energy generation, storage, and transmission infrastructure to enable continued U.S. growth while strengthening security and mitigating global climate risk.
- **Strengthening our critical mineral supply chain (2 Hubs)** to establish innovative and sustainable ways to extract and process the elements and minerals that are essential to manufacturing the products, infrastructure, and environment of the future.
- **Regaining leadership in semiconductor manufacturing (4 Hubs)** to grow ecosystems that will produce the increasingly powerful and specialized chips we need by leveraging strengths in areas like new transistor materials, flexible and modular manufacturing and packaging, and microfluidics.
- **Growing the future of materials manufacturing (4 Hubs)** to deliver higher performance products and services in a more environmentally sustainable way with next generation materials that will enable the electrification of air travel, carbon negative construction, and an end to plastic waste.

Overview of the 31 Tech Hubs

Here is an overview of our 31 Tech Hubs Designees, 11 of which were also awarded a Strategy Development Grant (SDG) as indicated by a dot (•) next to their name.

- **Advanced Pharmaceutical Manufacturing Tech Hub**, led by the Commonwealth Center for Advanced Manufacturing, aims to accelerate the growth, innovation, and sustainability of the U.S.-based APM industry to re-shore safe and affordable medicines via innovative hybrid and continuous flow manufacturing technologies. This Tech Hub is located in Virginia.
- **Advancing Gallium Nitride (GaN) Tech Hub**, led by the University of Vermont, aims to innovate GaN manufacturing, a critical material technology for wireless communication and semiconductor production. This Tech Hub is located in Vermont.
- **American Aerospace Materials Manufacturing Tech Hub**, led by Gonzaga University, aims to develop new domestic supply chains to meet the immediate demand for high-rate production of advanced composite aerostructures in defense and commercial markets. This Tech Hub is located in Washington and Idaho.
- **Baltimore Tech Hub**, led by the Greater Baltimore Committee, aims to develop innovative predictive healthcare technologies by applying artificial intelligence to biotechnologies. This Tech Hub is located in Maryland.
- **Birmingham Biotechnology Hub**, led by Southern Research Institute, aims to become a global leader in drug, vaccine, and diagnostics development by applying Artificial Intelligence-driven biotechnology to increase representation in clinical genomic data and clinical trials. This Tech Hub is located in Alabama.
- **Corvallis Microfluidics Tech Hub** •, led by Oregon State University, aims to establish global leadership in the development, scaling, and commercialization of microfluidics technology for use in semiconductor and electronic cooling. This Tech Hub is located in Oregon.
- **Critical Minerals and Materials for Advanced Energy (CM2AE) Tech Hub** •, led by the University of Missouri System, aims to position south-central Missouri as a global leader in critical minerals processing to provide the materials needed to support battery technology. This Tech Hub is located in Missouri.
- **Elevate Quantum Colorado**, led by Elevate Quantum, aims to solidify the region's global leadership in quantum information technology (QIT) to increase infrastructure resilience and strengthen the quantum hardware supply chain. This Tech Hub is located in Colorado.

continues on page 3

Overview of the 31 Tech Hubs continued

- **Forest Bioproducts Advanced Manufacturing Tech Hub** •, led by the Maine Technology Institute, aims to become a global leader in forest-based biomaterial production and manufacturing by innovating the process of extracting biological building blocks to manufacture environmentally sustainable products. This Tech Hub is located in Maine.
- **Greater Philadelphia Region Precision Medicine Tech Hub**, led by the Ben Franklin Technology Partners of Southeastern PA, aims to become a global leader in end-to-end precision medicine. This Tech Hub is located in Pennsylvania, Delaware, Maryland, and New Jersey.
- **Gulf Louisiana Offshore Wind Propeller** •, led by Louisiana State University, aims to transition Louisiana's energy economy from its legacy of oil and gas to offshore wind and renewable energy. This Tech Hub is located in Louisiana.
- **Headwaters Hub** •, led by Accelerate Montana, aims to become a global leader in smart, autonomous, photonic remote sensing technologies. This Tech Hub is located in Montana.
- **Heartland BioWorks**, led by the Applied Research Institute, aims to develop central Indiana into a global leader in biotechnology and biomanufacturing by increasing the region's capacity to make and deploy life-saving medicines. This Tech Hub is located in Indiana.
- **iFAB Tech Hub**, led by the University of Illinois Urbana-Champaign, aim to scale precision fermentation to convert underutilized corn feedstocks into high-value, customized alternative proteins, food ingredients, materials, chemicals, and more. This Tech Hub is located in Illinois.
- **Intermountain-West Nuclear Energy Tech Hub** •, led by the Idaho Advanced Energy Consortium, aims to position Idaho and Wyoming as a global leader in small modular reactors (SMR) and advanced nuclear energy to contribute to a cleaner energy future. This Tech Hub is located in Idaho and Wyoming.
- **Kansas City Inclusive Biologics and Biomanufacturing Tech Hub**, led by BioNexus KC, aims to position eastern Kansas and western Missouri as a global leader in biologics and biomanufacturing, increasing domestic production of life-saving vaccines and other preventative technologies. This Tech Hub is located in Missouri and Kansas.
- **Minnesota MedTech Hub 3.0 (MMT3.0)**, led by the Minneapolis Saint Paul Economic Development Partnership, aims to position Minnesota as a global center for "Smart MedTech" by integrating artificial intelligence, machine learning, and data science into medical technology. This Tech Hub is located in Minnesota and Wisconsin.
- **Nevada Lithium Batteries and Other EV Material Loop**, led by the University of Nevada, Reno, aims to build a self-sustaining and globally competitive full lithium lifecycle cluster, spanning extraction, processing, manufacturing, and recycling. This Tech Hub is located in Nevada.
- **New Energy New York (NENY) Battery Tech Hub**, led by the State University of New York (SUNY) Binghamton, aims to bolster battery technology development and manufacturing across the entire value chain. This Tech Hub is located in New York.
- **NY SMART I-Corridor Tech Hub**, led by CenterState Corporation for Economic Opportunity, aims to enhance regional semiconductor manufacturing capabilities while ensuring economic opportunity for underserved communities. This Tech Hub is located in New York.
- **Ocean Tech Hub** •, led by the Rhode Island Commerce Corporation, aims to develop, test, and commercialize emerging maritime artificial intelligence / machine learning-enabled robotics and sensors. This Tech Hub is located in Rhode Island and Massachusetts.
- **Pacific Northwest Mass Timber Tech Hub**, led by Oregon State University, aims to be a global leader in mass timber design and manufacturing to lower the construction industry's carbon footprint and increase housing affordability. This Tech Hub is located in Oregon and Washington.
- **PRBio Tech Hub** •, led by the Puerto Rico Science, Technology and Research Trust, aims to advance the region as a global leader in biotechnology through fast-tracking the discovery, development, manufacturing, and supply of next generation biotechnology and medical device products to detect, treat, and cure diseases and ailments. This Tech Hub is located in Puerto Rico.
- **ReGen Valley Tech Hub**, led by the Advanced Regenerative Manufacturing Institute (ARMI), aims to make New Hampshire a global leader in biofabrication to produce cost-effective regenerative therapies that address chronic disease and organ failure. This Tech Hub is located in New Hampshire.
- **SC Nexus for Advanced Resilient Energy**, led by the South Carolina Department of Commerce, aims to be a global leader in advanced energy by developing, testing, and deploying exportable electricity technologies.This Tech Hub is located in South Carolina and Georgia.
- **South Florida Climate Resilience Tech Hub**, led by the Miami Dade County Innovation and Economic Development Office, aims to advance its global leadership in Sustainable and Resilient Infrastructure (SRI) solutions for the global climate crisis. This Tech Hub is located in Florida.
- **Sustainable Polymers Tech Hub** •, led by the Greater Akron Chamber, aims to tackle the severe climate and environmental impacts resulting from the use of fossil fuel-derived polymers (rubbers and plastics) through accelerating sustainable polymer manufacturing and commercialization in the United States. This Tech Hub is located in Ohio.

continues on page 4

Overview of the 31 Tech Hubs continued

- **Texoma Semiconductor Tech Hub** •, led by Southern Methodist University, aims to unify existing and planned semiconductor supply chain infrastructure by enhancing regional collaboration and uplifting underserved communities through workforce expansion. This Tech Hub is located in Texas and Oklahoma.
- **The Bloch Tech Hub**, led by the Chicago Quantum Exchange (CQE), aims to lead quantum computing, communications, and related solutions. This Tech Hub is located in Illinois, Indiana, and Wisconsin.
- **Tulsa Hub for Equitable & Trustworthy Autonomy (THETA)**, led by Tulsa Innovation Labs, aims to become a global leader in developing and commercializing autonomous systems for use cases ranging from agriculture and pipeline inspections to regional transportation. This Tech Hub is located in Oklahoma.
- **Wisconsin Biohealth Tech Hub** •, led by BioForward Wisconsin, aims to position Wisconsin as a global leader in personalized medicine, an emerging healthcare approach that tailors tests, treatments, and therapies informed by a patient's unique genetic code, medical record, and environment. This Tech Hub is located in Wisconsin.

Overview of the 18 Strategy Development Grant Recipients

Below are the 18 consortia that received only a Strategy Development Grant (SDG).

- **Advanced Manufacturing of Critical Materials Strategy Development Consortium**, led by the Utah Advanced Materials Manufacturing Initiative, will develop a regional strategy to advance the production and manufacturing of critical minerals needed for clean energy technologies, many of which lack any domestic production presence. This consortium is located in Utah and Idaho.
- **Alaska Tech Strategy Development Consortium**, led by the Cook Inlet Tribal Council, Inc., will develop a regional strategy to leverage the state's oil-and-gas economic infrastructure, tribal sustainable natural resource management ethos, and raw resources to incubate and scale firms focused on carbon-neutral energy technologies, carbon-negative technologies, and climate-adaptation technologies. This consortium is located in Alaska.
- **Black Hills Deep Underground Frontier Strategy Development Consortium**, led by Elevate Rapid City, will develop a strategic framework to leverage the region's physical assets, industry capacity, and research capabilities to advance autonomous mining equipment and underground technology. This consortium is located in South Dakota.
- **Carolinas Innovation Center for Optics and Metrology (CICOM) Strategy Development Consortium**, led by the University of North Carolina, Charlotte, will develop a regional roadmap that develops and applies optics and metrologies technologies to create a sustainable manufacturing framework. This consortium is located in North Carolina and South Carolina.
- **Lithium Valley Clean Tech Strategy Development Consortium**, led by the University of California, Riverside, will develop the regional coalition and strategic framework to further develop and implement direct lithium extraction from regional lithium brine deposits, contributing to a sustainable, inclusive, advanced-energy ecosystem in Southern California and securing the national lithium-based energy supply chain. This consortium is located in California.
- **Materials Advancement and Research Solutions (MARS) Strategy Development Consortium**, led by Michigan State University Research Foundation, will foster a regional coalition and develop a strategy to advance synthetic diamond — a lab-made material widely used as coating for industrial equipment ranging from semiconductors to quantum sensors — and rare isotope production. This consortium is located in Michigan.
- **Medical Device Manufacturing Multiplier Strategy Development Consortium**, led by the Greater Phoenix Economic Council, will accelerate a regional strategy to leverage artificial intelligence and machine learning technologies in smart medical device manufacturing, bolstering domestic manufacturing production capacity and processes, and building pathways for inclusive economic growth. This consortium is located in Arizona.
- **Midwest Wireless Innovation Strategy Development Consortium**, led by the University of Notre Dame, will develop the regional strategy to accelerate wireless technologies and networked systems by translating and commercializing university research, providing infrastructure and support for advanced radio frequency (RF) testing, and piloting new products and applications in city-scale network testbeds. This Strategy Development Consortium is in Indiana and Michigan.

continues on page 5

Strategy Development Grant Recipients continued

- **Model-Based Enterprise Tech Strategy Development Consortium**, led by the State of Connecticut Department of Economic and Community Development, will advance the regional framework to scale the adoption of Model-Based Definition (MBD) — which uses high-performance computing, automation, and cybersecurity to manage the product lifecycle with three-dimensional, semantic digital representations — in the commercial manufacturing sectors of aerospace, medical devices, and clean energy. This consortium is located in Connecticut, Massachusetts, and Rhode Island.
- **North Central Pressed Materials Strategy Development Consortium**, led by the North Central Pennsylvania Regional Planning and Development Commission, will develop a strategic roadmap to diversify the production of pressed materials and machined parts and their use cases, such as their emerging application to electric vehicle production, in rural North Central Pennsylvania. This consortium is located in Pennsylvania.
- **Pacific Northwest Smart Energy Strategy Development Consortium**, led by Portland State University, will develop a regional strategy that advances "front of the meter" energy storage technologies and products to facilitate renewable energy sources' integration into the utility grid. This consortium is located in Oregon and Washington.
- **Regional Energy Business, Education, & Commercialization Convergence Accelerator (REBECCA) Energy Strategy Development Consortium**, led by the University of Louisville Research Foundation, will develop a strategy and regional coalition to repurpose a remediated brownfield site into an energy hub that incubates emerging companies and technologies related to advanced energy, such as batteries, hydrogen, solar energy production, and biofuels. This consortium is located in Kentucky.
- **Secure Manufacturing in South Texas Strategy Development Consortium**, led by the University of Texas at San Antonio, will develop a regional coalition and innovation roadmap to mature cybersecurity and secure manufacturing technologies. This consortium is located in Texas.
- **Southeast Biotech Collaborative (SEBC) Strategy Development Consortium**, led by the University of Mississippi, will develop a regional strategy to advance biomanufacturing, biologistics, and precision population health to reduce national dependence on foreign suppliers and reduce drug shortages. This consortium is located in Mississippi, Alabama, Arkansas, and Tennessee.
- **Virginia's Additive Manufacturing & Applied Materials Strategy Development Consortium**, led by the New River Valley Regional Commission, will advance a regional strategy to develop and deploy additive manufacturing system technologies for heavy industry to re-shore manufacturing and strengthen domestic supply chain resilience. This consortium is located in Virginia.
- **West Virginia Advanced Energy & Industrial Technology Manufacturing (WV-AEIM) Strategy Development Consortium**, led by the Allegheny Science & Technology Corporation, will develop the strategy to onshore manufacturing and emerging technologies — including carbon and graphite materials and energy storage solutions — and critical supply chains across the state. This consortium is located in West Virginia.
- **Western North Carolina Industrialized Construction (NCIC) Strategy Development Consortium**, led by ADL Ventures, will foster an industrialized construction strategy for offsite manufacturing of prefabricated construction components, contributing to affordable housing production and sustainable construction materials and techniques. This consortium is located in North Carolina.
- **WV Tech Strategy Development Consortium**, led by the West Virginia Department of Economic Development, will advance a regional strategy to develop digital identity solutions that support identity management and trust support services, individual privacy, and national security. This consortium is located in West Virginia, Kentucky, and Ohio.

TECH HUBS
U.S. Economic Development Administration

TECH HUBS
U.S. Economic Development Administration

Benefits of Designation

A Tech Hubs Designation is an endorsement of a region's plans to supercharge their respective technological industry to create jobs and strengthen U.S. economic and national security. Some of the support and benefits Tech Hubs Designees will receive include:

Follow-on Funding

- Tech Hubs Designees can apply directly for future Tech Hubs implementation funding.
- Tech Hubs Designees will be given preference for the Build to Scale program.
- Distressed communities within Tech Hubs regions will be given higher consideration for other relevant Economic Development Administration funding opportunities.
- The U.S. Department of Treasury's State Small Business Credit Initiative (SSBCI) will convene and match Tech Hubs with SSBCI capital programs in relevant states.

Branding and Technical Assistance

- Tech Hubs Designees will be invited to a Community of Practice to engage with other Designees around the country.
- Tech Hubs Designees will have access to exclusive Tech Hubs branding and media promotion materials.
- The U.S. Department of Agriculture (USDA) will work with Tech Hubs to identify relevant USDA Rural Development programs and networks that could help ensure rural communities can benefit from and engage with Tech Hubs.
- USDA will work with Tech Hubs to identify any relevant rural electric cooperatives that could help provide reliable, affordable energy and broadband access in their regions as needed.
- The U.S. Department of Housing and Urban Development will help Tech Hubs Designees identify relevant resources, data, and best practices to support long-term housing planning as they prepare their Phase 2 applications, including through a webinar series.
- The U.S. Small Business Administration will provide technical assistance for the Small Business Investment Company (SBIC) program to increase private investment in Tech Hubs-located small businesses, convene SBIC funds with Tech Hubs leaders, and facilitate connections for Tech Hubs with the Small Business Innovation Research (SBIR) ecosystem.
- The U.S. Department of Transportation will provide technical assistance and strategic guidance for relevant grant programs.

"TECH HUBS are supercharging our existing innovation foundations, bringing together our premier research institutions with world class companies to create good-paying jobs in these communities, and ensuring the technological advances that define the next century are made in communities across America."

Gina Raimondo
U.S. Secretary of Commerce

Foreign Direct Investment

- Tech Hubs Designees will have a dedicated presence at the SelectUSA Investment Summit Exhibition Hall in June 2024.
- Tech Hubs Designees will be invited to webinars to increase FDI interest in Tech Hubs and create new opportunities to showcase their regions for international business investment.

Intellectual Property Guidance

- The U.S. Patent and Trademark Office (USPTO) will identify a Tech Hubs Ambassador and highlight Tech Hubs Designees at regional USPTO events.
- USPTO will provide Tech Hubs Designees strategic guidance and technical assistance on IP.

Export Assistance

- U.S. Export Assistance Centers will pilot select Tech Hubs Trade Specialists to serve as export assistance navigators and offer a global resilience stress test for each Tech Hubs Designee.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 20, 2024 **Orders:** 22-02202024 through 26-02202024

Author: Sue Clements-Dallaire, City Clerk

Subject: Board and Committee Appointments

The Appointment Committee met on February 6, 2024 to review applications and make their nominations for various boards and committees of the City as follows:

Phillip Savignano, Parks and Recreation Advisory Board, new appointment, term expiration 10/01/2025
Robert Hayes, Planning Board, associate member, new appointment, term expiration of 1/1/2026.
Denis Bergeron, Sewer District Board of Trustees, new appointment, term expiration of 3/1/2025.
Thomas Moulin, Sewer District Board of Trustees, re-appointment, term expiration of 3/1/2028.
Denis Bergeron, Water District Board of Trustees, new appointment, term expiration of 3/1/2028.

City Budgetary Impacts: None

Staff Recommended Action: Motion to appoint members as recommended by the Appointment Committee.

Previous Meetings and History: The Appointment Committee met on February 6, 2024 to make their recommendations.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Vacancies, Application Spreadsheet, Applications, Orders

VACANCIES

Auburn Sewer District Board of Trustees - 2 vacancies, one with a term expiration of 03/01/2025 and one with a term expiration of 03/01/2028.

Auburn Water District Board of Trustees - 1 vacancy with a term expiration of 03/01/2028

Board of Assessment Review - 8 vacancies, 5 regular members and 3 alternate members, up to a three-year term TBD

City Council Student Representative - 2 appointments

Parks & Recreation Advisory Board - 3 vacancies, one with a term expiration of 10/01/2025, and two with term expirations of 10/01/2024

Planning Board - 1 associate member position, term expiration of 01/01/2026

Zoning Board of Appeals - 9 vacancies, 7 regular members and 2 associate members, up to a three-year term TBD

February 6, 2024
Applicant List

Board or Committee	Ward	Last Name	First Name	Address
Parks & Recreation Advisory Board	1	Savignano	Philip	64 Skillings Corner Road
Planning Board	2	Cyr	Evan	122 Granite Street
	3	Goodwin	Todd	10 Hillside Avenue
	5	Gray	Stanwood “Joe”	1200 Sopers Mill Road
	2	Hayes	Robert	172 Allen Avenue
Sewer District Board of Trustees	2	Bergeron	Denis	23 Dexter Avenue
	4	*Moulin	Thomas	4 Taft Avenue
Water District Board of Trustees	2	Bergeron	Denis	23 Dexter Avenue
	3	*Titus	Andrew	24 Rubellite Lane

* Indicates this applicant is seeking re-appointment

** Indicates this person is an associate/alternate member seeking full member status

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Tuesday, January 9, 2024 1:17 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Philip

Middle Initial: P

Last Name: Savignano

Residence Address: 64 Skillings Corner Road

Ward: Ward 1

City: Auburn

Home Phone: 207 786-2297

Cell Phone: 207 577-4866

E-mail Address: philnchris@roadrunner.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Senior Tourism Office Maine Office of Tourism

Education and/or experience: UMO-2years, Outdoor Program Coordinator-Pineland Farms, Program Coordinator-LLBean Outdoor Discovery School Former Auburn Recreation Advisory Board Member

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Parks & Recreation Advisory Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): Watching the demand for outdoor recreation access during the COVID-!9 epidemic was a turning point in Auburn residents interest. My background will bring a unique incite to the Board

What do you hope to accomplish?: I would like to see more trail development in the community with programming that will accommodate a variety of citizens

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Yes, I served on the Recreation Advisory Board

Dates served (if known): From 1988-2017

How did you learn of this vacancy?: I Received a text from Sharon Bergeron

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Philip P. Savignan

Date of Electronic Signature: 01/09/24

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: **1/31/2024**

Last name: **Cyr** First name: **Evan** Middle initial: **G**

Residence address: **122 Granite St.** Ward: **2**

City: **Auburn** State: **Maine** Zip code: **04210**

Home phone: **N/A** Work phone: **(207) 333-6652** Cell phone: **(207) 991-1159**

Email address: **egcyr@hotmail.com**

Current occupation: **Public School Teacher - High School Science**

Previous occupation (if retired or no longer working): **N/A**

Educational and/or experience (or attach your resume): **Resume Attached**

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
___ Age Friendly Committee
___ Agriculture Committee
___ Airport Board
___ Auburn Housing Authority
___ Audit Committee
___ Cable TV Advisory Board
___ CDBG Loan Committee
___ Citizen's Advisory Committee
___ Community Forest Board
___ Conservation Commission
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Parks & Recreation Advisory Board
X Planning Board **ASSOCIATE MEMBER**
___ Regulatory Advisory Board
___ Sewer District
___ Water District
___ Other _____

Is this application for a X new appointment or ___ reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). **See Appendix A, attached**

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). **See Appendix A, attached**

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? **No**

Dates served (if known)? **N/A**

Have you previously served on a City or Community Board or Committee? If so, which one(s)? **Yes**
Auburn Planning Board, Strategic Plan Subcommittee, Lake Auburn Watershed Protection Commission

Dates served (if known)? **March 2012 - January 2024**

How did you learn of this vacancy? **City Website**

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.
Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!
I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.
Signature: _____ Date: **01/31/2024**

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: 2/1/2024
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

APENDIX A – Application Narrative Responses
RE: Evan Cyr: Associate Planning Board Application

Briefly describe why you want to serve on this committee.
I want to serve on the Planning Board because I believe civic involvement is important. I am a teacher and father of two children. Modeling civic engagement for my own kids as well as for my students is important to me. I also believe the Planning Board serves an important and indispensable function in our community. I have a collective 15 years serving on Planning Boards and Watershed Commissions. My experience and institutional understanding can help further the work that the Planning Board does. Additionally, Planning Board provides an opportunity for me to leverage my experiences, helping residents better understand local land uses policies and processes through discussion and engagement at public meetings. Planning Board is a good personal fit where I think my skill set can best be used for the wider community while being civically engaged and promoting civic engagement for my children, students, friends, and neighbors.

What do you hope to accomplish?
I hope to work collaboratively to continue protecting Auburn's natural resources, including Lake Auburn, Auburn's agricultural and rural resources, open space, and neighborhoods. I also hope to execute the responsibilities of an associate Planning Board member in an informed, transparent, and informative way to help promote trust in local government while developing the best possible outcomes for Auburn's residents. It is important to use appropriate policy actions, follow state and local law, and implement City Council policy regarding zoning in a way that is both responsible and informative to Auburn's residents. I hope to do this while navigating complex issues to ultimately create zoning solutions that will help create diverse housing opportunities for all residents, promote smart growth and density infill where appropriate, promote growth for all residents, and improve the quality of live in our community. Ultimately, I hope to promote positive solutions while fostering trust and transparency.

January 31, 2024

Dear Appointment Committee Members and City Councilors,

I am writing to express my sincere interest in the Associate Planning Board member position on the Auburn Planning Board. With a rich background in municipal planning, experience in municipal leadership and a steadfast commitment to community growth, equity, and sustainability, I am eager to help shape the future of our community in promoting responsible growth and the continued prosperity of Auburn.

With a combined 15 years of experience in municipal land use policy management, governmental and quasi-municipal policy development, and environmental land use management, I have a developed diverse skill set that aligns well with the responsibilities of a Planning Board member. Additionally, I have had the privilege of serving in leadership capacities on both the Auburn Planning Board and Lake Auburn Watershed Protection Commission (LAWPC). Serving three terms as the elected Planning Board Chair, three terms as the Planning Board Vice Chair, one term as the elected Chair of LAWPC, and one term as the Vice Chair of LAWPC, has also provided me with invaluable leadership experiences and skills that directly translate to the position of Associate Member of the Planning Board.

I can bring a comprehensive skill set to the Planning Board, encompassing expertise in zoning regulations, land use planning, and environmental awareness, as well as proficiency in state and local land use law, urban design, and GIS mapping. My ability to navigate judicial and adjudicatory analysis, coupled with strong conflict resolution skills, has enabled me to effectively address sensitive or controversial topics and issues, fostering constructive dialogue and consensus-building within the community. I have experience and skill navigating complex legal frameworks and leveraging data-driven insights to craft effective policy solutions that balance the needs of our community with regulatory requirements as well.

I have been involved in the development, creation, amendment, and implementation of several zoning ordinances. I was directly involved in the creation and implementation of new Form Based Code zoning ordinances aimed at addressing housing inequity and promoting traditional neighborhood growth patterns, AGRP zoning ordinances aiming to balance the protection Auburn's natural resources with residential growth, and drafting updates to the Lake Auburn Watershed Overlay District to enhance lake water quality and maintain federal regulatory compliance. Additionally, I have been involved with the creation of Auburn's Adaptive Reuse Ordinance, Marijuana Land use ordinances, and commercial use Solar Ordinance, among others.

Furthermore, my experience serving as Chair and Vice Chair of the Lake Auburn Watershed Commission has equipped me with valuable insights into environmental protection and policy development. I have successfully led initiatives to safeguard the public drinking water supply and provide oversight of public education initiatives related to land use within the watershed, demonstrating my commitment to environmental stewardship and public health.

I am excited about the opportunity to bring my unique perspective and skill set to the Auburn Planning Board and contribute to the continued growth and prosperity of our community. Thank you for considering my application. I look forward to the possibility of discussing how I can contribute to the board's important work in more detail.

Regards,

Evan Cyr

Evan G. Cyr

122Granite St. Phone: (207) 991-1159
Auburn, ME 04210 Email: egcyr@hotmail.com

Professional Summary

Skilled and dedicated community planning specialist with a combined 15 years of experience in municipal land use policy management, municipal leadership, and environmental land use management. Passionate about developing responsible solutions to implementing community planning goals, including municipal strategic plans, comprehensive plans, and local governmental policy. Comfortable effectively leading teams in developing solutions and making decisions, leveraging a collaborative approach to land use planning, listening to complex input from community members in developing planning solutions, educating community members about regulatory structures through public communications, and creating professional relationships that inform the work of municipal officials. Committed to lifelong learning, continuous improvement, and contributing to sustainable growth within the community.

Areas of Expertise

-Zoning Regulations	-Land Use Planning	-Environmental Awareness in Planning
-State and Local Land Use Law	-Community Engagement	-Judicial and Adjudicatory Analysis
-Urban Design	-Conflict Resolution	-GIS and Mapping
-Public Policy	-Economic Development	-Transportation Planning
-Process Management	-Stakeholder Collaboration	-Ethical Decision-Making

Pertinent Governmental Experience

Member of Planning Board 2012 – 2024

City of Auburn, ME

Elected Chair of Planning Board: Three terms
Elected Vice Chair of Planning Board: Three Terms
Creation and implementation of new Form Based Code zoning ordinances to address housing inequity and promote traditional neighborhood growth patterns – 2014 through 2024
Development of zoning changes to the AGRP zoning ordinances – 2018
Draft and implementation of zoning changes and updates to the AGRP zoning ordinances – 2023
Development of zoning changes and updates to the Lake Auburn Watershed Overlay District to increase protections of lake water quality and prolong the AWD's federal waiver of filtration for Lake Auburn – 2013 – 2023
Development of Medical and Adult Use Marijuana Ordinances
Development of changes to the City's Odor Ordinance
Creation of Auburn's Adaptive Reuse Ordinances
Creation and implementation of commercial solar ordinance
Implementation of the 2010 and 2021 Update of the Comprehensive Plan through development of new ordinances and zoning regulations. Example: Form Based Code 2014 - 2024
Create legal policy solutions to problems that meet municipal and other stakeholder objectives.
Provide direction and feedback to City Council on land use, economic growth, future development, and zoning law.
Draft and revise zoning ordinances at the municipal level in accordance with State and Federal law or guidelines.
Work with members of the public and community to explain or resolve sensitive or controversial topics and issues
Review and provide feedback of the Capital Improvement Plan and budget for the City Council.

Commissioner - LAWPC 2020 – 2023

Lake Auburn Watershed Commission

Elected Chair: One Term
Elected Vice Chair: One Term
Implementation of Rules of Order
Create and enforce legal policy and zoning solutions to protect the public drinking water supply in compliance with State and Federal laws.
Utilize data and information collectives to provide guidance and feedback to local municipalities and other stakeholders.
Provide oversight of public education initiatives around and access or use of land within the watershed.
Provide policy direction and directives to Auburn Water District regarding the Lake Auburn Watershed.

Education

Administration Leadership	Endicott College	2017	Beverly, MA
CAS Education Leadership	University of New England	2015	Biddeford, ME
MA Secondary Education,	University of Maine	2005	Orono, ME
BA Anthropology	University of Maine	2005	Orono, ME

Pertinant Certifications and Trainings

MMA – Planning Board Legal Issues Training
MMA – Freedom of Access Act (FOAA) Training
City of Auburn Legal Overview Training (Sally Daggett)

Professional References

Doug Greene	City Planner & Planning Professional (Retired)	(207) 232-8694
Peter Bingham	Deputy Director – Eccon. & Comm. Dev. Town of Cumberland	(207) 751-4193
Camille Parish	Chairperson Lake Auburn Watershed Commission	(207) 713-0202
Joshua Nagine	City Councilor – City of Lewiston Former Planning Board Member City of Lewiston, Maine	(207) 842-2125

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Monday, January 8, 2024 3:48 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Todd

Middle Initial:

Last Name: Goodwin

Residence Address: 10 Hillside Avenue

Ward: Ward 3

City: Auburn

Home Phone: 207-577-5402

Cell Phone: 207-577-5402

E-mail Address: todd.goodwin@jfmh.org

Current Occupation: Chief Executive Officer

Previous Occupation (if retired or no longer working):

Education and/or experience: Masters Degree; Sociology/Social Psychology. Nonprofit executive leader for 20+ years.

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): First and foremost, my interest in serving on a board/committee derives from the appreciation of our city. Nearly every day I see examples of why our community is a great place to live and work. Whether it's the overall ethos or the genuine friendliness of our neighbors, we should all be proud to live in a place that respects everyone.

Second, as a nonprofit executive for a large local employer, I recognize how our community supports the work we do. I value service and see this as an opportunity to give back to our community. I appreciate that our city has deliberative processes for considering how we grow. I have participated in this process and have looked with respect upon how Planning Board members approach their work. I believe I can make positive contributions in this regard.

I have a rich history of Board service in different contexts. I would like to broaden this experience at the municipal level.

What do you hope to accomplish?: I would like to contribute to thoughtful progress that balances individual rights, legal requirements and municipal goals.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known): N/A

How did you learn of this vacancy?: City's website.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Todd Goodwin

Date of Electronic Signature: 1/8/24

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Monday, January 29, 2024 8:48 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Stanwood

Middle Initial: J

Last Name: Gray

Residence Address: 1200 Sopers Mill Rd

Ward: Ward 5

City: Auburn

Home Phone: 2076156957

Cell Phone: 2076156957

E-mail Address: stanwoodgray@gmail.com

Current Occupation: farmer/carpenter

Previous Occupation (if retired or no longer working):

Education and/or experience: some college

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have followed Auburn government, including the on-going zoning discussions, for many years now. I have been a city councilor and served on several different boards. I would like to add my work ethic, gained knowledge, and experience to move Auburn further in planning for a sustainable and prosperous future for all residents - current and future.

What do you hope to accomplish?: Be the best planning board member I can possibly be. I hope to help the city maintain important areas of the city while helping to provide opportunities for sustainable, well-managed growth for all residents.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Natural Products and Agriculture Working Group, Complete Streets Committee

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, Agriculture Committee, CDBG Committee, Great Falls TV Committee

Dates served (if known):

How did you learn of this vacancy?: public meeting

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Stanwood Gray

Date of Electronic Signature: 1-29*2024

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 1/29/24

Last name: HAYES First name: ROBERT Middle initial: P

Residence address: 172 Allen Ave Ward: 2

City: Auburn State: ME Zip code: 04210

Home phone: 782-1386 Work phone: - Cell phone: 232-3903

Email address: JLHAYES1868@YAHOO.COM

Current occupation: RETIRED

Previous occupation (if retired or no longer working): RETAIL BUSINESS (OWNER/MGR)

Educational and/or experience (or attach your resume): ATTACHED

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
___ Age Friendly Committee
___ Agriculture Committee
___ Airport Board
___ Auburn Housing Authority
___ Audit Committee
___ Cable TV Advisory Board
___ CDBG Loan Committee
___ Citizen's Advisory Committee
___ Community Forest Board
___ Conservation Commission
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Parks & Recreation Advisory Board
X Planning Board
___ Regulatory Advisory Board
___ Sewer District
___ Water District
___ Other _____

Is this application for a X new appointment or ___ reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). ATTACHED

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). ATTACHED

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? No.

Dates served (if known)? ___

Have you previously served on a City or Community Board or Committee? If so, which one(s)?

YES see attached

Dates served (if known)? ___

How did you learn of this vacancy? OK LIKE

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: ✓ Date: 1/29/24

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: 1/29/2024
APPOINTMENT DATE: ___
TERM EXPIRATION DATE: ___
OATH DATE: ___

January 29, 2024

From: Robert P Hayes (residing at 172 Allen Ave., Auburn in Ward 2 with home phone #782-1386, cell phone #232-3903 and email address: JLHAYES1868@yahoo.com)

To: City of Auburn as a submittal application for the open seat for an alternate member on the Planning Board as appears in the City's web site.

I am now retired, working part time as a driver for Mobility Works (Gray, ME) and as a ski instructor at Lost Valley. Previously, I was owner/manager of J.L.Hayes/Agway, originally in Lewiston but most recently in Auburn at 807 Minot Ave.

I am still dedicated to this community in which have grown up in and have lived and worked in. I would like to be responsibly and thoughtfully involved in contributing to Auburn's healthy growth, by being a respectful and knowledgeable voice as a Planning Board member.

As to my background, I submit the following:

EDUCATION:

- Auburn Public Schools (ELHS 65)
- Union College, Schenectady, NY (Industrial Economics)
- Univ. of Southern Maine (Business Administration)
- Univ. of Maine – Augusta (Public Administration)
- Navy Officer Candidate School, Newport, RI
- Navy Supply School, Athens, GA

PROFESSIONAL EXPERIENCE:

- United States Navy (Active '70-'73; Reserve '73-'95; Retired Commander, Supply Corps)
- E.C.Jordan Co., Portland, ME (Communit and Regional Land-Use Planner '69-'70, '73-'75)
- J.L.Hayes/Agway (Small Business Manager,1975-2015)

COMMUN ITY INVOLVEMENT:

- Chamber of Commerce (1975-2015)
- Auburn Planning Board (Member '77-'90, Chairperson '88-'90)
- Lewiston Downtown Development & Management Corp. (Director '80-'87, Chairperson '85-'87)
- Auburn City Council (Ward 2, 2005-2015)

For more than 60 years, I have been involved in our community,

- as student in the Auburn Public Schools,
- as owner/manager of J.L.Hayes/Agway,
- as member of the Chamber of Commerce,
- as member/chairperson of the Planning Board,
- as Ward 2 City Councilor,
- as member of the L/A Railroad Co. Board,
- as City representative to the L/A Airport Board,
- as a certified ski instructor at Lost Valley.

Respectfully,

Bob Hayes

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: January 8 2024

Last name: Bergeron First name: Denis Middle initial: P

Residence address: 23 Dexter Ave Ward: 2

City: Auburn State: ME Zip code: 04210

Home phone: _____ Work phone: _____ Cell phone: 207 576 4588

Email address: denis.p.bergeron@gmail.com

Current occupation: retired

Previous occupation (if retired or no longer working): Regulatory engineer Maine PUC

Educational and/or experience (or attach your resume): BSME Professional Engineer

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
___ Age Friendly Committee
___ Agriculture Committee
___ Airport Board
___ Auburn Housing Authority
___ Audit Committee
___ Cable TV Advisory Board
___ CDBG Loan Committee
___ Citizen's Advisory Committee
___ Community Forest Board
___ Conservation Commission
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Parks & Recreation Advisory Board
___ Planning Board
___ Regulatory Advisory Board
X Sewer District
___ Water District
___ Other _____

Is this application for a X new appointment or ___ reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). Sewerage is an important public service

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). I have many years of experience regulating utilities. I can provide this experience to assist ASD

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? ___
NO

Dates served (if known)? N/A

Have you previously served on a City or Community Board or Committee? If so, which one(s)?
Yes
Planning Board

Dates served (if known)? 1991 - 1999

How did you learn of this vacancy? City website

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.
Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!
I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.
Signature: Jean Begert Date: 1/6/2024

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: ___
APPOINTMENT DATE: ___
TERM EXPIRATION DATE: ___
OATH DATE: ___

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Thursday, January 11, 2024 11:36 AM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Thomas

Middle Initial: R

Last Name: Moulin

Residence Address: 4 Taft Avenue

Ward: Ward 4

City: Auburn

Home Phone: 2077849780

Cell Phone: 2073208532

E-mail Address: tmmoulin@hotmail.com

Current Occupation: Part time Bail Commissioner

Previous Occupation (if retired or no longer working): self-employed

Education and/or experience: High School, some college & trade school

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Sewer District

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I believe my opinion matters and my interest is towards the betterment of our city

What do you hope to accomplish?: Sometimes providing a different view, I bring my experience as a NASB public works Supervisor. Where my responsibility of their lift stations and sewerage system was part of my job description.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Yes as a trustee for the sewage district

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Auburn Sewage District

Dates served (if known): I joined a little over a year ago now, actual date?

How did you learn of this vacancy?: A friend & member at the time (Ray Fortier) asked if i was interested.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Thomas Robert Moulin

Date of Electronic Signature: Thomas Moulin

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered

Date: 1/22/2024

Last name: Bergeron First name: Denis Middle initial: P

Residence address: 23 Dexter Ave Ward: 2

City: Auburn State: ME Zip code: 04210

Home phone: _____ Work phone: _____ Cell phone: 207 576 4588

Email address: denis.P.bergeron@gmail.com

Current occupation: Retired

Previous occupation (if retired or no longer working): Regulatory Engineer

Educational and/or experience (or attach your resume): BS Recreation Mgmt UMaine. BS Mechanical Engineering U of Utah

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee

___ 9-1-1 Committee
___ Age Friendly Committee
___ Agriculture Committee
___ Airport Board
___ Auburn Housing Authority
___ Audit Committee
___ Cable TV Advisory Board
___ CDBG Loan Committee
___ Citizen's Advisory Committee
___ Community Forest Board
___ Conservation Commission
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Parks & Recreation Advisory Board
___ Planning Board
___ Regulatory Advisory Board
___ Sewer District
X Water District
___ Other _____

Is this application for a X new appointment or ___ reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). See attached

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed) I would like to ensure that ratepayers of the Auburn water district continue to receive some of the best water in the state at rates that are among the lowest.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? NO

Dates served (if known)? ___

Have you previously served on a City or Community Board or Committee? If so, which one(s)? Yes Planning Board

Dates served (if known)? 1990 - 1999

How did you learn of this vacancy? City web page

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Denis Bergeron Date: 1/22/2024

Please submit your application to,
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: 1/22/2024
APPOINTMENT DATE: ___
TERM EXPIRATION DATE: ___
OATH DATE: ___

I would like to serve as a Trustee of the Auburn Water District because I believe my 35 years of experience as a utility regulator and my 30 years as a Licensed Professional Engineer can be helpful to AWD ratepayers during this challenging time. The District is going to face some challenging issues in the future. I think my experience of working in the utility industry while at the Maine PUC can provide help in navigating some of those issues.

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Tuesday, January 2, 2024 2:20 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Andrew

Middle Initial: D

Last Name: Titus

Residence Address: 24 Rubellite Lane

Ward: Ward 3

City: Auburn

Home Phone: 2072401492

Cell Phone: 2072401492

E-mail Address: atitus2015@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Wholesale Tire Account Manager

Education and/or experience: Paralegal Certificate

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Water District

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have enjoyed serving our city and would like to continue

What do you hope to accomplish?: Continue to help the Auburn Water District be one of the best utilities in the state

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Yes, Auburn Water District

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, Auburn Sewer District,

Dates served (if known): 2015-2019

How did you learn of this vacancy?: Being on the board

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Andrew Titus

Date of Electronic Signature: 01/02/2024

ORDER 22-02202024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Phillip Savignano to serve on the Parks & Recreation Advisory Board with a 10/1/2025 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 23-02202024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Robert Hayes to the Planning Board, associate member, with a 1/1/2026 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 24-02202024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Denis Bergeron to serve on the Sewer District Board of Trustees with a 3/1/2025 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 25-02202024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Thomas Moulin to serve on the Sewer District Board of Trustees with a 3/1/2028 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 26-02202024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Denis Bergeron to serve on the Water District Board of Trustees, with a 3/1/2028 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING FEBRUARY 5, 2024, VOL. 37 PAGE 132

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

Pledge of Allegiance

I. Consent Items

1. Order 16-02052024*
Confirming Mayor Harmon's re-appointment of Leonard Kimble to serve on the Ethics Panel with a term expiration of 11/01/2026.

Motion was made by Councilor Walker, seconded by Councilor Milks for passage of the one consent item.

Passage 7-0.

II. Minutes – January 16, 2024, Regular Council Meeting

Motion was made by Councilor Walker, seconded by Councilor Platz to approve the minutes of the January 16, 2024, Regular Council meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Presentation – Tax Increment Financing (TIF) and Credit Enhancement Agreement (CEA) – Glen Holmes
- Communication - Formation of a Mayor's Ad Hoc Committee on the Public Safety Building
- Communication - Formation of a Mayor's Ad Hoc Committee on Housing

IV. Open Session –

Joe Mailey, 82 Webster Street, provided written testimony regarding the new PAL Center to be constructed on Chestnut Street with questions and concerns. He also expressed concerns that notices were sent to building owners in that area and not to the tenants. He stated that he would like to see the City of Auburn enhance some of the mailings or at least discuss it.

Andy Titus, 24 Rubellite Lane, provided comments regarding the upcoming budget and three things that should be looked at. The tax levy, the fund balance, and salaries. He added that he would like to see any future surpluses of the fund balance to go toward the tax levy.

V. Unfinished Business

1. Ordinance 03-01162024
Amending Article V, Division 2, Sections 2-430, 2-431, 2-433, 2-434, 2-435, AND 2-441 of Auburn's Code of Ordinances and striking all language referencing the Regulatory Advisory Board. Second reading.

Motion was made by Councilor Gerry, seconded by Councilor Cowan for passage.

Public comment – No one from the public spoke.

Passage 7-0.

2. **Ordinance 04-01162024**
Amending Article V, Division 2, Sections 2-430, 2-431, 2-432, 2-433, 2-434, and 2-435 of Auburn's Code of Ordinances and reinstating the Board of Assessment Review ordinance. Second reading.

Motion was made by Councilor Whiting, seconded by Councilor Cowan for passage.

Public comment – No one from the public spoke.

Passage 7-0.

3. **Ordinance 06-01162024**
Amending Sec. 2-466 of the Auburn Code of Ordinances correcting the Planning Board Compensation language. Second reading.

Motion was made by Councilor Platz, seconded by Councilor Cowan for passage.

Public comment – No one from the public spoke.

Passage 7-0.

VI. New Business

1. **Order 17-02052024**
Amending the Future Land Use Plan map in the Comprehensive Plan to designate City Assessor's Parcel I.D.'s 174-004, 174-004-001 and 174-004-002 land use as Suburban Development District.

Motion was made by Councilor Cowan, seconded by Councilor Walker for passage.

Public hearing – No one from the public spoke.

Failed 1-6 (Councilors Gerry, Whiting, Cowan, Milks, Weisner, and Platz opposed).

2. **Ordinance 07-02052024**
Amending the zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending approximately 11 acres of Parcel ID 174-004-001, located on Riverside Drive, from the Agriculture and Resource Protection (AGRP) zoning district to the Low-Density Rural Residence (RR) zoning district. Public hearing and first reading.

Motion was made by Councilor Walker, seconded by Councilor Whiting for passage.

Public hearing – No one from the public spoke.

Motion was made by Councilor Whiting and seconded by Councilor Gerry to postpone this item indefinitely.

Passage 5-2 (Councilors Cowan and Walker opposed).

3. **Ordinance 08-02052024**
Amending the zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002, located on Riverside Drive, from the Agriculture and Resource Protection (AGRP or AG) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district. Public hearing and first reading.

Motion was made by Councilor Whiting, seconded by Councilor Gerry for passage.

Public comment – No one from the public spoke.

Motion was made by Councilor Whiting and seconded by Councilor Gerry to postpone this item indefinitely.

Passage 6-1 (Councilor Walker opposed).

4. **Order 18-02052024**
Setting the date for a public hearing for a Dangerous Building located at 46 Fair Street.

Motion was made by Councilor Whiting, seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 7-0.

5. **Order 19-02052024**
Ratifying the Fire Department's contract agreement (wages).

Motion was made by Councilor Weisner, seconded by Councilor Milks for passage.

Public comment - No one from the public spoke.

Passage 7-0.

6. **Order 20-02052024**
Authorizing the use of $89,306.42 from the fund balance to support the 2024 Lewiston Auburn Warming Center to be located in the City of Lewiston.

Motion was made by Councilor Gerry, seconded by Councilor Whiting for passage.

Public comment – Andy Titus, 24 Rubellite Lane, said he had questions on how the break down of costs were determined, and if it is to be used as a warming center for the unhoused or an immigrant resource center.

Passage 7-0.

VII. Open Session -

Greg Whitney, President of the Drop-in Center thanked the council for their support on this project and provided some examples of what they have seen at the Drop-in Center when people stop in.

VIII. Reports (Mayor, City Council, City Manager)

Mayor Harmon reported that he and Mr. LaBonté had an opportunity to visit with the Auburn Lewiston Civil Air Patrol Squadron that uses the Airport noting that Auburn resident, Sean Hagerty was promoted to Cadet Lieutenant Colonel and received the General Eaker Award for which less than one percent of Civil Air Patrol Cadets in the country receive, adding that this is a significant honor. He congratulated him on his achievement. He stated that he also attended a coalition of organizations and citizens concerned with homelessness. There were over 80 attendees.

Councilor Platz reported on the upcoming School Committee and Facilities meetings to be held on Wednesday, and the School Finance Committee will be meeting next week. He also announced that a new Business Manager was named at the last School Committee meeting. Amanda Kocher was offered the Business Manager position. The current Business Manager is retiring.

Councilor Walker reported that he attended the Waste to Energy meeting and provided an update.

Councilor Weisner thanked the Public Works Department for their hard work with the recent storms and long hours they've been working.

Councilor Cowan reported that the Sustainability and Natural Resource Management Board (SNRB) met today to discuss a recycling plan which will come back to the Council at a later date. He also noted that the Lewiston Auburn Transit Committee (LATC) is meeting this Thursday.

Councilor Whiting recognized "Mac" McPeake who was in the "25 Years Ago Today" column in the Sun Journal, for his efforts reading to kids and he thanked him for his efforts.

Councilor Gerry stated that she would like to discuss the Grab and Go Program at a future Council meeting and if needed, she would like to see more money allocated toward it.

City Manager Crowell reported that Androscoggin County was included in the National Disaster Declaration and Monday April 1st is the deadline to file claims. He said he will ask FEMA to come to our next council meeting so they will be available for anyone who would like to meet with them. He said they are also located at the Lewiston Armory. He also announced that a celebration will be hosted at the Donald Gay Performing Arts Center at the new Edward Little High School called Common Threads 2024 which celebrates diverse fashion, food and music. Admission is free. More information will be coming out.

IX. Executive Session - Economic development, pursuant to 1 M.R.S.A. §405(6)(C) where premature disclosure would prejudice the competitive or bargaining position of the City.

This item was taken up during the workshop.

X. Adjournment

Motion was made by Councilor Weisner, seconded by Councilor Milks to adjourn.

Passage 7-0, and the meeting adjourned at 8:29 pm.

A TRUE COPY **ATTEST** Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

IN COUNCIL SPECIAL MEETING FEBRUARY 12, 2024, VOL. 37 PAGE 137

Mayor Harmon called the meeting to order at 5:30 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

Pledge of Allegiance

I. New Business

1. Order 21-02122024
Amending Order 20-02052024, adopted by the City Council on 2/5/2024 authorizing the use of $62,500.00 from the fund balance to cover no more than 50% of actual third-party expenses paid by the City of Lewiston to the operator of the 2024 Lewiston Auburn Warming Center to be located in the City of Lewiston.

Motion was made by Councilor Walker, seconded by Councilor Milks for passage.

Public comment – No one from the public spoke.

Passage 7-0.

II. Adjournment

Motion was made by Councilor Walker, seconded by Councilor Milks to adjourn the meeting. Passage 7-0, the meeting adjourned at 5:33pm.

A TRUE COPY **ATTEST** Susan Clements-Dallaire
Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 20, 2022

Author: Phil Crowell, City Manager

Subject: FEMA Presentation - December 2023 Flood

Information: FEMA representative Mr. Allen Renn will provide a presentation on the availability of individual and household application and funding assistance from the FEMA Disaster Recovery Center.

Declaration: DR-4754-ME. FEMA Incident Period: December 17, 2023 to December 21, 2023. Information can also be found at www.fema.gov/disaster/4754

City Budgetary Impacts: None

Staff Recommended Action: None

Previous Meetings and History: None

City Manager Comments: None

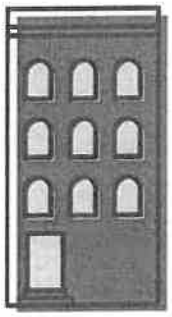
Signature: Phillip Crowell Jr.

Attachments:

- FEMA Informational Documents

Housing Assistance for Disaster Survivors

Disaster survivors with damage to their primary residence from the severe storms and flooding Dec. 17-21, 2023, may be eligible for FEMA Sheltering and Housing Assistance.





Rental Assistance

Funds for eligible survivors who need a place to temporary live while their residence is repaired, or until they secure permanent housing.

Who may be eligible?

A disaster survivor:

- Whose home or rental unit is unlivable as a result of the disaster.
- Who agrees to relocate.
- Whose housing needs are not covered by insurance.

Home Repair/ Replacement

Funds for eligible homeowners to rebuild or make basic repairs so their home is safe, sanitary, and functional.

Who may be eligible?

A Homeowner:

- Whose primary residence is determined to be unlivable after a FEMA inspection.
- Who has a housing need not covered by insurance.

To learn more about the disaster response in Maine, please visit https://www.fema.gov/disaster/4754.

FEMA

FEMA

DISASTER ASSISTANCE

To apply and get answers to your questions, call:

1-800-621-3362

711 or Video Relay Service (VRS): 1-800-621-3362

Please have the following available:

- Your address with zip code
- Condition of your damaged home
- Insurance information, if available
- Social Security number
- Phone number where you can be contacted
- Address where you can get mail or email address to receive electronic notifications

Direct Deposit: Disaster assistance funds can be sent directly to your bank account. Please provide your bank account type, account number and bank routing number.

Stay in touch with FEMA: When you apply, you will receive a FEMA registration number. Save it. You will need the number whenever you contact FEMA.

Online registration also available

DisasterAssistance.gov

ACCESS TO DISASTER HELP AND RESOURCES

Disaster assistance is available without regard to race, color, religion, national origin, sex, age, disability, English proficiency or economic status.

FEMA

ASISTENCIA POR DESASTRE

Para solicitar asistencia o dar seguimiento a su caso, llame al:

1-800-621-3362

711 o el Servicio de Retransmisión de Video (VRS): 1-800-621-3362

Por favor tenga disponible lo siguiente:

- Dirección con el código postal .
- Condiciones de su propiedad dañada
- Información del seguro, si está disponible
- Número Seguro Social
- Número de teléfono donde se le pueda contactar
- Dirección donde usted puede recibir correspondencia o correo electrónico para recibir notificaciones electrónicas

Depósito Directo: Los fondos de asistencia por desastre se pueden enviar directamente a su cuenta bancaria. Proporcione por favor su tipo de cuenta bancaria, número de cuenta y número de ruta bancaria.

Manténgase en contacto con FEMA: Cuando solicite asistencia recibirá un número de registro de FEMA. Anote su número y guárdelo. Usted necesitará el número cada vez que se comunique con FEMA.

También puede inscribirse en línea

DisasterAssistance.gov/es

ACCESO A LA ASISTENCIA POR DESASTRE Y RECURSOS

La asistencia de recuperación por desastre está disponible sin tomar en consideración raza, color, religión, origen nacional, sexo, edad, discapacidad, dominio del inglés o nivel económico.

Maine Renters Can Apply for FEMA Assistance

Release Date: Feb 12, 2024

The counties approved are Androscoggin, Franklin, Kennebec, Oxford, and Somerset Counties.

FEMA Individual Assistance is available to renters, including students, as well as homeowners. Federal grants can help pay for temporary housing. The initial rental grant is for a one-month or two-month period and can be reviewed for further assistance.

Renters may also qualify for a grant under FEMA's Other Needs Assistance program for uninsured essential personal property losses and other disaster-related expenses. These may include:

- Replacement or repair of necessary personal property, such as clothing, textbooks, or school supplies as well as furniture or appliances you purchased. FEMA will not cover furniture or appliances that are provided by the landlord.
- Replacement or repair of tools and other job-related equipment required by the self-employed
- Primary vehicles.
- Uninsured or out-of-pocket medical, dental, childcare, moving and storage expenses.

1.

To apply for FEMA disaster assistance, go online to DisasterAssistance.gov, use the FEMA app for smartphones or call 800-621-3362. Help is available in most languages. If you use a relay service, such as video relay service (VRS), captioned telephone service or others, give FEMA the number for that service. Lines are open from 7 a.m. to 10 p.m. local time, seven days a week.

Daily Fact Sheet 011

Key Messages

- FEMA has approved **$1,965,172** for individuals and families affected by a severe storm and flooding.
- On January 30, 2024, President Joseph R. Biden Jr. granted a Major Disaster Declaration for the State of Maine triggering the release of Federal funds to help individuals recover from a Severe Storm and Flooding that occurred December 17-21, 2023.
- The President's action makes federal funding available to affected individuals in the counties of Androscoggin, Franklin, Kennebec, Oxford, and Somerset Counties. Assistance can include grants for temporary housing, uninsured or underinsured home repairs and personal property, low-cost loans to cover uninsured property losses and other programs to help individuals and business owners recover from the effects of the disaster.

DSA and DRC Openings

- 10 Disaster Survivor Assistance (DSA) crews canvased in the municipalities of Livermore, Lisbon, Lewiston, Sabattus, Poland, Newry, Andover, Roxbury, Bethel, Madrid, Kingfield, Avon, New Sharon, Skowhegan, Norridgewalk, Fairfield, Emden, Solon, Winthrop, Chelsea, Winslow, and Waterville. **1,079 survivor registrations have been completed.**
- Farmington (Franklin County), University of Maine – Roberts Learning Center, 270 Main St., daily 8:00 a.m. – 6:00 p.m.
- Lewiston (Androscoggin County) DRC open 65 Central Ave, daily 8:00 a.m. – 6:00 p.m.
- Rumford (Oxford County) DRC open 150 River Street, daily 8:00 a.m. – 6:00 p.m.
- Skowhegan (Somerset County) DRC open 4 County Drive, daily 8:00 a.m. – 6:00 p.m.

Ways to Apply to FEMA

- By phone at **1-800-621-3362**. Help is available in most languages. If you use video relay service (VRS), captioned telephone service or others, give FEMA your number for that service. Phone lines operate from **7 a.m. to 10 p.m.** seven days a week.
    - The deadline to apply for FEMA disaster assistance is **April 1.**

FEMA

- If you are planning to apply for FEMA assistance, knowing what you will be asked and what information you need to have handy can help you feel ready. Things to have handy include:
    - Each family member's Social Security number.
    - The address where you are staying and what the phone number is.
    - The amount of damage to your home. Be sure to share updates with FEMA so we can continue to review your case.

Disaster Unemployment Assistance (DUA)

- Employees or self-employed individuals in Maine who became unemployed as a direct result of the severe storm and flooding, may be eligible to receive Disaster Unemployment Assistance (DUA). Eligible survivors are encouraged to apply for disaster assistance.
- To be eligible for DUA, the individual must be determined ineligible for regular unemployment insurance benefits under any state or federal law. Claimants must first apply for state unemployment benefits by visiting Maine Department of Labor's Bureau of Unemployment Insurance self-service portal. An application must be submitted by **March 4, 2024**. DUA claims filed after this deadline may be ineligible.

U.S. Small Business Administration (SBA)

- SBA disaster loans are the largest source of federal disaster recovery funds for survivors. Businesses, homeowners, renters, and certain nonprofits that were affected may apply online for low-interest disaster loans using SBA's secure website at https://disasterloanassistance.sba.gov/ela/s/. Applicants may also call SBA's Customer Service Center at **800-659-2955** or email DisasterCustomerService@sba.gov for more information. Individuals who are deaf or hard-of-hearing may call **800-877-8339.**

Get More Information

- For additional online resources as well as FEMA downloadable pamphlets and other aids, visit DisasterAssistance.gov and click "Information."
- For official information on the Maine recovery effort, visit www.fema.gov/disaster/4754.

# # #

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 20, 2024 PUBLIC HEARING

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Public Hearing prior to drafting CDBG & HOME Consortium Action Plan for Program Year 2024

Information:
Each year the Business & Community Development Department holds a Public Hearing and releases a Community Needs survey prior to drafting the annual action plan for the US Department of Housing & Urban Development (HUD). This plan details the use of Auburn's CDBG funds & the Auburn-Lewiston Consortium's HOME funds. This plan is designed to address community needs as detailed in the 5 year Consolidated Plan which was adopted in 2020. Based on input from the community survey and public hearings Community Development staff will release a draft Action Plan for additional public comments and City Council input prior to adoption.

The community survey can be found on AuburnMaine.gov. Post cards with a link to the survey is also being delivered to every residential address within the city. For printed copies, translations, or other accommodations, residents can contact the Community Development Office at: CDBG@auburnmaine.gov

---

City Budgetary Impacts:
Due to the lack of a federal budget HUD has yet to release allocation totals for recipients. Currently we are asked to wait until the passage of the federal budget to submit our action plan, even if that date is beyond our schedule as set by policy. Auburn's previous year CDBG allocation was $534,778. The Auburn-Lewiston HOME Consortium previous allocation is $546,921. These federal grant dollars cover staff salary/benefits as well as program activities for Business and Community Development programs.

Staff Recommended Action:
Hold Public Hearing and encourage residents to complete the community survey.

Previous Meetings and History:
Release Public Survey December 29, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
n/a

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 20, 2024

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 5, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

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 Workshop & Meeting
Agenda
March 4, 2024
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. 911 Presentation - Tim Hall
B. City Manager Preliminary Budget Discussion and FY25 CIP Discussion
C. Department Presentations
    a. City Clerk
    b. IT
    c. Communications

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Weisner

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 27-03042024*
Re-appointing Robert Cavanagh, full member position, and Renee Cote, alternate member of the Registration Appeals Board as nominated by the Democratic party. Term expirations of March 1, 2027.

2. Order 28-03042024*
Appointing Warden's and Ward Clerks for the March 5, 2024, Presidential Primary Election.

3. Order 29-03042024*
Setting the date to hold a Special Election to fill the vacated School Committee At-large seat for Tuesday, July 9, 2024.

II. Minutes – February 20, 2024, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Communication - FERC Response (Eric Cousens)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. Ordinance 05-01162024
Amending Chapter 60, Article XV reinstating the Zoning Board of Appeals ordinance.
Public hearing and Second reading.

VI. New Business

1. Order 30-03042024
Authorizing the City Manager to execute a purchase and sale agreement for property located at 150 Minot Avenue.

2. Order 31-03042024
Authorizing the execution of an amended Intermodal Facility lease.

3. Order 32-03042024
Authorizing the City Manager to execute a purchase and sale agreement for property located at 14 & 16 Newbury Street.

4. Resolve 01-03042024
Responding to the Planning Board request for information on the delayed applicability date for Ordinance 01-01022024.

5. Ordinance 07-03042024
Removing Appendix A from Auburn's Code of Ordinances. Public hearing and first reading.

6. Ordinance 08-03042024
Adopting language that was inadvertently removed from the code of ordinances (Chapter 52, Traffic and Vehicles, sections 52-238, and 52-239). Public hearing and first reading.

7. Order 33-03042024
Directing staff to draft zoning map and text ordinance amendments to Chapter 60, Zoning and prepare the items for public hearing and a recommendation by the Auburn Planning Board pursuant to Chapter 60, Article XVII, Division 2, Amendment to the Zoning Ordinance or Zoning Map.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports

a. Mayor's Report
b. City Councilors' Reports

c. City Manager Report

IX. Executive Sessions – Personnel matter, pursuant to 1 M.R.S.A. Sec. 405 (6)(A).

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 4, 2024

Author: Sue Clements-Dallaire, City Clerk

Subject: City Manager FY25 Preliminary Budget Discussion and Capital Improvement Plan Discussion

Information: City Manager Phil Crowell will provide information to the Mayor and City Council regarding the FY25 Preliminary Budget and proposed Capital Improvement Plan.

City Budgetary Impacts: None at this time.

Staff Recommended Action: Discussion

Previous Meetings and History: Annual

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 4, 2024

Author: Sue Clements-Dallaire, City Clerk

Subject: Department and FY25 Budget Presentations

Information: There will be a brief presentation of the proposed FY 21 operations and Capital Improvement Plan budgets on the following departments:

a. City Clerk
b. IT
c. Communications

City Budgetary Impacts: None at this time

Staff Recommended Action: Questions and discussion

Previous Meetings and History: Annual

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

From: Fred Brodeur
To: Susan Clements-Dallaire
Subject: [External]Registration Appeals Board
Date: Friday, February 16, 2024 11:17:40 AM

Hi Sue,

The Auburn Democratic City Committee nominated Robert Cavanagh as a member, and Renee Cote as alternate member to the Auburn Registration Appeals Board at it's Feb 15, 2024 meeting, last night,

Fred Brodeur, chair, Auburn Democratic City Committee

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 4, 2024 **Orders:** 27-03042024

Author: Sue Clements-Dallaire, City Clerk

Subject: Confirming the Democratic nominations to the Registration Appeals Board

---

Information:
Municipalities with a population of 5,000 or more must have a Registration Appeals Board to hear appeals of persons aggrieved by a decision of the Registrar of Voters.

The board consists of 3 members. Each of the major political parties shall nominate one member who must be enrolled in the party that nominated them, as well as an alternate member and the municipal officers must appoint the persons nominated by the political parties. These are 3-year terms.

The chair of the board is nominated by the municipal clerk and shall serve a 4-year term. Barbara (Bonnie) Lounsbury was nominated by the City Clerk and appointed by the City Council at the 1/16/2024 City Council meeting.

The Democratic party has nominated Robert Cavanagh as full member with Renee Cote as alternate.

The Republican nominations have not been submitted yet. When they do, this will come back to the Council for a vote.

City Budgetary Impacts: None

Staff Recommended Action: Passage of the order

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Title 21-A Section 103

§103. Registration appeals board

In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board. The appeal must be filed within 30 days after receipt of notice of the registrar's decision.
[PL 2019, c. 371, §4 (AMD).]

1. Population of 5,000 or over. The registration appeals board consists of 3 members who must be appointed as follows: The municipal committee of each of the major political parties shall nominate one member, who must be enrolled in the party of the municipal committee that nominates the member, and the municipal officers shall appoint the persons nominated by the municipal committees and the 3rd member must be nominated by the clerk of the municipality and appointed by the municipal officers. The clerk of the municipality may give the municipal committees of the political parties a list of qualifications necessary for a person to fulfill the duties of the registration appeals board, and the municipal committees shall take those qualifications into consideration when nominating members to the board. The 2 members of the board nominated by the municipal committees of the major political parties may be members of the municipal committee nominating them and of the county or state committees of the political party that nominates them and may be members of a state or county delegation to a political convention. When a municipal committee nominates a member to the registration appeals board, it shall also nominate an alternate board member, who serves if the member nominated by the municipal committee is or becomes unable to serve. The municipal clerk may not serve as a member or alternate member of the registration appeals board.
[PL 1997, c. 436, §19 (AMD).]

2. Population of 4,000 to 5,000.
[PL 1999, c. 426, §4 (RP).]

3. Term of office. Each member nominated by the municipal committees of the major political parties and appointed to the board shall serve for 3 years and until the member's successor is appointed and sworn. The member nominated by the clerk of the municipality and appointed to the board shall serve for 4 years and until that member's successor is appointed and sworn.
[PL 1995, c. 459, §8 (AMD).]

4. Chair of the board. The member nominated by the clerk of the municipality is chair of the board.
[RR 2019, c. 2, Pt. B, §35 (COR).]

5. Vacancy. When there is a vacancy on the board, the alternate board member nominated by the municipal committee of the political party of the former incumbent shall serve. If an alternate is not available, the municipal officers shall appoint a qualified person nominated by the municipal committee of the party of the former incumbent to fill the vacancy. If the vacancy is in the office of the chair of the board, the municipal officers shall appoint a qualified person nominated by the clerk of the municipality to fill the vacancy. Vacancies must be filled for the remainder of the term of office.
[PL 1991, c. 466, §2 (AMD).]

6. Appeal hearing. Upon receipt of a complaint by a person aggrieved by the decision of the registrar, the chair of the registration appeals board shall immediately fix a time and place for the board to meet for a prompt hearing. The voter must be given written notice of the hearing at least 20 days in advance and must have the opportunity to testify and to present witnesses and other evidence at the hearing. The hearing is de novo. After hearing, the board may affirm, modify or reverse the decision of the registrar of voters. The board shall issue the decision to the voter in writing and shall provide information on how the voter may appeal the decision. The aggrieved person may appeal the decision of the board to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.
[PL 2009, c. 253, §9 (AMD).]

7. Actions of the registration appeals board. A registration appeals board may only act by unanimous or majority action.
[PL 1995, c. 459, §10 (RPR).]

8. Removal from office. A member of the board may be removed from office at any time during the member's term by the appointing authority if the appropriate nominating authority nominates a replacement. Any replacement member shall serve out the remainder of the replaced member's term.
[PL 1995, c. 459, §11 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §4 (AMD). PL 1991, c. 466, §§2,3 (AMD). PL 1991, c. 862, §§1,2 (AMD). PL 1995, c. 56, §§1,2 (AMD). PL 1995, c. 56, §3 (AFF). PL 1995, c. 459, §§4-11 (AMD). PL 1997, c. 436, §19 (AMD). PL 1999, c. 426, §§4,5 (AMD). PL 2005, c. 453, §9 (AMD). PL 2007, c. 455, §4 (AMD). PL 2009, c. 253, §9 (AMD). PL 2019, c. 371, §4 (AMD). RR 2019, c. 2, Pt. B, §35 (COR).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

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.

ORDER 27-03042024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Robert Cavanagh to serve as full member and Renee Cote as alternate member of the Registration Appeals Board for a three-year term as nominated by the Democratic Party. Term expiration dates of March 1, 2027.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 4, 2024 **Order:** 28-03042024

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Wardens and Ward Clerks for the March 5, 2024 Election.

Information:

Warden and Ward Clerk Appointments are normally made every two years, however, there have been vacancies and challenges filling these positions. The City Clerk has nominated the individuals below to fill the Warden and Ward Clerk vacancies for the March 5, 2024 Election.

Audrey Murphy - Warden
Christine Sirois – Ward Clerk
Robert Hayes – Warden
Carl Young – Ward Clerk
Paul Ouellette – Warden
Doreen Jordan – Warden
Alice Dill – Ward Clerk
Eleanor Danielson – Warden
Sue Martin – Ward Clerk

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Appointments are made every two years or when there is a vacancy.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 28-03042024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints the following to serve as Wardens & Ward Clerks for the March 5, 2024 Election.

Audrey Murphy - Warden
Christine Sirois – Ward Clerk
Robert Hayes – Warden
Carl Young – Ward Clerk
Paul Ouellette – Warden
Doreen Jordan – Warden
Alice Dill – Ward Clerk
Elizabeth Danielson – Warden
Sue Martin – Ward Clerk

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 4, 2024 **Order:** 29-03042024

Author: Sue Clements-Dallaire, City Clerk

Subject: Setting the date to hold a Special Election to fill the At-Large School Committee seat

---

Information: On February 23, 2024, I received notification that the School Committee had accepted the resignation of At-large School Committee member, Casey-Lyn Knight.

When a vacancy of a School Committee member occurs more than six months prior to the next regular election, an unexpired term shall be filled by a special election, either citywide or in the ward in which the vacancy occurs. If the vacancy is within 6 months prior to the next municipal election, the School Committee shall appoint a qualified representative to serve.

Because our Charter states that nomination papers must be available at least 120 days before the election, the timeline would not allow us to hold the election in conjunction with the upcoming June election. I am recommending that the Special Municipal Election be held on Tuesday, July 9, 2024.

The timeline would be as follows:

- On March 4, 2024 the City Council sets the date for the election to be held on July 9, 2024.
- Nomination papers would be made available on or before March 11, 2024 (allowing at least 120 days prior to that date to allow time for nomination papers to be taken out, pursuant to Auburn's City Charter).
- Nomination papers are due back in the City Clerk's office 75 days before the election (April 25, 2024).
- At least 65 days prior to the election (May 3, 2024), the City Clerk certifies and makes available to the public the names and residences of candidates who have filed nomination petitions.
- Absentee ballots are available approximately 30 days prior to the election (June 7, 2024).

Because this is an At-large seat, all polling locations would have to open. Because there will be minimal turnout for this election, I will be coming before the Council at least 90 days before the election to request permission to consolidate to one polling location for this election. Pursuant to 21-A, section 631-A (2), a public hearing must be held. Because this is a local only election, permission from the Secretary of State's office is not required to consolidate for this election. Consolidating to one location would result in cost savings of at least $3,500.

City Budgetary Impacts: TBD

Staff Recommended Action: Recommend passage of this order, and setting the date for the Special Municipal Election to be Tuesday, July 9, 2024.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments: Order

ORDER 29-03042024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby sets the date for the Special Municipal Election to fill the vacant At large School Committee seat, to be held on Tuesday, July 9, 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING FEBRUARY 20, 2024, VOL. 37 PAGE 138

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Milks had an excused absence. All other Councilors were present.

Pledge of Allegiance

I. Consent Items

1. Order 22-02202024*
Appointing Philip Savignano to serve on the Parks & Recreation Advisory Board with a term expiration of 10/01/2025 as nominated by the Appointment Committee.

2. Order 23-02202024*
Appointing Robert Hayes to serve as an associate member of the Planning Board with a term expiration of 01/01/2026 as nominated by the Appointment Committee.

3. Order 24-02202024*
Appointing Denis Bergeron to serve on the Sewer District Board of Trustees with a term expiration of 03/01/2025 as nominated by the Appointment Committee.

4. Order 25-02202024*
Re-appointing Thomas Moulin to serve on the Sewer District Board of Trustees with a term expiration of 03/01/2028 as nominated by the Appointment Committee.

5. Order 26-02202024*
Appointing Denis Bergeron to serve on the Water District Board of Trustees with a term expiration of 03/01/2028 as nominated by the Appointment Committee.

Motion was made by Councilor Gerry and seconded by Councilor Whiting for passage of the five consent items.

Passage 6-0.

I. Minutes

February 5, 2024 Regular Council Meeting
Motion was made by Councilor Walker and seconded by Councilor Weisner to approve the minutes of the February 5, 2024 Regular Council meeting.

Passage 6-0.

February 12, 2024 Special Council Meeting
Motion was made by Councilor Walker and seconded by Councilor Cowan to approve the minutes of the February 12, 2024 Special Council meeting.

Passage 6-0.

II. Communications, Presentations and Recognitions

- FEMA Presentation - Allen Renn, Samual Harvey, and Brian Beard

- Innovation Designation – Jay Brenchick, Eric Cousens, Glen Holmes

III. Open Session – No one from the public spoke.

IV. Unfinished Business - None

V. New Business

1. Public Hearing - CDBG & HOME Consortium Action Plan for Program Year 2024

No one from the public spoke.

VII. Open Session -

Mark Butler, New Gloucester spoke regarding the letter he received from Auburn's Assessing Department.

Tammy Dumais, Cony Property Management commented and read a letter in response to the letter they received from Auburn's Assessing Department.

Donald Poisson, Chicoine Avenue spoke regarding concerns with the letter he received from Auburn's Assessing Department.

Dan Herrick, 470 Hatch Road reiterated the comments made by Donald Poisson and asked what initiated this letter.

Andy Titus, 24 Rubellite Lane also commented on the letters that went out, and on taxation, revaluations, and how we determine value.

VIII. Reports

Mayor Harmon reported that the Water District Board of Trustees will be meeting tomorrow at 4:00 pm at the Water District office on Court Street. He also announced that there will be meetings of the City Council every Monday in March as we work through the City Budget.

Councilor Gerry stated that she attended the PAL fundraiser at Burnt Ends Restaurant adding that it was a nice event, and the food was great.

Councilor Whiting offered congratulations to the Edward Little High School ski and swim teams.

Councilor Weisner announced that the 911 Committee will be meeting this Thursday at 8:00 am here at Auburn Hall. He also stated that our thoughts go out to the Androscoggin County Deputy Sheriff who recently sustained a gunshot wound while on duty.

Councilor Walker announced that a meeting (United New Auburn Association) will be held on February 27th at Rolly's Diner at 6:00 pm. City Manager Phil Crowell will be the guest speaker and will be discussing the upcoming budget. On February 29th the

Neighborhood Watch Committee will be meeting at 6:00 pm at the Sixth Street Congregational Church. Guest speaker will be Lt. Anthony Harrington (Auburn Police Department).

Councilor Platz reported on the School Department's Finance Committee meeting. He added that the school department is transitioning to the Munis software system; the Superintendent search is underway; and the School Committee budget process is underway.

Manager Crowell reported that the Ad hoc Committee's agendas and minutes will be posted on our website if anyone would like to follow the work that is being done. He also reported that we are still working on a new website platform. There may be some changes to the current website as we migrate to the new system.

IX. Executive Sessions

1. Economic development, pursuant to 1 M.R.S.A. §405(6)(C) where premature disclosure would prejudice the competitive or bargaining position of the City. Possible action to follow.

   Motion was made by Councilor Cowan and seconded by Councilor Platz to enter into executive session.

   Passage 5-0 (Councilor Walker was not in the room for the vote). Time 7:48 pm.

   Council was declared out of executive session at 8:04 pm. No action was taken.

2. Economic development, pursuant to 1 M.R.S.A. §405(6)(C) where premature disclosure would prejudice the competitive or bargaining position of the City.

   Motion was made by Councilor Cowan and seconded by Councilor Whiting to enter into executive session.

   Passage 6-0. Time 8:04 pm.

   Council was declared out of executive session at 8:56 pm.

X. Adjournment - Motion was made by Councilor Weisner, seconded by Councilor Cowan to adjourn.

Passage 6-0, and the meeting adjourned at 8:56 pm.

A TRUE COPY **ATTEST** Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn, Maine
Planning and Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Mayor and City Council

From: Eric J. Cousens, Planning and Permitting Director

Re: Hydropower, Rivers and Dams – Lewiston Falls Relicensing Update

Date: March 4, 2024 Council Meeting

There is a lot of history to the current licensing process provided below for background. This memorandum starts with the History and continues to Current Update beginning on the top of Page 3.

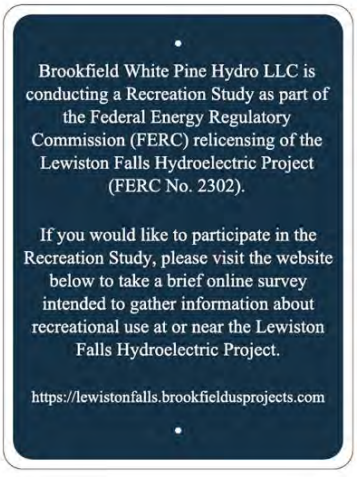
Lewiston Falls Monty Hydro Licensing Update - History

The Federal Energy Regulatory Commission (FERC) licenses hydropower facilities. The city may participate and comment on a proposed license as a stakeholder, much like a resident participates in a Planning Board process at a public hearing. We only get a chance to comment on a license renewal every 30 to 50 years so it is important that we advocate for compatibility and even contribution to accomplishing community goals in exchange for using the public's river for private power generating revenues. The FERC process requires the applicant to address fisheries, recreation, water quality and other potential impacts of their operation with equal consideration compared to power generation. Documents related to current and past licensing processes are available here: https://www.auburnmaine.gov/pages/government/rivers-hydropower .

We last updated the Council in March of 2023 to familiarize Council with the current relicensing of the Lewiston Falls Monty Hydro Project (FERC P-2302) in preparation for future discussions. Relicensing is currently in process for the Lewiston Falls/Monty Hydro Facility on the main stem of the Androscoggin in anticipation of the expiration of the existing license in 2026. Our Comprehensive Plan, Strategic Plan, New Auburn Master Plan, the Androscoggin Greenway Plan and ATRC Bridging the Gaps Bicycle and Pedestrian Plans give staff substantive direction and support to advocate for needs, improvements and studies to identify the best way to meet the needs to mitigate impacts of project operations on the community. The Pre-Application Document (PAD) has been filed and is available here: https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20210804-5115 . Despite advocacy for a more inclusive *Integrated Licensing Process*, (TLP Objection and ILP Request.pdf) the request for Traditional Licensing Process was approved by FERC for this relicensing and an initial stakeholder meeting was held ahead of schedule (Table 2-1, Page 41 of the linked PAD) in November 2022. The city along with other stakeholders asked for recreational, aesthetic,

cultural, hydro-facility operational and river flow related studies to ensure that we have the information needed to advocate for mitigation of facility impacts and needs of the community at future stages of the process. We submitted study requests with stakeholders, including the City of Lewiston and at least 6 other stakeholder groups, to best advocate for Auburn's needs in December of 2021 (Study Requests12.31.21). Past licensing processes have been more successful when there is coordination and agreement on study needs, rather than conflicting requests from multiple stakeholders. In 2022 we submitted comments on a Preapplication Document, preferred licensing process and a Draft Study Plan (StudyPlanComments31822.pdf) . A Final study Plan was proposed by Brookfield and they completed the 2022 and 2023 study seasons P2302FinalStudyPlan.pdf . Many agencies participated in the process and focused on different aspects of project operations and their impacts on the environment. While the City has been supportive of studies requested by Maine DEP, NOAA Fisheries (NOAA Comments.pdf) and Maine DIFW related to water quality and fisheries improvement our focus has been on recreation, aesthetics of the falls and access for the public. Water quality, historic resources and fisheries are important to the City's overall recreational goals, but State and Federal Agencies are well equipped to for strong participation on those elements and we have collaborated with them for advice and for support from multiple agencies.

The Final Study Plan (P2302FinalStudyPlan.pdf) covers almost all recreational elements requested for the main stem of the river-See pages 58-67 of the plan. The primary shortcomings relate to water quality monitoring in the Lewiston owned canals and specific analysis of how water over the falls affects water quality and dissolved oxygen below the falls. We now have data available from the proposed water quality monitoring and we will continue to advocate for the analysis of how flows over the falls affect dissolved oxygen as part of the process. A primary shortcoming of the study plans is not including the canals in the study based on the argument that they are owned by Lewiston and not part of the project area mapped by FERC. In 2020 the project area was adjusted to remove nearly 4 miles of river and the canals from the FERC Project Boundary which the City opposed (Objection to P2302 Project Boundary Amendment 2020.pdf) but was ultimately approved by FERC. The ownership and FERC project Boundary test for inclusion in studies is not usually what determines if they are included. The test is whether the project operations impact the area, which they clearly do. Brookfield controls flows at this facility and at the upstream Gulf Island and Deer Rips hydro facilities and those three operations control water levels and flows in the canals that we believe are clearly affected by project operations. This raises a question of whether Auburn wants to advocate among stakeholders to exercise the FERC Study Dispute Process or take that on ourselves - either way we would need legal assistance and funding to do that if it becomes necessary. Staff's opinion is that we got most of what we asked for in the Study phase and would be happy to join Lewiston if they chose to challenge this important element, but that fight may not be our best use of limited resources.



The 2022 Study season included recreational monitoring from Memorial Day Weekend through Labor Day weekend. The results will be used to gauge recreational interest, benefits and needs for the project area and nearby amenities affected by project operations. Signage was placed along the Riverwalk and other project recreation facilities to alert the public of the existence of the survey and in person counts were conducted by Brookfield staff throughout the summer. The website that hosted the survey is here:

https://lewistonfalls.brookfieldusprojects.com/ Results were collected on specific dates based on specific locations visited and not from people that were there in the past.

Lewiston Falls Monty Hydro Licensing Update – Current Update

In 2023, Staff and many stakeholders participated in various study groups including Aesthetic and Recreational working groups. On Monday 2/26/2024 we receive the following notice of the Draft License Application (DLA) being filed with FERC.

On behalf of Brookfield White Pine Hydro LLC (BWPH), the Licensee of the Lewiston Falls Hydroelectric Project (FERC No. 2302), please find the link to FERC's eLibrary to view and download the Lewiston Falls Project Draft License Application. The electronic files can be downloaded through FERC's eLibrary at https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20240221-5232&optimized=false. Please provide your comments on the Draft License Application by May 27, 2024. You may file your comments with FERC or you can provide them directly to Luke Anderson, Senior Licensing Manager, at Luke.Anderson@brookfieldrenewable.com.

Staff met with some stakeholders recently in anticipation of the filing this week. Currently we are reviewing the DLA and summarizing comments. Initial review was disappointing to see that Brookfield has left out many elements needed to inform decisions and has minimized any proposed recreational needs to just existing facilities. We will share this information with the Conservation Working Group for additional City Feedback and continue to rely on existing plans and knowledge of recreational needs to draft a response and requests for additional amenities and river flows. We will also be consulting with FERC Staff on the incomplete nature of the DLA. An additional stakeholder group meeting will be held in the coming weeks and we will share draft comments with the Council as they are developed.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 4, 2024 **Ordinances:** 05-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Reinstating the Zoning Board of Appeals

Information: In 2021, Council voted to adopt the Regulatory Advisory Board to perform the responsibilities of the board of assessment review, and the zoning board of appeals. The City Council voted to eliminate the Regulatory Advisory Board and reinstate the Board of Appeals. Before Council's final vote on reinstating the Zoning Board of Appeals, the proposal had to go before the Planning Board for a review.

City Budgetary Impacts: None

Staff Recommended Action: Passage of second reading for Ordinance 05-01162024 which reinstates the Zoning Board of Appeals.

Previous Meetings and History: Discussed during the January 2, 2024 City Council Workshop to eliminate the Regulatory Advisory Board and reinstate the Board of Assessment Review and the Zoning Board of Appeals. A public hearing was held and passed the first reading on 1/16/2024. This also went before the Planning Board for a public hearing and review in February.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Proposed Zoning Board of Appeals Ordinance.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director of Planning & Permitting
Re: Text Amendment/Reinstatement of Zoning Board of Appeals/Elimination of Regulatory Advisory Board
Date: February 13, 2024

I. PROPOSAL: As part of the larger initiative to reinstate the Board of Assessment Review and the Zoning Board of Appeals as stand-alone boards and eliminate the Regulatory Advisory Board. Ordinance 05-01162024 asks the Planning Board to provide a review under Chapter 60, Article XV. BOARD OF APPEALS. As we make recommendations to reinstate it as a stand-alone board and make minor text amendments to clarify items in Chapter 60, Article XV Sec. 60-1130-31 and Sec. 60-1135. (See attached redlined items)

II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

III. PLANNING BOARD ACTION/STAFF RECOMMENDATIONS: This item is on the Planning Board agenda as a public hearing item. Staff recommends the Planning Board have an initial discussion and a make a formal recommendation to the City Council to the text amendments in Chapter 60, Article XV BOARD OF APPEALS, and make a favorable recommendation to reinstate the zoning BOARD OF APPEALS as a stand-alone board.

Staff recommends this process because it has been hard to fill the vacant positions for the Regulatory Advisory Board due to the breadth of knowledge one would have to know regarding items in the assessors, planning, permitting and code purview/departments. We would like to make it easier to recruit members of the public and allow the appointment committee to keep trained, knowledgeable and willing Board members in good standing for more than 3 terms through the Council reappointment process.

IV. POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to amend Chapter 60, Article XV Sec. 60-1130-31, Sec. 60-1135 with proposed edits and to reinstate the zoning BOARD OF APPEALS as a stand-alone board.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 03/04/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Reinstating the Zoning Board of Appeals

The following is the report from the Planning Board regarding delayed applicability and effective date for Ordinance # 26-11202023 pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on February 13th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT/ ZONING BOARD OF APPEALS: City Council initiated an amendment to the Auburn Code of Ordinances to reinstate the Zoning Board of Appeals by reincorporating the entirety of Chapter 60, Article XV with some amendments. This proposal is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Summary and Discussion: No public comment.

Motion: I make a motion to forward a favorable recommendation to City Council to amend Chapter 60, Article XV Sec. 60-1130-31, Sec. 60-1135 with proposed edits and to reinstate the zoning BOARD OF APPEALS as a stand-alone board: Dave Trask, **Second:** Ryan Smith

Vote: **7-0-0 motion carries.**

Ordinance 05-01162024

City Council Order

IN CITY COUNCIL

Amending Chapter 60, Article XV reinstating the Zoning Board of Appeals ordinance

Be it ordained, that the City Council hereby amends Chapter 60, Article XV by reinstating the Zoning Board of Appeals ordinance (attached).

Passage of first reading on 1/16/2024 6-0-1 (Councilor Milks abstained).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ARTICLE XV. - BOARD OF APPEALS

DIVISION 1. - GENERALLY
DIVISION 2. - ORGANIZATION
DIVISION 3. - APPEALS PROCEDURE
DIVISION 4. - POWERS AND DUTIES
DIVISION 5. - JUDICIAL APPEAL
DIVISION 6. - SPECIAL APPEAL

DIVISION 1. - GENERALLY

Secs. 60-1116—60-1129. - Reserved.

Secs. 60-1116—60-1129. - Reserved.

DIVISION 2. - ORGANIZATION

Sec. 60-1130. - Membership.
Sec. 60-1131. - Term of office.
Sec. 60-1132. - Associate members.
Sec. 60-1133. - Jurisdiction.
Sec. 60-1134. - Board rules.
Sec. 60-1135. - Quorum.
Secs. 60-1136—60-1150. - Reserved.

Sec. 60-1130. - Membership.

There shall be a board of appeals consisting of up to seven members and two associate members appointed by the city council. Each member shall be at all times a resident of the city.

(Ord. of 9-21-2009, § 6.1A)

Sec. 60-1131. - Term of office.

The members and associate members of the board shall serve ~~no more than three consecutive~~ three-year terms.

(Ord. of 9-21-2009, § 6.1B)

Sec. 60-1132. - Associate members.

An associate member shall have a vote only in the event that one or more regular members of the board are absent or are disqualified from serving on a particular matter because of a conflict of interest.

(Ord. of 9-21-2009, § 6.1C)

Sec. 60-1133. - Jurisdiction.

The board of appeals shall have jurisdiction over:

(1) Interpretation of provisions of the zoning chapter called into question;

(2) Administrative appeals from decisions or lack thereof of the building inspector or code enforcement officer in regard to an application for a permit under the zoning chapter;

(3) The granting of variances from the requirements of the zoning chapter would cause undue hardship.

(Ord. of 9-21-2009, § 6.1D)

Sec. 60-1134. - Board rules.

The board shall adopt, and may from time to time amend, rules and regulations to govern the conduct of its business. The tape recording of the board's proceedings, the transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusion and the appropriate order, relief or denial thereof.

(Ord. of 9-21-2009, § 6.1E)

Sec. 60-1135. - Quorum.

~~Five~~ A majority of appointed members **(minimum of 3)** shall constitute a quorum at any meeting.

(Ord. of 9-21-2009, § 6.1F)

Secs. 60-1136—60-1150. - Reserved.

DIVISION 3. - APPEALS PROCEDURE

Sec. 60-1151. - Petition.
Sec. 60-1152. - Public hearing.
Sec. 60-1153. - Decision.
Secs. 60-1154—60-1184. - Reserved.

Sec. 60-1151. - Petition.

Written petitions for appeal signed by any party in interest shall be filed in duplicate in the office of the municipal officer charged with enforcement of the zoning ordinance, together with the fee in the amount provided in the city fee schedule, within 30 days from the date of the decision or order. The municipal officer shall forward to the board of appeals, planning director, the chairman of the planning board and the city solicitor, one copy of such petition. The planning director, or in his absence, the chairman of the planning board, shall forward to the board of appeals as soon as possible any pertinent city planning information in his possession bearing on such appeal. The city solicitor shall forward to the board of appeals as soon as possible any pertinent legal information bearing on such appeal. Where no such information is received by the board of appeals by the time of the meeting at which such appeal is scheduled to be heard, it shall be presumed that none was available at that time. In any case in which such planning and legal information is received, it shall be summarized at the public hearing and an opportunity afforded for comment by those interested in the appeal.

(Ord. of 9-21-2009, § 6.2A)

Sec. 60-1152. - Public hearing.

(a) On each such petition, the board shall hold a public hearing, within 65 days of the filing of the appeal petition. Notice of the time, date, place, appellant name and subject of each such hearing shall be given by publication in a newspaper of general circulation in the city on two separate dates not more than 12 nor less than three days before the date of such hearing. Notification of the public hearing shall also be sent to the appellant, the planning director, the building inspector, the city manager and all owners of abutting property and property located directly across the street from the site of the property which is the subject of the appeal by mailing to them copies of such notice as published. Notices shall be mailed to such property owners at the addresses appearing for them in the then current property tax listing of the city. Failure of any property owner to receive such mail notice of any such public hearing shall not necessitate another hearing and shall not constitute grounds for objection by such property owner and shall not invalidate any action by the board of appeals on such appeal or application for variance.

(b) The chairman, or in his absence the acting chairman, shall preside at the public hearing. All hearings of the board of appeals shall be open to the public.

(c) The chairman shall open the hearing and determine whether a quorum of the board of appeals is present. For each appeal heard, the chairman shall summarize the nature of the appeal, identify all relevant information submitted, determine the board's jurisdiction and the appellant's standing, determine the parties to the action and proceed to accept oral and written testimony from the appellant and the public for and against the appeal. When all parties have been heard, the chairman shall close the hearing or, if additional time is needed, continue it to a later date.

(d) The chairman shall determine that the appellant has standing, that is, the right to appear as an appellant before the board. An appellant must hold title to the land, be part owner or have an option to buy or lease property and/or building, in order to have standing.

(e) The chairman shall determine the parties to the action. The appellant, municipal officers, planning board, abutting property owners, individuals who might be adversely affected by any decision and any member of the general public attending the meeting who has made specific statements concerning terms of the appeal, may be made party to the action.

(Ord. of 9-21-2009, § 6.2B)

Sec. 60-1153. - Decision.

(a) The decision of the board shall be made as soon as possible, but not later than 30 days of the public hearing, unless extended by mutual agreement of the board and appellant. Failure of the board to act within 30 days shall be deemed to be the denial of the petition sought, subject to judicial appeal.

(b) The board of appeals may by an affirmative vote of a majority of those members present amend or revise a decision of the building inspector, code enforcement officer or of any other municipal officer acting under the zoning ordinance. The board of appeals may permit variances from literal application of the zoning ordinance in accordance with the principles, conditions and procedures set forth in this chapter, subject to the duty of the board to promote the public health, safety, convenience and welfare and to adhere to the central intents and purposes of this chapter. Approval may be subject to conditions, modifications and restrictions as the board of appeals may deem necessary.

(c) The board shall keep a record of each appeal entertained, noting the date when received from the building inspector or code enforcement officer, the date of hearing, the applicant or appellant and the date of the decision. The board shall record by resolution the final disposition of every appeal. All of the foregoing shall be public records filed with the office charged with enforcement of the zoning ordinance. Notice of the decision shall be mailed within seven days to the applicant or appellant. Each notice shall specify that judicial appeals shall be made pursuant to the terms of section 60-1208

(d) The right to proceed under any variance or petition granted under the terms of this chapter, voted by the board of appeals, or under change in a decision of the building inspector, code enforcement officer or other municipal official voted by the board of appeals, shall expire if such right be not exercised beginning within six months from the date of such vote. If such right is not exercised within six months of the date of the vote, the board may grant a six-month extension without having to make another finding of hardship provided that:

(1) Conditions upon which the appeal was granted have not changed; and

(2) The appellant can show just cause for the delay in beginning the project.

(Ord. of 9-21-2009, § 6.2C)

Secs. 60-1154—60-1184. - Reserved.

DIVISION 4. - POWERS AND DUTIES

Sec. 60-1185. - Interpretation.
Sec. 60-1186. - Administrative appeals.
Sec. 60-1187. - Variance.
Secs. 60-1188—60-1207. - Reserved.

Sec. 60-1185. - Interpretation.

(a) Except as otherwise provided in this chapter, the board of appeals shall interpret provisions of the zoning ordinance which are called into question. Only persons with standing may appeal the denial of a permit which was based on provisions of the zoning ordinance.

(b) Where there is no evidence to the contrary, zoning ordinance language should be given its ordinary meaning. Statements of purpose may provide a key to the intent of zoning provision. In interpreting the ordinance, the board may request the advice of the city solicitor, the planning director or qualified experts in zoning law.

(Ord. of 9-21-2009, § 6.3A)

Sec. 60-1186. - Administrative appeals.

(a) The board of appeals may hear appeals in the administration of the zoning chapter in order to determine if the building inspector or code enforcement officer erred in granting or denying a permit. An applicant who is given no decision on a permit request, or who is denied a permit may appeal.

(b) If the board of appeals finds that the building inspector or code enforcement officer acted in error, it should order the error to be corrected.

(Ord. of 9-21-2009, § 6.3B)

Sec. 60-1187. - Variance.

(a) The board of appeals may grant a variance from the dimensional regulations and supplementary district regulations contained in the zoning chapter where the strict application of the ordinance, or a provision thereof, to the petitioner or property would cause undue hardship based on:

(1) The land in question cannot yield a reasonable return unless the variance is granted;

(2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

(3) The granting of a variance will not alter the essential character of the locality; and

(4) The hardship is not the result of action taken by the appellant or a prior owner.

Variances granted under this subsection (a) shall be the minimum necessary to relieve hardship. The burden of proof is on the applicant to prove undue hardship.

(b) The board of appeals may grant a variance for the expansion, extension or enlargement of nonconforming buildings or uses provided that:

(1) The use being requested shall be approved by a majority of those members present (not less than a quorum being present).

(2) The board of appeals shall make findings that the requirements of subsection (a) of this section have been met.

(c) In addition to the criteria in this section, in determining whether or not to grant a variance, the board shall also take into consideration the following:

(1) Fire, electrical and police safety requirements;

(2) The adequacy of the traffic circulation system in the immediate vicinity;

(3) The availability of an adequate water supply;

(4) The availability of adequate sewerage facilities;

(5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts;

(6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district;

(7) Would not endanger the public health, safety or convenience; and

(8) Would not impair the integrity of the zoning chapter.

(d) Wherever necessary to meet the criteria or consideration listed in this division, the board, when granting a variance, may attach such conditions or restrictions as are in accordance with the objectives and purposes of this zoning chapter.

(e) The planning director, or his representative, shall be responsible for reviewing the records of hearings of the board of appeals. Such review shall be conducted on a monthly basis and shall be for the purpose of maintaining the zoning ordinance. The ordinance may be deemed to be in need of amendment when variances for identical purposes or reasons are applied for in a single zoning district or regarding a specific section of this chapter on three or more occasions within a given calendar year. In any case in which the zoning ordinances are deemed to be in need of amendment, the planning director or his representative shall prepare a report indicating whether the variances applied for suggest that the ordinance or the description of the zoning districts should be amended. Such reports shall be forwarded to the planning board for its review and recommendation.

(Ord. of 9-21-2009, § 6.3C)

Secs. 60-1188—60-1207. - Reserved.

DIVISION 5. - JUDICIAL APPEAL

Sec. 60-1208. - Superior court.
Secs. 60-1209—60-1234. - Reserved.

Sec. 60-1208. - Superior court.

Appeals from decisions of the city planning board or of the city zoning board of appeals or on account of the failure of any municipal official or board to comply with the order of the board of appeals shall be taken to the

superior court within 30 days of such decision or action in accordance with Rule 80B of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 2691(3). Except as otherwise provided by statute, every person shall have the right to inspect and copy any record of the board's proceedings, provided that, the inspection be scheduled to occur during regular hours and at such a time as will not inconvenience the regular activities of the office having custody of the record and provided further that the cost of copying the recorded or, if necessary, the translation of mechanical or electronic date compilations into some other form, shall be paid by the person requesting the copy.

(Ord. of 9-21-2009, § 6.4)

Secs. 60-1209—60-1234. - Reserved.

DIVISION 6. - SPECIAL APPEAL

Sec. 60-1235. - Floodplain district variances.
Sec. 60-1236. - Shoreland zone variance.
Sec. 60-1237. - Lake Auburn Watershed zone variance.
Secs. 60-1238—60-1255. - Reserved.

Sec. 60-1235. - Floodplain district variances.

The board of appeals may grant a variance from strict compliance with requirements of division 2 of article XII of this chapter after public notice and public hearing as provided in this article, provided the following conditions are met:

(1) The applicant can show that a failure to grant a variance would result in undue hardship as defined in 30-A M.R.S.A. § 4353.

(2) A determination made by the board with a certification from a registered professional engineer provided by the applicant, if need be, that the granting of the variance will not result in increased flood heights. The professional engineer shall include the following information within their certification: criteria on which the certification was based; any assumptions that were made; source of data for those assumptions; and references to the research material that was relied upon in making the certification. In addition, the board shall determine as a condition for the granting of the variance that it will not result in threats to public safety, extraordinary public expense, create a nuisances, causes fraud on or victimization of the public or conflict with existing local laws or ordinances.

(3) A determination by the board that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) The applicant shall be notified in writing that the issuance of a variance to building a structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risks to life and property.

(Ord. of 9-21-2009, § 6.5A)

Sec. 60-1236. - Shoreland zone variance.

When by reasons of extraordinary physical conditions peculiar to the land or building under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by reason of the literal application and rigorous enforcement of the terms of this chapter), the board of zoning appeals may grant a variance from strict compliance with the requirements of division 2 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the adjacent water body. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5B)

Sec. 60-1237. - Lake Auburn Watershed Overlay District variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn Water District with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn Water District that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

Secs. 60-1238—60-1255. - Reserved.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 4, 2024 **Order:** 30-03042024

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Acquisition and remediation of Blighted Building

Information:
The Planning & Permitting Office has been working with the owner of 150 Minot Ave (PID# 230-157) to demolish the blighted building. The Business & Community Development has recommended that the city acquire the property with Community Development Block Grant (CDBG) funds to clear the identified blight from the downtown corridor under the guidance of the City Comprehensive Plan & the Auburn Downtown Action Plan for Tomorrow (ADAPT). Additionally, the portion of this property which abuts Elm St has been identified as a desirable acquisition to serve the future re-alignment of Minot Ave and Elm St and to accommodate additional pedestrian safety improvements. The remainder of the property is expected to be sold by RFP for future economic development activities.

Supporting plans include:
Auburn Downtown Action Plan for Tomorrow (ADAPT) adopted by City Council on February 1, 1999
Section 5 Page 6: "Minot Ave- Union St Corridor…The city should create an overlay zone to promulgate an attractive and orderly development of the area. The goal should be to make this thoroughfare and entrance to the city inviting and attractive."

City of Auburn Comprehensive Plan 2010 Update Adopted April 19, 2011
Chapter 2 Page 90: "Minot Avenue Planned Commercial Development District (PCD) Objective – Improve the visual environment of the outer portion of the Minot Avenue commercial corridor while accommodating a wide range of nonresidential uses. Essentially this designation is the same as the Limited Business Development designation with the addition of enhanced development and design standards to allow this area to evolve into an attractive gateway to the City."

Community Impact
The acquisition and clearance activity qualifies under O4 Eligibility Code (570.201 D) Clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites and remediation of known or suspected environmental contamination within a target neighborhood. The National Objective would be Slums & Blight Spot (SBS) meaning the final objective would be completed upon site clean-up and not be contingent on any end use.

City Budgetary Impacts:
A minor amendment to the existing CDBG budget would increase funding for the existing Spot/Blight Remediation budget line. Any proceeds of the subsequent sale of unretained property would be considered Program Income and returned to the CDBG budget to replenish program funds.

Staff Recommended Action:
Approve the City Manager to acquire this property and remove the blighted building.

Previous Meetings and History:
February 20th Executive Session

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
n/a

ORDER 30-03042024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to negotiate a Purchase and Sale Agreement with DT AND DW PROPERTIES INC and to acquire 150 Minot Ave (Auburn Tax Parcel 230-157) with Community Development Block Grant funds for the purpose of Clearance, Demolition and Remediating Blight in a target neighborhood.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March, 4, 2024 **Order:** 31-03042024

Author: Jonathan P. LaBonte, Transportation Systems Director

Subject: Auburn Intermodal Facility Lease Amendment

Information: The Auburn Intermodal Facility has had various stages of activity in the 30 years since it was constructed. Efforts are underway with the current tenant, Power and Construction Group, and St. Lawrence and Atlantic (part of Gennesee and Wyoming) to chart a pathway to attracting new activity.

New master lease negotiations will take time, given further site planning that needs to occur. In the interim, the current tenant, Power and Construction Group, has agreed to an updated monthly lease amount and the establishment of a payment in lieu of taxes. At present, Power and Construction Group holds both a lease agreement and a license agreement that in total encompass the entire developed intermodal site. Both agreements are now month to month. To accomplish the changes, only the lease is being amended.

The current monthly payments are $1,507.50 for the license agreement and $650 for the lease agreement. As of April 1st, 2024, if approved, that amount will increase to $7,000 total between both agreements ($1,507.50 for the license and $5,492.50 for the lease). In addition, a $28,000 a year will be paid in lieu of taxes.

To support the infrastructure planning and investment to re-establish the Intermodal Facility, the establishment of a Special Revenue Account for lease payments is proposed. With the payment in lieu of taxes, the city will see a net increase (8%) to the General Fund. The Special Revenue Account will provide for flexibility to respond to joint investments in equipment, engineering, and business development to attract customers alongside railroad partners (St. Lawrence and Atlantic and Canadian National, as well as MaineDOT)

City Budgetary Impacts: Net increase in revenue of $28,527.50 for FY24 and $86,110 for FY25

Staff Recommended Action: Approval of the Order

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
February 12, 2015 Power and Construction Group Lease Agreement
Proposed Power and Construction Group Lease Amendment

FIRST AMENDMENT OF LEASE

THIS FIRST AMENDMENT OF LEASE AGREEMENT (this "**Amendment**") is entered into as of the ____ day of _____, 2024 (the "**Effective Date**"), by and between **CITY OF AUBURN**, a body politic and corporate existing under the laws of the State of Maine ("**Landlord**") and **POWER & CONSTRUCTION GROUP, INC.**, a New York business corporation with principal address of 96 West River Road, Scottsville, New York 14546 ("**Tenant**").

W I T N E S S E T H:

WHEREAS, Landlord and Tenant are parties to that certain Lease Agreement dated May 20, 2015 (the "**Existing Lease**"), relating to the land and two buildings in the Auburn Intermodal Facility located on Lewiston Junction Road in Auburn, Maine (the "**Premises**"). The Existing Lease, as amended by this Amendment, shall be referred to herein as the "**Lease**";

WHEREAS, Landlord and Tenant are also parties to a License Agreement dated February 12, 2015, which remains in effect but unchanged;

WHEREAS, Landlord and Tenant desire modify certain terms of the Lease, subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the payments and accommodations described herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree that the Lease be and hereby is amended to incorporate the following:

1. Replacement of Paragraph 3. Paragraph 3 of the Lease is hereby deleted and replaced by the following language:

   Rent and Payment in Lieu of Taxes. Tenant agrees to pay Landlord as rent for the Premises the sum of Five Thousand Four Hundred and Ninety-two Dollars and Fifty Cents ($5,492.50) per month, in advance, commencing April 1, 2024. Said monthly rental shall continue through the term of this Lease, and such rental shall be payable on the first day of each calendar month during said term. In addition to the foregoing rent payment, effective as of April 1, 2024, Tenant agrees to pay Landlord an annual payment in lieu of property taxes in the amount of $28,000 during the term of this Lease. Tenant shall make payments in two equal installments of $14,000 occurring on April 1 and October 1 of each calendar year that the Lease remains in effect.

2. Reaffirmation of Lease. Landlord and Tenant each reaffirms the Lease as hereby amended, and all terms and conditions of the Lease, including all defined terms, except as specifically amended by this First Amendment, shall have the same meaning, and remain in full force and effect. No covenant or condition of the Lease shall be deemed waived by any action or non-action in the past.

3. Execution: Copies. This First Amendment and any documents executed or initialed in connection herewith may be executed in multiple counterparts, which together shall be construed to be a single document. Any one or more counterpart signature pages may be removed from one counterpart hereof and annexed to another counterpart hereof to form a completely executed original instrument without impairing the legal effect of the signatures thereon. This First Amendment may be transmitted between the parties by facsimile machine or electronic mail and signatures appearing on faxed or electronic copies shall be treated as original signatures.

[This page ends here. Signatures on following page.]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year first above written.

LANDLORD:

WITNESS:

CITY OF AUBURN

_____

By: _____
Name:
Its:
Hereunto duly Authorized

TENANT:

WITNESS:

POWER & CONSTRUCTION GROUP, INC.

_____

By: _____
Name:
Its:
Hereunto duly authorized

Power Constr. Group Inc

LEASE AGREEMENT

This Lease Agreement made and entered into this 20th day of May, 2015, by and between the **CITY OF AUBURN**, a municipality organized and existing under the laws of the State of Maine (hereinafter referred to as the "Landlord") and **POWER & CONSTRUCTION GROUP, INC.** of 96 River Road, Scottsville, New York 14556 (hereinafter referred to as the "Tenants").

1. Demised Premises: Landlord, in consideration of the rent to be paid and the covenants and agreements to be performed by Tenants, does hereby rent to Tenants, and Tenants do hereby rent and take from Landlord, the land and two buildings located at the property formerly known as the Maine Intermodal facility on **Lewiston Junction Road, Auburn, Maine** (hereinafter called the "Premises").

2. Term of Lease: The term of the Agreement is month-to-month, commencing May 20, 2015, and shall automatically renew for additional one (1) month terms unless terminated by either party by written notice at least sixty (60) days prior to the effective termination date.

3. Rent: Tenants agree to pay to Landlord as rent for the Premises the sum of Six Hundred Fifty Dollars ($650.00) per month, in advance, commencing with the date hereof, provided, however, that if the term hereof shall commence on a date other than the first day of a month, rental shall be prorated for such months based on a thirty (30) day month. Said monthly rental shall continue through the term of this Lease, and such rental shall be payable on the first day of each calendar month during said term.

4. Use of Premises: The Premises shall be used for business purposes only, and for no other purpose. Tenants will not use the Premises for any disorderly or unlawful purposes or in any manner offensive to others and will comply with all applicable laws and ordinances. Tenants are leasing the premises for the purpose of office space for other business activities located nearby, consisting of storage and staging of utility poles.

5. Utilities: The Tenants shall pay, or cause to be paid, all charges for electricity, telephone, propane (heat), or other utility service used in or rented or supplied to the Premises

7. Repairs and Maintenance: The Premises are leased "as is" and the Tenants shall, at all times during the Lease term, at Tenants' own expense, maintain in good condition all buildings, improvements on the Premises, both inside and outside, structural and non-structural, and shall keep the Premises neat, clean and sanitary, and shall dispose of all rubbish, garbage, and other organic or flammable waste in a clean, safe and sanitary manner. The Tenants further agree to promptly replace all glass or screens damaged or broken during the term of this lease at Tenants' expense. The Tenants also agree that no furnishings or fixtures shall be affixed to the walls or floors of the building or the buildings on the Premises in such manner as to be difficult to remove or in such manner that damage would be caused to the Premises upon removal. Tenants further agree to reimburse the Landlord for all expenses or costs of repairing any damage caused to the Premises by the Tenants, ordinary wear and tear excepted.

Tenant further agrees to paint the interior of the easterly of the two buildings, known as the ''gate house'', prior to occupancy

8. Alterations and Improvements: The Premises are leased "as is" and the Landlord shall not be responsible for the future condition thereof. The Tenants shall make no alterations, changes, renovations or improvements to the Premises without the prior written consent of the Landlord. Any such alterations, changes, renovations or improvements shall become the property of the Landlord at the termination or expiration of this Lease. Before undertaking any such alterations, changes, renovations or improvements permitted by the Landlord, Tenants shall furnish the Landlord with the names and addresses of any party who will furnish labor or material relating to such alterations, changes, renovations or improvements, to the end that the Landlord may take steps to insure the fact that no lien will attach to the Premises. Any such alterations, changes, renovations or improvements shall be at Tenants' sole expense and Tenants shall indemnify and save the Landlord harmless of and from all claims, including liens, relating thereto and all expenses incurred by Landlord for same, including reasonable attorney's fees.

9. Assignment and Subletting: Tenants agree not to assign this Lease or to sublet the Premises or any part thereof, without the written consent of the Landlord.

10. Insurance: Tenants, at their sole expense, shall maintain insurance against liability for bodily injury and property damage in amounts and in forms of insurance policies as may from time to time be required by the Landlord. Tenants shall also insure their personal property in an amount covering full replacement value of all personal property owned by Tenants. All insurances required by this section shall be carried in favor of

the Landlord and Tenants, and shall name Landlord as an additional insured.

The Tenants will obtain All Risks coverage insurance covering the Premises against loss or damage by fire and against loss or damage by other risks now or hereafter embraced by ''extended coverage'', so called, in an amount not less than the full replacement cost of all improvements and buildings on the Premises without deduction of depreciation. The policy will be primary, and include a waiver of subrogation endorsement for the benefit of Landlord and its insurance carriers.

Upon request, Tenants shall furnish to the Landlord a proper certificate evidencing that the Tenants, or any person employed by Tenants to provide labor at the premises, have procured and are maintaining in full force all insurance required to be carried by Tenants and Landlord, and if Tenants fail to do so, the Landlord may obtain all required insurance and Tenants shall pay the cost thereof, upon demand.

Tenants will do nothing and permit nothing to be done on the Premises which will contravene any fire or other insurance policy covering the same. If Tenants' use or occupancy of the Premises increases the premium on any fire or other insurance policy, Tenants shall pay such increase as additional rent.

11. Access to Premises/Inspection: Tenants shall permit the Landlord or its agent, to enter the Premises at all reasonable times to inspect the Premises or to make repairs that Tenants may neglect or refuse to make, and also to show the Premises to prospective buyers and tenants, and to keep affixed in suitable places, notices of letting and selling.

12. Surrender: Tenants will, upon the termination of this Lease, surrender the Premises and all fixtures and equipment of Landlord therein in good, clean and operating condition, and in the same condition as when received, ordinary wear and tear excepted. Tenants shall indemnify Landlord for all damages to the Premises caused by authorized or unauthorized renovations or alterations and shall pay all expenses to return the Premises to at least the condition at the commencement of this Lease, normal wear and tear excepted. Tenants shall at the time of vacating the Premises, clean the Premises, including and without limitation any appliances owned by Landlord, and remove all trash from the Premises. If such cleaning or removal of trash is not accomplished by Tenants, action deemed necessary by Landlord to accomplish the same shall be taken by Landlord at the Tenants' expense. Upon vacating the Premises, Tenants shall deliver all keys thereto to Landlord within twenty-four (24) hours after vacating. Failure to comply will be cause to charge Tenants for changing the locks.

13. Subordination: This Lease and all rights of Tenants hereunder shall be subject and subordinate to the lien of any and all mortgages that may now or hereafter effect the Premises, or any part thereof, and to any and all renewals. Tenants shall execute, acknowledge, and deliver to Landlord, without expense to Landlord, any and all instruments that may be necessary or proper to subordinate this Lease and all rights therein to the lien of any such mortgage or mortgages and each renewal, modification or extension, and if Tenants shall fail at any time to execute, acknowledge, and deliver any such subordination instrument, the Landlord, in addition to any other remedies available and consequence thereof, may execute, acknowledge, and deliver the same as Tenants' attorney in fact and in Tenants' name. Tenants hereby irrevocably constitute and appoint the Landlord, its successors and assigns, their attorney in fact for that purpose.

14. Injury and Damage: Landlord shall not be responsible for loss, damage or injuries to the Tenants, or the agents, invitees or licensees of the Tenants, or their property, from any source whatsoever.

15. Indemnification: Tenants agree to save Landlord harmless and indemnify it from any liability for injury, loss, accident or damage to any person or property, and from any claims, actions, proceedings, and costs in connection therewith, including reasonable counsel fees, arising from omission, fault, negligence or other misconduct of Tenants, or arising from any use made or thing done by Tenants, its officers, employees, agents and invitees on or about the Premises, or otherwise occurring thereon.

16. Destruction of Premises: In the event that the building or buildings upon the Premises, or any part thereof, during the said term is destroyed or damaged by fire or unavoidable casualty as to be unfit for occupation or use, then the rent herein before set forth, or a fair and just proportion according to the nature and extent of the damage sustained, shall be suspended or abated until the same Premises shall have been rebuilt and put in proper condition for use and occupation by the Landlord. Subject, however, that the Landlord, at its election, upon written notice to be given within ninety (90) days after such destruction may notify the Tenants that the term is ended.

17. Condemnation: Landlord reserves and accepts all rights to damages to the Premises occurring to it in case of the exercise of eminent domain. All right to damages suffered by the Tenants created by reason of the taking of the fixtures which Tenants are entitled to remove shall vest solely in the Tenants and shall be the Tenants' sole responsibility to take action for the recovery thereof.

18. Default: In the event of any failure of Tenants to pay any rent or other sums when due hereunder, or in the event of

Tenants' default in performing any of the other terms, conditions or covenants of this Lease to be observed or performed by Tenants, or if Tenants shall falsify any report required to be furnished to Landlord pursuant to the terms of this Lease, or if the Tenants shall vacate or desert the Premises, or if a petition in bankruptcy shall be filed by or against the Tenants, and the same is not dismissed within thirty (30) days, or if a receiver or similar officer becomes entitled to this leasehold and it is not returned to Tenants within thirty (30) days, or if Tenants' interest in this Lease is taken on execution or other process of law at any action against Tenants, then this Lease shall immediately terminate and Landlord shall notify Tenants in writing of said termination. Upon notice to the Tenants, Landlord may commence a forcible entry and detainer action pursuant to Maine law.

19. Time is of the Essence: Time is of the essence in this Lease, and all terms and covenants herein are conditions.

20. Laws of Maine: The laws of the State of Maine shall govern the validity, performance and enforcement of this Lease.

21. Savings Clause: The invalidity or unenforceability of any provision of this Lease shall not have any effect on or impair the validity of any provisions.

22. Covenant to Bind Successors: It is agreed that the provisions, covenants and conditions herein shall be binding upon and inure to the benefit of the parties hereto, their personal representatives, successors, heirs, devisees and assigns.

23. Total Agreement: This Lease contains the entire Agreement between the parties and cannot be changed or terminated except by a written instrument subsequently executed by the parties hereto.

IN WITNESS WHEREOF, the above parties have hereunto set their hands and seal the date first above written.

LANDLORD:

CITY OF AUBURN, MAINE

By: _____

Its: Acting City Mgr

TENANTS:

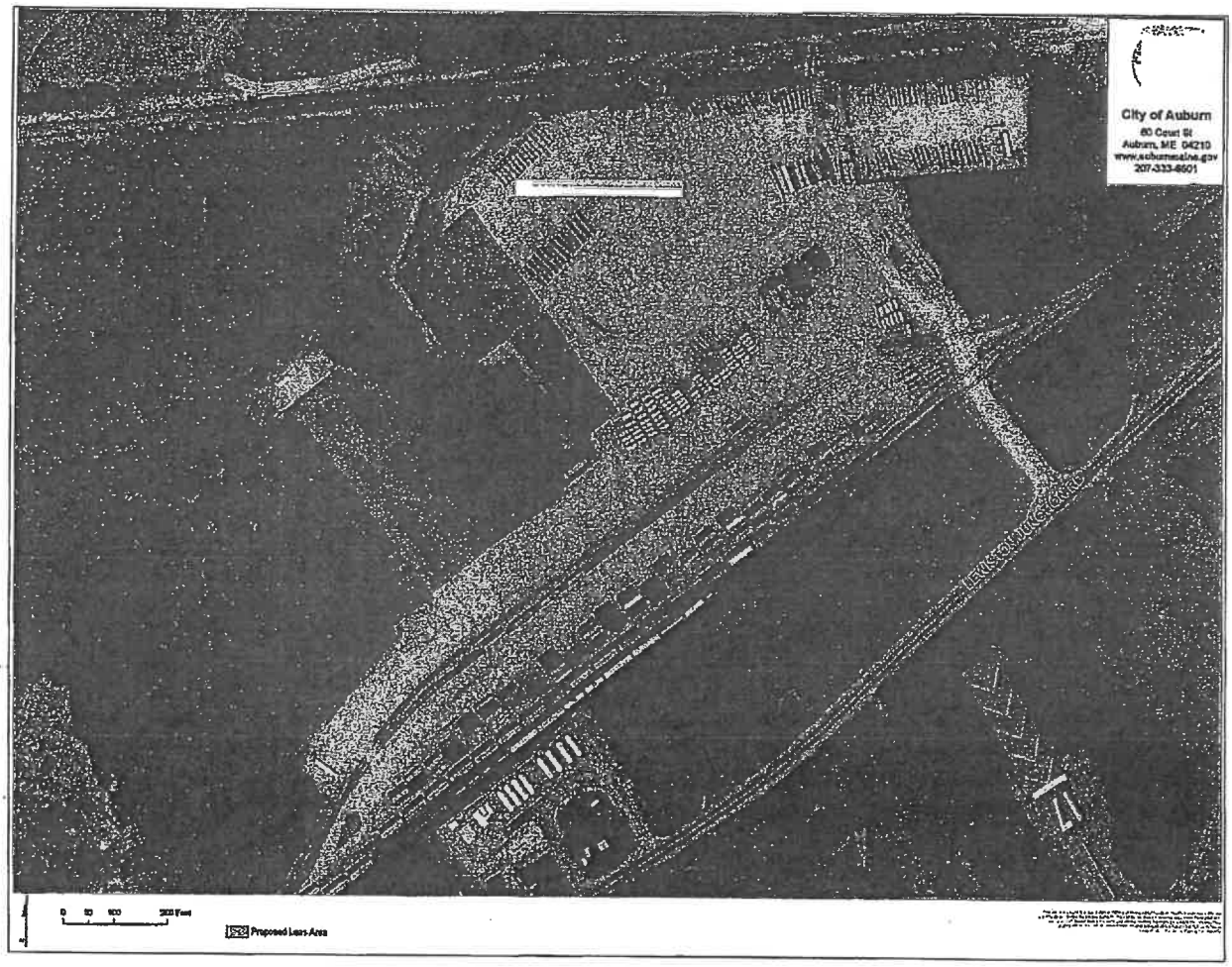
POWER & CONSTRUCTION GROUP.

INC.

By: T.D. Dickinson

Its: Assistant Vice President

EXHIBIT A


City of Auburn
60 Court St
Auburn, ME 04210
www.auburnmaine.gov
207-333-6601
0 50 100 200 Feet
Proposed Lease Area

ORDER 31-03042024

City Council Order

IN CITY COUNCIL

Ordered, that the Auburn City Council hereby authorizes the City Manager to execute an amendment to the intermodal facility lease with Power and Construction, Inc. and establishes an Intermodal Facility Special Revenue Account for the deposit of lease payments made under that amendment starting April, 1, 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Council/Workshop Date: March 4, 2024 **Order**: 32-03042024

Author: Jay Brenchick

Subject: Authorizing the City Manager to execute the purchase and sales agreement for city-owned properties 14 Newbury Street and 16 Newbury Street.

Information: During the June 6, 2022, City Council meeting, City Council authorized the marketing for sale of 14 Newbury Street and 16 Newbury Street. This order authorizes the City Manager to execute a purchase and sale agreement with Highest121, LLC for the purchase of 14 Newbury Street (Auburn Tax Parcel 231-034) and 16 Newbury Street (Auburn Tax Parcel 231-035) for $25,000 (Twenty-Five Thousand Dollars).

City Budgetary Impacts:

Staff Recommended Action:

Staff recommends Council vote to Authorize the City Manager to execute the purchase and sales agreement for city-owned properties 14 Newbury Street and 16 Newbury Street.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Property maps for 14 Newbury Street and 16 Newbury Street

14 Newbury Street
.09 Acres +/-
Zoned: Traditional Downtown Neighborhood (T-4.2)



16 Newbury Street
.18 Acres +/-
Zoned: Traditional Downtown Neighborhood (T-4.2)



ORDER 32-03042024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute a purchase and sale agreement with Highest121, LLC for the purchase of 14 Newbury Street (Auburn Tax Parcel 231-034) and 16 Newbury Street (Auburn Tax Parcel 231-035) for $25,000 (Twenty-Five Thousand Dollars).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 4, 2024 **Resolve:** 01-03042024

Author: Eric J. Cousens, Director of Planning & Permitting

Subject: Resolve providing information to Planning Board related to Ordinance 01-01022024

Information: The City Council requested that the Planning Board consider the proposed amendment at their February meeting. The Board postponed a decision after Public Hearing to ask the Council for information and reasons for the proposed delayed applicability date. The ordinance being considered for delay is described in more detail below. This zoning map amendment is evidenced by Ordinance #26-11202023 relating to the rezoning of approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district which became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter.

This order is to consider the request from the Planning Board and respond to the questions and provide reasons. A draft order is attached for Council consideration. If the Council responds on March 4th, that will allow the Planning Board to consider the response and provide a recommendation back to Council on March 12, 2024 at the regularly scheduled Planning Board Meeting.

City Budgetary Impacts: None known.

Staff Recommended Action: Vote on Order to provide requested response to Planning Board.

Previous Meetings and History: December 18, 2023 CC meeting

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 02/13/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Postponing Applicability Date of Gracelawn GB Zone Change

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on January 9th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT: Consider adding Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023. This text change would delay the applicability date of amending approximately 60 acres in parts of Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district until July 1, 2024. The City Council has proposed this text change to allow residents and the City Council time to determine whether additional amendments related to this item are desirable. The proposal was initiated by the city and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Summary and Discussion:

The Chair does not believe she has enough information to change where they arrived. Specifically, she wants a list from Council of their concerns about the GB zone and their justification for reconsidering a decision that staff recommended based on the Comprehensive Plan. The Planning Board has asked for guidance from Council on what amendments to the zone they hope to see.

Though Dave Trask and Stacey LeBlanc agree that April 9th is an appropriate time to allow for the information they requested to be provided and for public notice to be disseminated

Motion: Tim DeRoche makes a motion to postpone agenda Item #6 to a date certain in April asking for detailed reasons for the request of delay. **Second:** Amanda Guerrette seconds.

Amendment to Motion: Dave Trask amends the date of this hearing to April 9th. **Second:** Tim DeRoche Seconds.

Vote: Vote on April 9th amendment to original motion (specifying that the item will be back on the Agenda at the regularly scheduled April PB Meeting): **5-2-0 motion carries**

Vote: Vote on original motion to push the decision to April 9th and ask City Council for a detailed outline of exactly what their concerns are with this zone that they would like planning board to review and consider when we're talking about delaying the applicability dates. **5-2-0 motion carries**

RESOLVE 01-03042024

City Council Order

IN CITY COUNCIL

Resolved, That the Auburn City Council is in receipt of the Planning Board's request for Information on the Delayed applicability date in Ordinance 01-01022024 and in response, provides the following information.

Ordinance #26-11202023 amending the Zoning Map on approximately 60 acres in parts of Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district requires additional consideration prior to implementation. There are four areas which need further consideration:

1. The status of the current gravel mining operations, both within and outside of the Lake Auburn watershed, and future plans for mining operations.
2. Ensuring continued access to the abutting city owned landfill.
3. Whether potential topographical changes caused by development will present a risk to the drinking water quality.
4. Whether General Business is the appropriate district regulation to be applied, in whole or in part, to these parcels.

The delayed applicability date would allow the City to consider if there could be amendments to the zone and/or agreements with the property owner that could address these concerns and better position the parcel for a successful transition from the current use as a gravel mining and processing operation, while aligning with the comprehensive plan and public interests.

For these reasons the Council asks the Planning Board to consider the delayed applicability date in Ordinance 01-01022024 to allow the City time to address these concerns and to better position the parcels for a successful transition from the current use as a gravel mining and processing operation to something that provides greater community benefit and supports the protection of Lake Auburn.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: March 4, 2024 **Ordinance:** 08-03042024

Author: Sue Clements-Dallaire, City Clerk

Subject: Removing the Fee Schedule from the Code of Ordinances

---

Information: The action of Ordinance 08-03042024 removes the fee schedule from ordinance. If passed, an order will come before you to adopt the current fee schedule establishing it as a stand alone document which may be amended by the City Council from time to time as an order, which requires one reading as opposed to an ordinance which requires two separate readings and a public hearing.

City Budgetary Impacts: None

Staff Recommended Action: Recommend passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDINANCE: 07-03042024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council that Chapter 1, General Provisions, of the Code of Ordinances be amended as follows:

Chapter 1 GENERAL PROVISIONS

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the city council. The rules of construction and definitions set out in this section shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

Fee schedule or *schedule of fees and charges.* The term "fee schedule" or "schedule of fees and charges" means the official consolidated list maintained in the city clerk's office that lists rates for utility or other public enterprises, fees of any nature, deposit amounts and various charges as determined from time to time by the city council by council order.

Sec. 1-10. Form of Code; repository; maintenance; fee schedule.

A copy of this Code shall be kept on file in the office of the city clerk, preserved in looseleaf form, or in such other form as the clerk may consider most expedient. It shall be the express duty of the clerk or his designee to insert in their designated places all resolutions, general resolutions and ordinances that indicate the intention of the city council to make the same a part of this Code, when the same have been printed or reprinted in page form, and to extract from this Code all provisions that may be from time to time repealed by the city council. A copy of this Code shall be available in the office of the city clerk for examination by all persons.

A copy of the fee schedule, as established and amended by council order, shall be kept on file in the office of the city clerk and may be appended to the Code for ease of reference, but the fee schedule is not itself an ordinance.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 4, 2024 **Ordinance:** 08-03042024

Author: Dan Goyette

Subject: Posted Roads

Information: An Ordinance review occurred in 2021. As part of that review the sections of the Ordinance related to posted roads (Chapter 52, Article VI. Sec. 238 and 239 were unknowingly inadvertently deleted. This will reinstate those Ordinance sections.

Sec. 52-238. - Limitation of 8,000 pounds: No vehicle weighing more than 8,000 pounds, vehicle and load combined, nor any vehicle imparting to the road surface a pressure exceeding 400 pounds per inch of tire width (manufacturer's rating) shall be permitted on the streets, roads and highways of the city listed in a schedule on file and available in the city clerk's office between March 1 and May 31 of each year, except when the surface of the road is solidly frozen, in which case permission from the highway superintendent shall be obtained.

Sec. 52-239. - Limitation of 23,000 pounds: No vehicle weighing more than 23,000 pounds, vehicle and load combined, nor any vehicle imparting to the road surface a pressure exceeding 400 pounds per inch of tire width (manufacturer's rating) shall be permitted on the streets, roads and highways of the city listed in a schedule on file and available in the city clerk's office, between March 1 and May 31, except when the surface of the road is solidly frozen, in which case permission from the highway superintendent shall be obtained.

City Budgetary Impacts: None

Staff Recommended Action: Vote to reinstate the Ordinance language.

Previous Meetings and History: 3-1-2021 and 3-15-2021.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Ordinance 08-03042024

Ordinance 08-03042024

City Council Order

IN CITY COUNCIL

Adopting Ordinance Language in Chapter 52, Traffic and Vehicles, Sections 52-238 and 52-239

Be it ordained, that the City Council hereby adopts ordinance language in Chapter 52, Traffic and Vehicles, Sections 52-538 and 52-539 that was inadvertently removed in March of 2021. The language to be reinstated as follows:

Sec. 52-238. *- Limitation of 8,000 pounds: No vehicle weighing more than 8,000 pounds, vehicle and load combined, nor any vehicle imparting to the road surface a pressure exceeding 400 pounds per inch of tire width (manufacturer's rating) shall be permitted on the streets, roads and highways of the city listed in a schedule on file and available in the city clerk's office between March 1 and May 31 of each year, except when the surface of the road is solidly frozen, in which case permission from the highway superintendent shall be obtained.*

Sec. 52-239. *- Limitation of 23,000 pounds: No vehicle weighing more than 23,000 pounds, vehicle and load combined, nor any vehicle imparting to the road surface a pressure exceeding 400 pounds per inch of tire width (manufacturer's rating) shall be permitted on the streets, roads and highways of the city listed in a schedule on file and available in the city clerk's office, between March 1 and May 31, except when the surface of the road is solidly frozen, in which case permission from the highway superintendent shall be obtained.*

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 4, 2024 **Order:** 33-03042024

Author: Jay Brenchick, Director of Economic Development, Eric J. Cousens, Director of Planning and Permitting

Subject: Order initiating an ordinance to allow for a Technology Hub Overlay which will incorporate both Industrial and General Business uses in the area defined by the red border on the attached map.

Information: In October 2023, the Governor's Office announced that the Economic Development Administration (EDA) designated Maine's Forest Bioproducts Advanced Manufacturing Tech Hub as a Federal "Tech Hub." The designation acknowledges that Maine's forest bioproducts sector has the potential for rapid growth and opens the door for significant Federal investment. The Technology Hub overlay will allow the City of Auburn to compete for prospects and incentives related to the new federal Tech Hub designation. The attached map identifies the area staff recommends for the Technology Hub Overlay.

This change will define and declare the City's desire to attract investment related to Maine's Forest Bioproducts Advanced Manufacturing Technologies in the mapped area to promote related uses and expand uses in the General Business zoned portions of the Technology Hub Overlay to include manufacturing uses using Maine Forest Bioproducts. Maps will be refined to follow existing GB and ID zoning boundaries and text for a Planning Board Public hearing will be drafted if the Council moves forward. This change will create significant opportunities for manufacturing in the City of Auburn and leverage outside investment.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Staff recommends that the Council vote to initiate the process to allow for a technology zone overlay and send it to the Planning Board for a recommendation.

Previous Meetings and History: During the February 20, 2024, City Council Meeting, staff informed City Council of the Economic Development Administration (EDA) designation of Maine as a Forest Bioproducts Advanced Manufacturing Tech Hub. The Economic Development Department; Planning, Permitting & Code Department; and Business and Community Development Department will work together to create an Innovation/Tech Hub Designation in the area surrounding Exit 75 and the Auburn-Lewiston Municipal Airport. This designation aims to align the City of Auburn's zoning, business resources, marketing, and economic development partnerships with the efforts made at the state and federal levels.

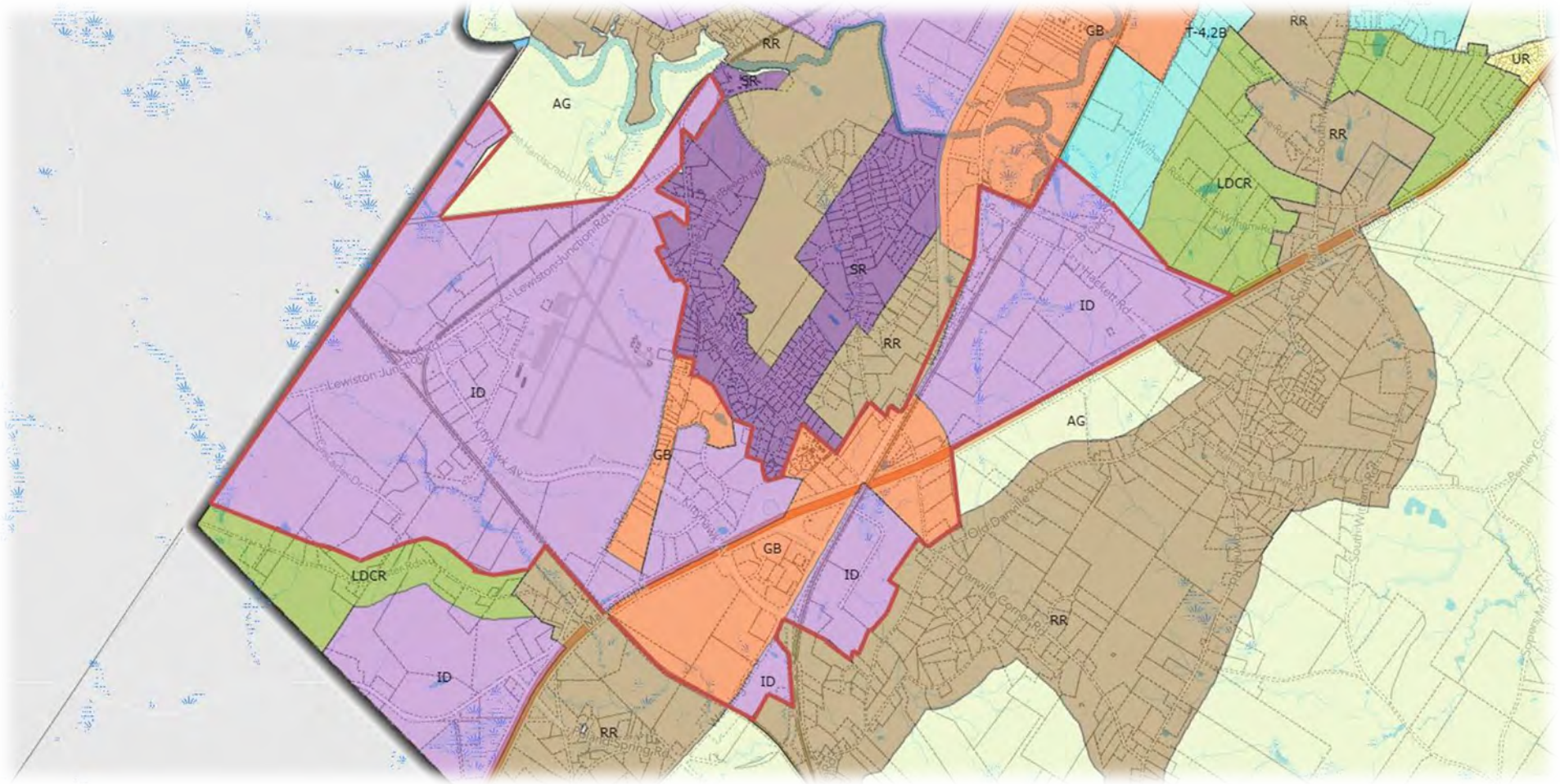
City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Tech Hub Overlay Map

Proposed Boundary for the City of Auburn Technology Overlay District

(Outlined by red border)

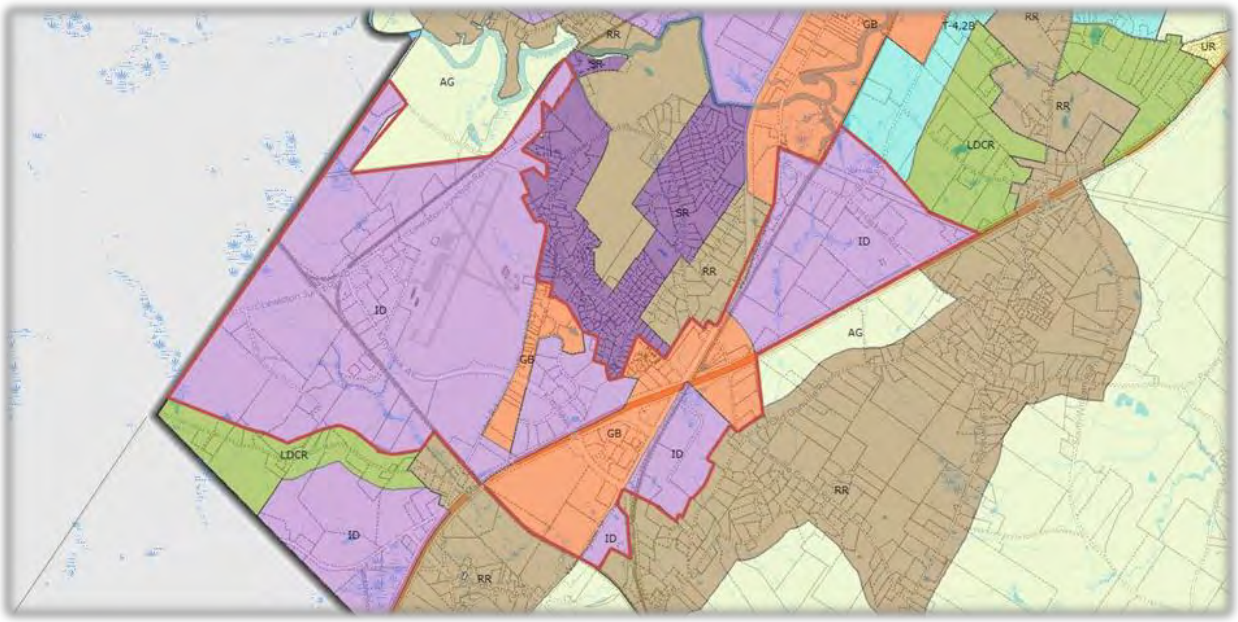


ORDER 33-03042024

City Council Order

IN CITY COUNCIL

Ordered, That the Auburn City Council directs staff to draft Zoning Map and Text Ordinance amendments to Chapter 60, Zoning and prepare the items for Public Hearing and a Recommendation by the Auburn Planning Board pursuant to Chapter 60, Article XVII, Division 2, Amendment to the Zoning Ordinance or Zoning Map. The intent is to consider amendments that will define and declare the City's desire to attract investment related to Maine's Forest Bioproducts Advanced Manufacturing Technologies in the mapped area (outlined in red). The amendments shall include text to allow related uses and expand uses in the General Business zoned portions of the Technology Hub Overlay (outlined in red) to include manufacturing using Maine Forest Bioproducts or locally grown foods or fibers. The overlay will follow existing GB and ID zoning boundaries and text for a Planning Board Public hearing will be drafted based on this directive.



Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 4, 2024

Subject: Executive Session

Information: Personnel matter, pursuant to 1 M.R.S.A. Section 405(6) (A).

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 Workshop & Meeting
Agenda
March 18, 2024
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Department Presentations and Council Discussion
    1. Auburn Public Library
    2. Human Resources
    3. Planning & Permitting
B. Overview of Transportation Studies

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Walker

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 34-03182024*
Re-appointing Chris Carson to the Sustainability and Natural Resource Management Board as nominated by the Natural Products and Agriculture Working Group. Term expiration of 04/01/2027.

2. Order 35-03182024*
Appointing Steve Buchanan to the Board of Assessment as nominated by the Appointment Committee. Term expiration of 03/31/2027.

3. Order 36-03182024*
Appointing Gerald Samson to the Board of Assessment as nominated by the Appointment Committee. Term expiration of 03/31/2027.

4. Order 37-03182024*

Appointing Kathy Shaw to the Board of Assessment as nominated by the Appointment Committee. Term expiration of 03/31/2026.

5. Order 38-03182024*
Appointing Tina Eugley to the Age Friendly Community Committee as nominated by the Appointment Committee. Term expiration of 06/01/2027.

II. Minutes – March 4, 2024, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Disenfranchised Business Enterprise (DBE) Plan FFY24/25/26
- Use of City Property – 143 Hampshire Street Parking Area
- Communication - The Mayor's Ad-hoc Committee on Homelessness

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. Ordinance 07-03042024
Removing Appendix A from Auburn's Code of Ordinances. Second reading.

VI. New Business

1. Order 39-03182024
Disposition of building located at 46 Fair Street under dangerous building statute. Public hearing for parties with interest in property.

2. Order 40-03182024
Adopting the City of Auburn's fee schedule.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report

IX. Executive Sessions – Economic development, pursuant to 1 M.R.S.A. §405(6)(C), which premature disclosure would prejudice the competitive or bargaining position of the City.

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 18, 2024

Author: Sue Clements-Dallaire, City Clerk

Subject: Department and FY25 Budget Presentations

Information: The following departments will be presenting:

a. Auburn Public Library
b. Human Resources
c. Planning & Permitting

City Budgetary Impacts: None at this time

Staff Recommended Action: Questions and discussion

Previous Meetings and History: Annual

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 18, 2024

Author: Jonathan P. LaBonte, Transportation Systems Director

Subject: Overview of Transportation Studies

Information: As with many areas of the City, transportation planning and project development involves a significant number of partners, contractors, and extensive process. The simple map and related spreadsheet provide a very high-level overview of some of those transportation studies underway and the geographic location of those efforts. It is important to note that this is not exhaustive, as the Engineering Department regularly manages project development with MaineDOT as part of the 5-year CIP implementation.

Projects shown on the map and spreadsheet arose in the last couple of years from a number of sources; enhancements to projects MaineDOT had already scheduled, projects generated through plan review/permitting processes, studies/plans recommended in the Comprehensive Plan, or studies/plan initiated for a targeted area by city leaders.

In an attempt to simplify the overview, three large categories are noted. Design/Engineering/Construction will suggest that funding is in hand, the specific project has been identified, and it is on its way to being built/implemented. Planning signifies that an effort is underway to evaluate a part of our transportation system with assistance from third parties (MaineDOT, ATRC, etc) and that public involvement will be key to determining outcomes, from which the city can pursue funding strategies to implement (state, local, federal, or other). Scoping suggests that we have documented key elements to evaluate in a study but have not finalized a scope to proceed to an RFP process, and further discussion can be had about what we wish to learn and how we might organize alternative evaluations in the study.

The process from policy objective/directive to building is a long-term venture, and state and federal funding partners expect communities to have demonstrated the purpose and need for projects when seeking funding, in addition to evidence of community engagement and support.

City Budgetary Impacts: N/A

Staff Recommended Action:

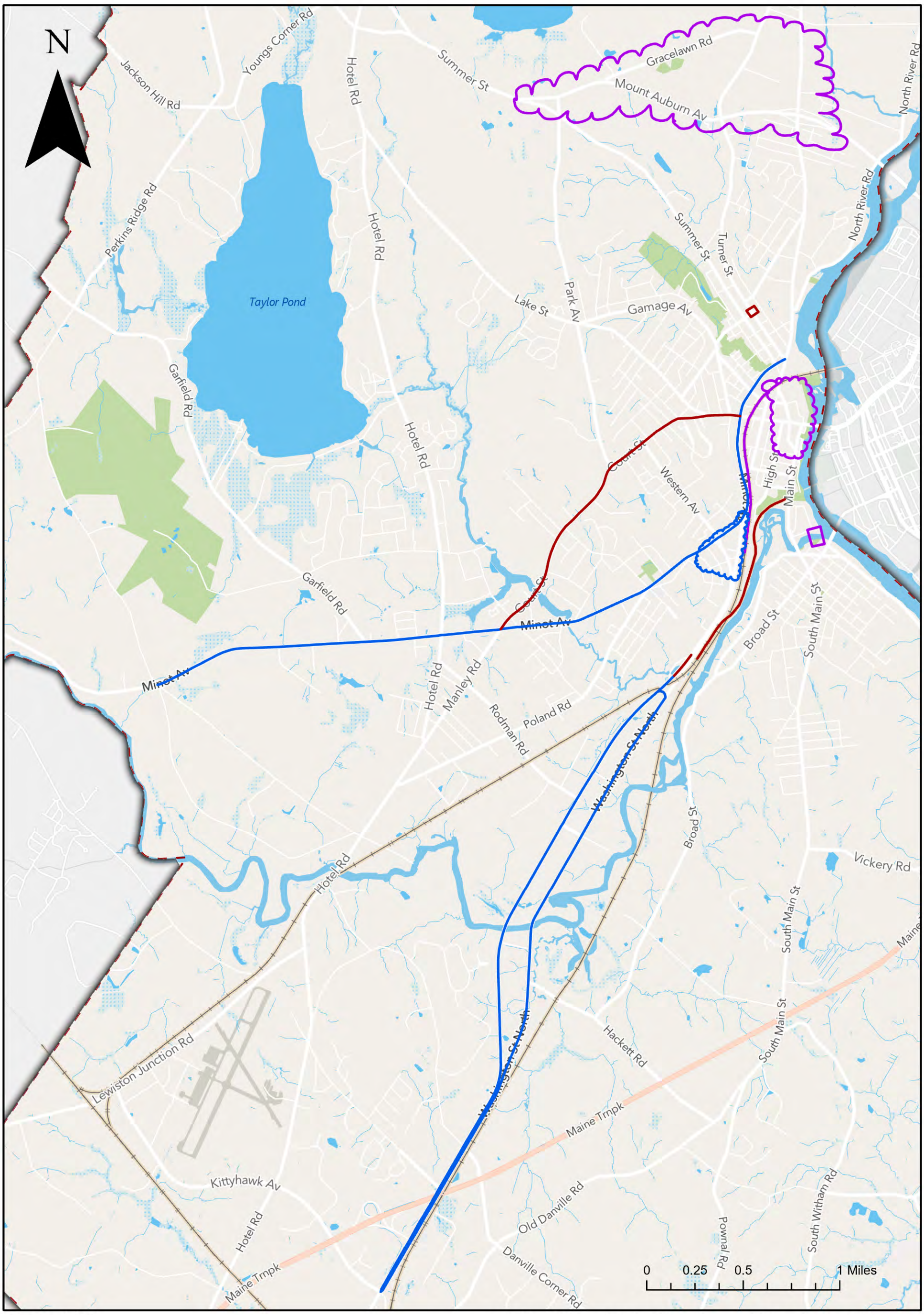
Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
City Overview Map created by AuburnPW/GIS
Table of Ongoing Initiatives

City of Auburn Transportation Projects



STATUS

- Design/Engineering/Construction
- Planning
- Scoping

o Citywide – Safe Streets and Roads for All (SS4A)
o Citywide – Traffic Signal Management (ATRC)
o Citywide – Metropolitan Transportation Plan (ATRC)

						Funding (or Cost Estimates)				
Project Area	Project Type	City Policy References (Comprehensive Plan)	Purpose/Need	Status (Scoping, Planning, Design, Construction)	Completion Target	Federal	State	Local - General Fund	Local - TIF	Local - Other
Turner and Dennison Street Intersection	Safety	**Strategy G.2.6.b:** Establish Turner Street, between Union Street and Mt. Auburn Ave, as a local corridor	To improve intersection safety for pedestrians and those traveling through by calming traffic and improving visibility	Design/Engineering (Construction will be MaineDOT funded post-engineering)	2025/2026		$ 600,000	$ 150,000		
Turner Street (Court to Hampshire/Great Falls Plaza)	Safety	**Strategy G.2.1.c**: Improve pedestrian and bicycle access along the Route 4 Corridor. i. Develop safe pedestrian crossings through the installation of relief medians and raised crosswalks at major intersections and the establishment of longer pedestrian crossing signals. **Strategy G.2.9.d:** Provide creative parking solutions to meet the needs of downtown neighborhoods and businesses.	To improve pedestrian safety for those traveling to destinations on Turner Street.	Design/Engineering/ Construction	2025/2026	$ 220,000		$ 280,000		
Riverwalk Extension/Lewiston and Auburn Railroad Trail	New Construction	**Strategy A.3.1.e**: Collaborate with major industries and landowners to develop land/trail management plans to protect the river and establish adjacent recreational areas to enhance public access. **Strategy E.1.5.h:** Consider adding multiuse trails in the city where economically feasible with a focus on equity. **Strategy G.2.9.f**: Develop a greenbelt bicycle/pedestrian connection from West Pitch Park into Moulton Field and New Auburn via the Little Androscoggin River/Barker Mill Trail	To expand active transportation and recreation opportunities within and across Auburn neighborhoods, while enhancing access to natural resources	Design/Engineering/ Construction	2025	$3,900,000		TBD		
Minot Avenue and Washinton Street Rotary	Pavement Rehab and New Pavement Markings (Striping)	**Strategy G.2.2.c**: Support initiatives to reconfigure the Minot Avenue Rotary with the purpose of simplifying the connection from Minot Avenue to the downtown to increase safety. This should occur in coordination with the strategy to shift Washington Street North (in-bound) to two-way traffic and South (out-bound) to a two-way controlled access highway.	To improve safety for all road users	Design/Engineering	2024			$ 19,450		
Court Street (Minot/Manley to Union/Minot)	Pavement Rehab and New Pavement Markings (Striping)	**Strategy G.2.2.a**: Address volume and safety along Minot Avenue and adjoining streets. iii. Utilize a variety of design strategies to discourage excessive vehicular travel speeds on Court Street and Park Avenue to keep through traffic on Minot Avenue.	To improve safety for all road users and begin introduction of traffic calming measures	Design/Engineering	2024			$ 25,500		
Brickyard Circle and Washington Street	Safety and Response to Development	**Strategy G.2.3.a**: Work with MaineDOT and other agencies/entities to modify Washington Street southbound to accommodate controlled access through traffic in both directions in support of regional mobility, including a new intersection/interchange with Rodman Road. Reconstruct the existing Washington Street northbound to serve local land uses, accompanied by new zoning guidance. Implement recommended changes as appropriate and feasible.	To improve safety for the traveling public by clearly defining reverse direction options at the convergence of Washington Street North and South	Design/Engineering/ Construction	2025			$ 300,000		
Citywide - Safe Streets and Roads for All	Safety	**Strategy G.2.2.a**: Address volume and safety along Minot Avenue and adjoining streets. (Safety included in many other sub-elements of the Comprehensive Plan)	To develop an action plan for Auburn's pursuit of a transportation system with zero crashes leading to serious injury or death (Vision Zero)	Planning	2024/2025	$ 200,000		$ 25,000		

Project Area	Project Type	City Policy References (Comprehensive Plan)	Purpose/Need	Status (Scoping, Planning, Design, Construction)	Completion Target	Federal	State	Local - General Fund	Local - TIF	Local - Other
Minot Avenue and Union Street Bypass	MaineDOT Village Partnership Initiative	**Strategy H.1.2.c**: Manage traffic and limit the potential for "cut through" traffic in neighborhoods, support traffic calming measures where necessary, and invest in sidewalk and bike route development as appropriate **Strategy G.2.2.a**: Address volume and safety along Minot Avenue and adjoining streets. **Strategy G.2.2.b:** Review and revise access management measures to limit the number of curb cuts along Minot Avenue and to promote the development of interconnected lots and shared parking areas. **Strategy G.2.2.c**: Support initiatives to reconfigure the Minot Avenue Rotary. **Strategy G.2.2.d**: Establish streetscape and site design criteria that promote the creation of an attractive gateway along Minot Avenue. **Strategy G.2.6.b**: Establish Turner Street, between Union Street and Mt. Auburn Ave, as a local corridor providing local vehicle, bicycle, pedestrian, and transit access to the downtown and the North Auburn Retail District area	To improve economic vitality of Auburn's major east-west corridor by enhancing safety and access for all users while implementing enhancement to improve mobility	Planning	2024/2025		$ 100,000			$100,000 (ARPA)
Citywide - Traffic Signal Management (ATRC)	ATRC-Initiated Study	**Strategy G.2.1.a**: Address volume and congestion along Center Street/Turner Road. **Strategy G.2.1.c:** Improve pedestrian and bicycle access along the Route 4 Corridor. **Strategy G.2.2.a:** Address volume and safety along Minot Avenue and adjoining streets. Objective G.2.8: Work to ensure that through traffic primarily uses designated travel routes.	To assess the current state of maintenance and coordination for our signal system and establish a multi-year plan for investment and maintenance	Planning	2024	$ 60,000				
Citywide - Metropolitan Transportation Plan (ATRC)			To develop a long range plan for the region including Auburn, Lewiston, Lisbon, and Sabattus	Planning	2024/2025	$ 177,000				
Washington Street Corridor (Exit 75 to Rotary)	ATRC/FHWA Corridor Study	**Strategy G.2.3.a**: Work with MaineDOT and other agencies/entities to modify Washington Street southbound to accommodate controlled access through traffic in both directions in support of regional mobility, including a new intersection/interchange with Rodman Road. Reconstruct the existing Washington Street northbound to serve local land uses, accompanied by new zoning guidance. Implement recommended changes as appropriate and feasible. **Strategy G.2.3b**: Establish streetscape and site design criteria to promote attractive mixed-use development along Washington Street-northbound. **Strategy G.2.5.b**: Study the feasibility of creating a connector road between the new turnpike interchange and Washington Street-northbound/Rodman Road that would efficiently connect to a controlled access Washington Street-southbound.	To improve regional mobility north and south from Exit 75 to downtown Auburn and Lewiston while providing neighborhood-scale transportation improvements for redevelopment of Washington Street North along the Little Androscoggin River.	Planning	2024/2025	$ 150,000	$ 17,000			

Project Area	Project Type	City Policy References (Comprehensive Plan)	Purpose/Need	Status (Scoping, Planning, Design, Construction)	Completion Target	Federal	State	Local - General Fund	Local - TIF	Local - Other
Mt. Auburn Neighborhood (Mall Area)	City-initiated Study	**Strategy I.2.3.c**: Investigate opportunities for high quality, creative reuse of vacant land and/or buildings in and around commercial/industrial centers. **Strategy G.2.7.b**: Study the impacts of increased traffic from western communities along Jackson Hill Road, Holbrook Road, Marston Hill Road, Hatfield Road, Hersey Hill Road and at the Young's Corner/ Mt Auburn/ Summer Street crossing and implement appropriate traffic control and intersection configuration to maintain and improve function of the roads. **Strategy G.2.8.a:** Install signage to direct traffic to appropriate through travel routes, including to and from the turnpike and the North Auburn Retail District via either Washington Street/Route 4 or Hotel Road/Mt Auburn Avenue. **Strategy G.2.11.b**: Require, where appropriate within designated residential and mixed-use growth areas, that all local roads include at least a 6-foot-wide sidewalk. **Strategy G.2.11.c:** Establish neighborhood bicycle routes to link riders to major destinations via safe streets. **Strategy G.2.12.a:** When residential streets are improved or reconstructed, incorporate design elements that slow traffic and benefit local cyclists and pedestrians, particularly the elderly and children.	To establish the retail area as a location that is safe for multiple user types (pedestrians, cyclists, transit) while improving the safety and street connections in support of reinvestment/infill development	Scoping	2024/2025					$100,000 (ARPA)
Downtown (Mechanics Row/Main Street/Great Falls Plaza)	City-initiated Study	**Strategy G.2.9.a**: Establish Elm Street as a primary route from Main Street and the downtown neighborhoods to Minot Ave, developing an attractive, well-designed streetscape. **Strategy G.2.9.d**: Provide creative parking solutions to meet the needs of downtown neighborhoods and businesses. **Strategy I.1.1.a**: Establish a traditional downtown business district that promotes local business development, encourages creative reuse of existing buildings, and supports the continuation of an urban development pattern. **Strategy I.1.1.b:** Maintain the Great Falls area as a large-scale office/hotel complex, with an emphasis on integrating this area with the traditional downtown business district	To improve street grid/intersection layouts to improve safety and mobility for all user types, while accomodating further infill development in the city's core downtown area.	Scoping	2024/2025					$100,000 (ARPA)
Library Ave and Spring Street at CSX Rail Corridor	Crossing Closure and Downtown Train Horn Quiet Zone		To improve quality of life and neighborhood safety by channelizing the rail corridor downtown and establishing a quiet/limited-horn zone	Scoping	2024/2025		$ 200,000			$25-$50,000 (CSX)
Court Street (Minot/Manley to Union/Minot)	Pedestrian and Bicyclist Safety and Response to Development	**Strategy G.2.2.a**: Address volume and safety along Minot Avenue and adjoining streets. iii. Utilize a variety of design strategies to discourage excessive vehicular travel speeds on Court Street and Park Avenue to keep through traffic on Minot Avenue.	To improve safety for all road users and begin introduction of traffic calming measures	Scoping	2025/2026		$ 333,000	$ 333,000	$ 334,000	
Lewiston and Auburn to Portand Corridor (MaineDOT)	Commuter Bus Pilot Project Monitoring	**Strategy G.3.2.b**: Work with regional and state agencies to assess the potential for the expansion of passenger rail service from Portland to Auburn. **Strategy G.3.2.d**: Continue to participate in regional commuter transit programs. **Strategy G.3.2.c**: Expand, as necessary, the local fixed-route bus service.	To improve transportation choices and reduce vehicle miles traveled between Maine's two largest urban areas	Initiated	2024/2025		$ 2,000,000			

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 18, 2024 **Order:** 34-03182024

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointment to the Sustainability and Natural Resource Management Board (SNRB)

Information: Chris Carson has been selected by the agriculture working group to serve another term on the Sustainability & Natural Resource Management Board (SNRB):

Sec. 2-477. Board established. A Board is hereby established pursuant to 30-A M.R.S.A. §§ 3261—3263 to consist of six members, including representatives of the city council, planning board, and four standing working groups on agriculture, conservation, the community forest, and sustainability. The planning board chair and the mayor may either serve on this board or appoint a representative to serve as members of the SNRB for a term of two years. ***The standing working groups on agriculture, conservation, the community forest, and sustainability shall nominate one representative each for approval by the Council****; these members shall serve staggered three-year terms. There shall be one ex officio member of the board, consisting of the city manager or his/her designee.*

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to approve the appointment as nominated by the agriculture working group.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 34-03182024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Chris Carson to serve another term on the Sustainability and Natural Resource Management Board (SNRB) with a 04/01/2027 term expiration as nominated by the Natural Products and Agriculture Working Group.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 18, 2024 **Orders:** 35-03182024 through 38-03182024

Author: Sue Clements-Dallaire, City Clerk

Subject: Board and Committee Appointments

The Appointment Committee met on March 7, 2024, to review applications and make their nominations for various boards and committees of the city as follows:

Steve "Buck" Buchanan, Board of Assessment, new appointment, term expiration 03/31/2027.
Gerald Samson, Board of Assessment, new appointment, term expiration of 03/31/2027.
Kathy Shaw, Board of Assessment, new appointment, term expiration of 3/31/2026.
Tina Eugley, Age Friendly Community Committee, new appointment, term expiration of 6/1/2027.

City Budgetary Impacts: None

Staff Recommended Action: Motion to appoint members as recommended by the Appointment Committee.

Previous Meetings and History: The Appointment Committee met on March 7, 2024 to make their recommendations.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Vacancies, Application Spreadsheet, Applications, Orders

March 7, 2024
Applicant List

Board or Committee	Ward	Last Name	First Name	Address
Age Friendly Community Committee	4	Eugley	Tina	118 Country Club Drive
Board of Assessment Review	4	Buchanan	Steve	125 Madison Street
	3	Samson	Gerald	1394 Minot Avenue
	5	Shaw	Kathleen	1200 Sopers Mill Road

* Indicates this applicant is seeking re-appointment

** Indicates this person is an associate/alternate member seeking full member status

VACANCIES

Age Friendly Community Committee - 1 vacancy with a term expiration of 6/1/2027

Board of Assessment Review - 8 vacancies, 5 regular members and 3 alternate members, up to a three-year term TBD

City Council Student Representative - 2 appointments

Parks & Recreation Advisory Board - 2 vacancies, with term expirations of 10/01/2024

Zoning Board of Appeals - 9 vacancies, 7 regular members and 2 associate members, up to a three-year term TBD

auburnmaine.gov

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 2-6-24

Last name: BUCHANAN First name: STEVE "BUCK" Middle initial: ____

Residence address: 125 MADISON ST Ward: 4

City: AUBURN State: ME Zip code: 04210

Home phone: ____ Work phone: ____ Cell phone: 784 6295

Email address: INFO @ PRO-PC.US

Current occupation: RETIRED

Previous occupation (if retired or no longer working): IT CONSULTANT

Educational and/or experience (or attach your resume): ____

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
___ Age Friendly Committee
___ Agriculture Committee
___ Airport Board
___ Auburn Housing Authority
___ Audit Committee
___ Cable TV Advisory Board
___ CDBG Loan Committee
___ Citizen's Advisory Committee
___ Community Forest Board
___ Conservation Commission
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Parks & Recreation Advisory Board
___ Planning Board
___ Regulatory Advisory Board
___ Sewer District
___ Water District
X Other BOARD OF ASSESSMENT REVIEW

Is this application for a X new appointment or ___ reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). WAS PREVIOUSLY ON BOARD & WAS ASKED TO SERVE AGAIN

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). TO PROVIDE ACCURATE & FAIR ASSESSMENT OF PROPERTIES

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? NO

Dates served (if known)? _____

Have you previously served on a City or Community Board or Committee? If so, which one(s)?

YES SAME BOARD

Dates served (if known)? _____

How did you learn of this vacancy? EMAIL FROM MAYOR

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: _____ Date: 2-6-24

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: 2-6-2024
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

auburnmaine.gov

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 2/5/24

Last name: SAMSON First name: Gerald Middle initial: N

Residence address: 1394 Minot Ave Ward: _____

City: Auburn State: Me Zip code: 04210

Home phone: _____ Work phone: _____ Cell phone: 740-1414

Email address: Cleves8313@GMAIL

Current occupation: Retired

Previous occupation (if retired or no longer working): Assessor + Code Enforcement Officer

Educational and/or experience (or attach your resume): 2 yrs College 33 years Assessing/Code

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
___ Auburn Housing Authority
X Board of Assessment Review
___ CDBG Loan Committee
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Planning Board
___ St. Louis Bells Committee
X Zoning Board of Appeals

___ Airport Board
___ Audit & Procurement Committee
___ Cable TV Advisory Board
___ Community Forest Board
___ Conservation Commission
___ Finance Committee
___ Parks & Recreation Advisory Board
___ Sewer District
___ Water District

Is this application for a ___ new appointment or X reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). Public Service

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). _____

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? Yes Appeals Board

Dates served (if known)? 2023

Have you previously served on a City or Community Board or Committee? If so, which one(s)? Yes Board of Assessment Review.

Dates served (if known)? Mid 1990's Auburn

How did you learn of this vacancy? _____

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.
Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!
I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.
Signature: _____ Date: 2/5/24

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: _____
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Sunday, February 4, 2024 6:17 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: kathleen

Middle Initial: A

Last Name: shaw

Residence Address: 1200 sopers Mill road

Ward: Ward 5

City: auburn

Home Phone: 207-320-1969

Cell Phone: 207-320-1969

E-mail Address: kath@valleyviewfarm.me

Current Occupation: state representative for district 88,Auburn

Previous Occupation (if retired or no longer working): (still) farmers and landscape design and installer

Education and/or experience: high school, leadership learning courses, some college courses

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Regulatory Advisory Board

OTHER (Ad-Hoc Committees not on the list above):: assessment review board

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): long time participant in city politics, long standing member of the Auburn Ag Committee and current chair of the agriculture and natural products working group.
served on the Board of appeals

What do you hope to accomplish?: I enjoy learning about city policies and hope to be able to contribute positive results, and feedback to any group I work with

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: chair of the natural products and agriculture working group

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: one of the organizers of the now disbanded Auburn farmers market

Dates served (if known):

How did you learn of this vacancy?: I have served on the board of appeals

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: kathleen shaw

Date of Electronic Signature: February 4 ,2024

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 1/6/2022

Last name: Eugley First name: Tina Middle initial: A

Residence address: 118 Country Club Drive Ward: _____

City: AUBURN State: me Zip code: 04210

Home phone: N/A Work phone: N/A Cell phone: (207) 577-2704

Email address: eugley64@gmail.com

Current occupation: Not working

Previous occupation (if retired or no longer working): Office Manager

Educational and/or experience (or attach your resume): See resume

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
X Age Friendly Committee
___ Agriculture Committee
___ Airport Board
___ Auburn Housing Authority
___ Audit Committee
___ Cable TV Advisory Board
___ CDBG Loan Committee
___ Citizen's Advisory Committee
___ Community Forest Board
___ Conservation Commission
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Parks & Recreation Advisory Board
___ Planning Board
___ Regulatory Advisory Board
___ Sewer District
___ Water District
___ Other _____

Is this application for a ✓ new appointment or ___ reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). I currently help them at events when needed.

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). Continue to be of service where/when needed.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? NO

Dates served (if known)? _____

Have you previously served on a City or Community Board or Committee? If so, which one(s)? NO

Dates served (if known)? _____

How did you learn of this vacancy? Not sure if any vacancies at this time

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Tina A. Eagley Date: [redacted]

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: _____
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

Tina A Eugley

118 Country Club Drive
Auburn, ME 04210
Phone 207-577-2704

Experience

March 2006 to July 2014 — **Morong Falmouth VW Automobile Dealership** — **Falmouth, ME**

Office Manager

- Daily business functions in a office atmosphere
- Phone reception & cashier duties
- Reconcile different accounts
- End of month accounting procedures
- Human Resources Duties and new employee set ups
- Payroll processing
- Bank statement reconcile
- Notary Public
- Assisted other departments as needed
- Account payables and receivables experience

August 2001 to March 2006 — **Emerson Toyota** — **Auburn, ME**

Financial Services Manager until August 2005 then went to a Billing Clerk/Title Clerk Position

- Selling of products such as extended warranties, Gap insurance and other products that are available to the customer
- Doing loan applications for car loans for customers
- Do the paperwork involved with the car deliveries & sorting them for processing
- Research automobile title problems
- Work with several different lending sources
- Cashier & Telephone Support with other office functions
- Assist sales department with customers

November 2000 to August 2001 — **Banknorth Group** — **Lewiston, ME**

Lead Unit Settlement Clerk

- Do Cash Advances for several banks with Banknorth
- Balance different GL's & DDA's
- Oversee 4 employee's in my group

July 1983 to November 2000 — **Louis Chevrolet Inc** — **Auburn, ME**

Title / Billing Clerk

- Title Clerk for Automobiles sold and traded in.
- In charge of documents being sent to finance resources.
- Assistant Office Manager
- Take care of Accounts Receivables.
- Back up for Payroll Processing.
- Customer Service

1980-1983 — **High School Part-Time Jobs** — **Auburn, ME**

- Clover Manor as a Nurses Aide.
- Sim's Restaurant as a Waitress

Education

Graduated 1982 **Edward Little High School** **Auburn, ME**

- Business Courses were taken at ELHS
- 1995 Reynolds & Reynolds Forms Programming
- January 2000 CMTC EMT Basic Certificate received
- July 2015 Passed class and exam for Personal Support Specialist

Volunteer Activities

- May 1999 joined Poland Rescue as Driver
- April 2000 became Maine Licensed EMT for Poland Rescue
- June 2000 elected Secretary for Poland Rescue
- United Way Campaign Manager at Louis Chevy for 10 plus years
- February 2003 joined American Red Cross on Disaster Services Team for Androscoggin County and in 2005 became the Volunteer Coordinator for them
- October 2014 to current Androscoggin Home Care & Hospice helped in the volunteer office and did home visits
- January 2015 to March 2018 Central Maine Medical Center helping in different areas as needed and also did runner duties

Still hold a valid Notary Public with the state of Maine
I have been helping at the Senior Center when needed with different things that might come up, Jamie Longley is my contact.

References

Available on request

ORDER 35-03182024

City Council Order

IN CITY COUNCIL

ORDERED that the City Council hereby appoints Steve Buchanan to serve on the Board of Assessment with a 03/31/2027 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 36-03182024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Gerald Samson to serve on the Board of Assessment with a 03/31/2027 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 37-03182024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Kathy Shaw to serve on the Board of Assessment with a 03/31/2026 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 38-03182024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Tina Eugley to serve on the Age Friendly Community Committee with a 06/01/2027 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Milks had an excused absence. All other Councilors were present.

I. Consent Items

1. Order 27-03042024*
Re-appointing Robert Cavanagh, full member position, and Renee Cote, alternate member of the Registration Appeals Board as nominated by the Democratic party. Term expirations of March 1, 2027.

2. Order 28-03042024*
Appointing Warden's and Ward Clerks for the March 5, 2024, Presidential Primary Election.

3. Order 29-03042024*
Setting the date to hold a Special Election to fill the vacated School Committee At-large seat for Tuesday, July 9, 2024.

Motion was made by Councilor Walker, seconded by Councilor Cowan for passage of the three consent items.

Passage 6-0.

II. Minutes – February 20, 2024, Regular Council Meeting

Motion was made by Councilor Walker, seconded by Councilor Whiting to approve the minutes of the February 20, 2024, Regular Council meeting.

Passage 6-0.

III. Communications, Presentations and Recognitions

- Communication - FERC Response (Eric Cousens)

IV. Open Session – No one from the public spoke.

V. Unfinished Business

1. Ordinance 05-01162024
Amending Chapter 60, Article XV reinstating the Zoning Board of Appeals ordinance. Public hearing and Second reading.

Motion was made by Councilor Gerry, seconded by Councilor Whiting for passage.

Public hearing – No one from the public spoke.

Passage 6-0. A roll call vote was taken.

VI. New Business

1. Order 30-03042024
Authorizing the City Manager to execute a purchase and sale agreement for property located at 150 Minot Avenue.

Motion was made by Councilor Walker, seconded by Councilor Cowan for passage.

Public comment – No one from the public spoke.

Passage 6-0.

2. Order 31-03042024
Authorizing the execution of an amended Intermodal Facility lease.

Motion was made by Councilor Walker, seconded by Councilor Weisner for passage.

Public comment – No one from the public spoke.

Passage 6-0.

3. Order 32-03042024
Authorizing the City Manager to execute a purchase and sale agreement for property located at 14 & 16 Newbury Street.

Motion was made by Councilor Walker, seconded by Councilor Whiting for passage.

Public comment – No one from the public spoke.

Passage 6-0.

4. Resolve 01-03042024
Responding to the Planning Board request for information on the delayed applicability date for Ordinance 01-01022024.

Motion was made by Councilor Gerry, seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 6-0.

5. Ordinance 07-03042024
Removing Appendix A from Auburn's Code of Ordinances. Public hearing and first reading.

Motion was made by Councilor Whiting, seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 6-0. A roll call vote was taken.

6. **Ordinance 08-03042024**
Adopting language that was inadvertently removed from the code of ordinances (Chapter 52, Traffic and Vehicles, sections 52-238, and 52-239). Public hearing and first reading.

Motion was made by Councilor Cowan, seconded by Councilor Walker for passage.

Public hearing – No one from the public spoke.

Passage 6-0. A roll call vote was taken.

Motion was made by Councilor Whiting, seconded by Councilor Walker to suspend the rules to take up the second reading at tonight's meeting.

Passage 6-0.

Motion was made by Councilor Walker, seconded by Councilor Whiting to amend so the ordinance takes effect immediately upon Council action.

Passage 6-0.

Passage of Ordinance 08-03042024 as amended, 6-0. A roll call vote was taken.

7. **Order 33-03042024**
Directing staff to draft zoning map and text ordinance amendments to Chapter 60, Zoning and prepare the items for public hearing and a recommendation by the Auburn Planning Board pursuant to Chapter 60, Article XVII, Division 2, Amendment to the Zoning Ordinance or Zoning Map.

Motion was made by Councilor Gerry, seconded by Councilor Weisner for passage.

Public comment – No one from the public spoke.

Passage 6-0.

VII. Open Session – No one from the public spoke.

VIII. Reports

Mayor Harmon reported that he and Councilor Whiting participated in the Grand Opening of Michaels located at the Shaw's Plaza. He also reported that he participated in a "Read to Me" challenge at Sherwood Heights school.

Councilor Gerry reported on her recent visit to the shelter at the Calgary Church in Lewiston.

Councilor Whiting reported that the Auburn Public Library will hold an art auction from 10:00 am until noon on March 16th.

Councilor Cowan reported on his visit to the Pleasant Street drop-in-center adding that he is appreciative of the volunteers and encourages anyone involved with youth groups to consider volunteering to help.

Councilor Weisner reported on his visit to the shelter at the Calgary Church adding that it was great to see where the funds are going to support this facility.

Councilor Walker reported on the Waste to Energy meeting. He noted that they are having a problem with one of the big burners and the inner wall is falling apart, which is an expensive fix.

Councilor Platz provided an update on the School Committee meeting. Budget discussions have begun. He also reported that there is a vacancy for one of the At-large School Committee members and encouraged people to consider running for the position. He commented on the passing of Gus LeBlanc, an educator, and coach in the community who recently passed away, asking everyone to keep him in their thoughts.

City Manager Crowell reported that planning is underway for the Lobster Fest event, which will be held on May 11th. He announced that at the March 18th Council meeting there will be a seed giveaway. On March 7th the elected officials will be doing a joint meet and greet gathering with officials from the City of Lewiston at the Hilton Garden Inn at 5:30 pm. He reported on the Skate with a Cop event that was held last week at the Norway Savings Bank Arena, adding that there was a good turnout with over 100 kids participating.

IX. Executive Sessions – Personnel matter, pursuant to 1 M.R.S.A. Sec. 405 (6)(A).

Motion was made by Councilor Weisner and seconded by Councilor Cowan to enter into executive session.

Passage 6-0. Time 7:46 pm.

Council was declared out of executive session at 8:18 pm.

X. Adjournment - Motion was made by Councilor Cowan, seconded by Councilor Weisner to adjourn.

Passage 6-0. The meeting adjourned at 8:18 pm.

A TRUE COPY

ATTEST Susan Clements-Dallaire
Susan Clements-Dallaire, City Clerk

DEPARTMENT OF TRANSPORTATION

DBE PROGRAM – 49 CFR PART 26

CITIES OF AUBURN AND LEWISTON, MAINE
AUBURN-LEWISTON MUNICIPAL AIRPORT



Auburn-Lewiston Municipal Airport
80 Airport Drive, Auburn, Maine 04210 207-786-0631

DBE PROGRAM FOR FFY 2024, 2025, 2026

ATTACHMENTS

Attachment 1 Regulations: Link to 49 CFR Part 26
Attachment 2 Organizational Chart
Attachment 3 Bidder's List Collection Form
Attachment 4 State of Maine DBE Directory
Attachment 5 Overall Goal Calculations
Attachment 6 Demonstration of Good Faith Efforts – Bid Forms
Attachment 7 DBE Monitoring and Enforcement Mechanisms
Attachment 8 DBE Certification Application
Attachment 9 Uniform Certification Program
Attachment 10 Small Business Element Program

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The **Auburn-Lewiston Municipal Airport** has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The **Auburn- Lewiston Municipal Airport** has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the **Auburn-Lewiston Municipal Airport** has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the **Auburn-Lewiston Municipal Airport** to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT–assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs; contracts
5. To help remove barriers to the participation of DBEs in DOT assisted;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.
7. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The City of Auburn Transportation Systems Director/Board of Directors Chair, Jonathan P. LaBonté, has been delegated as the DBE Liaison Officer. In that capacity, Mr. LaBonté is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the **Auburn-Lewiston Municipal Airport** in its financial assistance agreements with the Department of Transportation.

The Auburn-Lewiston Municipal Airport has disseminated this policy statement to the **City Councils of Auburn and Lewiston and all the components of the airport organization**. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts **as part of bid packages and contract documents.**

_____ _____

Jonathan P. LaBonté Date
Transportation Systems Director, City of Auburn
Board of Directors Chair

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 26.3 Applicability

The **Auburn-Lewiston Municipal Airport** is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

The **Auburn-Lewiston Municipal Airport** will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

The **Auburn-Lewiston Municipal Airport** will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the **Auburn-Lewiston Municipal Airport** will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11

We will report DBE participation to USDOT/FAA as follows:

We will transmit to FAA annually by December 1, the "Uniform Report of DBE Commitments / Awards and Payments" form, and the DBE Contractor contact information (if applicable) on the FAA DBE Contractor's Form or other similar format electronically via dbE-Connect (https://faa.civilrightsconnect.com/FAA/login.asp).

Bidders List: 26.11(c)

The **Auburn-Lewiston Municipal Airport** will create and maintain a bidders list. The form is attached as Attachment 3. The purpose of the list is to assist in providing data about contractors and subcontractors who seek to work on our DOT-assisted contracts for use in helping to set our overall goals.

We will collect this information during the process of selling plans and specifications to prospective bidders via a manual process of requesting data from contractors and subcontractors purchasing these bid sets. Additionally, more detailed information is obtained at the time of bid through completion of required documentation in the bid package.

Records Retention and Reporting

The Airport is a non-certifying member of the State UCP and will maintain records documenting on-site review, etc. These records will be retained in accordance with all applicable record retention requirements of the Airport's financial assistance agreement. Other certification or compliance related records will be retained for a minimum of three (3) years, unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

Section 26.13 Federal Financial Assistance Agreement

The **Auburn-Lewiston Municipal Airport** has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

The **Auburn-Lewiston Municipal Airport** shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13(b)

*The **Auburn-Lewiston Municipal Airport*** will ensure that the following clause is included in each contract we sign with a contractor and each subcontract the prime contractor signs with a subcontractor:

> The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the ***Auburn-Lewiston Municipal Airport***

deems appropriate, which may include, but is not limited to: (1) withholding monthly progress payments; (2) assessing sanctions; (3) liquidated damages; and/or (4) disqualifying the contractor from future bidding as non-responsible.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The **Auburn-Lewiston Municipal Airport** will receive grant(s) for airport planning or development exceeding $250,000 in a Federal fiscal year. We will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. We will provide updates representing significant changes in the program for approval.

The **Auburn-Lewiston Municipal Airport** is not eligible to receive DOT financial assistance unless DOT has approved our DBE Program and we are in compliance with it and this part. We will continue to carry out our program until all funds from DOT financial assistance have been expended.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this DBE Program.

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Name:	Jonathan P. LaBonté
Title:	City of Auburn Board of Directors Chair
Address:	60 Court Street, Auburn, ME 04210
Phone:	(207) 786-0631
Email:	j.labonte@auburnmaine.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the **Auburn-Lewiston Municipal Airport** complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the **Board of Directors of the Auburn-Lewiston Municipal Airport** concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.

4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race- neutral methods and contract specific goals attainment and monitors results.
6. Analyzes progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the **Auburn-Lewiston Municipal Airport Board of Directors** on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Acts as referral liaison to the Uniform Certification Process in **the State of Maine.**
11. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of the Airport to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. We will continue to contact the local Chamber of Commerce and check the State UCP for information on available DBE financial institutions. This will be accomplished tri-annually.

Section 26.29 Prompt Payment Mechanisms

The **Auburn-Lewiston Municipal Airport** requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR § 26.29, the **Auburn-Lewiston Municipal Airport** established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from the **Auburn-Lewiston Municipal Airport**.

The **Auburn-Lewiston Municipal Airport** ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Pursuant to § 26.29, **Auburn-Lewiston Municipal Airport** has selected the following method to comply with this requirement:

We will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after our payment to the prime contractor.

The Airport will include the following clause in each DOT-assisted prime contract:

> The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from the Airport. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the Airport. This clause applies to both DBE and non-DBE subcontractors.

This prompt payment clause will apply to all DBE and non-DBE subcontractors on DOT-assisted contracts, and will be enforced by the Resident Project Representative (RPR). It may be required to resolve disputes over the holding of certain funds, etc. and assures that payments will be made in a timely fashion. Prime Contractors will be required to provide the RPR with documentation showing that payments to subcontractors have been made within the time limit stated within their contract. Failure to comply will result in the holding of additional monies, until the RPR are assured the payments to subcontractors have been made. Any delay or postponement of payment among parties may take place only for a good cause, with prior written approval from the RPR. It will also be noted in the contract between the Airport and the Prime Contractor that the Prime Contractor will not be reimbursed for work performed by subcontractors unless and until the Prime Contractor ensures that the subcontractor has been promptly paid for the work they have performed.

As required by the FAA, to implement this measure regarding retainage, the Airport includes the following clause from FAA Advisory Circular 150/5370-10 in each DOT-assisted prime contract:

> The Airport may decline to hold retainage from Prime Contractors and require a contract clause obligating Prime Contractors to make prompt and full payment of any retainage kept by Prime Contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed.
>
> a. No retainage will be held by the Airport from progress payments due the prime.
>
> b. The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 30 days after the Contractor has received a partial payment. Contractor must provide the Airport evidence of prompt and full payment of retainage held by the prime Contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Airport. When the Airport has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.
>
> c. When at least 95% of the project work has been completed to the satisfaction of the RPR, the RPR shall, at the Airport's discretion and with the consent of the

surety, prepare estimates of both the contract value and the cost of the remaining work to be done.

Section 26.31 Directory

The ***Auburn-Lewiston Municipal Airport is a non-certifying member of the Maine UCP and*** uses the **State of Maine** DBE directory, maintained by the State. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The **State of Maine** constantly updates the Directory. In addition, they provide technical and management assistance to certified businesses through their DBE Supportive Service Program. More information can be found at the **EMDC Website** http://www.mainedbe.com/. The DBE Directory may be found at the link provided in Attachment 4.

Section 26.33 Over-concentration

Auburn-Lewiston Municipal Airport has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

Auburn-Lewiston Municipal Airport has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

The **Auburn-Lewiston Municipal Airport** will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment:

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.

2. We will implement similar action under our own legal authorities, including responsibility determinations in future contracts.

3. We will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.

4. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to.

Monitoring Payments to DBEs and Non-DBEs

We will require prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the **Auburn-Lewiston Municipal Airport**. This reporting requirement also extends to all subcontractors, both DBE and non-DBE.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

Prompt Payment Dispute Resolution

The Airport has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage.

All Contractors are required to submit Form MJ-216 with each payment application. This form shows the status of payments made to all Subcontractors and Suppliers, whether they performed work during the reporting period. If it is determined, after review of the submissions, that the Contractor is in violation of prompt payment requirements, the Airport may withhold the amount due to any Subcontractor or Supplier from the Contractor until satisfactory proof of payment is received. If the Contractor is in violation four or more times, the Airport may terminate the Contract for cause and/or may require the Contractor to pay some or all of their Subcontractors or Suppliers and provide proof of payment before the Subcontractor's or Supplier's work can be included on a future pay application. The Airport will work with the RPR and the contractors to discuss any disputes, using records provided for payment confirmation, etc. A meeting will be held with all parties involved and if no resolution is obtained, mediation will be held with a neutral third party to evaluate the dispute.

Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements or any issues thereon will be discussed with the Airport/DBELO. If the affected subcontractor is not comfortable discussing with prime contractor directly and discussions with the Airport are unable to resolve payment issues, then the subcontractor should contact the FAA operating administrator.

Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Enforcement Actions for Noncompliance of Participants

The Airport will make prompt determinations regarding contractors' compliance with this Program. Documentation of noncompliance will include the specific areas in which the contractor failed to comply. In these instances, appropriate actions consistent with the DBE Program and other contract provisions will be taken, and may include withholding future payments, suspension of the contract, notification to stop contract work until the contractor comes into compliance, refusal to award the contract or cancellation of the contract and declaration of forfeiture of the performance bond.

A decision by the Airport to invoke the above sanctions shall be issued in writing by registered mail. The contractor shall have ten days from receipt of the decision to appeal the decision.

Monitoring Contracts and Work Sites

The Airport, with assistance from the RPR, will implement a monitoring and enforcement mechanism that will include written certification that we have reviewed contracting records and monitored work sites. This will be accomplished by regular job meetings, whereas inspections will be made to ascertain personnel, payments, etc., of which will be noted in the job meeting minutes.

Section 26.39 Fostering small business participation.

The ***Auburn-Lewiston Municipal Airport*** has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The ***Auburn-Lewiston Municipal Airport's*** small business program element is incorporated as Attachment 10 to this DBE Program. We will actively implement the program elements to foster small business participation, doing so is a requirement of good faith implementation of our DBE program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The **Auburn-Lewiston Municipal Airport** does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The ***Auburn-Lewiston Municipal Airport*** will establish an overall DBE goal covering a three-

year federal fiscal year period if we anticipate awarding FAA funded prime contracts exceeding $250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the **Auburn-Lewiston Municipal Airport** will submit its Overall Three-year DBE Goal to FAA by August 1 as required in the schedule established by the FAA:
https://www.faa.gov/about/dbe-and-acdbe-program-reporting-requirements-recipients

DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Airport does not anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds $250,000 during any of the years within the three-year reporting period, we will not develop an overall goal; however, this DBE Program will remain in effect and the Airport will seek to fulfill the objectives outlined in 49 CFR Part 26.1. The first step is to determine the relative availability of DBEs in the market area, "base figure".

The second step is to adjust the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

In establishing the overall goal, the Airport will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by the Airport to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before the Airport is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which the Airport engaged. The proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, the Airport will publish a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on the Airport's official internet web site and may be posted in other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by FAA, the revised goal will be posted on the official internet web site.

Our Overall Three-Year DBE Goal submission to DOT/FAA will include a summary of information and comments received, if any, during this public participation process and our responses.

We will begin using our overall goal on October 1 of the reporting period, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program.

Section 26.45 – Project Goals

If permitted or required by the FAA Administrator we will express our overall goals as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal should include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which your regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.45(f) - Prior Operating Administration Concurrent

The Airport understands that is not required to obtain prior operating administration concurrence with our overall goal. However, if the operating administration's review suggests that our overall goal has not been correctly calculated or that our method for calculating goals is inadequate, the operating administration may, after consulting with us, adjust our overall goal or require that we do so. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to Part 26.9.

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 5** to this program. This section of the program will be updated annually.

Section 26.47 Failure to Meet Overall Goals

The ***Auburn-Lewiston Municipal Airport*** will maintain an approved DBE Program and overall DBE goal, if applicable, as well as administer our DBE Program in good faith to be considered to be in compliance with this part.

If awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, we will do the following in order to be regarded by the Department as implementing our DBE Program in good faith:

(1) Analyze in detail the reasons for the difference between the overall goal and awards and commitments in that fiscal year;
(2) Establish specific steps and milestones to correct the problems identified in the analysis and to enable us to meet fully our goal for the new fiscal year;
(3) Prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed in 1 and 2 above. We will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to FAA upon request.

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

The **Auburn-Lewiston Municipal Airport** will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The **Auburn-Lewiston Municipal Airport** follows the State of Maine DBE methodology and the State of Maine aims for 100% race neutral participation.

Section 26.51(d-g) Contract Goals

The **Auburn-Lewiston Municipal Airport** will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39.

If our approved projection estimates that we can meet our entire overall goal for a given year through race-neutral means, we will implement our program without setting contract goals during that year, unless it becomes necessary in order meet our overall goal.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.

We will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Demonstration of Good Faith Efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

We will ensure that all information is complete and accurate and adequately documents the

bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be Submitted (26.53(b))

Auburn-Lewiston Municipal Airport treats bidder/offers' compliance with good faith efforts' requirements as a matter of ***responsiveness*** – *all bidders submit DBE information at the time of bid*.

Responsiveness - Each solicitation for which a contract goal has been established will require all bidders/offerors to submit the following information at the time of bid:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative Reconsideration (26.53(d))

Within 7 business days of being informed by the **Auburn-Lewiston Municipal Airport** that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Derek Boulanger, Director of Facilities and Energy, City of Auburn, 60 Court Street, Auburn ME 04210 (207) 333-6601, x135, dboulanger@auburnmaine.gov. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will be sent a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts procedures in situations when there are contract goals (26.53(f)(g))

We will include in each prime contract a provision stating:

> The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains your written

consent as provided in this paragraph 26.53(f); and

That, unless our consent is provided under this paragraph 26.53(f), the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

Auburn-Lewiston Municipal Airport will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

We will provide such written consent only if we agree, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

1. The listed DBE subcontractor fails or refuses to execute a written contract;
2. The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
3. The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements.
4. The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
5. The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
6. We have determined that the listed DBE subcontractor is not a responsible contractor;
7. The listed DBE subcontractor voluntarily withdraws from the project and provides to us written notice of its withdrawal;
8. The listed DBE is ineligible to receive DBE credit for the type of work required;
9. A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
10. Other documented good cause that we have determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that

the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to us its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to us, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise us and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why we should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (*e.g.,* safety), we may provide a response period shorter than five days.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

If the firm is not currently certified as a DBE at the time of the execution of the contract, the Airport will not count the firm's participation toward any DBE goals, except during the period when removal of its eligibility is under review.

Pursuant to Sec. 150 of the FAA Reauthorization Act of 2018, firms that exceed the business size standard will remain eligible for DBE certification and credit on FAA-funded projects as long as they do not exceed the small business size standard, as adjusted by the United States Small Business Administration, for the NAICS code(s) in which they are certified.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

Auburn-Lewiston Municipal Airport is a non-certifying member of Maine UCP and the UCP will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact:

Mary Bryant, Civil Rights Office,
(207) 624-3056 or mary.bryant@maine.gov

Certification application forms and documentation requirements can be found in the link located in Attachment 8 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs Disadvantaged Business Enterprises

The Airport is a member of the MaineDOT UCP and MaineDOT administers the program. The UCP is committed to engaging small disadvantaged, minority and women-owned business enterprises as defined herein in all contracts to the maximum feasible extent, and will continue working to ensure the maximum feasible opportunity for these businesses to participate in contracts financed in whole or in part with federal funds.

The signed agreement with the UCP is attached as Attachment 9.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to Airport

The Airport understands that if it fails to comply with any requirement of this part, the Airport may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122; and in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

Section 26.109 Information, Confidentiality, Cooperation

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information.

Notwithstanding any provision of Federal or state law, information that may reasonably be construed as confidential business information will not be released to any third party without the written consent of the firm that submitted the information, including applications for DBE certification and supporting information. However, this information will be transmitted to DOT in any certification appeal proceeding under §26.89 or to any other state to which the individual's firm has applied for certification under §26.85.

All participants in the Department's DBE program (including, but not limited to, recipients,

DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

The Airport, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The Airport understands that it is in noncompliance with Part 26 if it violates this prohibition.

ATTACHMENT 1

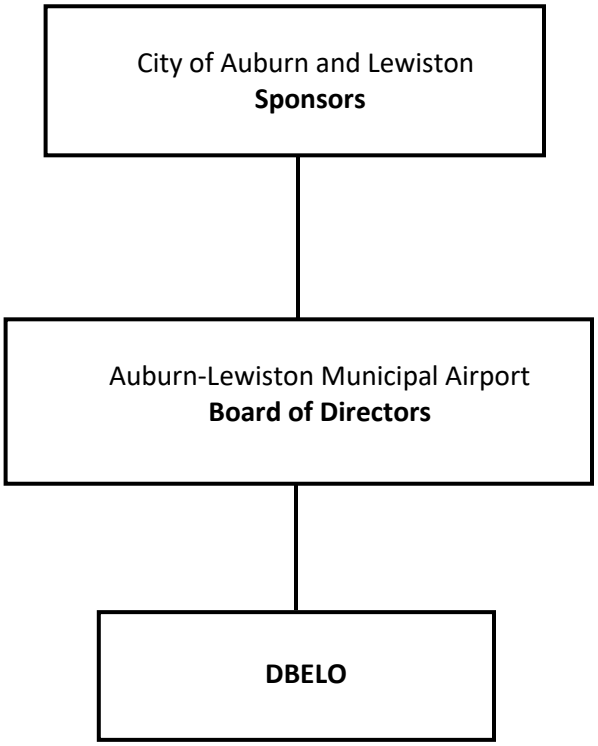
Regulations: 49 CFR Part 26, link to website:

http://www.gpo.gov/fdsys/pkg/CFR-2010-title49-vol1/pdf/CFR-2010-title49-vol1-part26.pdf

ATTACHMENT 2

Organizational Chart

Auburn-Lewiston Municipal Airport



ATTACHMENT 3

Bidder's List Collection Form

[*Reminder: the information below must be collected from every bidder who submits a quote/bid to the recipient and every potential subcontractor who submitted a quote/bid to each bidder. §26.11(c) requires recipients to collect information from all bidders and subcontractors, including unsuccessful ones.*]

Firm Name	Firm Address/ Phone #	DBE or Non-DBE Status (verify via State's UCP Directory)	Age of Firm	Annual Gross Receipts
			☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1 million ☐ $1-2 million ☐ $2-5 million ☐ Greater than $5 million
			☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1 million ☐ $1-2 million ☐ $2-5 million ☐ Greater than $5 million
			☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1 million ☐ $1-2 million ☐ $2-5 million ☐ Greater than $5 million
			☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1 million ☐ $1-2 million ☐ $2-5 million ☐ Greater than $5 million
			☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1 million ☐ $1-2 million ☐ $2-5 million ☐ Greater than $5 million
			☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1 million ☐ $1-2 million ☐ $2-5 million ☐ Greater than $5 million

ATTACHMENT 4

State of Maine DBE Directory

https://www.maine.gov/mdot/civilrights/dbe/

ATTACHMENT 5 – OVERALL GOAL CALCULATIONS

Section 26.45: Overall DBE Three-Year Goal Methodology

Name of Recipient: **Auburn-Lewiston Municipal Airport**

Goal Period: FY-2024-2025-2026 – October 1, 2023 through September 30, 2026

Overall Three-Year Goal: **Auburn-Lewiston Municipal Airport** will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation.

We estimate that, in meeting our overall goal of 1.1**%**, we will obtain 100% from race-neutral participation and 0% through race-conscious measures.

Total dollar amount anticipated to be expended on DBE's is $36,828

Projects expected over the three-year period covered by this DBE Plan:

FY 2024 – Project 1 – Hangar Building - $2,140,000

FY 2025 – Project 1 – Airfield Pavement Maintenance – Crack Seal - $135,000
Project 2 – SRE Building Preliminary Design and Permit - $150,000
Project 3 – Airfield Pavement Maintenance – Pavement Markings - $360,000

FY 2026 – Project 1- SRE Building Final Design and Construction - $563,000

Market Area:

The market area was determined to be Statewide, since the substantial majority of the contractors and subcontractors doing business are located in Maine, and the entire state is the area in which the Airport spends the substantial majority of its contracting dollars.

Step 1. Actual relative availability of DBE's

The Auburn-Lewiston Municipal Airport has elected to use the STEP 1 Methodology. The 2021 Census Bureau Database and the DBE Directory were reviewed to determine the number of ready, willing and able businesses available and ready, willing and available DBEs in our market area, using the same NAICS codes. We then divided the number of DBEs by the number of all businesses to derive a base figure for the relative availability of DBEs in your market.

We examined the anticipated projects for each fiscal year in the Capital Improvement Plan to review the anticipated availability of the DBE firms by trade classification:

Goal Calculation:

Auburn-Lewiston Airport							
Fiscal Year #1 - FY 2024 -							
Contract Name	Trade Description	NAICS Description	Trade ($)	Census	Directory	DBE (%) (= G/F)	DBE ($) (= E x H)
Hangar Building	Engineering/Construction Inspection	541330	$ 739,000.00	304	5	1.6%	$ 11,824
	Architectural	541310	$ 91,000.00	126	0		$ -
	Surveying	541370	$ 35,000.00	87	1	1.1%	$ 385
	Geotechnical	541380	$ 26,000.00	36	1	2.8%	$ 728
	Site Preparation	238910	$ 40,000.00	580	1	0.2%	$ 80
	Trucking	484220	$ 40,000.00	297	0	0.0%	$ -
	Paving	238990	$ 110,000.00	202	1	0.5%	$ 550
	Landscaping	561730	$ 35,000.00	953	1	0.1%	$ 35
	Structural Steel	238120	$ 550,000.00	12	0	0.0%	$ -
	Foundation	238190	$ 250,000.00	26	1	3.8%	$ 9,500
	Electrical	238210	$ 104,000.00	622	1	0.2%	$ 208
	Stormwater	237110	$ 50,000.00	61	0	0.0%	$ -
	Plumbing/HVAC	238220	$ 70,000.00	705	1	0.1%	$ 70
		FY 2024 Total	**$ 2,140,000.00**			**1.1%**	**$ 23,380**
Fiscal Year #2 - FY 2025 -			0			0	0
Airfield Pavement Maintenance - Crack Seal	Engineering & Planning/ Construction Inspection	541330	$ 105,000.00	304	5	1.6%	$ 1,680
	Paving	238990	$ 30,000.00	202	2	1.0%	$ 300
							$ -
Project #1		Total	$ 135,000.00				$ 1,980
SRE Building Preliminary Design & Permit	Engineering & Planning	541330	$ 85,000.00	304	5	1.6%	$ 1,360
	Surveying	541370	$ 5,000.00	87	1	1.1%	$ 55
	Geotechnical	541380	$ 20,000.00	36	1	2.8%	$ 560
	Architectural	541310	$ 40,000.00	126	0	0.0%	$ -
							$ -
Project #2		Total	$ 150,000.00				$ 1,975
Airfield Pavement Maintenance - Pavement Markings	Engineering & Planning	541330	$ 120,000.00	304	5	1.6%	$ 1,920
	Paving	238990	$ 240,000.00	202	2	1.0%	$ 2,400
							$ -
Project #3		Total	$ 360,000.00				$ 4,320
		FY 2025 Total	**$ 645,000.00**			**1.3%**	**$ 8,275**
Fiscal Year #3 - FY 2026 -							
SRE Building - Final Design & Construction	Engineering & Planning/Construction Inspections	541330	$ 93,000.00	304	5	1.6%	$ 1,488
	Surveying	541370	$ 5,000.00	87	1	1.1%	$ 55
	Geotechnical	541380	$ 10,000.00	36	1	2.8%	$ 280
	Site Preparation	238910	$ 20,000.00	622	1	0.2%	$ 40
	Trucking	484220	$ 15,000.00	705	0	0.0%	$ -
	Paving	238990	$ 25,000.00	202	1	0.5%	$ 125
	Landscaping	561730	$ 10,000.00	953	1	0.1%	$ 10
	Structural Steel	238120	$ 200,000.00	12	0	0.0%	$ -
	Foundation	238190	$ 95,000.00	26	1	3.8%	$ 3,610
	Electrical	238210	$ 40,000.00	622	1	0.2%	$ 80
	Stormwater	237110	$ 20,000.00	61	0	0.0%	$ -
	Plumbing/HVAC	238220	$ 30,000.00	705	1	0.1%	$ 30
		FY 2026 Total	**$ 563,000.00**			**1.0%**	**$ 5,718**

Summary			
Project	Project Breakdown	DBE %	
FFY 2024	$ 2,140,000	1.1%	
FFY 2025	$ 645,000	1.3%	
FFY 2026	$ 563,000	1.0%	
TOTALS:	$ 3,348,000	1.1%	

Step 2. Adjustments to Step 1 Base Figure.

Past History Participation

Other data used to determine the adjustment to the base figure was the median of historical DBE accomplishments as follows:

FY	Total AIP Grant $ Amount	DBE Goal	DBE Accomplishment	Type of Work
FY 2021	$1,822,585	2.7	0.9	Administration/Land Acquisition/Construction
FY 2022	0	2.7	0	NA
FY 2023	$351,900	2.7	0	Planning

Our proposed overall three-year goal accomplishment will be reflected as a median: 0%

After calculating a weighted base figure for the relative availability of DBEs, evidence was examined to determine what adjustment, if any, was needed to be made to the weighted base figure in order to yield an overall goal. Historically, obtaining DBE participation has been challenging despite the good faith efforts being conducted. The Airport is adopting the Step 1 Base Figure of 1.1%.

Further, there are no applicable disparity studies for the local market area or recent legal case information available to show any evidence of barriers to entry or competitiveness of DBEs in Maine.

The **Auburn-Lewiston Municipal Airport** will submit its overall DBE three-year goal to DOT on August 1 as required by the set schedule.

Breakout of Estimated "Race and Gender Neutral" (RN) and "Race and Gender Conscious" (RC) Participation.

The Airport will meet the maximum feasible portion of the overall goal by using RN means of facilitating DBE participation.

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Providing technical assistance and other services;
3. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
4. Providing services to help DBEs and other small businesses improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
5. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;
6. Assist DBEs and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media; and

The Airport estimates that in meeting the established overall goal of 1.1%, it will obtain 1.1% from RN participation and 0% through RC measures.

PUBLIC PARTICIPATION

As Maine's only Unified Certification Program entity, MaineDOT has done extensive public outreach to ensure that eligible businesses are aware of the DBE Program. For many years, MaineDOT has hired Eastern Maine Development Corporation, a community development and small business development agency, to administer its DBE Supportive Services Program. EMDC's contract with MaineDOT includes a recruitment component that requires the consultant to promote the DBE program to businesses at trade shows, networking and matchmaker events.

Several interested stakeholders were notified directly by e-mail of the goal publication, including contracting groups, and women business organizations. These individuals were also invited to participate in a conference call to discuss the methodology and the DBE program. E-mails were sent out to the following:

Maine Better Transportation Association
150 Capitol Street, Suite 5
Augusta, ME 04330
(207) 622-0526

Associated Contractors of Maine, Inc.
188 Whitten Road
Augusta, ME 04337
(207) 622-4741

Maine Department of Transportation
Civil Rights Office
16 State House Station
Augusta, ME 04333-0016
(207) 624-3066

Lewiston Auburn Metropolitan Chamber of Commerce
415 Lisbon Street, Suite 100
Lewiston, ME 04240
(207) 783-2249

PUBLIC NOTICE

The **Auburn-Lewiston Municipal Airport** hereby announces its fiscal year 2024-2026 goal of **1.1%** for Disadvantaged Business Enterprise (DBE) airport construction projects. The proposed goals and rationale is available for inspection during normal business hours at **the Auburn-Lewiston Municipal Airport, 80 Airport Drive*, Auburn, ME 04210*** for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 30 days from the date of this publication and can be sent to the following:

Jonathan P. LaBonté
City of Auburn Board of Directors Chair
60 Court Street
Auburn, ME 04210

Or

Kimberly Robinson Harris
Federal Aviation Administration Office of Civil Rights
800 Independence Avenue SW, Room 1030
Washington, DC 20591

ATTACHMENT 6

Demonstration of Good Faith Efforts

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

The **Auburn-Lewiston Municipal Airport** has a breach of contract action, pursuant to the terms of the contract, option available to enforce the DBE requirements contained in its contracts.

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.

ATTACHMENT 8

DBE Certification Application

For forms required to initiate the DBE Certification process, visit the State of Maine website:

https://www.maine.gov/mdot/civilrights/dbe/

ATTACHMENT 9

Uniform Certification Program

04/05/2002 18:26 2077823024 AUB LEW AIRPORT PAGE 01

AGREEMENT
Between the
MAINE DEPARTMENT OF TRANSPORTATION
OFFICE OF HUMAN RESOURCES
And
Auburn-Lewiston Municipal Airport

This Agreement is made this 4 day of April, 2002, by and between the **State of Maine,** through its **Department of Transportation (MDOT),** with an address of 16 State House Station, Augusta, Maine, and Auburn-Lewiston Municipal Airport with an address of 80 Airport Drive, Auburn, Maine.

I. AGREEMENT

MDOT and the named party hereby agrees as follows:

1. The named party agrees that as a recipient of USDOT financial assistance it will cooperate fully with the Maine Department of Transportation in the certification of Disadvantaged Business Enterprises.

2. The named party agrees it shall utilize the MDOT Disadvantaged Business Enterprise Certification program.

3. The named party agrees to refer potential applicants for DBE Certification to MDOT.

4. The named party agrees to honor the decisions made by MDOT with respect to certification decisions made in accordance with 49 CFR Parts 23 and 26 Subpart E Certification Procedures.

5. MDOT will accept, review, and make determinations about DBE Certification for those entities referred to it by the named party.

II TERMS

This Agreement remains in place indefinitely.

SEEN AND AGREED TO BY:

MAINE DEPARTMENT OF TRANSPORTATION

Penny Plourde

By: Penny Plourde Manager, Small Business Programs

Peter L. Drinkwater, Airport Manager

By: Peter L. Drinkwater **Title**
(207) 786-0631

ATTACHMENT 10

SMALL BUSINESS PARTICIPATION

A. Objective (49 CFR Part 26.39)

Recognizing that the DBE Program goals should be met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are small businesses, the **Auburn-Lewiston Municipal Airport** will implement a small business element into its DBE policy in accordance with applicable law. **Auburn- Lewiston Municipal Airport** is including this element to facilitate competition by and expand opportunities for small businesses. **Auburn-Lewiston Municipal Airport** is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. **Auburn-Lewiston Municipal Airport** will meet its objectives using a combination of the following methods and strategies:

1. Set asides:

   Where feasible, **Auburn-Lewiston Municipal Airport** will establish a percentage of the total value of all prime contract and subcontract awards to be set aside for participation by small businesses on FAA-assisted contracts. A "set-aside" is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. This requires that **Auburn-Lewiston Municipal Airport** and its prime contractors/ consultants set aside a portion of the value of each contract for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner's gender, race or geographic location. The project manager and DBELO will review FAA-assisted purchases and contracts to assess the small business opportunities, giving consideration to the size and scope of each purchase or contract to establish the set aside percentage. This set aside is in addition to the DBE contract goals which may be required pursuant to applicable law or policy. In the event that a set-aside is not established on an FAA- assisted contract, the project manager and small business officer will document why a small business set- aside is inappropriate.

2. Unbundling:

   The **Auburn-Lewiston Municipal Airport**, where feasible, may "unbundle" projects or separate large contracts into smaller contracts which may be more suitable for small business participation. **Auburn-Lewiston Municipal Airport** will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be "unbundled" or bid separately. Similarly, **Auburn-Lewiston Municipal Airport** will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses.

B. Definitions

1. Small Business:

   A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period. Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).

2. Disadvantaged Business Enterprise:

   A for-profit small business (as defined by the Small Business Administration) —

   - That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;
   - Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) described in 49 CFR Part 26. The current PNW cap is $1.32 million.
   - Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
   - Has been certified as a DBE by the State Department of Transportation (MaineDOT) in accordance with 49 CFR 26.

For the purposes of the small business element of the **Auburn-Lewiston Municipal Airport's** DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification. Only DBE certified firms will be counted towards DBE race-neutral participation on FAA-assisted contracts.

C. Certification and Verification Procedures

Auburn-Lewiston Municipal Airport will accept the following certifications for participation in the small business element of their DBE Program with applicable stipulations:

1. State DOT DBE Certification – DBE Certification by the State DOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by the State DOT.

2. State DOT Small Business Enterprise (SBE) – Will require submittal of three years of business tax returns and page 2 of the State DOT DBE Certification application after contract award.

3. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) - will require submittal of three years of business tax returns.

Special Note: Minority and women-owned business enterprises which are awarded contracts under the small business enterprise set aside will be strongly encouraged to seek DBE certification in order to be counted towards race neutral DBE participation.

D. Implementation Schedule

Auburn-Lewiston Municipal Airport will implement this small business element within nine months of the FAA's approval of this document describing the element.

E. Assurances

The **Auburn-Lewiston Municipal Airport** makes the following assurances:

1. The DBE Program, including its small business element is not prohibited by state law;

2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program;

3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program is open to small businesses regardless of their location;

4. There are no limits on the number of contracts awarded to firms participating in the DBE Program;

5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and

6. Aggressive steps will be taken to encourage those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.

Greetings,

I am Darlene Conant, director of Salt & Light Community Center. I am sharing our proposal for the Coffee House we would like to open. We have served the downtown Hampshire Street neighborhood now for 4 years supporting youth and hosting several Community Events.

Our 2024 initiative centers around a dual mission for the Coffee House.

- A robust teen mentoring program where we would employ youth from our community to be paired with trained volunteer mentors. Our programming centers around 4 health pillars (Physical, Emotional , Spiritual, & Financial Health) and is trauma based programming supporting the many challenges represented within our community.
    - Contracts with both Mentors and Mentees will support detailed expectations.

- Partnering with agencies and community members supporting homelessness in our community offering a space to service our unhoused population.

The small lot we would like to use in support of this program is currently city owned and sits at the rear of the parking lot located at the end of Hampshire St next to 141 Hampshire St which is an apartment unit I own. The space is a grassy area at the back of the parking lot and would not interfere with any parking capacity. The Coffee House we have available to us for purchase is on wheels and can be moved, it does measure 12X25 which is not considered food truck size.

The goal would be to allow the coffee house to remain on the property year round as it does sit as a gateway into Chestnut park where much of our programming takes place and is also the home of the community sledding hill and would support the year round programming and special events we offer. In the initial stages our goal would be to open on Friday evenings and Saturdays & Sundays. As the program grows, and during the summer months extended hours would be offered.

I would also like to submit for consideration, would the city be able to support granting, leasing, or selling the small area to Salt & Light enabling us to serve our community in a greater capacity.

I am available to speak in more detail or answer any question at your convenience.

We appreciate your consideration of this proposal.

Darlene Conant
Director, Salt & Light Community Center
207-376-7245
Saltandlightcommunitycenter@gmail.com


93
99
170
43
250-311
143 HAMPSHIRE ST
99
50
137+/-
85.4
250-322
86 WEBSTER ST
99
99
50
50
250-312
141 HAMPSHIRE ST
Hampshire St
Hampshire St
99


ORDER
PICKUP
Coke
Chosen
Best Ice Cream

ORDER

PICKUP


SHAKERS BEST
GARDEN SEEDS
Guest Check
Guest Check
Haier
Picnic Packs
240
Dixie


Globe
MOTAK
Robertshaw
CHAT & CHOW

City of Auburn, Maine
Planning and Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Mayor and City Council

From: Eric J. Cousens, Planning and Permitting Director

Re: Use of City Property – 143 Hampshire Street Parking Area

Date: March 18, 2024 Council Meeting

Darlene Conant with Salt and Light Community Center has been considering and proposing various options to stage a Coffee House on City property at the City Parking lot at 143 Hampshire Street. City staff has been clear from the beginning of the discussion that it may be possible for the use of a parking spot on City land for day use for a food truck or food trailer but the City has not allowed long term placement of a mobile unit or food service structures at CDBG funded neighborhood parking/winter relief lots in the past. This communication includes the additional materials supplied to describe the proposal. The parking lot is regularly used and many parking spaces are occupied on any given day. Staff does not believe long term placement of a food service building or trailer would be in line with past practices for the use of City owned neighborhood parking lots and we don't have an established process to consider this. If the Council wishes to formally consider this proposal then it could be added to a future agenda by a vote of the Council or the normal agenda setting process.

City of Auburn, Maine
Mayor Jeffrey D. Harmon
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Mayor's Ad-Hoc Committee on Homelessness

Charge

The **Mayor's Ad-hoc Committee on Homelessness** is to assess the current state of homelessness in Auburn. Provide advice and recommendations to the City Council to address the homeless issue by identifying the role of the city government, identifying organizations the city can partner with, and identifying a strategy and priority activities to be undertaken.

Reporting

The Committee will file a periodic report to the City Council as key milestones are completed. The Committee's webpage will be updated regularly to keep residents informed.

Members:

Subject Area	Name
City Council	Tim Cowan
City Council	Belinda Gerry
Public Health	Jen Edwards
Student Homelessness	Sasha Anastasoff
Clergy	George Sheats
Addiction Treatment	Bill Lowenstein
Health Care	Elizabeth Fowler
Workforce Navigation	Leslie Torkelson
Response Team	David Bilodeau
Non-Profit	Marianne Veilleux
Non-Profit	Peter Floyd
Community Member	Bonnie Hayes
Community Member	Bruce Noddin

City of Auburn
City Council Information Sheet

Council Meeting Date: March 18, 2024 **Ordinance:** 07-03042024

Author: Sue Clements-Dallaire, City Clerk

Subject: Removing the Fee Schedule from the Code of Ordinances

---

Information: The action of Ordinance 07-03042024 removes the fee schedule from ordinance. If passed, an order will come before you to adopt the current fee schedule establishing it as a stand alone document which may be amended by the City Council from time to time as an order, which requires one reading as opposed to an ordinance which requires two separate readings and a public hearing.

City Budgetary Impacts: None

Staff Recommended Action: Recommend passage of second and final reading.

Previous Meetings and History: Public hearing and passage of first reading on March 4, 2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDINANCE: 07-03042024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council that Chapter 1, General Provisions, of the Code of Ordinances be amended as follows:

Chapter 1 GENERAL PROVISIONS

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the city council. The rules of construction and definitions set out in this section shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

Fee schedule or *schedule of fees and charges.* The term "fee schedule" or "schedule of fees and charges" means the official consolidated list maintained in the city clerk's office that lists rates for utility or other public enterprises, fees of any nature, deposit amounts and various charges as determined from time to time by the city council by council order.

Sec. 1-10. Form of Code; repository; maintenance; fee schedule.

A copy of this Code shall be kept on file in the office of the city clerk, preserved in looseleaf form, or in such other form as the clerk may consider most expedient. It shall be the express duty of the clerk or his designee to insert in their designated places all resolutions, general resolutions and ordinances that indicate the intention of the city council to make the same a part of this Code, when the same have been printed or reprinted in page form, and to extract from this Code all provisions that may be from time to time repealed by the city council. A copy of this Code shall be available in the office of the city clerk for examination by all persons.

A copy of the fee schedule, as established and amended by council order, shall be kept on file in the office of the city clerk and may be appended to the Code for ease of reference, but the fee schedule is not itself an ordinance.

Passage of first reading on 3/4/2024 6-0 (Councilor Milks absent).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: March 18, 2024 **Order:** 39-03182024

Author: Eric J. Cousens, Planning and Permitting Director

Subject: 46 Fair Street – Dangerous Building Public Hearing and Order

---

Information: The City of Auburn staff has responded to complaints of dangerous conditions at the property over an extended period. Dangerous conditions have been confirmed to exist at the property and the owner of the property has been unwilling or unable to resolve the issues.

To address the issues at the property and eliminate the dangerous conditions the Auburn City Council will hold a dangerous building hearing regarding the above-captioned property on March 18, 2024, at 7:00 PM. The hearing will be held at Auburn, Hall, 60 Court Street, Auburn, Maine. During the hearing, the City Council will consider whether the buildings located on the property constitute dangerous buildings under 17 M.R.S. § 2851, with possible actions and orders to follow.

To adjudge a building to be a nuisance or dangerous, the municipal officers or county commissioners must find that the building is structurally unsafe, unstable, or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment; or is otherwise dangerous to life or property.

Proper notice to parties of interest have been made and supporting information is included in the attached information packet. At the meeting staff will provide a review of conditions at the property and explain attempts to convince the owner to remedy the dangerous conditions in order to protect the public from harm. After a public hearing the Council will be asked to review draft findings of fact and determine if an order to abate the hazardous conditions is warranted under 17 M.R.S. § 2851. The draft findings and order are provided in the attached packet. If the property constitutes a dangerous building under 17 M.R.S. § 2851, the Council should order the abatement of the hazardous conditions within 30-90 days.

As of 3/13/24, the owner has responded and wishes to save the structure by providing a plan for rehabilitation. Staff has instructed the owner on a plan that might gain staff support and a recommendation to modify the corrective actions if certain actions are taken and documentation provided by noon on 3/18/24. Staff will provide an update at the Council meeting and may recommend an alternative order that includes the option of a hazard abatement and rehabilitation plan with defined parameters and timelines.

City Budgetary Impacts: NA

Staff Recommended Action: If the property constitutes a dangerous building under 17 M.R.S. § 2851, the Council should order the abatement of the hazardous conditions. Staff provided draft findings and order that may be modified based on information presented between now and the conclusion of the Hearing.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Information packet for 46 Fair Street, including draft findings and Order.

46 FAIR STREET DANGEROUS BUILDING HEARING
MARCH 18, 2024

Good evening, Mr. Mayor, and Councilors. As you know, my name is Jennifer Dick, and I serve as the City's Code Compliance Officer. As part of my duties as Code Compliance Officer I am tasked with the enforcement of adopted code and ordinance compliance throughout the City of Auburn. I have served as code compliance officer for the city for approximately the last 18 months with certifications in residential building inspection, internal plumbing, and subsurface wastewater. I have a nearly 15-year history in the implementation of safe housing enforcement with certifications in Housing Quality Standards and Uniform Physical Conditions Standards.

Tonight, I am tasked with explaining to the Council why City Staff has concluded that the structure located at 46 Fair Street in Auburn constitutes a "Dangerous Building" within the meaning of Title 17, Section 2851, of the Maine Revised Statutes. I have made several attempts at giving the owner the opportunity to properly secure the property. I have personally spoken by phone and sent numerous letters. Over the course of the last year, staff have received multiple complaints and concerns regarding the property at 46 Fair Street. I have offered significant opportunity to mitigate the imminent public safety risk that it is today and from an enforcement standpoint, I have exhausted all other options at my disposal for the removal of this risk. That is why we are here tonight, I am asking you to render an order that the structure located at this address be declared a dangerous building within the meaning of the statute, that you order the property to be demolished within 30 days.

1. **Background on the property:**

A. Property Details:

Registry of Deeds book and page reference of subject property: Book # 10877 - Page # 16

Property Description: This property contains 0.54 acres of land mainly classified as a colonial single-family home, built about 1870, having wood exterior and an asphalt shingle roof cover, 8 total room(s), 4 total bedroom(s), 2 total bath(s), 0 total half bath(s), 0 total 3/4 bath(s).

B. Ownership of the Property and Identification of Parties-in-Interest:

Before preparing the notices of tonight's hearing, the City attorney conducted a search of the Registry of Deeds to verify ownership of this property. That search discovered that warranty of deed from Alan F Mackey to Red Coral Investments LLC dated September 14, 2021, and recorded in Book 10877, Page 16, in the Androscoggin County Registry. The mortgage identifies Red Coral Investments LLC as the owner. Parties of interest include: 32 Ventures LLC, F and F

Ventures II LLC, Auburn Water District, Auburn Sewer District and City of Auburn. Please reference Exhibit 1 Memorandum

All interested parties have been given notice of tonight's hearing, and at tonight's hearing, they are being given an opportunity to be heard. Notice was provided as soon as staff determined that there is no intention that any of the interested parties planned to mitigate the safety hazards while the conditions of the property continue to deteriorate, that the City could not afford to wait beyond tonight to hold this hearing.

C. Summary of the dangerous building statute's legal standard and remedies permitted.

The legal standard you are asked to apply is contained in Title 17 of the Maine Revised Statutes, Section 2851, and the following sections. Section 2851 defines a "Dangerous Building" as one which the municipal officers deem to be "structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property." If the municipal officers make such a determination, they may, "after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure," up to and including the demolition of the structure.

I have found that the building onsite satisfies those criteria. If you agree, we request that the Council order Red Coral Investments LLC to demolish the building within 30 days. If the Building is not demolished within 30 days, we ask that the City be authorized to conduct the demolition and to assess a special tax against the property in order to recoup the City's costs and expenses, as permitted by the statute. If you designate such a nuisance and/or order it removed by the owner, State law requires that the City "shall cause said nuisance to be abated or removed in compliance with" your order, and all expenses of the City incurred in connection with this removal, including costs of title searches, service of process, costs incurred in securing the structures pending removal, and all other costs incurred by the City which are reasonably related to the removal of the structure, shall be paid by the owner and may be assessed as a special tax against the property.

A. History of the City's Enforcement Actions and Interactions with this Property.
II. Review affidavit.

As a result of the conditions described above, I believe 46 Fair Street meets section 2-A. Standard of MRS Title 17 §2851 and qualifies as a Dangerous Building. The 46 Fair Street Property constitutes a hazard to the health and safety of our neighborhoods and community

members due to inadequate maintenance, substandard work practices and a reluctancy to properly secure the building. Red Coral Investments LLC having an inability or an unwillingness to remediate the dangerous conditions at 46 Fair Street despite being afforded extensive opportunity to do so.

Therefore, City Staff are requesting that you adopt the proposed findings of fact and conclusions of law that we have provided tonight. We request that you designate the structure at 46 Fair Street as a dangerous building, that you order Red Coral Investments LLC to demolish 46 Fair Street property within 30 days of the date of your order (which would be April 17, 2024, assuming you act tonight).

EXHIBIT 1

JENSEN BAIRD
ATTORNEYS AT LAW

MEMORANDUM

TO: Mark Bower

FROM: Margaret MacLean

RE: City of Auburn - 46 Fair Street (2526.16)

DATE: February 2, 2024

I have done a current owner search at the Androscoggin County Registry of Deeds for property owned by Red Coral Investments, LLC a/k/a RedCoral Investments, LLC from September 2021 through February 1, 2024 and have found the following regarding 46 Fair Street:

- Warranty Deed from Allan F. Mackey to Red Coral Investments, LLC dated September 14, 2021 and recorded in Book 10877, Page 16

- Mortgage, Security Agreement, Lease Assignment and Financing Statement from RedCoral Investments, LLC to 32 Ventures LLC in the original principal amount of $90,000.00 dated June 23, 2022 and recorded in Book 11139, Page 27

- Mortgage from RedCoral Investments, LLC to F and F Ventures II, LLC in the original principal amount of $235,000.00 dated June 26, 2023 and recorded in Book 11402, Page 64

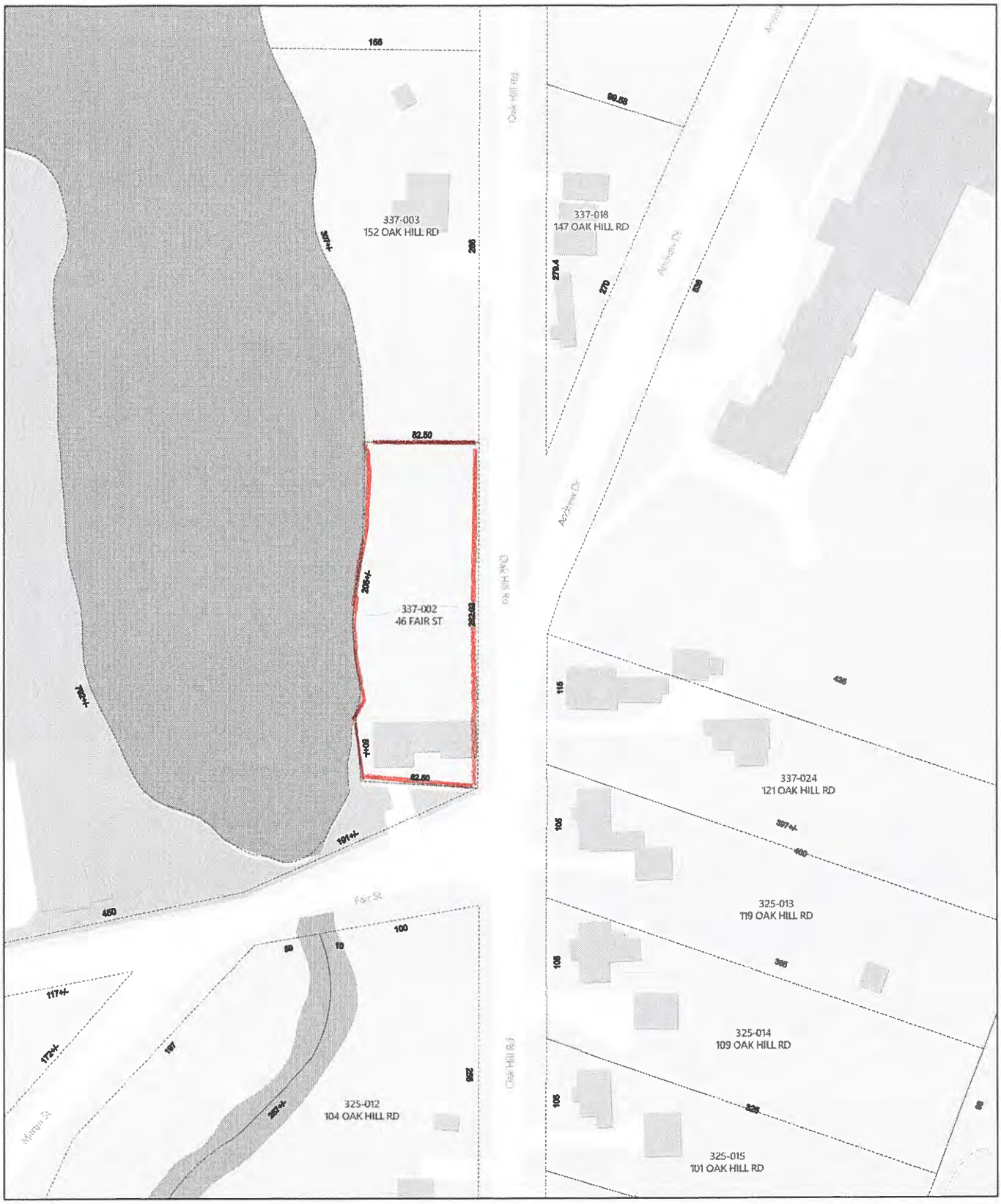
- Municipal Lien due Auburn Water District for property at 46 Fair Street, Account No. 44-8544-002, in the amount of $438.88, plus any additional fees and interest, dated September 21, 2022 and recorded in Book 11216, Page 186

- Municipal Lien due Auburn Sewer District for property at 46 Fair Street, Account No. 44-8544-002, in the amount of $511.59, plus any additional fees and interest, dated September 20, 2022 and recorded in Book 11216, Page 192

- Municipal Lien due City of Auburn for real estate taxes for at 46 Fair Street, Tax Map 337, Lot 2, in the amount of 3,209.05, plus any additional fees and interest, dated July 11, 2023 and recorded in Book 11388, Page 11

Please see copies attached.

ArcGIS Web Map



2/2/2024, 9:52:37 AM

Current Parcels _ Public

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Web AppBuilder for ArcGIS

Credit should always be given to the data source and/or originator when the data is transferred or printed. | Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

Bk 10877 Ps16 #20862
09-15-2021 @ 11:06a

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that **I, Allan F. Mackey,** of Wilton, County of Franklin and State of Maine, for consideration paid, GRANT to **Red Coral Investments, LLC,** a Maine Limited Liability Company, with WARRANTY COVENANTS, the land in the City of Auburn, County of Androscoggin, State of Maine, described as follows:

See Attached Exhibit A

MAINE REAL ESTATE
TRANSFER TAX PAID

WITNESS, my hand and seal this 14 day of September, 2021

Signed, Sealed and Delivered in the presence of:

WITNESS

Allan F. Mackey

STATE OF MAINE

Cumberland County, SS. September 14, 2021

Personally appeared the above named **Allan F. Mackey,** and acknowledged the foregoing instrument to be his free act and deed.

Before Me,

KENNETH M. LEFEBVRE
NOTARY PUBLIC-MAINE
MY COMMISSION EXPIRES 01-22-2025

Notary Public/Attorney at Law

EXHIBIT A

Two certain lots or parcels of land situated in Auburn on the easterly side of the outlet of Wilson Pond, bounded and described as follows:

Parcel One:

Beginning at a stone post four (4) rods and three (3) links from the great gate of upper dam, on the outlet of Wilson Pond bearing N 64° East from same; thence S 78° E four (4) rods to a stone post on the westerly side of the Old County Road leading from White Oak Hill to Berry's Mills; thence N 17° E on said road nine (9) rods and sixteen (16) links to a stone post; thence N 78° W erroneously called South 78° W in prior deeds, five (5) rods to the brook; thence southerly by the brook to the first mentioned bound.

Parcel Two:

Beginning at a stake and stones at the southeast corner of Alvin Waterman's land on the westerly side of road leading from White Oak Hill to the Court House in Auburn; thence by said road S 16 ½° W six (6) rods and six (6) links to the northeast corner of lot above described; thence, N 78° W five (5) rods to a stake and stones at the brook on outlet of Wilson Pond on the northerly line of said lot; thence, northerly by said brook about seven and one-half (7 ½) rods to said Waterman's land; thence, South 71 ½° E five (5) rods and twenty (20) links to the first mentioned bound, reserving the perpetual right to flow said land to the extent which the water in said outlet would flow is when raised to the height of the surface of the present waster way in the upper dam across said outlet.

Meaning and intending to describe the same premises as conveyed by a Warranty Deed from Roland E. Mahaffy and Joan S. Mahaffy to Allan P. Mackey dated November 16, 1998 and recorded in the Androscoggin County Registry of Deeds in Book 4110, Page 215.

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

Bk 11139 Pg27 #11759
06-24-2022 @ 10:46a

MORTGAGE, SECURITY AGREEMENT, LEASE ASSIGNMENT AND FINANCING STATEMENT

KNOW ALL PERSONS BY THESE PRESENTS THAT REDCORAL INVESTMENTS, LLC, a Maine Limited Liability Company with a mailing address of 3225 McLeod Drive Las Vegas, NV 89121 (Hereinafter called "Grantor")

For consideration paid, the receipt and sufficiency of which is hereby acknowledged, does hereby Give, Grant, Bargain, Sell, Assign and Convey, with MORTGAGE COVENANTS unto **32 Ventures LLC, a** Georgia Limited Liability Company having a place of business at 5 Winding Way Savannah, GA 31419 (hereinafter called "Grantee"), to secure the payment of **NINETY THOUSAND DOLLARS AND 00/100 ($90,000.00)** (the "Loan") with interest and other charges, as applicable, in accordance with the terms and conditions of a Promissory Note of even date herewith (the "Note") and all other related loan documents given by Grantor to Grantee (the related loan documents, the Note, and this Mortgage hereinafter collectively the "Loan Documents"), and to secure other obligations, all as hereafter set forth, a certain lot or parcel of land, with the buildings and improvements thereon, situated at ***46 Fair Street Auburn, Maine,*** and all easements and rights appurtenant thereto (the "Mortgaged Premises"), all as more particularly described in Exhibit A attached hereto;

TO HAVE AND TO HOLD the aforegranted and bargained Mortgaged Premises, and the other Collateral as provided below, with all the privileges and appurtenances thereof, to Grantee, its successors and assigns, to its and their use and behoof forever;

PROVIDED NEVERTHELESS, that if Grantor pays to Grantee the amount of the Loan, together with interest and other liabilities charges under the Loan Documents, as applicable, in accordance with all the terms and conditions of this Mortgage and the aforesaid Loan Documents of even date signed and given by Grantor to Grantee and shall repay when due all other advances which are made by Grantee to or for the benefit of Grantor in accordance with the provisions set forth herein and other provisions hereof, as said Note of even date and any notes or evidences of such advances may be renewed, extended and modified from time to time, and until such payment performs all of Grantor's obligations, covenants and agreements contained herein and contained in said Note, then this Mortgage deed, as also said certain Note, shall be void, otherwise shall remain in full force.

Section 1. Security Interest in Personal Property. The Grantor also conveys herewith a security interest in the Grantor's personal property, as provided below:

Section 1.1. Definitions. All capitalized terms used herein without definitions shall have the respective meanings provided therefor in the Loan Documents. The term "State," as used in this Mortgage, means the state of the Grantor's organization as identified in the first paragraph of this Mortgage. All terms defined in the Uniform Commercial Code (the "UCC") of the State and used herein shall have the same definitions herein as specified therein; ***provided, however,*** that the term "instrument" shall be such term as defined in Article 9 of the Uniform Commercial Code of the State rather than Article 3. The term "Obligations," as used in this Mortgage, means all of the indebtedness, obligations, and liabilities of the Grantor to the Grantee, individually or collectively, whether direct

without limitation the items described, if any, as follows: and if the foregoing is left blank, no such items exist as of the date hereof.

Section 1.3. Authorization to File Financing Statements. The Grantor hereby irrevocably authorizes the Grantee at any time and from time to time to file in any Uniform Commercial Code jurisdiction any initial financing statements and amendments or addendums thereto that: (a) indicate the Collateral (i) as all assets of the Grantor or words of similar effect, regardless of whether any particular asset comprised in the Collateral falls within the scope of Article 9 of the Uniform Commercial Code of the State or such jurisdiction, or (ii) as being of an equal or lesser scope or with greater detail; and (b) contain any other information required by Part 5 of Article 9 of the Uniform Commercial Code of the State for the sufficiency or filing office acceptance of any financing statement or amendment, including (i) whether the Grantor is an organization, the type of organization and any organization identification number issued to the Debtor and, (ii) in the case of a financing statement filed as a fixture filing or indicating Collateral as as-extracted collateral or timber to be cut, a sufficient description of real property to which the Collateral relates. The Grantor agrees to furnish any such information to the Grantee promptly upon request. The Debtor also ratifies its authorization for the Grantee to have filed in any Uniform Commercial Code jurisdiction any like initial financing statements or amendments thereto if filed prior to the date hereof.

Section 1.4. Financing Statement. Grantor hereby acknowledges and agrees that the within Mortgage shall be effective as a financing statement filed or recorded as a fixture filing:

FINANCING STATEMENT

Name and Address of Debtor:	**Name and Address of Secured Parties:**
RedCoral Investments LLC **3225 McLeod Drive** **Las Vegas, NV 89121**	**32 Ventures LLC** **5 Winding Way** **Savannah, GA 31419**

(a) This financing statement covers the types (items) of property (or goods) hereinabove described; (b) the above goods are, or are to become, fixtures on real estate situated at the Mortgaged Premises, being more particularly described in Exhibit A, attached hereto, and by this reference made a part hereof; and (c) the name of the record owner of the real estate is the Grantor.

Section 1.5. Other Actions. Further to ensure the attachment, perfection, and first priority of, and the ability of the Grantee to enforce the Grantee's security interest in the Collateral, the Grantor agrees, in each case at the Grantor's own expense, to take the following actions with respect to the following Collateral:

Section 1.5 (a). Collateral in the Possession of a Bailee. If any goods are at any time in the possession of a bailee, the Grantor shall promptly notify the Grantee thereof and, if requested by the Grantee, shall promptly obtain an acknowledgment from the bailee, in form and substance

In Witness whereof, I, **Zahid Abid, Member of RedCoral Investments, LLC** have hereunto set my hand and seal this **June ~~25~~ 23, 2022.**

Signed Sealed and Delivered

RedCoral Investments, LLC
By: Zahid Abid
Its: Member

State of Maine
County of Cumberland, ss. June ~~25~~ 23, 2022

Then personally appeared the above- named Zahid Abid and acknowledged the foregoing Instrument to be his free act and deed in his stated capacity and the free act and deed of RedCoral Investments, LLC.

Notary Public Maine/Attorney at Law

KENNETH M. LEFEBVRE
NOTARY PUBLIC-MAINE
MY COMMISSION EXPIRES 01-22-2025

EXHIBIT A

Two certain lots or parcels of land situated in Auburn on the easterly side of the outlet of Wilson Pond, bounded and described as follows:

Parcel One:

Beginning at a stone post four (4) rods and three (3) links from the great gate of upper dam, on the outlet of Wilson Pond bearing N 64° East from same; thence S 78° E four (4) rods to a stone post on the westerly side of the Old County Road leading from White Oak Hill to Berry's Mills; thence N 17° E on said road nine (9) rods and sixteen (16) links to a stone post; thence N 78° W erroneously called South 78° W in prior deeds, five (5) rods to the brook; thence southerly by the brook to the first mentioned bound.

Parcel Two:

Beginning at a stake and stones at the southeast corner of Alvin Waterman's land on the westerly side of road leading from White Oak Hill to the Court House in Auburn; thence by said road S 16 ½° W six (6) rods and six (6) links to the northeast corner of lot above described; thence, N 78° W five (5) rods to a stake and stones at the brook on outlet of Wilson Pond on the northerly line of said lot; thence, northerly by said brook about seven and one-half (7 ½) rods to said Waterman's land; thence, South 71 ½° E five (5) rods and twenty (20) links to the first mentioned bound, reserving the perpetual right to flow said land to the extent which the water in said outlet would flow is when raised to the height of the surface of the present waster way in the upper dam across said outlet.

Meaning and intending to describe the same premises as conveyed by a Warranty Deed from Roland E. Mahaffy and Joan S. Mahaffy to Allan P. Mackey dated November 16, 1998 and recorded in the Androscoggin County Registry of Deeds in Book 4110, Page 215.

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

MORTGAGE DEED - SHORT FORM DEEDS ACT
33 M.R.S.A. §§ 761, et seq.

THIS MORTGAGE DEED INCLUDES A STATUTORY POWER OF SALE PROVISION PURSUANT TO TITLE 33 §501-A

KNOW ALL BY THESE PRESENTS, that **RedCoral Investments, LLC,** a Maine limited liability company with a mailing address of **3225 McLeod Drive, Las Vegas, NV 89121** ("Grantor"), for consideration paid, grants to **F and F Ventures 11, LLC**, a Nevada limited liability company with a mailing address of **15887 Ave. 264, Visalia, CA 93292** ("Grantee"), its heirs, successors or assigns, **with Mortgage Covenants**, to secure payment of the sum of **Two Hundred Thirty Five Thousand and no/100 Dollars ($235,000.00)** by the undersigned as set forth in a certain Promissory Note of even date hereof (the "Note"), due and payable on or before **June 26, 2024**, and also to secure the performance of all agreements and covenants herein contained, that certain real property located at **46 Fair Street, Auburn, ME 04210,** as more fully described in Exhibit A attached hereto and fully incorporated herein by reference (the "Premises").

This mortgage is upon the Statutory Condition, for any breach of which the mortgagee(s) shall have the remedies provided for by law.

Grantor covenants and agrees with Grantee as follows:

1. To keep the Premises in good order, repair and condition, damage from casualty expressly not excepted, and to remove or alter anything which constitutes part of the Premises without the consent of the Grantee;
2. To pay all taxes and assessments on the Premises before interest or penalties accrue;
3. To pay according to their terms all debts and obligations of the Grantor to whomever due, secured by any mortgage, security agreement or other lien affecting the above-described Premises existing prior hereto;
4. Not to commit nor suffer a breach of any term, covenant or agreement of any such debts, obligations, mortgages, security agreements or other liens;
5. To keep the Premises insured (a) under a policy of casualty and extended coverage insurance in an amount at least equal to the total principal amount due on this Mortgage and any other mortgage on the Premises, said policy to show Grantee, and (b) if required by applicable law, under a policy of flood insurance in an amount at least equal to the indebtedness secured hereby;
6. To pay when due all fees and charges incurred by the Note holder incident to (a) the loan transaction evidenced by the Note and secured by this Mortgage, (b) the assurance of security represented by this Mortgage, and (c) the enforcement of the Note and this Mortgage;
7. Not to convey, transfer or encumber the Premises, or to alter, amend, refinance renew or extend or otherwise modify any mortgage presently on the Premises, excluding a transfer by devise or descent, without the prior written consent of the Grantee; and

If the Grantor fails to provide and maintain insurance or pay taxes or assessments as provided in items 2 and 5 above the Grantee may at their sole option, provide such insurance or pay such taxes or assessments and the Grantor promises to pay to the Grantee, upon demand, all costs and expenses incurred by the Grantee in providing such insurance or paying such taxes or assessments together with interest at the rate set forth in the Note.

Upon the occurrence of any event of default as defined in the Note, or upon any breach of any covenant or agreement herein contained, the Grantee, their successors, heirs and assigns shall have all remedies proved by law as of the date of such default, including but not limited to the option to declare all indebtedness secured by this Mortgage due and payable at once. Election by the Grantee, their heirs, successors or assigns not to foreclose or exercise any rights under the Note, as to any one event of default, shall not constitute a waiver of any rights of Grantee, successors, heirs or assigns, as to any subsequent event of default as to which this condition shall remain in full force and effect.

Upon any sale of the Premises upon foreclosure, the Grantee shall be entitled to retain from said proceeds all sums due from the discharge of any indebtedness secured hereby and all reasonable sums due from the expense of foreclosure, repossession, necessary repairs and other costs reasonably sustained in realizing on such security including reasonable attorney's fees.

The covenants contained herein shall bind the heirs, successors, assigns and personal representatives of the Grantor and shall inure to the benefit of Grantee, their heirs, successors and assigns. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders. If any portion of this Mortgage Deed is declared to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

POWER OF SALE

Upon any default in the performance or the observance of the foregoing or other condition, the Mortgagee/Grantee, their heirs, successors or assigns, may sell the mortgaged premises, together with all improvements that may be thereon, by a public sale in the County where the real estate subject to the mortgage is situated, first complying with the terms of the mortgage and the statutes relating to the foreclosure of the mortgage by the exercise of a power of sale, including, but not limited to, Title 14, Chapter 713, Subchapter 3, and the Mortgagee/Grantee, their heirs successors or assigns, may convey the premises by proper deed to the purchaser or purchasers absolutely and in fee simple; and such sale forever bars the Mortgagor/Grantor and all persons claiming under it from all right and interest in the mortgage premises, whether at law or in equity.

This Mortgage shall be governed by and interpreted under the laws of the State of Maine. In the event of any conflict between the provisions of this Mortgage and any applicable law, the provisions of this Mortgage shall be deemed modified to the extent, but only to the extent required to comply with the applicable law.

IN WITNESS WHEREOF, Zahid Abid, Manager of RedCoral Investments, LLC, duly authorized, has executed this instrument this 26th day of June, 2023.

RedCoral Investments, LLC

Witness

Zahid Abid, Manager

STATE OF MAINE
County of Cumberland, **ss.** June 26, 2023

Personally appeared before me the above-named **Zahid Abid, Manager of RedCoral Investments, LLC,** and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of **RedCoral Investments, LLC.**

KEVIN J. GERSPACH
MAINE BAR #6477

Notary Public/Attorney at Law

Type or Print Name

Exhibit A - Property Description

Borrower: RedCoral Investments, LLC

Property Address: 46 Fair Street, Auburn, ME 04210

Two certain lots or parcels of land situated in Auburn on the easterly side of the outlet of Wilson Pond, bounded and described as follows:

Parcel One:

Beginning at a stone post four (4) rods and three (3) links from the great gate of upper dam, on the outlet of Wilson Pond bearing N 64° East from same; thence S 78° E four (4) rods to a stone post on the westerly side of the Old County Road leading from White Oak Hill to Berry's Mills; thence N 17° E on said road nine (9) rods and sixteen (16) links to a stone post; thence N 780 W erroneously called South 78° W in prior deeds, five (5) rods to the brook; thence southerly by the brook to the first mentioned bound.

Parcel Two:

Beginning at a stake and stones at the southeast corner of Alvin Waterman's land on the westerly side of road leading from White Oak Hill to the Court House in Auburn; thence by said road S 16 1/20W six (6) rods and six (6) links to the northeast corner of lot above described; thence, N 78° W five (5) rods to a stake and stones at the brook on outlet of Wilson Pond on the northerly line of said lot; thence, northerly by said brook about seven and one-half (7 1/2) rods to said Waterman's land; thence, South 71 1/20E five (5) rods and twenty (20) links to the first mentioned bound, reserving the perpetual right to flow said land to the extent which the water in said outlet would flow is when raised to the height of the surface of the present waster way in the upper dam across said outlet.

TINA M. CHOUINARD, REGISTER
ANDROSCOGGIN COUNTY MAINE E-RECORDED

Bk 11216 Pg186 #18691
09-26-2022 @ 01:13p

STATE OF MAINE
AUBURN WATER DISTRICT
WATER LIEN CERTIFICATE
Title 35-A M.R.S.A., Section 6111-A

I, Andrew Titus, Treasurer of the Auburn Water District, a water utility operating pursuant to the laws of the State of Maine and with offices and operations located at 268 Court Street, Auburn, Maine, hereby certify that I am the person to whom water service charges in the amount of **$346.38,** due and payable on **August 27, 2022,** were duly and legally committed to me for collection for water services provided to the following account and property:

Red Coral Investments LLC
Account # 44-8544-002

The property being described at **46 Fair St.** and as further described in the deed recorded at the Androscoggin County, Maine Registry of Deeds in **Book 10877 Page 16.**

I further certify that a lien authorized under Section 6111-A of Title 35-A of the Maine Revised Statutes Annotated is hereby claimed on the above-described real estate to secure payment of these outstanding charges;

That a notice and demand for payment of these charges for water services and interest was given and made in accordance with Section 6111-A of Title 35-A of the Maine Revised Statutes Annotated; and

This notice is being provided in accordance with 11 U.S.C. §362(b)(3). Auburn Water District is continuing the perfection of a lien against your property by giving notice pursuant to 11 U.S.C. §362(b)(3), 546(b). The Auburn Water District reserves its right to seek further relief at a later date pursuant to11 U.S.C. §362(b). This notice is not intended to be an attempt to collect a debt or a demand for collection of debt in violation of the automatic stay or similar judicial stay or order; and

That these water charges remain outstanding and unpaid in the amount of **$346.38** fees for notices and filing related to this lien claim in the amount of **$92.50**, for a total outstanding amount of **$438.88** past due plus miscellaneous and lien fee, as of the date of this notice remain outstanding and unpaid.

Dated: September 21, 2022

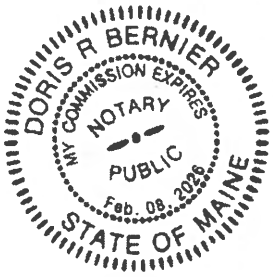
Andrew Titus, Treasurer
Auburn Water District

State of Maine
Androscoggin, ss:

Personally appeared the above-named, Treasurer of the Auburn Water District, and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said Auburn Water District.

Doris R. Bernier

NOTARY PUBLIC
Doris R. Bernier
Notary Public, Maine
My Commission Expires February 8, 2026



SEAL

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

Bk 11216 Ps192 #18694
09-26-2022 @ 01:13p

STATE OF MAINE
AUBURN SEWER DISTRICT
SEWER LIEN CERTIFICATE
Maine Private & Special Law Chapter 17 Effective 1937 as Updated and Amended

I, Charles Sheehan, Treasurer of the Auburn Sewer District, a sewer utility operating pursuant to the laws of the State of Maine and with offices and operations located at 268 Court Street, Auburn, Maine, herby certify that I am the person to whom sewer services charges in the amount of **$419.09** due and payable on **August 27, 2022**, were duly and legally committed to me for collection for sewer services provided to the following account and property:

Red Coral Investments LLC
Account # 44-8544-002

The property being described at **46 Fair St.** and as further described in the deed recorded at the Androscoggin County, Maine Registry of Deeds in **Book 10877 Page 16.**

I further certify that a lien authorized under Maine Private & Special Law Chapter 17 Effective 1937 as updated and amended, is hereby claimed on the above-described real estate to secure payment of these outstanding charges;

That a notice and demand for payment of these charges for sewer services and interest was given and made; in accordance with Maine Private & Special Law Chapter 17 Effective 1937, as updated and amended; and

This notice is being provided in accordance with 11 U.S.C. §362(b)(3). The Auburn Sewer District is continuing the perfection of a lien against your property by giving notice pursuant to 11 U.S.C. §362(b) (3), 546(b). The Auburn Sewer District reserves its right to seek further relief at a later date pursuant to 11 U.S.C. §362(b). This notice is not intended to be an attempt to collect a debt or a demand for collection of debt in violation of the automatic stay or similar judicial stay or order; and

That these sewer charges remain outstanding and unpaid in the amount of **$419.09**, fees for notices and filing related to this lien claim in the amount of **$92.50,** for a total outstanding amount of **$511.59** past due plus miscellaneous and lien fee, as of the date of this notice remain outstanding and unpaid.

Dated: September 20, 2022

Charles Sheehan, Treasurer
Auburn Sewer District

State of Maine
Androscoggin, ss:

Personally appeared the above-named, Treasurer of the Auburn Sewer District, and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said Auburn Sewer District.

Doris R. Bernier

NOTARY PUBLIC
Doris R. Bernier
Notary Public, Maine
My Commission Expires February 8, 2026

DORIS R BERNIER NOTARY PUBLIC MY COMMISSION EXPIRES Feb. 08, 2026 STATE OF MAINE

SEAL

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

Bk 11388 Pg11 #9499
07-11-2023 @ 03:01p

State of Maine
Tax Collector's Lien Certificate
Title 36 M.R.SA § 942 and § 943
July 11, 2023

I, Kelsey L. Earle, Tax Collector for the City of Auburn, Maine in the County of Androscoggin, said taxes have been duly and legally committed to me for collection on the 18th day of July, 2022, hereby certify that a tax of $3073.53 together with interest of $66.52 and lien cost of $61.33, which have been added to and become part of said tax, a total of $3209.05 remains unpaid. The tax was assessed against RED CORAL INVESTMENTS LLC as owner of the real estate described as follows:

Map/Lot: 337-002-000-000 of the Assessor's Tax Maps of the City of Auburn, which are on file at the Assessor's office in the City of Auburn, Maine.
Book/Page: 10877-16
Property Location: 46 FAIR ST

A LIEN IS HEREBY CLAIMED on the above-described real estate to secure payment of said tax. A demand for payment of said tax has been made of the above named assessed owner(s); by sending the certified mail/return receipt requested to their last known address, on the 31st of May, 2023, a notice in writing signed by me stating the amount of said tax, and describing the real estate on which said tax is assessed, alleging that a lien is claimed on said tax and demanding payment of said tax and costs within 30 days after the mailing of said notice, in accordance with the provisions in M.R.S.A. Title 36 M.R.SA § 942 and § 943, as amended.

Kelsey L. Earle

Kelsey L. Earle, Tax Collector
City of Auburn, Maine

State of Maine
Androscoggin County, ss. July 11, 2023

Then personally appeared the above-named Kelsey L. Earle, Tax Collector of Auburn, Maine and acknowledges the foregoing instrument to be her free act and deed in her said capacity.

Before me, Cynthia S. Lauze

Cynthia S. Lauze, Notary Public
My Commission Expires: November 10, 2026

ANDROSCOGGIN COUNTY
Tina M. Chaisard
REGISTER OF DEEDS

ANDROSCOGGIN COUNTY REGISTRY OF DEEDS — RECORDED LAND BY NAME — TINA M. CHOUINARD
REQUESTED BY (RG).....
SURNAME/GIVEN NAME.....RED CORAL — INQUIRY PRINT REQUEST — PAGE 1
TYPES OF NAMES.....*ALL — PRINTED: 2/02/24 10:05:40 — RG340RP
DOC TYPES.....*ALL — TOWN: *ALL — WEBSERVER
INDEX DATES...Jan 1,1965 thru Feb 2, 2024 #1579 @ 09:55 — ALL YEARS BY NAME

DATE/TIME OF RECEPTION	SURNAME GIVEN NAME	REVERSE PARTY	BOOK	PAGE	DOC TYPE	LOCATION	DOCUMENT DATE	DOC #	VFY
*** GRANTORS ***									
	REDCORAL INVESTMENTS LLC								
05-06-2022 12:24:34p	SAME SA. 11036.193 Goss St	CLARK & HALL PROPERTIE	11098	296	DEED	AUBURN	05-06-2022	8159	I
05-06-2022 12:24:34p	SAME ↓	CLARK & HALL PROPERTIE	11098	296	DEED	AUBURN	05-06-2022	8159	I
06-24-2022 10:46:01a ✓	SAME	32 VENTURES LLC	11139	27	MORT	AUBURN	06-23-2022	11759	Y
		AUBURN				45 FAIR STREET			
09-26-2022 1:13:57p ✓	SAME	AUBURN WATER DISTRICT	11216	186	LIEN	AUBURN	09-21-2022	18691	Y
		AUBURN				46 FAIR STREET			
09-26-2022 1:13:57p ✓	SAME	AUBURN SEWERAGE DISTRI	11216	192	LIEN	AUBURN	09-20-2022	18694	Y
		AUBURN				46 FAIR STREET			
02-01-2023 8:43:27a	SAME Merrill Rd	MCTIZIC MANAGEMENT GRO	11300	270	MORT	LEWISTON	01-31-2023	1550	Y
		LEWISTON				261 MERRILL ROAD			
02-01-2023 8:43:27a	SAME " "	LIVE FREE LLZ	11300	274	MORT	LEWISTON	01-31-2023	1551	Y
		LEWISTON				261 MERRILL ROAD			
02-01-2023 8:43:27a	SAME " "	ASOH, IFEOMA	11300	278	MORT	LEWISTON	01-31-2023	1552	Y
		LEWISTON				261 MERRILL ROAD			
02-14-2023 9:35:49a	SAME SA. 11238. 201 Oak St	BENNETT, JANAY M	11306	148	DEED	GREENE	02-14-2023	2051	Y
04-03-2023 11:57:53a	SAME Vernon ST	F AND F VENTURES II LL	11328	110	MORT	AUBURN	03-31-2023	4101	Y
		AUBURN				26 VERNON STREET			
04-14-2023 2:26:49p	SAME SA 11300.268 Merrill Rd	GRAY, JESSICA	11334	213	DEED	LEWISTON	04-14-2023	4629	Y
07-11-2023 3:01:58p ✓	SAME	AUBURN CITY OF	11388	11	LIEN	AUBURN	07-11-2023	9499	Y
		AUBURN				45 FAIR STREET			
07-13-2023 10:12:48a	SAME Spring St	F AND F VENTURES 11 LL	11389	283	MORT	LEWISTON	07-12-2023	9778	Y
		LEWISTON				51 SPRING STREET			
07-28-2023 12:15:59p ✓	SAME	F AND F VENTURES II LL	11402	64	MORT	AUBURN	06-26-2023	10666	Y
		AUBURN				46 FAIR STREET			
09-14-2023 11:30:45a	SAME SA. 11328.108 Vernon St	HILL, MATTHEW S (JR)	11432	235	DEED	AUBURN	09-13-2023	13469	Y
09-21-2023 3:02:46p	SAME Royalsborough Rd	F AND F VENTURES 11 LL	11438	80	MORT	DURHAM	09-20-2023	13857	Y
		DURHAM				830 ROYALSBOROUGH ROAD			
10-30-2023 8:58:40a	SAME Re. 82 Gamage Ave	NOTICE	11461	1	MISC	AUBURN	10-25-2023	15688	I

ANDROSCOGGIN COUNTY REGISTRY OF DEEDS — RECORDED LAND BY NAME — TINA M. CHOUINARD
REQUESTED BY (RG).....
SURNAME/GIVEN NAME.....RED CORAL
TYPES OF NAMES.....*ALL
DOC TYPES.....*ALL
INDEX DATES...Jan 1,1965 thru Feb 2, 2024 #1579 @ 09:55
INQUIRY PRINT REQUEST — PAGE 2
PRINTED: 2/02/24 10:05:40 — RG340RP
TOWN: *ALL — WEBSERVER
ALL YEARS BY NAME

DATE/TIME OF RECEPTION	SURNAME GIVEN NAME	REVERSE PARTY	BOOK-PAGE	DOC TYPE	LOCATION	DOCUMENT DATE	DOC #	VFY
01-31-2024 10:15:34a	SAME SA 11389-281 -Spring ST	PENLEY, QUENTIN	11514 195	DEED	LEWISTON	01-29-2024	1488	I
*** GRANTEES ***								
	RED CORAL INVESTMENTS LLC							
09-15-2021 11:06:37a	(N) SAME 2 Parcels Wilson Pond	MACKEY, ALLAN F	10877 16	DEED	AUBURN	09-14-2021	20862	Y
02-22-2022 9:56:03a	SAME Goss ST	OSWALD, KURT M	11036 293	DEED	AUBURN	02-18-2022	3329	Y
10-25-2022 8:53:10a	SAME Oak ST	LALIBERTE, TANENA L	11238 201	DEED	GREENE	10-24-2022	20493	I
02-01-2023 8:43:27a	SAME Merrill Rd	PAINE, ANTHONY M	11300 268	DEED	LEWISTON	01-31-2023	1549	Y
04-03-2023 11:57:53a	SAME Vernon ST	LARSON, MARK W	11328 108	DEED	AUBURN	03-31-2023	4100	Y
04-18-2023 11:20:36a	SAME Mtg 11300. 270	MCTIZIC MANAGEMENT GRO	11335 291	DIS	- - - 11300/270	04-14-2023	4735	Y
04-19-2023 11:45:42a	SAME Mtg 11300 278	ASOH, IFEOMA	11336 206	DIS	- - - 11300/278	04-18-2023	4783	Y
04-19-2023 11:45:42a	SAME Mtg 11300 274	INDY LIVE FREE LLC	11336 207	DIS	- - - 11300/274	04-18-2023	4784	Y
05-24-2023 12:34:48p	SAME Mtg 11139. 27	32 VENTURES LLC	11358 23	DIS	- - - 11139/27	05-16-2023	6325	Y
07-13-2023 10:12:48a	SAME Spring ST	BERUBE, JASON R	11389 281	DEED	LEWISTON	07-12-2023	9777	Y
08-14-2023 10:57:50a	SAME re 51 Spring ST	LEWISTON STORMWATER DI LEWISTON	11412 257	DIS	LEWISTON 51 SPRING STREET	08-10-2023	11595	Y
08-14-2023 10:57:50a	SAME " " "	LEWISTON STORMWATER DI LEWISTON	11412 258	DIS	LEWISTON 51 SPRING STREET	08-10-2023	11596	Y
09-14-2023 11:46:02a	SAME Mtg 11328. 110	F AND F VENTURES 11 LL	11432 258	DIS	- - - 11328/110	09-08-2023	13472	Y
09-21-2023 3:02:46p	SAME Royals borough Rd.	ROSS, CALAUN W	11438 78	DEED	DURHAM	09-20-2023	13856	Y

------ RUN TOTALS ------
18 GRANTORS LISTED
14 GRANTEES LISTED

EXHIBIT 2

ACKNOWLEDGEMENT AND RETURN OF SERVICE

DATE OF SERVICE: 02-16-2024

I have this day made service on **Redcoral Investments, LLC** c/o NORTHWEST REG. AGENT of the Notice of Public Hearing Pursuant to 17 M.R.S. §§ 2851-2859 (Dangerous Building)

_____ by delivering it to him/her personally at _____,

_____ by delivering a copy to _____,
a person of suitable age and discretion then residing at the person's usual place of abode

__X__ by delivering a copy to JEFF GNECCO, ESQ,
an agent authorized by appointment or by law to receive service of process

The said process was served this day at 62 PORTLAND RD, STE 35, KENNEBUNK, ME

Deputy Sheriff

Service	$_____
Travel, _____ miles	$_____
Postage	$_____
Administrative Fee	$_____
Amount	$_____

OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION

REDCORAL INVESTMENTS LLC	)	
	)	
PLAINTIFF	)	CASE No. 337002
Vs	)	SHERIFF CIVIL NO.: 24000855
F AND F VENTURES 11, LLC	)	
	)	
DEFENDANT	)	**AFFIDAVIT OF SERVICE**

STATE OF NEVADA }
} **ss:**
COUNTY OF CLARK }

DAVID AMANI, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **2/21/2024**, at the hour of **8:43 AM**. affiant as such Deputy Sheriff served a copy/copies of **NOTICE OF PUBLIC HEARING** issued in the above entitled action upon F AND F VENTURES 11, LLC the defendant **F AND F VENTURES 11, LLC** named therein, by delivering to and leaving with said defendant **F AND F VENTURES 11, LLC – ATTORNEY, KATHRINE COLOMBO**, personally, at **C/O CMC LAW GROUP, REGISTERED AGENT 8690 S MARYLAND PARKWAY SUITE 220 LAS VEGAS, NV 89123** within the County of Clark, State of Nevada, copy/copies of **NOTICE OF PUBLIC HEARING**

DATED: February 22, 2024.

Kevin McMahill, Sheriff

By: 18065
DAVID AMANI
Deputy Sheriff

SUBSCRIBED AND SWORN to me before me this
28th day of February 2024.

Thomas P Baldivia
NOTARY PUBLIC in and for said County & State

THOMAS P BALDIVIA
Notary Public, State of Nevada
Appointment No. 23-2112-01
My Appt. Expires Sep 24, 2027

ACKNOWLEDGEMENT AND RETURN OF SERVICE

DATE OF SERVICE: 2-21-24

I have this day made service on **Auburn Sewerage District**
of the Notice of Public Hearing Pursuant to 17 M.R.S. §§ 2851-2859 (Dangerous Building)

_____ by delivering it to him/her personally at _____,

_____ by delivering a copy to _____,
a person of suitable age and discretion then residing at the person's usual place of abode

__V__ by delivering a copy to Michael Broadbent,
an agent authorized by appointment or by law to receive service of process

The said process was served this day at 268 Court St Auburn Me

Deputy Sheriff

Service	$ 40.00
Travel, _____ miles	$ 3.00
Postage	$ .44
Administrative Fee	$ .20
Amount	$ 47.00

ACKNOWLEDGEMENT AND RETURN OF SERVICE

DATE OF SERVICE: 2-21-24

I have this day made service on **Auburn Water District**
of the Notice of Public Hearing Pursuant to 17 M.R.S. §§ 2851-2859 (Dangerous Building)

_____ by delivering it to him/her personally at _____,

_____ by delivering a copy to _____,
a person of suitable age and discretion then residing at the person's usual place of abode

__d__ by delivering a copy to Michael Broadbent,
an agent authorized by appointment or by law to receive service of process

The said process was served this day at 268 Court St Auburn ME.

Deputy Sheriff

Service	$_____
Travel, _____ miles	$_____
Postage	$_____
Administrative Fee	$_____
Amount	$ 40.00

ACKNOWLEDGEMENT AND RETURN OF SERVICE

DATE OF SERVICE: 2.27.24

I have this day made service on **32 Ventures, LLC**
of the Notice of Public Hearing Pursuant to 17 M.R.S. §§ 2851-2859 (Dangerous Building)

✓ by delivering it to him/her personally at _____,

_____ by delivering a copy to _____,
a person of suitable age and discretion then residing at the person's usual place of abode

_____ by delivering a copy to _____,
an agent authorized by appointment or by law to receive service of process

The said process was served this day at _____.

759
Deputy Sheriff
Patrick Wright

Service	$_____
Travel, _____ miles	$_____
Postage	$_____
Administrative Fee	$_____
Amount	$_____

AFFIDAVIT OF JENNIFER DICK

I, Jennifer Dick, being duly sworn, state the following based upon my personal knowledge:

1. I am a Code Enforcement Officer for the City of Auburn, Maine (the "City").

2. In connection with that position, I enforce Housing code and ordinances.

3. In the course of my duties for the City, I have become familiar with the property owned by Red Coral Investments LLC and located at 46 Fair Street (the "Fair Street property") within the City limits.

4. The City has received numerous complaints regarding the condition of the 46 Fair Street property.

5. As I will describe in more detail below, the structural elements of the Fair Street Property have not been maintained in a manner that is hazard free and suitable for the intended use and pose an immediate and serious threat to public health and safety.

SPECIFIC COMPLAINTS AND FAILURE TO ADDRESS PROPERTY CONDITIONS

6. On October 31, 2022, I received a "Report It" Ticket from a neighbor regarding concerns for the 46 Fair Street property.

7. On November 2, 2022, I called Zahid Abid whom the mortgage holder has referenced as the manager of Red Coral Investments LLC. I explained that the building had become concerning to the neighbors. It had been left chronically unsecure, wide open and the trash and debris was scattered throughout the property. Zahid stated that he would have the building secured within the seven days. I explained that I would be sending a Notice of Violation.

8. On November 2, 2022, I issued Red Coral Investments LLC a Notice of Violation for the conditions that I observed from the public way on November 2, 2022. A true and accurate copy of which is attached as **Exhibit 5**

9. On November 21, 2022, I viewed the property from a public way. With no effort made by the owner to get in compliance. I then issued the First Citation. A true and accurate copy of which is attached as **Exhibit 6**

10. On December 9, 2022, I viewed the property from a public way. With no effort made by the owner to get in compliance. I issued a Second Citation. A true and accurate copy of which is attached as **Exhibit 7**

11. On December 13, 2022, I received an email from staff at the City of Auburn stating that a neighbor had called regarding 46 Fair Street. On December 13, 2022, I returned the call to the neighbor regarding the status of 46 Fair Street. Explaining that a Second Citation had been sent.

12. On December 28, 2022, I viewed the property from a public way. With no effort made by the owner to get in compliance. I issued a Third Citation. A true and accurate copy of which is attached as **Exhibit 8**

13. On January 10, 2023, I viewed the property from a public way. With no effort made by the owner to get in compliance. I issued a Fourth Citation. A true and accurate copy of which is attached as **Exhibit E9**

14. On January 10, 2023, I left a voicemail for Zahid Abid regarding the need to have 46 Fair Street secured.

15. On January 26, 2023, I left a voicemail for Zahid Abid regarding the need to have 46 Fair Street secured.

16. On May 1, 2023, I left a voicemail for Zahid Abid regarding a scheduled inspection at 46 Fair Street for May 5, 2023, at 11:00am.

17. On May 5, 2023, at 11:00am Eric Cousens Director of Planning and Permitting, Cy Wilkinson Code Compliance Officer for the City of Auburn and myself visited 46 Fair Street. The building was wide open. This was concerning due to its proximity to East Auburn Community School, Lake Grove Park, and surrounding neighborhoods. During this inspection the building was found to be unsecure, missing multiple windows and doors. The power was on and in working order with numerous exposed electric components. This building was found to be structurally unsafe, unsanitary and constitutes a fire hazard. To have the immediate dangers remedied. I contacted the City of Auburn's Public Works to have 46 Fair Street secured. Photographs of the inspection are attached as **Exhibit E9 10**

18. On June 6, 2023, I received a call from a neighbor regarding the status of 46 Fair Street. I explained that we had sent citations and that it was recently secured by Public Works.

19. On December 29, 2023, I received a call from a concerned neighbor. They discussed with me their concerns regarding young kids playing in and around the 46 Fair Street property. The building was once again left abandoned, unsecure, and wide open.

20. On January 8, 2024, I viewed the property from a public way. The property was unsecure and left wide open. I then issued a Fifth Citation. A true and accurate copy of which is attached as **Exhibit E9 17**

21. On March 5, 2024, at 3:00pm Eric Cousens Director of Planning and Permitting and myself visited the property at 46 Fair Street. The building was found wide open. We entered confirming that no one was inside. At which time the power was on and in working condition with numerous exposed electric components. There is current evidence of water intrusion, which is seen to be both a fire hazard and compromising to the structural integrity of the property. The inadequate maintenance and continuous abandonment of this property is concerning due to its proximity to East Auburn Community School, Lake Grove Park, and surrounding neighborhoods. In addition to the hazards that the property at 46 Fair Street poses to the community there are also construction materials along with trash and debris throughout the exterior of the

property. To have the immediate dangers remedied. I contacted the City of Auburn's Public Works to have 46 Fair Street secured. Photographs of the site visit are attached as well as an aerial view of the property to show the proximity to East Auburn Community School, Lake Grove Park, and surrounding neighborhoods **ExhibitE9 18**

22. As a result of the conditions described above, I believe 46 Fair Street meets section 2-A. Standard of MRS Title 17 §2851 and qualifies as a Dangerous Building and that Red Coral Investments LLC has no intent of mitigating the hazardous conditions affecting East Auburn Community School, Lake Grove Park, and the surrounding neighboring community.

Dated: March 18, 2024

Jennifer Dick

STATE OF MAINE
COUNTY OF ANDROSCOGGIN

March 18, 2024

Personally, appeared the above-named Jennifer Dick and made oath that the foregoing statements are true to the best of his knowledge and belief.

Notary Public/Attorney at Law

Print Name:

Denise L. Spooner
Notary Public, State of Maine
My Commission Expires Feb. 09, 2029

AFFIDAVIT OF KRIS BEAUDOIN

I, Kris Beaudoin, being duly sworn, state the following based upon my personal knowledge:

1. I am a Code Enforcement Officer for the City of Auburn, Maine (the "City").

2. In connection with that position, I enforce Housing code and ordinances.

3. In the course of my duties for the City, I have become familiar with the property owned by Red Coral Investments LLC and located at 46 Fair Street (the "Fair Street property") within the City limits.

4. The City has received numerous complaints regarding the condition of the 46 Fair Street property.

5. As I will describe in more detail below, the structural elements of the Fair Street Property have not been maintained in a manner that is hazard free and suitable for the intended use and pose an immediate and serious threat to public health and safety.

SPECIFIC COMPLAINTS AND FAILURE TO ADDRESS PROPERTY CONDITIONS

6. On November 2, 2022, I spoke with Zahid Abid whom the mortgage holder has referenced as the manager of Red Coral Investments LLC. I explained to him that after receiving the complaints about the building being chronically unsecured, and the other hazardous conditions the property poses to the neighborhood, I reviewed the previous building permit application and determined that the work to the property had been abandoned for over 180 days and per section R105.5 of the 2015 IRC the permit was no longer valid. At that time, Zahid Abid was made aware any future work would require re- permitting the

7. On June 21, 2023, I spoke with Zahid Abid whom the mortgage holder has referenced as the manager of Red Coral Investments LLC and followed up the conversation with an email documenting the conversation. A true and accurate copy of which is attached as **Exhibit E9 11**

8. On June 29, 2023, I sent an email to Zahid Abid whom the mortgage holder has referenced as the manager of Red Coral Investments LLC. The email included a Public Works Invoice of the monies due for securing the structure and a brief explanation of the Dangerous Building Statute and an opportunity to make corrections of the hazardous conditions to the neighborhood. A true and accurate copy of which is attached as **Exhibit E9 12**

9. On June 29, 2023, I received an email from Zahid Abid whom the mortgage holder

has referenced as the manager of Red Coral Investments LLC. A true and accurate copy of which is attached as **Exhibit E9 13**

10. On June 29, 2023, I responded to an email sent by Zahid Abid whom the mortgage holder has referenced as the manager of Red Coral Investments LLC that same day. A true and accurate copy of which is attached as **Exhibit E9 14**

11. On July 18, 2023, I viewed from a public way that work without permits was being conducted at 46 Fair Street and a Stop Work Order was placed on the building. A true and accurate copy of which is attached as **Exhibit E9 15**

12. On July 20, 2023, I received a complaint that work was occurring at 46 Fair Street and the work was adding to the already existing hazard to the neighborhood. On that day, I spoke with Zahid Abid whom the mortgage holder has referenced as the manager of Red Coral Investments LLC and made him aware that work needed to be stopped until a permit had been secured and to obtain the permit, the hazardous conditions to the neighborhood would need to be remedied.

13. On September 11, 2023, I visited the property and observed from a public way that the trash and debris had been removed from the property and issued the building permit by way of email. A true and accurate copy of which is attached as **Exhibit E9 16**

12. Based on my observations of the continued uncured deterioration and the chronically unsecured nature of the structure located at 46 Fair St, I believe this building meets the standards of a dangerous building as defined in section 2-A of The MRS Title 17 §2851.

Dated: March 14, 2024

Kris Beaudoin

STATE OF MAINE
COUNTY OF
ANDROSCOGGIN

March 14, 2024

Personally, appeared the above-named Kris Beaudoin and made oath that the foregoing statements are true to the best of his knowledge and belief.

Notary Public/Attorney at Law

Print Name:

Denise L. Spooner
Notary Public, State of Maine
My Commission Expires Feb. 09, 2029

EXHIBIT 5

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

NOTICE OF VIOLATION
CODE-1976-2022

November 2, 2022

9489 0090 0027 6269 5854 76

9489 0090 0027 6269 5854 76

RED CORAL INVESTMENTS LLC
3225 MCLEOD DRIVE, SUITE 100
LAS VEGAS NV 89121

RE: 46 FAIR STREET AUBURN, ME 04210 PID# 337-002

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

46 FAIR STREET
AUBURN, ME 04210
PID#: 337002000

- 46 Fair Street has been left chronically unsecured.

Violation: 17 M.R.S.A § 2851; DANGEROUS BUILDING

Revision: Whenever the municipal officers in the case of a municipality… find that a building or structure or any portion thereof … is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is p [illegible]; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.

Corrective Action: Secure the building envelope, this includes any doors, windows and all other entry points that do not provide protection from vermin, insects, human entry, and exterior elements.

Compliance Date: November 10, 2022

Violation: Chapter 44, Section 44-32

Description: ACCUMULATIONS OF REFUSE

Revision: No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

Corrective Action: Remove trash and debris/ Properly store during construction

Compliance Date: November 10, 2022

Therefore, in accordance with the above referenced ordinance requirements, you are hereby ordered to complete the above corrective action by the compliance date given. Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 2, Article VIII of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and five dollars ($105.00) for the first citation and you will be reordered to abate the outstanding violations in the previous Notices and Orders. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and ten dollars ($210.00), the third is four hundred and twenty dollars ($420.00), the fourth and subsequent citations are eight hundred and forty dollars ($840.00), and penalties are cumulative. In the future, if any of the above violations are repeated, you are not entitled to receive any further notification, and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars ($100.00) and two-thousand five-hundred dollars ($2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1160

Sincerely,

Jennifer Dick
Code Compliance Officer
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601 Ext. 1160
Jdick@auburnmaine.gov

Cc: Eric Cousens, Director of Planning and Permitting





EXHIBIT 6

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

FIRST CITATION - $105
NOTICE OF CIVIL PENALTY
CODE-1976-2022

November 21, 2022

9489 0090 0027 6269 5854 52

9489 0090 0027 6269 5854 52

RED CORAL INVESTMENTS LLC
3225 MCLEOD DRIVE, SUITE 100
LAS VEGAS NV 89121

RE: 46 FAIR STREET AUBURN, ME 04210 PID# 337-002

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

46 FAIR STREET
AUBURN, ME 04210
PID#: 337002000

- 46 Fair Street has been left chronically unsecured.

Violation: 17 M.R.S.A § 2851; DANGEROUS BUILDING

Revision: Whenever the municipal officers in the case of a municipality… find that a building or structure or any portion thereof … is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.

Corrective Action: Secure the building envelope, this includes any doors, windows and all other entry points that do not provide protection from vermin, insects, human entry, and exterior elements.

Compliance Date: December 1, 2022

Violation: Chapter 44, Section 44-32

Description: ACCUMULATIONS OF REFUSE

Revision: No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

Corrective Action: Remove trash and debris/ Properly store during construction

Compliance Date: December 1, 2022

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn, you are hereby ordered to pay a civil penalty in the amount of **one hundred and five dollars ($105)** to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

You are further ordered to correct the violation by the Compliance Date listed above. Failure to correct the violation by the compliance date will result in the issuance of a second citation with a civil penalty in the amount of two hundred and ten dollars ($210.00), the third is four hundred and twenty dollars ($420.00), the fourth and subsequent citations are eight hundred and forty dollars ($840.00), and penalties are cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars ($100.00) and two-thousand five-hundred dollars ($2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

If you have any questions about what you need to do to comply with this Notice and Order

please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1160

Sincerely,

Jennifer Dick
Code Compliance Officer
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601 Ext. 1160
Jdick@auburnmaine.gov

Cc: Eric Cousens, Director of Planning and Permitting



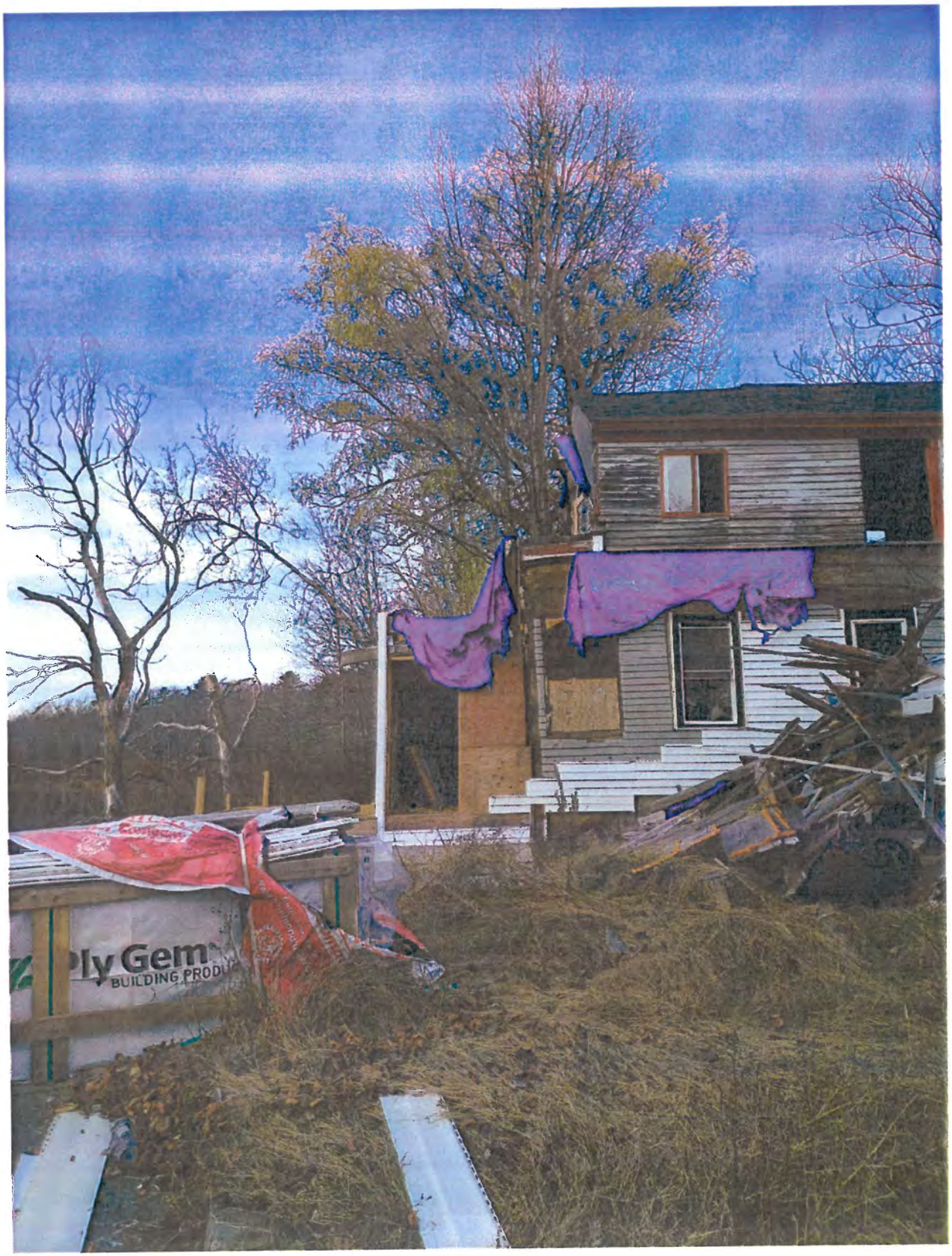

Ply Gem
BUILDING PRODU

EXHIBIT 7

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

SECOND CITATION - $210
NOTICE OF CIVIL PENALTY
CODE-0000-2018

December 9, 2022

RED CORAL INVESTMENTS LLC
3225 MCLEOD DRIVE, SUITE 100
LAS VEGAS NV 89121

9489 0090 0027 6269 5854 21

9489 0090 0027 6269 5854 21

RE: 46 FAIR STREET AUBURN, ME 04210 PID# 337-002

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

46 FAIR STREET
AUBURN, ME 04210
PID#: 337002000

- 46 Fair Street has been left chronically unsecured.

Violation: 17 M.R.S.A § 2851; DANGEROUS BUILDING

Revision: Whenever the municipal officers in the case of a municipality... find that a building or structure or any portion thereof ... is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.

Corrective Action: Secure the building envelope, this includes any doors, windows and all other entry points that do not provide protection from vermin, insects, human entry, and exterior elements.

Compliance Date: December 17, 2022

Violation: Chapter 44, Section 44-32

Description: ACCUMULATIONS OF REFUSE

Revision: No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

Corrective Action: Remove trash and debris/ Properly store during construction

Compliance Date: 17, 2022

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn you are hereby ordered to pay a civil penalty in the amount of **two hundred and ten dollars ($210)** to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

You are further ordered to correct the violation by the Compliance Date listed above. Failure to correct the violation by the compliance date will result in the issuance of a third citation with a civil penalty in the amount of four hundred and twenty dollars ($420.00), the fourth and subsequent citations are eight hundred and forty dollars ($840.00), and penalties are cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars ($100.00) and two-thousand five-hundred dollars ($2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1160

Sincerely,

Jennifer Dick
Code Compliance Officer
Assessing & Planning Assistant
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601 Ext. 1160
Jdick@auburnmaine.gov

Cc: Eric Cousens, Deputy Director of Economic and Community Development



EXHIBIT 8

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

THIRD CITATION - $420
NOTICE OF CIVIL PENALTY
CODE-1976-2022

December 28, 2022

RED CORAL INVESTMENTS LLC
3225 MCLEOD DRIVE, SUITE 100
LAS VEGAS NV 89121

9489 0090 0027 6269 5838 92

9489 0090 0027 6269 5838 92

RE: 46 FAIR STREET AUBURN, ME 04210 PID# 337-002

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

46 FAIR STREET
AUBURN, ME 04210
PID#: 337002000

- 46 Fair Street has been left chronically unsecured.

Violation: 17 M.R.S.A § 2851; DANGEROUS BUILDING

Revision: Whenever the municipal officers in the case of a municipality… find that a building or structure or any portion thereof … is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.

Corrective Action: Secure the building envelope, this includes any doors, windows and all other entry points that do not provide protection from vermin, insects, human entry, and exterior elements.

Compliance Date : January 6, 2023

Violation: Chapter 44, Section 44-32

Description: ACCUMULATIONS OF REFUSE

Revision: No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

Corrective Action: Remove trash and debris/ Properly store during construction

Compliance Date: January 6, 2023

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn you are hereby ordered to pay a civil penalty in the amount of **four hundred and 20 dollars ($420)** to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

You are further ordered to correct the violation by the Compliance Date listed above. Failure to correct the violation by the compliance date will result in the issuance of a, fourth and subsequent citations are eight hundred and forty dollars ($840.00), and penalties are cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars ($100.00) and two-thousand five-hundred dollars ($2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1160

Sincerely,

Jennifer Dick
Code Compliance Officer
Assessing & Planning Assistant
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601 Ext. 1160
Jdick@auburnmaine.gov

Cc: Eric Cousens, Deputy Director of Economic and Community Development



EXHIBIT 9

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

FOURTH CITATION - $840
NOTICE OF CIVIL PENALTY
CODE-1976-2022

January 10, 2023

RED CORAL INVESTMENTS LLC
3225 MCLEOD DRIVE, SUITE 100
LAS VEGAS NV 89121

RE: 46 FAIR STREET AUBURN, ME 04210 PID# 337-002

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

46 FAIR STREET
AUBURN, ME 04210
PID#: 337002000

- 46 Fair Street has been left chronically unsecured.

Violation: 17 M.R.S.A § 2851; DANGEROUS BUILDING

Revision: Whenever the municipal officers in the case of a municipality… find that a building or structure or any portion thereof … is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.

Corrective Action: Secure the building envelope, this includes any doors, windows and all other entry points that do not provide protection from vermin, insects, human entry, and exterior elements.

Compliance Date: January 16, 2023

Violation: Chapter 44, Section 44-32

Description: ACCUMULATIONS OF REFUSE

Revision: No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

Corrective Action: Remove trash and debris/ Properly store during construction

Compliance Date: January 16, 2023

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn, you are hereby ordered to pay a civil penalty in the amount of **eight hundred and forty dollars ($840)** to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

You are further ordered to correct the violation by the Compliance Date listed above. Failure to correct the violation by the compliance date will result in the issuance of a citation with a civil penalty in the amount of four eight hundred and forty dollars ($840.00), and subsequent citations are eight hundred and forty dollars ($840.00), and penalties are cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars ($100.00) and two-thousand five-hundred dollars ($2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1160

Sincerely,

Jennifer Dick
Code Compliance Officer
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601 Ext. 1160
Jdick@auburnmaine.gov

Cc: Eric Cousens, Director of Planning and Permitting

















Kris Beaudoin

From: Kris Beaudoin
Sent: Wednesday, June 21, 2023 2:46 PM
To: Zahid Abid
Subject: 46 Fair St

Good afternoon, I wanted to follow up via email after our phone conversation was cut short yesterday.

I was provided your permit application for review for 46 fair St. As you know, there are violations that currently exist at the property. Prior to permit approval, all existing ordinance violations must be remedied and any money owed to the city due to the enforcement actions required to secure the site must be reimbursed. Please be advised that no work that requires a permit should be completed prior to issuance, if such work is existing it will be a violation of Sec. 60-1401 of the City Ordinance and subject to double permit fees as found in Appendix A also found in the City Ordinance. Please let me know if you have any questions or concerns.

Best Regards

Kris Beaudoin
Code Compliance Team Leader/Building Inspector/LPI
60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1150
kbeaudoin@auburnmaine.gov

The City of Auburn is subject to statutes relating to public records.
E-mail sent or received by City employees are subject to these laws.
Senders and receivers of City e-mail should presume that messages are subject to release.

Kris Beaudoin

From: Kris Beaudoin
Sent: Thursday, June 29, 2023 8:52 AM
To: Zahid Abid
Cc: Eric Cousens
Subject: FW: 46 Fair St
Attachments: 46 Fair St Bill to secure building.pdf

Good morning, I have attached the invoice for the securing of 46 Fair St. Also, I visited the property recently and the violations we have been trying to get you to remedy as part of our enforcement action has gotten significantly worse. As I mentioned before, the building was about to be presented to the City Council as a Dangerous Building (Title 17, §2851: Dangerous buildings) which if ordered, would require the demolition of the structure. We are willing to work with you to avoid this process, but you will need to take care of the issues within the next 7 days to avoid any further action being taken. Please let me know if you have any questions or concerns.

Best Regards

Kris Beaudoin
Code Compliance Team Leader/Building Inspector/LPI
60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1150
kbeaudoin@auburnmaine.gov

The City of Auburn is subject to statutes relating to public records.
E-mail sent or received by City employees are subject to these laws.
Senders and receivers of City e-mail should presume that messages are subject to release.

From: Kris Beaudoin
Sent: Wednesday, June 21, 2023 2:46 PM
To: Zahid Abid <zahid@zandzinvestments.com>
Subject: 46 Fair St

Good afternoon, I wanted to follow up via email after our phone conversation was cut short yesterday.

I was provided your permit application for review for 46 fair St. As you know, there are violations that currently exist at the property. Prior to permit approval, all existing ordinance violations must be remedied and any money owed to the city due to the enforcement actions required to secure the site must be reimbursed. Please be advised that no work that requires a permit should be completed prior to issuance, if such work is existing it will be a violation of Sec. 60-1401 of the City Ordinance and subject to double permit fees as found in Appendix A also found in the City Ordinance. Please let me know if you have any questions or concerns.

Best Regards

Kris Beaudoin
Code Compliance Team Leader/Building Inspector/LPI
60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1150
kbeaudoin@auburnmaine.gov

Detail

Date Printed: 06/20/2023

0000001655

Work Order #: 0000001655
Title: Secure Structure
Origin: Non-PM
Priority: Medium
Originated: 05/05/2023 09:46:00 AM
Expected:
Work Category: Carpentry
Address: 46 Fair St
Auburn, ME
United States

Source Type: Site
WO Status: Completed
Originator: Mark Kelley
Project:
Work Type: Reactive Maintenance
Assigned: 05/05/2023 09:46:00 AM
Completed: 05/10/2023 08:04:00 AM
Area/Room #:

Work requested:

Secure property at 46 Fair St

Action Taken:

Comments:

Total Labor Cost:	120.81	**Total Labor Hours:**	3.00
Total Part Cost:	75.69	**Total Other Hours:**	0.00
Equipment Usage Cost	61.71		
Total Other Cost:	0.00		
External Labor $:	0.00		
Non-Inv $:	0.00		
WO Cost:	258.21	**Total Hrs:**	3.00

Custom Fields

Contact#

Contact Name

Assigned To

Employee #	Name	Job Title	Phone	Email	Est Hrs	Company Name
1	Mark Kelley	Highway Supervisor		mkelley@auburnmaine.gov	0.00	

Source

Site #	Site	Postal Code	Country Code	Email	Fax	Phone #1
[N/A]	Facilities	[N/A]	US	[N/A]	[N/A]	[N/A]

Labor

Employee	Start Date	End Date	Hour(s)	OT	OT Cost Factor	Description
Donald Sjostrom		06/20/2023 09:34:00 AM	3.00			

Parts

Part #	Name	Location	Quantity	Unit	Usage Type	Description
0000000008	3/8" Plywood - 4 x 8 Sheet	PW - Carpenter Shop	3.00	each	Dispatched	

Equipment Usage

Equipment	Equipment Rate	Start Date	End Date	Cost Per Unit	# of Units
PW-75.16	1 Ton	05/09/2023 12:00:00 AM	05/09/2023 12:00:00 AM	20.57 / Hour	3.00

Tasks/Steps

None

Detail

Date Printed: 06/20/2023

0000001655

Documents

None

Safety Programs

None

Kris Beaudoin

From: Kris Beaudoin
Sent: Thursday, June 29, 2023 11:55 AM
To: Zahid Abid
Cc: Eric Cousens
Subject: RE: FW: 46 Fair St

Zahid, we can get together if you want to schedule an appointment but I do not believe it is necessary, all we need is for you to come into compliance within 7 days for the violations that were listed in the notices you were sent.

Best Regards

Kris Beaudoin
Code Compliance Team Leader/Building Inspector/LPI
60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1150
kbeaudoin@auburnmaine.gov

The City of Auburn is subject to statutes relating to public records.
E-mail sent or received by City employees are subject to these laws.
Senders and receivers of City e-mail should presume that messages are subject to release.

From: Zahid Abid <zahid@zandzinvestments.com>
Sent: Thursday, June 29, 2023 9:18 AM
To: Kris Beaudoin <kbeaudoin@auburnmaine.gov>
Cc: Eric Cousens <ECousens@auburnmaine.gov>
Subject: Re: FW: 46 Fair St

Do we want to get together and get the issues resolved? I am fairly available this week or next week.

Thanks,
Zahid

On Thu, Jun 29, 2023 at 8:51 AM Kris Beaudoin <kbeaudoin@auburnmaine.gov> wrote:

> Good morning, I have attached the invoice for the securing of 46 Fair St. Also, I visited the property recently and the violations we have been trying to get you to remedy as part of our enforcement action has gotten significantly worse. As I mentioned before, the building was about to be presented to the City Council as a Dangerous Building (Title 17, §2851: Dangerous buildings) which if ordered, would require the demolition of the structure. We are willing to work with you to avoid this process, but you will need to take care of the issues within the next 7 days to avoid any further action being taken. Please let me know if you have any questions or concerns.
>
> Best Regards

Kris Beaudoin

From: Kris Beaudoin
Sent: Thursday, June 29, 2023 11:55 AM
To: Zahid Abid
Cc: Eric Cousens
Subject: RE: FW: 46 Fair St

Zahid, we can get together if you want to schedule an appointment but I do not believe it is necessary, all we need is for you to come into compliance within 7 days for the violations that were listed in the notices you were sent.

Best Regards

Kris Beaudoin
Code Compliance Team Leader/Building Inspector/LPI
60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1150
kbeaudoin@auburnmaine.gov

The City of Auburn is subject to statutes relating to public records.
E-mail sent or received by City employees are subject to these laws.
Senders and receivers of City e-mail should presume that messages are subject to release.

From: Zahid Abid <zahid@zandzinvestments.com>
Sent: Thursday, June 29, 2023 9:18 AM
To: Kris Beaudoin <kbeaudoin@auburnmaine.gov>
Cc: Eric Cousens <ECousens@auburnmaine.gov>
Subject: Re: FW: 46 Fair St

Do we want to get together and get the issues resolved? I am fairly available this week or next week.

Thanks,
Zahid

On Thu, Jun 29, 2023 at 8:51 AM Kris Beaudoin <kbeaudoin@auburnmaine.gov> wrote:

> Good morning, I have attached the invoice for the securing of 46 Fair St. Also, I visited the property recently and the violations we have been trying to get you to remedy as part of our enforcement action has gotten significantly worse. As I mentioned before, the building was about to be presented to the City Council as a Dangerous Building (Title 17, §2851: Dangerous buildings) which if ordered, would require the demolition of the structure. We are willing to work with you to avoid this process, but you will need to take care of the issues within the next 7 days to avoid any further action being taken. Please let me know if you have any questions or concerns.
>
> Best Regards

Kris Beaudoin

Code Compliance Team Leader/Building Inspector/LPI

60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1150

kbeaudoin@auburnmaine.gov

The City of Auburn is subject to statutes relating to public records.

E-mail sent or received by City employees are subject to these laws.

Senders and receivers of City e-mail should presume that messages are subject to release.

From: Kris Beaudoin
Sent: Wednesday, June 21, 2023 2:46 PM
To: Zahid Abid <zahid@zandzinvestments.com>
Subject: 46 Fair St

Good afternoon, I wanted to follow up via email after our phone conversation was cut short yesterday.

I was provided your permit application for review for 46 fair St. As you know, there are violations that currently exist at the property. Prior to permit approval, all existing ordinance violations must be remedied and any money owed to the city due to the enforcement actions required to secure the site must be reimbursed. Please be advised that no work that requires a permit should be completed prior to issuance, if such work is existing it will be a violation of Sec. 60-1401 of the City Ordinance and subject to double permit fees as found in Appendix A also found in the City Ordinance. Please let me know if you have any questions or concerns.

Best Regards

Kris Beaudoin

Code Compliance Team Leader/Building Inspector/LPI

EXHIBIT 15

CITY OF AUBURN

PLANNING AND PERMITTING
SERVICES DIVISION

BUILDING INSPECTION / CODE ENFORCEMENT DIVISION

THIS IS AN ORDER TO
STOP ALL WORK

ADDRESS 46 FAIR STREET

TAX MAP # 337-002-000

ALL WORK ON THIS PROPERTY
MUST STOP IMMEDIATELY

COMMENTS All work must stop until all conditions have been met and permits have been issued

ALL PERSONS ACTING CONTRARY TO THIS ORDER OR REMOVING OR MUTILATING THIS NOTICE ARE LIABLE TO ARREST UNLESS SUCH ACTION IS AUTHORIZED BY THE DEPARTMENT

DATE 7/17/2023 INSPECTOR K

BUILDING INSPECTOR
CODE COMPLIANCE OFFICER

July 18, 2023 11:14 AM

July 18, 2023 11:13 AM

Kris Beaudoin

From: Kris Beaudoin
Sent: Monday, September 11, 2023 10:00 AM
To: Zahid Abid
Cc: Eric Cousens
Subject: 46 Fair St Permit
Attachments: 46 Fair St 1778509112023.pdf

Good morning Zahid, I noticed that you have had the debris removed from the property so we decided to issue a conditional permit even though the invoice for securing the building has not yet been paid.
I have attached the approved conditional permit for 46 Fair St in Auburn to this email. Please review the conditions on the permit and contact me directly with any questions. Someone will be over either today or tomorrow to remove the stop work placards on the building. In the meantime, please contact Tammy at 207-333-6601 EXT 1133 to schedule a walkthrough of the building so we can get a good assessment of where the structure currently is at in the renovation.

Best Regards

Kris Beaudoin
Code Compliance Team Leader/Building Inspector/LPI
60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1150
kbeaudoin@auburnmaine.gov

The City of Auburn is subject to statutes relating to public records.
E-mail sent or received by City employees are subject to these laws.
Senders and receivers of City e-mail should presume that messages are subject to release.

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

Dwelling - 1 & 2 Family
PERMIT

Permit No: SFD-19695-2023

Work Class: **Alterations**

Status: **Approved with Conditions**

Expiration Date: 09/10/2024

Permit Information

Job Address		**Parcel:**	337-002	**Square Feet:**	0
46 FAIR ST Auburn, ME 04210		**District:**	City of Auburn	**Valuation:**	$30,000.00
		Issue Date:	9/11/2023		

Description of Work

Interior Renovations - Replaces SFD 17785

Additional Info

Front Setback: 0.00 Rear Setback: 0.00 Side Setback: 0.00 Shoreside Setback: 0.00

Contacts

Type	Contact Name	Address	Business Phone
Owner	Red Coral Investment LLC	46 Fair Street Auburn, ME 04210	

Contractors

Permit Conditions

Conditions	COMMENTS
All Construction shall meet the standards of MUBEC, NEC 2017, State of Maine Internal Plumbing Code 2021, and NFPA 1 and 101, 2018 edition	
An occupancy permit is required to be issued prior to the use of the space affected by this building permit	
Separate permits are required for any plumbing and electrical work.	
*The rear deck that was being constructed must be removed and can not be rebuilt. *A certificate of occupancy will not be issued until the unpaid invoice for securing the building has been paid. * The following Inspections must be requested by the owner or a representative: Framing, insulation, plumbing, electrical, and final.	
All Property line setbacks shall be met	

Fees Due

Invoice Number: 19492

PM: Misc Fee - Building Permit	$150.00
PM: SFD New/Addition - new	$25.00
Invoice Total:	**$175.00**

Fees Paid

Invoice Number: 19492

Cash

PM: SFD New/Addition - new	$25.00
PM: Misc Fee - Building Permit	$150.00
	$175.00
Invoice Fees Paid:	**$175.00**

Inspections

EXHIBIT 17

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

FIFTH CITATION - $840
NOTICE OF CIVIL PENALTY
CODE-1976-2022

January 9, 2024

9489 0090 0027 6269 5816 14

RED CORAL INVESTMENTS LLC
3225 MCLEOD DRIVE, SUITE 100
LAS VEGAS NV 89121

9489 0090 0027 6269 5816 14

RE: 46 FAIR STREET AUBURN, ME 04210 PID# 337-002

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

46 FAIR STREET
AUBURN, ME 04210
PID#: 337002000

- 46 Fair Street has been left chronically unsecured.

Violation: 17 M.R.S.A § 2851; DANGEROUS BUILDING

Revision: Whenever the municipal officers in the case of a municipality… find that a building or structure or any portion thereof … is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.

Corrective Action: Secure the building envelope, this includes any doors, windows and all other entry points that do not provide protection from vermin, insects, human entry, and exterior elements.

Compliance Date: January 14, 2024

Violation: Chapter 44, Section 44-32

Description: ACCUMULATIONS OF REFUSE

Revision: No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

Corrective Action: Remove trash and debris/ Properly store during construction.

Compliance Date: January 14, 2024

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn, you are hereby ordered to pay a civil penalty in the amount of **eight hundred and forty dollars ($840.00)** to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars ($100.00) and two-thousand five-hundred dollars ($2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

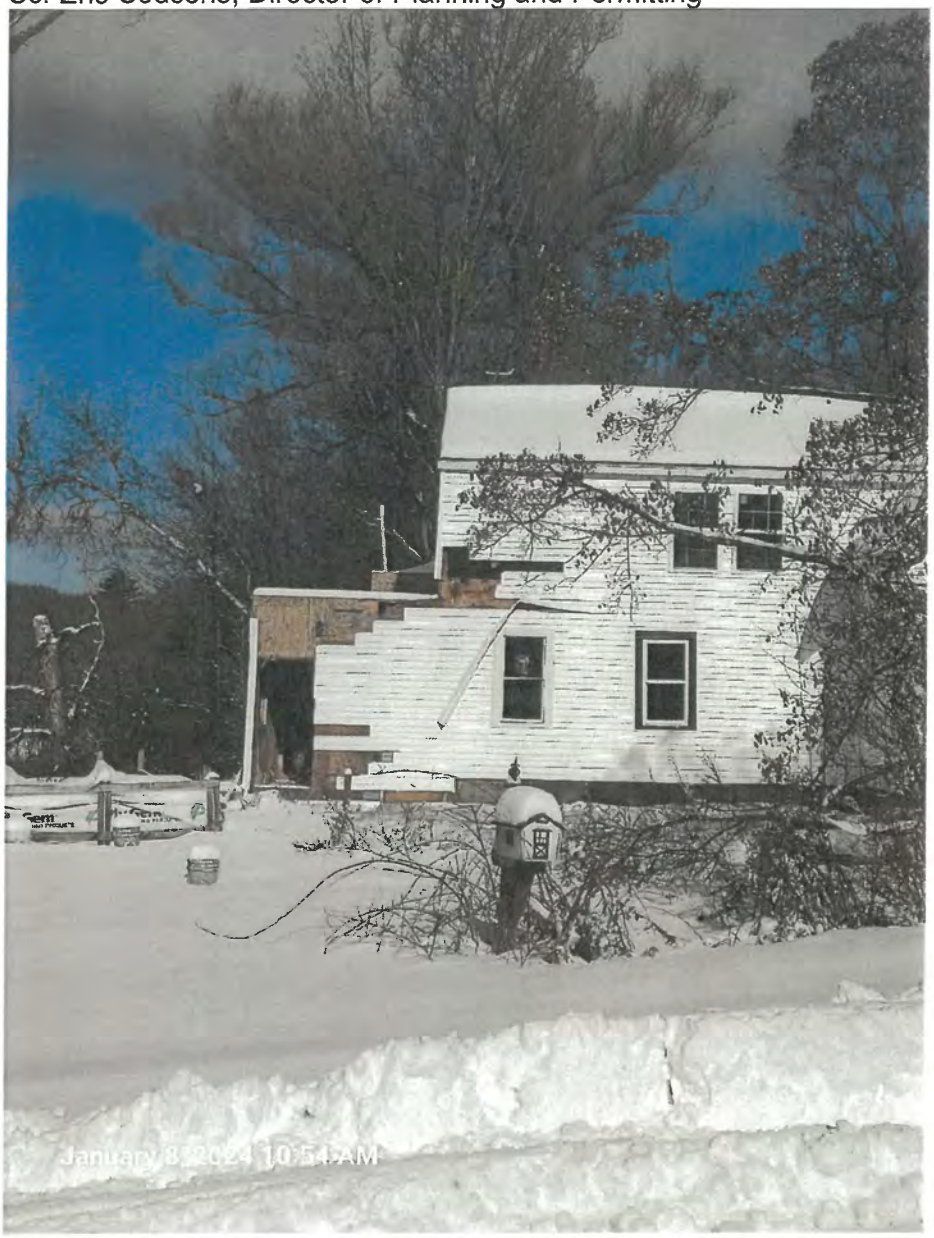
If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1160

Sincerely,

Jennifer Dick
Code Compliance Officer
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601 Ext. 1160
Jdick@auburnmaine.gov

Cc: Eric Cousens, Director of Planning and Permitting



March 5, 2024, 46 Fair Street




Ply Gem
Ply Gem
BUILDING PRODUCTS
LOWE'S






BUILDING FORMS
QUIKTUBE


HouseWrap





















EXHIBIT 19



CITY OF AUBURN
CITY COUNCIL
FINDINGS OF FACT
DANGEROUS BUILDING HEARING
46 FAIR STREET (PARCEL ID: 337-002)
March 18, 2024

1. On February 5, 2024, the City Council voted to set a public hearing under the Dangerous Building Statute (17 M.R.S. §§ 2851-2859) for March 18, 2024 to determine whether the building located on the property at 46 Fair Street in Auburn, Maine (the "Property") is dangerous or a nuisance as defined in 17 M.R.S. § 2851(2-A).

2. The Property is described as Parcel ID# 337-002 on the City's maps, copies of which are on file at the Auburn City Hall, and is more particularly described in a deed from Allen F. Mackey to RedCoral Investments, LLC, dated September 14, 2021, and recorded in the Androscoggin County Registry of Deeds in Book 10877, Page 16.

3. The Property is subject to (1) a mortgage held by 32 Ventures, LLC, dated June 23, 2022, and recorded in the said Registry in Book 11139, Page 27; (2) a mortgage held by F and F Ventures 11, LLC, dated June 26, 2023, and recorded in the said Registry in Book 11402, Page 64; (3) a water lien held by Auburn Water District, dated September 21, 2022, and recorded in the said Registry in Book 11216, Page 186; and (4) a sewer lien held by Auburn Sewer District, dated September 20, 2022, and recorded in the said Registry in Book 11216, Page 192.

4. An attested copy of the Notice of Hearing was recorded in the Androscoggin County Registry of Deeds in Book 11521, Page 144, as required by 17 M.R.S. § 2857.

5. The record owner of the Property is RedCoral Investments, LLC, and notice of the March 18, 2024 public hearing was served on its registered agent, Jeffrey R. Gnecco, at 62 Portland Street, Suite 25, Kennebunk, Maine, on February 16, 2024.

6. Catherine M. Colombo, Esq. accepted service of the Notice of Hearing on behalf of mortgagee F and F Ventures 11, LLC, on February 21, 2024.

7. Michael Broadbent accepted service of the Notice of Hearing on behalf of both the Auburn Water District and the Auburn Sewerage District on February 21, 2024.

8. The registered agent for 32 Ventures, LLC accepted service of the Notice of Hearing on behalf of the entity on February 27, 2024.

9. On March 18, 2024, the City Council held the public hearing provided for in 17 M.R.S. § 2851. The City Council was represented at the hearing by Mark A. Bower, Esq.

10. City Councilors Richard S. Whiting, Timothy M. Cowan, Stephen G. Milks, Benjamin J. Weisner, Leroy G. Walker, Sr., Belinda A. Gerry, and Adam R. Platz were in attendance and participated in the consideration of this matter.

11. During the hearing, the City Council heard testimony from the following individuals:

a. Code Compliance Officer (CCO) Jennifer Dick testified regarding her personal knowledge of the condition of the buildings on the Property resulting from her inspections of the Property on various occasions, which is also contained in her affidavit submitted into the record. She provided the City Council with several documents from the City's property file for 46 Fair Street demonstrating its state of disrepair, including: (1) Notice of Violation, dated November 2, 2022; (2) First Citation and Notice of Civil Penalty, dated November 21, 2022; (3) Second Citation and Notice of Civil Penalty, dated December 9, 2022; (4) Third Citation and Notice of Civil Penalty, dated December 28, 2022; (5) Fourth Citation and Notice of Civil Penalty, dated January 10, 2023; and (6) Fifth Citation and Notice of Civil Penalty, dated January 9, 2024. Neither the Notice of Violation nor any of the Citations were appealed to the Auburn Board of Appeals. The CCO also submitted into the administrative record various photographs from her inspections of the Property on May 5, 2023 and March 5, 2024, which demonstrate the significantly deteriorated condition of the Property. The CCO stated that, in her opinion as a certified code professional, the building on the Property is a dangerous building under the meaning set forth in 17 M.R.S. § 2851. The Council accepts and finds credible the facts set forth in the CCO's affidavit and her oral testimony at the hearing.

b. Code Enforcement Officer (CEO) Kris Beaudoin testified regarding his personal knowledge of the condition of the buildings on the Property, which is also contained in his affidavit submitted into the record. The CEO further testified regarding the City's efforts to secure the buildings on the Property in order to mitigate the risk and danger to the neighborhood and general public, and described the owner's leaving the building unsecured and work on the Property without valid approvals from the City. The CEO also included copies of e-mail correspondence with the owner's manager evidencing the City's efforts to have the owner remediate the Property to no avail. The CEO testified to his opinion that the building is dangerous, and his recommendation is to carry out the condemnation and demolition of the building because it is an dangerous residential structure, not safe for human inhabitation and poses a significant risk to the general public. The Council accepts and finds credible the facts set forth in the CEO's affidavit and his oral testimony at the hearing.

c. Fire Chief Robert Chase testified regarding his opinion, on behalf of the Auburn Fire Department, that the buildings at the Property are a fire hazard due to various violations of the NFPA life safety codes, including issues with the wiring of the house that are clearly visible in the photos included in the record. Chief Chase further testified that he would have significant concerns about sending his firefighters into the building on the Property in the event of a fire, due to concerns about its structural integrity and the safety of his firefighters.

12. Based on the totality of the evidence presented at hearing, the City Council determines that:

a. The building located on the Property is a total loss, due to significant deterioration and obsolescence resulting in deferred maintenance and lack of needed repairs, the extended period of time being open to the elements, and the risk of collapse.

b. In its current state, the building is a fire hazard and uninhabitable and therefore not fit for the purpose for which it is intended.

c. Despite the City's best efforts to secure the building, the building's current owner leaves the building chronically unsecured, which makes the building an attractive nuisance for the community and further encourages and proliferates illegal activity, resulting in a significant risk to the general public.

BASED UPON THE ABOVE FINDINGS, the Auburn City Council concludes that the building located at 46 Fair Street is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable and improper for the use or occupancy to which the building has been put; constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment; and is otherwise dangerous to life and property within the meaning of 17 M.R.S. § 2851 and is beyond repair.

These findings and conclusions of the City Council shall be appended to and incorporated into the Order of Demolition dated March 18, 2024.

NOTICE OF PUBLIC HEARING

Pursuant to 17 M.R.S. §§ 2851-2859 (Dangerous Buildings)

Property Location: 46 Fair Street
Auburn, Maine

PARCEL ID: 337-002

Owner: REDCORAL INVESTMENTS, LLC
c/o Northwest Registered Agent LLC
62 Portland Road, Suite 25A
Kennebunk, ME 04043

Parties-in-Interest:

32 VENTURES, LLC
c/o Billy Lawson, Registered Agent
5 Winding Way
Savannah, GA 31419

F AND F VENTURES 11, LLC
c/o CMC Law Group, Registered Agent
8690 S. Maryland Parkway, Suite 220,
Las Vegas, NV 89123

AUBURN WATER DISTRICT
c/o Andrew Titus, Treasurer
268 Court Street
Auburn, ME 04210

AUBURN SEWERAGE DISTRICT
c/o Charles Sheehan, Treasurer
268 Court Street
Auburn, ME 04210

To: REDCORAL INVESTMENTS, LLC, and all other persons and entities having an interest in the premises situated at 46 Fair Street in Auburn, Maine, a parcel of land with a building or structure located thereon, described as Parcel ID 337-002 on the municipal tax maps on file at Auburn City Hall, 60 Court Street, Auburn, Maine, and more particularly described in the Warranty Deed from Allan F. Mackey to Red Coral Investments, LLC, dated September 14, 2021, and recorded in the Androscoggin County Registry of Deeds at Book 10877, Page 16 (hereinafter, the "Property").

You are hereby notified that the City Council of the City of Auburn, Maine has voted to hold a Public Hearing on **Monday, March 18, 2024, at 7:00 p.m.** at the Auburn City Hall located at 60 Court Street, Auburn, Maine. The purpose of this public hearing is to hear all persons interested in the condition of the Property, which is alleged to be a nuisance and dangerous building within the meaning of 17 M.R.S. § 2851. At such hearing, the City Council will consider whether they will adjudge said Property, including the buildings thereon, or any part thereof, to be a nuisance or dangerous; and if so adjudged, will record an Order prescribing what disposal shall be made thereof, including, but not limited to, the demolition and removal of the building/structure found to be in violation. You have a right to attend the hearing, to be heard, and to present any documentary and testimonial evidence that you wish the City Council to consider.

If any such Order of the City Council is issued and is not timely complied with and no appeal is taken, the City Council may undertake to abate or remove any such dangerous condition or nuisance as above referenced that is found to exist, which may include the demolition and removal of all buildings located on the Property, and recover all related expenses, including reasonable attorney's fees, by means of a special tax or civil action against the Owner as provided by statute.

Copies of this Notice will be served upon the Owner and all Parties-in-Interest as required by law and, pursuant to 17 M.R.S. § 2857, an attested copy will be recorded in the Androscoggin County Registry of Deeds.

DATED: 2/7/2024

CITY OF AUBURN, MAINE

By: Phil Crowell, City Manager

ATTEST: Susan Clements-Dallaire

ORDER 39-03182024

City Council Order

IN CITY COUNCIL

CITY OF AUBURN, MAINE
CITY COUNCIL

Re: Premises at 46 Fair Street, Auburn, Maine
Parcel ID# 337-002

ORDER OF DEMOLITION PURSUANT TO 17 M.R.S. §§ 2851-2859

Notice having been given to REDCORAL INVESTMENTS, LLC and all other persons and entities having an interest in the premises situated at 46 Fair Street in Auburn, Maine, described as Parcel ID# 337-002 on the City's maps, copies of which are on file at the Auburn City Hall, and more particularly described in a deed from Allen F. Mackey to RedCoral Investments, LLC, dated September 14, 2021, and recorded in the Androscoggin County Registry of Deeds in Book 10877, Page 16 (the "Property");

Notice also having been given to (1) 32 Ventures, LLC, holder of a mortgage on the Property dated June 23, 2022, and recorded in the said Registry in Book 11139, Page 27; (2) F and F Ventures 11, LLC, holder of a mortgage on the Property dated June 26, 2023, and recorded in the said Registry in Book 11402, Page 64; (3) Auburn Water District, holder of a water lien on the Property dated September 21, 2022, and recorded in the said Registry in Book 11216, Page 186; and (4) Auburn Sewer District, holder of a sewer lien on the Property dated September 20, 2022, and recorded in the said Registry in Book 11216, Page 192.

A hearing having been duly held by the City Council at the Auburn City Hall on March 18, 2024; and

The structure located on said Property having been adjudged to be structurally unsafe; unstable; unsanitary; constituting a fire hazard; unsuitable and improper for the use or occupancy to which they have been put; constituting a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment; and otherwise dangerous to life and property within the meaning of 17 M.R.S. § 2851 and beyond repair, for the reasons set forth in the findings and conclusions attached as Exhibit A and incorporated herein;

Now, therefore, it is hereby **ORDERED** that the structure located on the Property be removed within 30 days from the date of this Order, that the removal comply with all State and local requirements, and that the premises be left in a safe and sanitary condition or that the nuisance be abated in a manner satisfactory to the City within 30 days from the date of this Order;

It is further **ORDERED** that the City Clerk cause attested copies of this Order to be served upon the persons and interest holders above-named as required by law;

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 39-03182024

City Council Order

It is further **ORDERED** that, if this Order is not complied with, then the City Council or its designee is authorized to cause the removal of the said structure described herein and to bill the owner for the cost of all expenses incurred by the City, which bill must be paid within 30 days after demand; and

It is further **ORDERED** that in the event the owner does not pay the City for its expenses within 30 days after demand, a special tax shall be assessed on the premises described as Parcel ID# 337-002 and located at 46 Fair Street, for all expenses as defined in 17 M.R.S. § 2853, incurred by the City in connection with the removal of the said structure and/or the abatement of the nuisance.

Dated: March 18, 2024

CITY OF AUBURN
CITY COUNCIL

Richard S. Whiting

Timothy M. Cowan

Stephen G. Milks

Benjamin J. Weisner

Leroy G. Walker, Sr.

Belinda A. Gerry

Adam R. Platz

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: March 18, 2024 **Order:** 40-03182024

Author: Sue Clements-Dallaire, City Clerk

Subject: Adopting the City of Auburn's Fee Schedule

Information: The action of Ordinance 07-03042024 removed the fee schedule from ordinance. Passage of this order adopt the current fee schedule establishing it as a stand alone document which may be amended by the City Council from time to time as an order, which requires one reading as opposed to an ordinance which requires two separate readings and a public hearing.

City Budgetary Impacts: None

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Public hearing and passage of first reading on March 4, 2024 to remove this from ordinance and the second reading to be voted on at this meeting 3/18/2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

ORDER 40-03182024

City Council Order

IN CITY COUNCIL

Ordered, that the attached Fee Schedule, as defined in Chapter 1 of the Code of Ordinances and referenced throughout the Code, be and hereby is adopted.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn

Fees and Charges

Administrative

Notary fee10.00

Copy fee, per page (8.5 x 11 black and white)0.10

Animals

Dog license fees:

Unaltered dog—annually11.00

Spayed/neutered dog—annually6.00

Late fee after January 3125.00

Impoundment fee—each50.00

Additional per day for boarding feeTBD

Dangerous dog registration fee—annually100.00

Buildings and Building Regulations

Building permit—single-family:

New construction, additions and mobile homes25.00

Accessory structure25.00

Renovation < $4,000.0025.00

Renovation > $4,000.0025.00 base + 5.00 per $1,000.00 value

Building permit—multi-family:

New construction and additions30.00 base + 0.30 per sf

Renovations30.00 base + 5.00 per $1,000.00 value

Building permit—commercial:

*New construction for agricultural building for the storage of crops, housing of livestock are excluded from the building permit fees. This exclusion does not apply to marijuana.

New construction30.00 base + 0.35 per sf (per floor)

Renovation30.00 base + 7.00 per $1,000.00 value

Foundation only30.00 base + 5.00 per $1,000.00 value

New construction of agricultural buildings for the storage of crops or housing of livestock, excluding marijuana25.00 base + 0.07 per sf

Building permit—swimming pools:
*This includes electrical inspection.

Above ground and in-ground pools50.00

Building permit—other:

Fences25.00
..... (6 ft or higher)

Underground storage tanks50.00
..... (first tank) +
..... 15.00 (additional tanks)

Moving building100.00

Driveways25.00

Change of use40.00

Certificate of occupancyIncluded in permit
..... ($260.00 penalty)

Signs25.00 base + 0.50 per sf

Banners, for seven-day period not to exceed 14 days250.00

Demolition:

Interior demolition not in conjunction with a construction project50.00

< 5,000 sf50.00

> 5,000 sf250.00

Belated fee:

The customary permit fee shall double where work commences prior to the issuance of the appropriate permits.

Building permit fee reimbursement policy:

In the event that the recipient of a building permit does not undertake any of the building activity associated with a given permit, he/she may submit a written request to the director of planning and permitting for the reimbursement is made within six months of the issuance of said permit, and if no work associated with said permit was commenced, 75 percent of the permit fee will be reimbursed. The city shall retain 25 percent of the permit fee to provide compensation for the costs associated with issuance of said permit and to process reimbursement.

Plumbing fees:

Internal plumbing:

Per fixture (subject to minimum below)9.00

Minimum36.00

Subsurface wastewaterTBD

Nonengineered systems150.00

Field only100.00

Treatment tank only (non-engineered)75.00

Engineered system300.00

Treatment tank only (engineered)120.00

Holding tank150.00

Other system components50.00

Separate laundry disposal field50.00

Seasonal conversion75.00

Variance50.00

Primitive system (including 1 alt wc)150.00

Alternative toilet only75.00

Electrical inspections:

MinimumTBD

Residential32.00

Commercial42.00

Single and multifamily dwellings—per unit (includes service/openings)—each58.00

All temporary services30.00

Services—single phase—panel and meter:

Base fee—up to 100 amps (includes cable hookup)12.00

Plus-per each additional 100 amps or fraction7.00

Plus-per each additional meter7.00

Plus-subpanels—up to 100 amps7.00

Plus-subpanels—each additional 100 amps or fraction10.00

Services—three phase—panels:

Base fee—up to 100 amps (includes cable hookup)30.00

Plus-per each additional 100 amps or fraction7.00

Plus-per each additional meter7.00

Plus—subpanels, up to 100 amps10.00

Plus-subpanels—each additional 100 amps or fraction10.00

Wiring openings (total outlets, lights and switches—120 volt):

1—20 openings15.00

21 to 50 openings20.00

51+ openings0.50
..... per opening

Appliances in new locations—120 volts—compactors, dishwashers, disposals, air conditioners, etc.5.00

Appliances in new locations—240 voltsTBD

Ranges, ovens, water heaters, dryers, air conditioners, etc.10.00

Domestic heat:

Electric—per kilowatt3.00

Gas, oil, central air, other12.00

Manufactured dwellings—per unit (includes service equipment)42.00

Circuses, carnivals, fairs, festivals, etc.75.00 flat fee

Transformers, generators and UPS (battery backup)25.00 flat fee

Alarm system (copper or fiber):

Fire, burglar—base fee18.00

Plus—per outlet over first 10 outlets0.50

Other low voltage system (computer, phone, cable, satellite dish, sound, closed circuit television, etc.)—base fee18.00

Plus—per outlet over 10 outlets0.50

Motors:

< 25 HP12.00

Plus—for each 5 HP or fraction thereof over 25 HP2.00

Signs (one time fee):

Portable, mobile, permanent—each sign25.00

Emergency lighting battery pack unit—each7.00

Water, sewer, gas or wall pump—each10.00

State business licensing inspections—each40.00

Annual industrial electrical permit—does not include new structures or additions250.00

Fire alarm box connection—annually:

DET electronic units400.00

Mechanical box connections425.00

Belated electrical permit fee—within one calendar year:

First offense100.00

Second offense200.00

Third offense400.00

Fourth offense800.00

Fifth and subsequent offenses—each1,600.00

Inspections and department call outs after normal business hours-minimum (additional time beyond three hours shall be calculated at time plus one-half for the on call electrician)150.00

Notice of intent to sell, transfer or rent property subject to order:

Violation of section 12-199:

Not less than50.00

Not more than100.00

Businesses and Business Regulations

Lodginghouse, Boardinghouses, rooming houses, hotels, motels, etc.—annually100.00
..... flat fee

Outpatient addiction treatment clinic—annually200.00

Closeout sales (30-A M.R.S.A. § 3781)—maximum of one per business up to 60 days20.00

Massage licenses—annually:

Establishment (more than one therapist)—annually150.00

Therapist—annually, plus cost of background check)150.00

Solicitation permit (issued by police department)0.00 each

Mobile or itinerant vendor permit (door-to-door sales):

One year100.00

Mobile food distribution unit (roving diner):

Twelve months100.00

Vendor use of city property (each three-month period)50.00

Peddlers:

Per event75.00

30-day permit100.00

Agricultural barn sales—each (maximum of one three-day permit per month between the months of April and October)15.00

Garage sales—each (maximum of two three-day permits within six months):

On-line issuance0.00

In office issuance0.00

Secondhand dealer license—annually100.00

Pawnbroker license—annually plus actual cost of advertising hearing100.00

Junkyard/automobile graveyard (no on-line license)—annually plus actual cost of advertising hearing:100.00

Taxicabs:

Taxicab business license—annually100.00

Call-out inspection fee (establishment requested outside normal hours)—each, plus inspector's overtime hourly rate100.00

Re-inspection fee100.00

Flea market, craft fairs, swap meets, and bazaars:

One day event0.00
..... application only

Three months0.00
..... application only

Alcohol beverage establishments:

Class A lounge (liquor)—annually (plus actual cost of advertising hearing)1,000.00

1,300.00 flat fee

Tavern license—annually:

Up to 2,999 square feet150.00

250.00 flat fee

Liquor service approval (off-premises catering)—per event10.00

Food service establishments (plus actual cost of advertising hearing):

Class I (liquor—beer, wine and spirits, and mixed drinks)—annually500.00
..... flat fee

Class III/IV (liquor—beer and wine)—annually400.00
..... flat fee

Class IV (liquor—beer)—annually400.00
..... flat fee

Class on or off premises (no liquor)—annually200.00
..... flat fee

Bottle club/BYOB—annually200.00
..... flat fee

Temporary food service establishment—per event—maximum of 30 days60.00

Off premises retailer—annually200.00
..... flat fee

Adult amusement devices—each device annually1,100.00

Beano/bingo (EnerGov—no online license)No fee

Carnival, circus, or other traveling amusement—per day150.00

Coin-operated amusement device—annually—per device:

Per unit up to 10 devices0.00

Per unit for 10 or more devices0.00

Jukeboxes—each device—annually0.00

Motion picture theater—per screen—annually0.00

Pool halls—annually per table0.00

Roller skating rinks—annually:

With partial or full kitchen90.00

Dances and dancehalls—per event35.00

Mass gathering permit application fee—determined for each event (EnerGov—no on-line license)N/A

Tattoo (background check required):

Tattoo artist license fee—annually100.00

Tattoo exhibitions or shows—per event250.00

Race trackN/A

Special amusement (background check required)—annually plus cost of advertising hearing125.00

Game of chance (EnerGov—no on-line license):

Six months10.00

Up to three-year blanket approval20.00

Relicensing upon late renewal by any existing licensed business:

30—45 days late50.00

More than 45 days late100.00

Reoccurring 200.00

Emergency Management and Services

Security (alarm) system permit:

Issuance30.00

Environment

Fill permit—original issuance:

Up to 7,000 square feet of fill area25.00

7,001 to 22,500 square feet of fill area35.00

Over 22,500 square feet of fill area50.00

Fill permit renewal—annually—if not delinquent0.00

Fire Prevention and Protection

Fire department services:

Reports—per copy10.00

Research—per hour (1 hour minimum)20.00

Old hose—per foot1.00

Coverage of a fire/EMS event—per person-per hour50.00 plus apparatus rate

Accident or fire photos—each—unless otherwise determined by fire chief10.00

Photos printed outside of agency—each—plus actual costs20.00

Environmental reviews—each20.00

Fireworks standby—per hour200.00

Training burns resulting in demolition2,500.00

Fire investigations—per hour100.00

Hazard material incidents:

Cost of response—see apparatus costs—plus cost of materials and supplies used.

Illegal/unauthorized burning response—per hour250.00

Out of control burn response:

Cost of response—see apparatus costs.

Vehicle accidents—per hour250.00

Extrication of patients from vehicle300.00

Spill control and clean-up100.00

Salvage calls—residential:

Labor—per hour150.00

Sump pump—each—per hour50.00

Salvage calls—commercial—per hour500.00

False alarms—received in one calendar year:

Second100.00

Increase in first alarm fee for each subsequent alarm100.00

Fireworks:

Use or possession with intent to use in the city:

First offense (plus costs):

Not less than200.00

Not more than400.00

Second and subsequent offenses (plus costs):

Not less than300.00 per violation

Not more than600.00 per violation

Sale or possession with intent to sell in the city:

First offense (plus costs):

Not less than500.00

Second and subsequent offenses (plus costs):

Not less than1,000.00 per violation

Apparatus rates: includes normal crew assignment

Engine—per hour250.00

Aerial device—per hour350.00

Rescue—per hour150.00

Boat—per hour150.00

Command unit100.00

Forestry/brush truck150.00

Solid Waste

Solid waste fees shall be as determined annually by the city council base on prior years' financial information.

Streets, Sidewalks and Other Public Places

Display of goods permit—each0.00

Excavation/Street Opening Permits—per square foot* :

Newly constructed, reconstructed or repaved street6.00

Paved streets5.00

Gravel streets and shoulders3.00

Construction areas (streets scheduled for full-depth construction5.00

* *Applicability Date:* Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, the amendments to this Appendix A evidenced by Ordinance 05-06052023, when enacted, shall govern any proposed excavation/street opening for which an application has not been submitted to and finally acted upon by the City prior to June 5, 2023.

Sidewalk openings—per square foot:

Concrete, brick, bituminous1.50

Other openings:

1.00 for all other materials

Entrance permit—each20.00

Private propertyN/C

Inspection of improvements in developments:

Streets to be accepted by city—as percentage of estimated costs of required public improvements2%

Private streets—as percentage of estimated costs of required public-type improvements2%

Special exceptions—the greater of:

Minimum200.00

Percentage of public type improvements2%

Traffic and Vehicles

Parade or procession permit—each0.00

Parking in city owned parking lot and mechanics row parking garage—monthly45.00

Zoning

Zoning text amendments:

Base fee—each application400.00

Additional for required advertising—each application300.00

Zoning map amendments:

Base fee—each application400.00

Additional for required advertising—each application300.00

Zoning board—appeals, interpretation, variance, conditional use permit, etc.:

Base fee—each application150.00

Additional for required advertising—each application200.00

Site plan review:

Minor projects—interdepartmental/staff review—each application200.00

Major projects and subdivision of existing structures—planning board review/special exceptions:

Base fee—each application500.00

Additional for required advertising200.00

Site plan amendment:

Minor projects—staff approved amendments—each100.00

Major projects—planning board approved—amendments:

Base fee-each application100.00

Additional for required advertising200.00

Subdivision review—new lots and structures:

First three lots750.00

Each additional lot over three100.00

Delegated review (in addition to site plan or subdivision fees when required)—includes one or all areas (stormwater, TMP, site law, etc.) 25% of the fee that would be charged by the state department of environmental protection and state department of transportation for the same permits based on state adopted fee schedules at the time of application.

Zoning conformance/rebuild letter—each50.00

Independent professional review feesTBD

Engineering inspection feesTBD

Required advertising (unless otherwise specifically provided above) 100.00

Other General Information:

- Applicants are responsible for the cost of all public hearing advertisements and background checks required for various licenses. Failure to list that additional expense in the fee schedule shall not eliminate that requirement from the licensing process.
- Applicants are responsible for providing background checks, not older than 3 days prior to submission of application for all licenses that require such checks or, alternatively, applicants may pay $100.00 to the city with the application to cover the cost of the background check.
- License fees established in this appendix include two routine or pre-operational inspections and one follow-up inspection. When additional inspections are required, the city may charge an additional $100.00 per inspection to cover the costs of each additional inspection or visit.
- All first time applications must be made in person, unless otherwise specifically stated herein.
- All on-line licenses will receive a 10% discount unless otherwise indicated herein.
- No on-line renewal of liquor licenses, special amusement licenses, or tattoo or massage licenses is permitted.
- Residential construction. A veteran/widow/widower of a veteran or contractor on behalf of a veteran/widow/widower of a veteran seeking to build new construction or to rehabilitate an existing property will have all fees waived/reimbursed at time of permit approval. This applies to owner occupied single family and multifamily units, up to 3 unit structures. This does not apply to state fees administered by the city.
- Commercial construction. A veteran owned business* or subcontractor hired by a veteran owned business*, will be entitled to a 50% fee reduction/reimbursement for new construction or rehabilitation of an existing property at the time of permit approval. This does not apply to state fees administered by the city.

  * Veterans honorably discharged from federal service, must present DD-214 to economic, and community development office for fees to be waived.

  ** Veteran owned business as defined by the SBA being a corporation in which 51% of the shares of the company are owned by a veteran.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 18, 2024

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

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 Workshop & Meeting
Agenda
April 1, 2024
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Auburn School Department Budget Presentation –Dr. Connie Brown
B. City Manager's Budget Presentation – Phil Crowell
C. Council Budget Discussion and Review of Council Priorities

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Gerry

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 41-04012024*
Setting the date for the School Budget Validation Referendum Election (June 11, 2024).

II. Minutes

- March 18, 2024, Regular Council Meeting
- March 25, 2024, Special Council Meeting

III. Communications, Presentations and Recognitions

- Recognition - Camden Goddard - 2024 MRPA Citizen Volunteer Award Recipient
- Communication – Request for Lake Stewards of Maine funding from the City of Auburn for FY2024

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. Ordinance 01-01022024
Amending Chapter 60 of the zoning ordinance to include Effective Date and Applicability Date of Ordinance 26-11202023. Public hearing and second reading.

2. Order 39-03182024
Disposition of building located at 46 Fair Street under dangerous building statute. Public hearing for parties with interest in property.

VI. New Business

1. Order 42-04012024
Authorizing the City Clerk to consolidate to one polling place for the July 9, 2024, Special Municipal Election. Public hearing and vote.

2. Order 43-04012024
Adopting the 5-year Capital Improvement Plan (CIP).

3. Order 44-04012024
Approving the Mass Gathering for the Auburn Lobster Festival event scheduled for Saturday, May 11, 20204. Public hearing and vote.

4. Order 45-04012024
Approving the temporary liquor license for an Incorporated Civic Organization for the Lobster Festival event scheduled for Saturday, May 11, 2024. Public hearing and vote.

5. Order 46-04012024
Approving the Annual Report to the Maine State Housing Authority for Tax Year 4/1/2023-3/31/2024.

6. Resolve 03-04012024
Adopting the Androscoggin County Natural Hazard Mitigation Plan 2024.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report

IX. Executive Sessions – Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 1, 2024

Author: Mark Conrad, School Business Manager

Subject: FY 2025 School Budget Discussion

Information: The School Committee is currently reviewing the FY 2025 budget proposal submitted by the Superintendent of Schools. The FY 2025 operating budget (including Adult Education) proposed by the Superintendent is increasing by 5.4% to $62,234.945. The largest single impact in this budget is the loss of federal ESSER (pandemic) funding for 15 staff positions. This budget eliminates five (5) positions from the operating budget and nine (9) positions funded by ESSER, transfers six (6) positions from ESSER to the operating budget, and adds one (1) new position to the operating budget (see attached summary).

For the first time in three years this budget includes a CIP request totaling $983,000, including a new fire alarm panel for Park Ave. ($32,000), a district-wide HVAC controls software platform migration ($251,000), and a new boiler room at Fairview ($700,000).

The revenue budget includes a 6.0% increase in State subsidy, a $350,000 increase in the use of fund balance funds, to $2,350,000, and an expenditure of $211,000 in remaining revenue from the Edward Little naming rights campaign. The local share is increasing by $1,069,062, or 5.6%, to $20,866,210 in FY 2025.

The School Committee is scheduled to approve a school budget and forward it to the City Council on May 1, 2024.

City Budgetary Impacts: TBD

Staff Recommended Action: Discussion

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

Superintendent's FY 2025 Budget Message
Summary of Personnel Changes
Budget Summary by Warrant Article
General Fund Revenue Budget

To: Auburn School Committee
From: Cornelia Brown PhD Superintendent of Schools
RE: Budget Message for 2024-2025 Auburn School Department Operating Budget
Date: February 28, 2024

Introduction:

It is somewhat bittersweet to present my last operating budget for the Auburn School Department (ASD). During the last four (4) years I believe that we have established an excellent process for budget consideration, deliberation, and adoption. I sincerely appreciate the School Committee's due diligence on examination of budget priorities, and ensuring that the proposed budget furthers the goals established by the School Committee. My goal was and remains to improve the educational outcomes for our students.

I believe that our staff is the most important asset we have. Please be reminded that nearly 80% of our cost(s) are related to people, and appropriately so. Every single person in the ASD has a critical role to play in the education of our students. There are no superfluous positions and before anything is included in the proposed operating budget it goes through a rigorous evaluation process.

My philosophy around effective budget processes is to provide clear, unambiguous information in a transparent manner.

The Auburn School Committee is considering the following goals:

Student Outcomes

The School Department will ensure high achievement for all students supported by a strong, rigorous curriculum.

- Graduation Rate: The graduation rate will reach or exceed 95% by 2025
- District Mandated Testing: The ASD will meet or exceed state proficiency rates by 2025
- Sub-populations: The ASD will reduce disparities in student outcomes across demographics.

Communication

Through various means, the ASD will continue to communicate clearly with stakeholders to foster relationships, maintain trust, increase engagement and create a sense of belonging for all school community members.

Master Plan for Facilities

The ASD will utilize the Facilities Assessment to create a Master Plan to address the capacity, sufficiency, and structural quality of all ASD facilities.

School Committee Self-Evaluation

The School Committee will implement an annual self-evaluation process.

Role of ESSER:

The development of the 2024-2025 ASD operating budget is complicated by the end of the COVID-related funds commonly known and understood as ESSER. For a period of time I have been cautioning the School Committee that there is a pending funding cliff with the end of these funds and now the cliff is here. As of February 28, 2024 the ASD has fifteen (15) staff positions being funded through ESSER for a total of $924,875. These positions are as follows: 6 teachers, 1 nurse's aide, 1 social worker, 5 educational technicians, 1 instructional technology coach, and 1 literacy coach.

Trying to stay within reasonable budget parameters, I have incorporated some, but not all, of the ESSER positions within the proposed 2024-2025 ASD operating budget. At this time, I recommend transferring 2 teaching positions from ESSER to the operating budget (EACS and Washburn Elementary), 1 social worker's position (Sherwood Heights), 1 educational technician (ELHS), 1 nurse's aide (Walton), and 1 district-wide math coach who previously served as the instructional technology coach.

We are not able to include 4 teaching positions, 4 educational technician positions, and a district-wide literacy coach currently funded through ESSER. The schools affected by these ESSER reductions include EACS, Washburn, Park Avenue, Fairview, Sherwood and ELHS. Each of the staff members in these positions will be moved into existing vacancies.

The ESSER budget also funds the off-site suspension center run by Community Youth Services, at a cost of $65,000. These costs are transferred to the FY 2025 operating budget to maintain critical services for at-risk students.

Proposed Budget for 2024-2025: $62,234,945 (including Adult Education)

It is my pleasure to submit to you for your consideration the recommended operating budget to support the needs of our students in the Auburn School Department for the 2024-2025 School Year. As proposed, the Auburn School Department budget is $62,234,945, an increase of $3,163,656 or 5.4%. The Mil rate for education would be $9.24 an increase of .47 based on current assessed values. On a home assessed at $150,000 it would mean a $70.97 increase on an annual basis.

We are eliminating 4 regular teaching positions from the ASD operating budget (AMS, Sherwood, Fairview, and Graphic Arts at ELHS) and a special education Team Leader (Walton). The budget does include one new teaching position, a special education behavior support teacher (BCBA).

As proposed, the budget anticipates a 12% increase in health insurance premium costs and an overall increase of $822,572 because more employees are opting to take our health insurance. A new payroll tax to pay for expanded FMLA leave required by the State of Maine Is budgeted at $288,378. There are allowances for increase(s) associated with settled contractual agreement(s) with the Auburn Education Association Teachers' Unit, the Administrators' Unit and the Non-Affiliated Unit. Another substantial cost driver in the proposed 2024-2025 ASD budget is an increase in Special Education of $1,104,021 or 8.6%. This increase includes $450,000 for the MaineCare SEED match and $227,091 for Out-of-District placements.

Revenues:

The Auburn School Department received the ED 279 in late January. While the figures are anticipated but not enacted (the Legislature will take that action later this session) at this time I expect that our subsidy from the State of Maine will be $29,231,738, an increase of $1,651,087 or 6% in additional state aid. We will also receive $8,596,809 in Debt Service for Edward Little High School and $492,966 for Park Avenue Elementary School. The total increase in State Aid will be $1,658,474, or 4.5%. I propose increasing the revenue from the Auburn School Department Fund Balance to $2,350,000, an increase of $350,000.

From the City of Auburn, I am proposing increasing revenue from $19,797,148 to $20,866,210, an increase of $1,069,062 or 5.6%.

Cost Centers:

Pursuant to 20-A MRSA Section 1485 a school budget, including a municipal school budget, is divided into eleven cost categories: (1) Regular Education (2) Special Education (3) Career and Technical Education (4) Other Instruction (5) Student and Staff Support (6) System Administration (7) School Administration (8) Transportation (9) Facilities and Maintenance (10) Debt Service/Other Commitments and (11) Other Commitments. Adult Education is also included in the Auburn School Department operating budget. I will now review each Cost Center noting change(s).

Cost Center (1): Regular Education

Cost Center (1) includes the cost of regular education (personnel, supplies, books, and the cost(s) associated with regular education collective bargaining agreement(s). As proposed this cost center is up $1,128,917. Notably, this cost center includes transferring 2 elementary teaching positions from ESSER into the operating budget at East Auburn Community School and Washburn Elementary School, along with a district-wide math instructional coach.

Cost Center (2): Special Education

Cost Center 2 is increasing $1,104,021.

The increase in SEED this year is significant. School districts and private schools are able to bill the federal Medicaid program for some special education services, through MaineCare. However, the federal government only partially covers the cost of those services. Private schools can then bill sending districts for the cost of services to students that are not reimbursed by Medicaid, and that is known as the "SEED match". SEED costs are being driven by recent DOE-approved rate increases to private schools of up to 44%.

Expenditures Associated with Out of District Placements:

Year	Budget	Actual	Difference
2015-2016	$ 1,617,819	$ 1,650,831	($ 33,012)
2016-2017	$ 1,667,819	$ 1,964,889	($ 297,070)
2017-2018	$ 1,923,039	$ 2,635,915	($ 712,876)
2018-2019	$ 2,056,544	$ 1,916,349	$140,194
2019-2020	$ 2,075,490	$ 2,275,992	($ 200,502)
2020-2021	$ 2,410,305	$ 2,445,125	($ 34,820)
2021-2022	$ 2,908,586	$ 2,047,950	$ 860,636
2022-2023	$ 3,135,490	$ 2,990,386	$ 145,104
2023-2024	$ 3,880,600	—	—
2024-2025	$ 4,107,691		

School Year	# of Tuition Students
2019-2020	62

2020-2021	64
2021-2022	60
2022-2023	62
2023-2024	61
2024-2025	64

Cost Center (3):

The Lewiston Regional Technical Center receives subsidies for both their programs at LRTC and at ELHS from the Maine Department of Education. We do not budget any revenues or expenditures.

Cost Center (4): Other Instruction (Includes Athletics and Co-Curricular):

Cost(s) associated with this center include restoring the First Football team ($9,500) and an increase in AMS athletic equipment from $5,960 to $17,370. Overall this Cost Center is up $60,212 or 6.7%.

Cost Center (5): Student and Staff Support:

The primary driver(s) for this cost center are: re-classifying a social worker's position from Special Education into Student and Staff support, moving a social worker currently in ESSER into the operating budget (at Sherwood), and moving a nurse's aide position from ESSER into the operating budget (at Walton).

This budget includes a proposal to convert the technology integrator position, currently on a teaching contract, into a year-round software support position, with no budget impact. This need is driven by the continued integration of software into operating and instructional systems. I plan to bring a new job description for this position to the Finance Committee later this year.

Cost Center (6): System Administration

The most significant increase in this account is the new accounting/HR software package (MUNIS) at a cost of $187,687. This is a "must-do" as the current package (ADS) is only minimally supported now and is being phased out. Additionally, this is consistent with a strong

recommendation from the auditors to improve the reconciliation process with the City of Auburn. This account also includes a 5% increase for the non-affiliated staff. This amount is in concert with the organized units.

Cost Center (7): School Administration

This cost center is up $282,154 and reflects the recently ratified Collective Bargaining Agreement with the Auburn Administrators' Association. This cost center also reflects the costs associated with the increased usage of our health insurance plan. By way of example, this cost center includes administrative assistants in each of our schools. I have increased the health insurance line for these employees from $139,301 to $201,281 which is an increase of $61,980 or 44.49%, based on current participation in our health insurance plans.

Cost Center (8): Transportation and Buses

This cost center is up $264,610 or 12.1%. As with the support positions covered in Cost Center 7, more of our staff members are taking the School Department's health insurance, an increase in the number of paid days per driver, and repair costs for buses increasing by $62,449.

Cost Center (9): Facilities and Maintenance:

This Cost Center is down! I am showing a reduction of ($385,820). The reason for this reduction is our debt service costs are declining by $162,276. Further, we have a better handle on the utilities cost(s) at Edward Little High School and have had good results in bidding out energy for the coming year. Therefore, we believe we can reduce the overall cost of utilities by $239,925.

This article also includes a first interest payment of $16,250 for a $1 million capital improvements bond. Capital improvement requests will include migrating all buildings to a new HVAC controls software platform, and full replacement of the Fairview boiler room, based on recommendations from the work of Harriman and EEI.

Cost Center (10): Debt Service

This article is declining by ($30,105).

Cost Center (11): Crossing Guards:

No Changes

Adult Education:

The Adult Education budget is increasing by $33,969, or just under 10%, reflecting a significant increase in State subsidy funds. There is no change in the local contribution to Adult Education. This increase will largely be used to expand program opportunities.

Auburn School Department
FY 2025 Budget Process
Proposed Staffing Changes (FTEs) as Presented by the Superintendent

	Reg. Teacher	SPED Teacher	Guid/Soc. Wkr.	Reg. Ed. Tech.	SPED Ed. Tech.	Other	**Total**	Comment
Positions Eliminated from Operating Budget:								
Article 1	4.0						**4.0**	
Article 2		1.0					**1.0**	
Article 5							**0.0**	
TOTAL	**4.0**	**1.0**	**0.0**	**0.0**	**0.0**	**0.0**	**5.0**	
Position Eliminated from ESSER:								
Article 1	5.0			3.0			**8.0**	
Article 2					1.0		**1.0**	
Article 5							**0.0**	
TOTAL	**5.0**	**0.0**	**0.0**	**3.0**	**1.0**	**0.0**	**9.0**	
Position Transferred from ESSER to Operating Budget:								
Article 1	3.0						**3.0**	
Article 2					1.0		**1.0**	
Article 5			1.0			1.0	**2.0**	Other: Nurses aide at Walton
TOTAL	**3.0**	**0.0**	**1.0**	**0.0**	**1.0**	**1.0**	**6.0**	
New Positions:								
Article 1							**0.0**	
Article 2	1.0						**1.0**	New BCBA teaching position
Article 5							**0.0**	
TOTAL	**1.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**1.0**	

Auburn School Department

FY 2025 Budget Process

Budget by Warrant Article (As Proposed by the Superintendent)

Article	Purpose	FY 2024 Approved	FY 2025 Proposed	$ Change	% Change
1	Regular Instruction	$19,300,554	$20,429,471	$1,128,917	5.8%
2	Special Education	$12,882,836	$13,986,857	$1,104,021	8.6%
3	Career and Technical Education	$0	$0	$0	---
4	Other Instruction	$898,147	$958,359	$60,212	6.7%
5	Student and Staff Support	$3,806,698	$4,219,312	$412,614	10.8%
6	System Administration	$1,200,966	$1,492,010	$291,044	24.2%
7	School Administration	$2,413,311	$2,695,465	$282,154	11.7%
8	Transportation and Buses	$2,178,859	$2,443,469	$264,610	12.1%
9	Facilities Maintenance	$5,679,257	$5,293,437	($385,820)	-6.8%
10	Debt Service/Other Commitments	$10,329,269	$10,299,164	($30,105)	-0.3%
11	All Other Expenditures	$39,644	$41,685	$2,041	5.1%
	Total - Operating Budget	**$58,729,542**	**$61,859,229**	**$3,129,687**	**5.3%**
	Adult Education	$341,747	$375,716	$33,969	9.9%
	Total - All Articles	**$59,071,289**	**$62,234,945**	**$3,163,656**	**5.4%**

Excluding Debt Service & Adult Ed.	**$48,400,273**	**$51,560,065**	**$3,159,792**	**6.5%**

FY 2025 Budget Process

Auburn School Department

General Fund Revenue Budget (As Proposed by the Superintendent)

Fiscal Year	2020-2021 Actual	2021-2022 Actual	2022-2023 Actual	2023-2024 Approved	2024-2025 Proposed	Variance	Percentage
State/EPS Model							
Subsidy	$25,975,376	$28,656,518	$28,347,708	$27,580,651	$29,231,738	$1,651,087	106.0%
Debt Service-ELHS	$0	$1,554,035	$6,235,863	$8,568,985	$8,596,809	$27,824	100.3%
Debt Service-Park Ave	$579,894	$560,117	$534,544	$513,402	$492,966	($20,436)	96.0%
Total State	**$26,555,270**	**$30,770,670**	**$35,118,115**	**$36,663,039**	**$38,321,513**	**$1,658,474**	**104.5%**
Local							
Minimum Local 15671-A	$16,272,338	$16,031,338	$14,867,518	$15,245,365	$15,589,990	$344,625	102.3%
Local Only Debt Service	$102,473	$311,789	$894,187	$1,187,586	$1,155,649	($31,937)	97.3%
Additional Local	$1,322,309	$1,486,251	$3,195,978	$3,150,553	$3,906,927	$756,374	124.0%
Total Local	**$17,697,120**	**$17,829,378**	**$18,957,683**	**$19,583,504**	**$20,652,566**	**$1,069,062**	**105.5%**
Other							
State Agency Client/SOS	$187,493	$58,909	$21,211	$20,000	$20,000	$0	100.0%
MeCare Reimbursement	$148,939	$126,230	$104,156	$100,000	$100,000	$0	100.0%
Franklin Tuition	$58,249	$96,617	$111,012	$60,000	$100,000	$40,000	166.7%
Rental Properties (RETC)	$58,000	$58,000	$58,000	$0	$0	$0	---
Child Care	$50,000	$50,000	$50,000	$50,000	$50,000	$0	100.0%
Gate Receipts	$0	$32,557	$31,545	$33,000	$34,150	$1,150	103.5%
Revenue - Naming Rights	$0	$0	$0	$200,000	$211,000	$11,000	105.5%
Miscellaneous	$22,548	$357,657	$83,314	$20,000	$20,000	$0	100.0%
Total Other	**$525,229**	**$779,969**	**$459,237**	**$483,000**	**$535,150**	**$52,150**	110.8%
Fund Balance	**$ -**	**$0**	**$0**	**$2,000,000**	**$2,350,000**	**$ 350,000**	117.5%
Total General Operating	**$44,777,619**	**$49,380,017**	**$54,535,035**	**$58,729,542**	**$61,859,229**	**$3,129,687**	**105.33%**
Adult Education							
State	$95,639	$94,617	$94,354	$88,103	$122,072	$33,969	138.6%
Local	$200,141	$213,702	$207,192	$213,644	$213,644	$0	100.0%
Other (Tuition)	$8,289	$7,800	$10,400	$40,000	$40,000	$0	100.0%
Total Adult Education	**$304,069**	**$316,119**	**$311,946**	**$341,747**	**$375,716**	**$33,969**	**109.94%**
Grand Total Revenue	**$45,081,688**	**$49,696,136**	**$54,846,982**	**$59,071,289**	**$62,234,945**	**$3,163,656**	**105.36%**

Fiscal Year	2020-2021 Actual	2021-2022 Actual	2022-2023 Actual	2023-2024 Approved	2024-2025 Proposed	Variance	Percentage
Increase in Lcoal Share - Debt Service				$1,187,586	$1,155,649	($31,937)	-0.2%
Increase in Local Share - Operations (Including AE)				$18,609,562	$19,710,561	$1,100,999	5.7%
				$19,797,148	**$20,866,210**	**$1,069,062**	**5.6%**
City Property Valuation (Current 2024)					$2,259,431,378		
Mil Rate For Education (Total)					9.24		
Change on $150K home					0.47		$70.97

Note: the current City Property Valuation will be updated (and increasing) before a tax rate is set for the FY 2025 budget.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 1, 2024

Author: Sue Clements-Dallaire, City Clerk

Subject: City Manager's Preliminary Budget Presentation for FY2025

Information: City Manager Phil Crowell will present his FY2025 preliminary budget to the Mayor and City Council

---

City Budgetary Impacts: To be determined

Staff Recommended Action: Discussion

Previous Meetings and History: Budget discussions began at the February 3rd Council retreat and department presentations began on February 20th, then March 4th, March 11th, March 18th, and March 25th.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 1, 2024

Author: Sue Clements-Dallaire, City Clerk

Subject: Council Budget Discussion and Review of Council Priorities

---

Information: This is an opportunity for the Council to have another conversation regarding the FY2025 budget and to review Council priorities.

City Budgetary Impacts: To be determined

Staff Recommended Action: Discussion

Previous Meetings and History: Discussions regarding budget and Council goals began at the February 3, 2024 Council retreat. Department presentations began on February 20th, and continued on March 4th, March 11th, March 18th, and March 25th.

City Manager Comments:

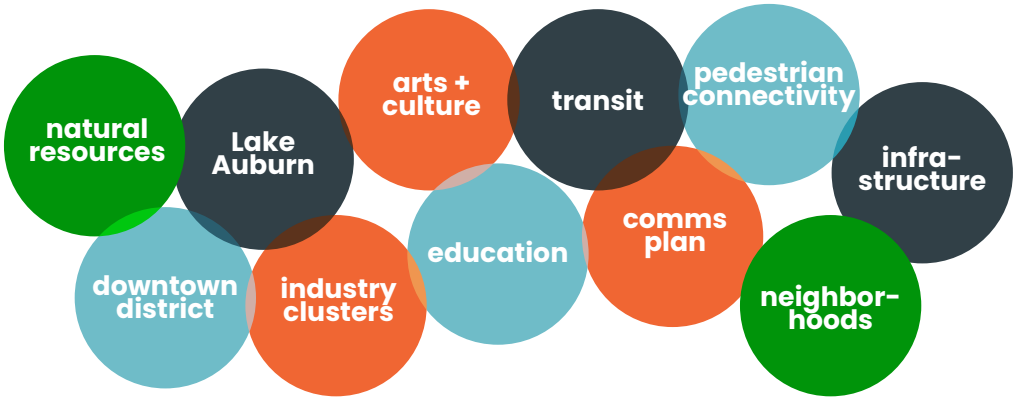
I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

2023–25 AUBURN CITY COUNCIL

STRATEGIC PLAN RECOMMENDATIONS

11 final strategic recommendations from the city's 2019 Strategic Plan.



CITY COUNCIL PRIORITIES

The Auburn City Council strives to ensure government transparency and accessibility; welcome and encourage participation and engagement; and balance tradition with growth and innovation.

PUBLIC SAFETY

- Facilities
- EMS service delivery
- PS staff modeling assessment
- Traffic safety

SUSTAINABILITY + NATURAL RESOURCES

- Solid waste/recycling/composting
- Bulky waste program
- River connectivity

GROWTH + INVESTMENT

- Establish innovation center/technology hub
- Support workforce growth
- Economic growth/sustainability
- Investment in education
- Downtown revitalization
- Road infrastructure

RECREATION

- Enhance programming for all ages
- Visibility of Rec programs
- Event planning
- Outdoor recreation assets
- Greenspace/trail connectivity

PLANNING

- Comp Plan/zoning
- Master planning
- Revaluation
- Charter review
- Strategic Plan
- Community engagement
- Mall development
- Housing plan
- Homeless initiatives
- Infrastructure assessment

INTERLOCAL INITIATIVES

- Auburn/Lewiston Municipal Airport
- 9-1-1 services
- County services/facilities
- Transit
- Regional partnerships

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 1, 2024 **Order:** 41-04012024

Author: Sue Clements-Dallaire, City Clerk

Subject: Scheduling the School Budget Validation Referendum Election to be held on June 11, 2024

Information:
Title M.R.S.A. 20-A, Section 2307 requires Municipalities to conduct a School Budget Validation Referendum Election each year.

The date is consistent with previous years, and there is a cost savings when holding this election at the same time as a State election which is normally the second Tuesday in June. It also results in better voter turnout.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage of this order.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 41-04012024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby sets the date to hold the School Budget Validation Referendum Election for Tuesday, June 11, 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Mayor Harmon 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. Councilor Platz had an excused absence. All other Councilors were present.

I. Consent Items

1. Order 34-03182024*
Re-appointing Chris Carson to the Sustainability and Natural Resource Management Board as nominated by the Natural Products and Agriculture Working Group. Term expiration of 04/01/2027.

2. Order 35-03182024*
Appointing Steve Buchanan to the Board of Assessment as nominated by the Appointment Committee. Term expiration of 03/31/2027.

3. Order 36-03182024*
Appointing Gerald Samson to the Board of Assessment as nominated by the Appointment Committee. Term expiration of 03/31/2027.

4. Order 37-03182024*
Appointing Kathy Shaw to the Board of Assessment as nominated by the Appointment Committee. Term expiration of 03/31/2026.

5. Order 38-03182024*
Appointing Tina Eugley to the Age Friendly Community Committee as nominated by the Appointment Committee. Term expiration of 06/01/2027.

Motion was made by Councilor Walker and seconded by Councilor Gerry for passage of the five consent items.

Passage 6-0.

II. Minutes – March 4, 2024, Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Whiting to approve the minutes of the March 4, 2024, Regular Council Meeting.

Passage 5-0-1 (Councilor Milks abstained).

III. Communications, Presentations and Recognitions

- Disenfranchised Business Enterprise (DBE) Plan FFY24/25/26
- Use of City Property – 143 Hampshire Street Parking Area
- Communication - The Mayor's Ad-hoc Committee on Homelessness

IV. Open Session – No one from the public spoke.

V. Unfinished Business

1. Ordinance 07-03042024
Removing Appendix A from Auburn's Code of Ordinances. Second reading.

Motion was made by Councilor Walker and seconded by Councilor Weisner for passage.

Public comment – No one from the public spoke.

Passage 6-0. A roll call vote was taken.

VI. New Business

1. Order 39-03182024
Disposition of building located at 46 Fair Street under dangerous building statute. Public hearing for parties with interest in property.

Public hearing –

Paul Farnsworth, 208 Oak Hill Road, stated that the property has been unsafe for quite some time and has been open and exposed to the elements. He spoke in support of the demolition.

Marty Doherty, 194 Oak Hill Road said he was excited when someone took this project on because it is a beautiful property right by the water, but it's gone on for too long. He expressed various concerns and said he doesn't trust that the renovations will happen and recommends the demolition of the property.

Janice Conant, 199 Oak Hill Road, stated that as of today there is still trash and broken glass, debris, and nails on the outside which could have been cleaned up months ago. She stated that it is lucky that nobody has gotten hurt.

Motion was made by Councilor Walker and seconded by Councilor Milks for passage.

Motion was made by Councilor Milks, seconded by Councilor Whiting to postpone this item until the next regularly scheduled Council meeting (April 1).

Passage 4-2 (Councilor Walker and Gerry opposed).

2. Order 40-03182024
Adopting the City of Auburn's fee schedule.

Motion was made by Councilor Whiting and seconded by Councilor Walker for passage.

Passage 6-0.

VII. Open Session – No one from the public spoke.

VIII. Reports

Mayor Harmon reported that a Lake Auburn Watershed Protection Commission meeting was held earlier this week where WRS Environmental provided the results of their study regarding the phosphorus control in the Lake. Anyone who is interested can go the Lake Auburn Watershed Protection Commission website and search for the March 13th meeting. He also reported that the Ad hoc Committee on homelessness met last Thursday and will be meeting every two weeks for the next few months.

Councilor Whiting reported on the ice out on the Lake adding that it is the earliest ice out on the Lake that he can remember.

City Manager Crowell reported on two items that are coming up. The Conservation Working Group will be holding a webinar on Tuesday, March 19th at 6:30 pm, and the Natural Products and Agricultural Working Group will hold a Land Use Forum on Saturday, April 13th from 10:00am to 1:00pm.

IX. Executive Sessions – None.

X. Adjournment - Motion was made by Councilor Walker, seconded by Councilor Milks to adjourn.

Passage 6-0. The meeting adjourned at 8:11 pm.

A TRUE COPY **ATTEST** Susan Clements-Dallaire
Susan Clements-Dallaire, City Clerk

IN COUNCIL SPECIAL MEETING MARCH 25, 2024, VOL. 37 PAGE 149

Mayor Harmon called the meeting to order at 5:30 P.M. in the Community Room of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

Pledge of Allegiance

I. New Business

Resolve 02-03252024
Authorizing the submission of the Community Resilience Partnership application and designating the City Manager, or his designee to be the primary point of contact, to coordinate planning, implementation, and monitoring of energy and resilience projects.

Motion was made by Councilor Walker, seconded by Councilor Whiting for passage.

Passage 7-0.

II. Adjournment

Motion was made by Councilor Walker, seconded by Councilor Milks to adjourn the meeting. Passage 7-0. The meeting adjourned at 5:37 pm.

A TRUE COPY **ATTEST** Susan Clements-Dallaire
Susan Clements-Dallaire, City Clerk

Phil Crowell, City Manager
City of Auburn
27 Pine Street
Lewiston, ME 04240

February 21, 2024

Dear Phil:
It is with great excitement that I would like to inform you that Auburn Recreation Department/ Unified Sports volunteer Camden Goddard is the 2024 recipient MRPA Citizen Volunteer Award as presented by the Maine Recreation and Park Association. For more information on the history of this award and criteria for being recognized, please go to our page at Association Awards - Maine Recreation and Parks Association (merpa.org)

Camden was nominated by Sara Parker, who works in the Auburn Recreation Department. Sara wrote this about Camden in her nomination application:

"Camden Goddard, our youngest volunteer (9), is one of the most loyal, dedicated, and passionate people to have as a part of our Unified Sports programs for the last 2 years. His older brother, Jackson, is a participant in our programs; unified sports provide athletic opportunities for youth with intellectual and physical disabilities. When their mom signed Jackson up for our inaugural Unified Soccer season last year, Camden approached us eager to help out. From that day forward, he has yet to miss a session. Following our successful soccer season, we laid out our Unified Basketball program/clinic - Camden's drill station (passing and shooting), was a fan favorite. He worked with players individually, and in groups, to help them learn dribbling, passing, and proper shooting techniques. His encouragement and patience with each player made a huge difference in their (first, for many) athletic experience. Along with the time he spends with us at the rec department, Camden also assists our local little league's Unified Baseball program; Buddy Ball.

Camden is always willing to take an athlete by the hand, coach, encourage, and lead them. He is unafraid to speak up for those who cannot and ensures that everyone gets their chance to shine. He is everyone's favorite cheerleader, and is a true asset to all of the Unified programs in our community; we are so lucky to have him on our team."

Camden will be honored at our annual awards banquet on Monday, March 18, 2024 at the Samoset Resort in Rockport, Maine. The dinner will be held at 6:30pm and we would like to extend an invitation to you and any other city administration who would like to attend. Dinner tickets are $50.00 each and can be reserved by accessing this link:
MRPA Award Winner Banquet Tickets

Please let me know if you have any questions!

Sincerely,

Lisa

Lisa Thompson, CPRP
MRPA Awards Committee Chair

Cc: Deb Smith, Executive Director

LAKE STEWARDS OF MAINE
Volunteer Lake Monitoring Program

March 4, 2024

To: City Council, City of Auburn, Maine
From: Alison Cooney, Executive Director - Lake Stewards of Maine
Re: Request for Lake Stewards of Maine funding from the City of Auburn for FY2024

Dear City Council,

I am writing to you to request funding for support for Lake Stewards of Maine (LSM). LSM is a statewide 501(c)(3) nonprofit that trains, certifies and supports volunteer community scientists who collect water quality monitoring data and survey lakes for aquatic invasive species. All of our training and support is provided at no charge to the public. Formed in 1971 (formerly known as the Maine Volunteer Lake Monitoring Program), the program was initially administered by the Maine Department of Environmental Protection (ME DEP) and transitioned to non-profit status in 1996 when state and federal funding decreased and could no longer fully support the program.

With 6,000 lakes and ponds, and thousands of miles of river habitat, Maine is water rich! Additionally, Maine's lakes contribute $11.8 billion in value to the state's economy. Maintaining the health of Maine's clear, clean lakes requires nothing less than a statewide cadre of passionate and committed citizen stewards watching over them. Currently, more than 1,200 LSM certified volunteer community scientists monitor the health of more than 530 lakes throughout Maine. The direct involvement of dedicated LSM citizen lake scientists plays a vital role in maintaining and improving the water quality of Maine lakes and has been a significant factor in the early detection and control of aquatic invasive species in our lakes.

Every summer we extend our reach to include more lakes with volunteer involvement. Last summer, LSM coordinated 54 water quality training sessions and conducted 12 aquatic invasive plant workshops throughout the state. Over 400 individuals attended the in-person trainings, with hundreds more joining online webinars and technical support sessions.

While we receive state funding and actively pursue grants, our expenses are surpassing our budget. **To support the continued costs of training and supporting community lake scientists who monitor lakes throughout the state, Lake Stewards of Maine respectfully requests $1,500 from the City of Auburn.**

As we approach our upcoming field season, we'd be happy to inform you of the trainings we'll be providing in your area. It would be a wonderful opportunity for you to meet some of the volunteers who are dedicated to caring for local lakes and ponds in and around the City of Auburn. To view existing monitors on specific lakes, please visit our *lake resource* website, www.LakesOfMaine.org, search Towns, select a lake, then click on *Monitoring* in the menu bar to see who is monitoring your lakes.

24 Maple Hill Road
Auburn, ME 04210
www.LakeStewardsOfMaine.org
www.LakesOfMaine.org
stewards@lakestewardsme.org
(207) 783-7733

LAKE STEWARDS OF MAINE
Volunteer Lake Monitoring Program

All those who experience the wide variety of offerings provided by Maine's lakes benefit from the stewardship efforts of LSM's committed volunteers. Every dollar donated to Lake Stewards of Maine is typically matched 10 times over by volunteer effort. A worthwhile investment on behalf of Maine's treasured lakes!

For more information about Lake Stewards of Maine, please visit our *volunteer stewardship* website, www.LakeStewardsOfMaine.org. Thank you for your consideration of this request. We are excited about the prospect of establishing a relationship with you as we work together to protect Maine's lakes and ponds.

Kind Regards,

Alison Cooney
LSM Executive Director
alison@lakestewardsme.org

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 1, 2024 **Ordinance:** 01-01022024

Author: Eric J. Cousens, Director of Planning & Permitting

Subject: Public Hearing, Second and Final Reading on an Ordinance amendment adding Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023.

Information: The City Council requested that the Planning Board consider the proposed amendment at their February meeting. The Board postponed a decision after Public Hearing to ask the Council for information and reasons for the proposed delayed applicability date. The ordinance being considered for delay is described in more detail below. This zoning map amendment is evidenced by Ordinance #26-11202023 relating to the rezoning of approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district which became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter. The City Council responded to the Planning Board's request at the March 4th, 2024 meeting by forwarding Resolve 01-03042024 to the Board. The board, having reviewed the resolve, gave a negative recommendation at their March 12th, 2024 meeting.

City Budgetary Impacts: None known.

Staff Recommended Action: Hold a Public Hearing and vote on second and final reading.

Previous Meetings and History: December 18, 2023 CC meeting. Public hearing and passage of first reading on January 2, 2024. March 4 CC meeting.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Ordinance 01-01022024, PB Motion, PB Staff Report, Resolve 01_03042024

Ordinance #1-01022024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

Chapter 60 ZONING

● ● ●

ARTICLE XVI. ADMINISTRATION AND ENFORCEMENT

● ● ●

DIVISION 5. APPEALS AND APPLICABILITY

● ● ●

Sec. 60-1382. Applicability.

The provisions of this article shall apply to any development subject to review under division 2 of article XVI of this chapter, the construction of which has not been commenced on the date on which they become effective.

(Ord. of 9-21-2009, § 7.4B)

Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023.

The zoning map amendment to this chapter evidenced by Ordinance #26-11202023 relating to the rezoning of approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter. In order to allow time for residents and property owners to become familiar with this zoning map amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #26-11202023 shall not become applicable until July 1, 2024.

Secs. 60-1384~~3~~—60-1400. Reserved.

● ● ●

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 03/20/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Postponing Applicability Date of Gracelawn GB Zone Change

The following is the report from the Planning Board regarding delayed applicability and effective date for Ordinance # 26-11202023 pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on March 12th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT: Consider adding Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023. This text change would delay the applicability date of amending approximately 60 acres in parts of Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district until July 1, 2024. The City Council has proposed this text change to allow residents and the City Council time to determine whether additional amendments related to this item are desirable. The proposal was initiated by the city and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Summary and Discussion: Staff presented the City Council's answers to the planning board's questions as listed in Resolve #01-03042024. In discussion, an additional reason emerged for the request to delay the applicability date as prohibiting the developer from pulling permits under the General Business zoning while council considers the questions raised in the resolve. The Planning Board generally agreed that it was not in their purview to make zoning decisions considering speculation on what a property owner or developer may decide to do with their parcel(s).

Motion: Riley Bergeron makes a motion to recommend that the City Council adopt and implement an applicability date of July 1, 2024, per Sec. Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023. To read as follows:

The zoning map amendment to this chapter evidenced by Ordinance #26-11202023 relating to the rezoning of approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district became effective on December 9, 2023, pursuant to Section 2.6(C) of the City Charter. In order to allow time for residents and property owners to become familiar with this zoning map amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #26-11202023 shall not become applicable until July 1, 2024. **Second:** Ryan Smith seconds.
Vote: 2-5-0 Motion does not pass

Motion: Dave Trask makes a motion to not recommend that the City Council adopt and implement an applicability date of July 1, 2024, per Sec. Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023 based on the fact that working with property owners is not within the purview of the planning board and should not be considered when making our ruling and judgement; the fact that the public has had plenty of opportunity to present before the board and have been listened to; and our previous motion to make a recommendation based on staff recommendations and public comment and feel that that at the moment there is no additional scientific or any other information of value that needs reconsideration. **Second:** Tim DeRoche seconds.

Vote: **5-2-0 motion passes.**

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: March 12, 2024
To: Auburn Planning Board
From: The City of Auburn Office of Planning & Permitting
Re: Staff Report on Text Amendment on Applicability Date of Ordinance #26-11202023

I. **Public Hearing/ Text Amendment - Council Initiated:** Consider adding Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023. This text change would delay the applicability date of amending approximately 60 acres in parts of Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district until July 1, 2024. The City Council has proposed this text change to allow residents and the City Council time to determine whether additional amendments related to this item are desirable. The proposal was initiated by the city and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

II. **Background:** On December 18, 2023, the City Council proposed delaying the applicability of the zoning map amendment for parts of the Gracelawn gravel pit owned by JIG Aggregates LLC. The City Council held its first reading on ordinance 26-11202023 with favorable vote in the affirmative. On February 13th, 2024, the Planning Board held and then closed a public hearing on the text amendment forwarded by the City Council. At this public hearing, the discussion's focus included the prior process of amending the zoning district around the Gracelawn parcels referenced above and the consideration of a delay in the applicability date. Most of the Planning Board indicated that they did not have enough information to forward a different recommendation to the City Council than they did in November, nor did they have enough information to recommend July 1st as the effective date of the zoning map amendment described above. The Planning Board requested a list from City Council summarizing the concerns about applying the General Business zone to the Gracelawn area prompting the proposed addition of Sec. 60-1383 and an explanation of reasons for reconsidering the decision and need for the delayed applicability date. As part of this request, the Board sought to understand how the concerns are related to watershed protection and the comprehensive plan. The City Council provided answers to the Planning Board's questions in Resolve 01-02042024 attached.

III. **Planning Board Action:** Review the information provided by City Council (Resolve 01-03042024) and forward a recommendation to City Council to implement an applicability date of July 1, 2024, per Sec. Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023 and accept public input.

IV. **Recommended Motion:** I make a motion to recommend/not recommend that the City Council adopt and implement an applicability date of July 1, 2024, per Sec. Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023. To read as follows:

The zoning map amendment to this chapter evidenced by Ordinance #26-11202023 relating to the rezoning of approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district

became effective on December 9, 2023, pursuant to Section 2.6(C) of the City Charter. In order to allow time for residents and property owners to become familiar with this zoning map amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #26-11202023 shall not become applicable until July 1, 2024.

RESOLVE 01-03042024

City Council Order

IN CITY COUNCIL

Resolved, That the Auburn City Council is in receipt of the Planning Board's request for Information on the Delayed applicability date in Ordinance 01-01022024 and in response, provides the following information.

Ordinance #26-11202023 amending the Zoning Map on approximately 60 acres in parts of Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district requires additional consideration prior to implementation. There are four areas which need further consideration:

1. The status of the current gravel mining operations, both within and outside of the Lake Auburn watershed, and future plans for mining operations.
2. Ensuring continued access to the abutting city owned landfill.
3. Whether potential topographical changes caused by development will present a risk to the drinking water quality.
4. Whether General Business is the appropriate district regulation to be applied, in whole or in part, to these parcels.

The delayed applicability date would allow the City to consider if there could be amendments to the zone and/or agreements with the property owner that could address these concerns and better position the parcel for a successful transition from the current use as a gravel mining and processing operation, while aligning with the comprehensive plan and public interests.

For these reasons the Council asks the Planning Board to consider the delayed applicability date in Ordinance 01-01022024 to allow the City time to address these concerns and to better position the parcels for a successful transition from the current use as a gravel mining and processing operation to something that provides greater community benefit and supports the protection of Lake Auburn.

A TRUE COPY ATTEST

Susan Clements-Dallaire

CITY CLERK 3/5/2024

Passage on 3-4-2024 6-0 (Councilor Milks absent).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Ordinance #1-01022024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

Chapter 60 ZONING

● ● ●

ARTICLE XVI. ADMINISTRATION AND ENFORCEMENT

● ● ●

DIVISION 5. APPEALS AND APPLICABILITY

● ● ●

Sec. 60-1382. Applicability.

The provisions of this article shall apply to any development subject to review under division 2 of article XVI of this chapter, the construction of which has not been commenced on the date on which they become effective.

(Ord. of 9-21-2009, § 7.4B)

Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023.

The zoning map amendment to this chapter evidenced by Ordinance #26-11202023 relating to the rezoning of approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter. In order to allow time for residents and property owners to become familiar with this zoning map amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #26-11202023 shall not become applicable until July 1, 2024.

Secs. 60-1384~~3~~—60-1400. Reserved.

● ● ●

Passage of first reading on 1/2/2024 6-0 (Councilor Milks absent).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 1, 2024 **Order:** 39-03182024

Author: Eric J. Cousens, Planning and Permitting Director

Subject: 46 Fair Street – Dangerous Building Findings and Order Adoption

---

Information: The City of Auburn staff has responded to complaints of dangerous conditions at the property over an extended period. Dangerous conditions have been confirmed to exist at the property and the owner of the property has been unwilling or unable to resolve the issues.

To address the issues at the property and eliminate the dangerous conditions the Auburn City Council held a dangerous building hearing regarding the above-captioned property on March 18, 2024, at 7:00 PM at Auburn, Hall, 60 Court Street, Auburn, Maine. During the hearing, the City Council heard additional testimony from City Staff, the Owner and members of the public. The draft Findings and Order of Demolition have been updated to reflect the record and are attached. The Council allowed 2 weeks to work with the Owner to come up with a plan that could be considered to save the structure. As of 3/28/2024, the date of drafting this Information Sheet, the following has occurred:

The Owner provided an incomplete plan on 3/18/24. Staff has met with him and outlined the needed elements to consider a delayed demolition date and option to repair including the following: Updated Building Permit with plan details, Confirmation that the foundation is useable, financial capacity (likely an irrevocable letter of credit based on the discussion with Owner), scheduled an inspection for 3/27/2024 that was cancelled by the Owner and rescheduled for today, 3/28/2024, Updated budget to match realistic construction costs based on standard estimating guides, back taxes and Water/Sewer Liens have been paid(awaiting confirmation of check clearing), cleanup at the site has been started.

Staff will provide an update on the status on Monday 4/1/24 to recommend a final Order. The order will reflect what has been provided to show technical and financial capacity to remedy the dangerous conditions at the property as of that date and to possibly to extend demolition time to as long as 90 days to allow for compliance with Owners' plan as shown in the draft Order.

City Budgetary Impacts: NA

Staff Recommended Action: If the property constitutes a dangerous building under 17 M.R.S. § 2851, the Council should adopt the findings of fact and order the abatement of the hazardous conditions. Staff provided draft findings and order that may be modified based on information presented between now and the 4/1/24 meeting.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments: Information packet for 46 Fair Street, including draft findings and Order. Previous Information is available in the March 18, 2024 CC Meeting Packet.

EXHIBIT A

CITY OF AUBURN
CITY COUNCIL
FINDINGS OF FACT
DANGEROUS BUILDING HEARING
46 FAIR STREET (PARCEL ID: 337-002)
~~March 18~~April 1, 2024

1. On February 5, 2024, the City Council voted to set a public hearing under the Dangerous Building Statute (17 M.R.S. §§ 2851-2859) for March 18, 2024 to determine whether the building located on the property at 46 Fair Street in Auburn, Maine (the "Property") is dangerous or a nuisance as defined in 17 M.R.S. § 2851(2-A).

2. The Property is described as Parcel ID# 337-002 on the City's maps, copies of which are on file at the Auburn City Hall, and is more particularly described in a deed from Allen F. Mackey to RedCoral Investments, LLC, dated September 14, 2021, and recorded in the Androscoggin County Registry of Deeds in Book 10877, Page 16.

3. The Property is subject to (1) a mortgage held by 32 Ventures, LLC, dated June 23, 2022, and recorded in the said Registry in Book 11139, Page 27; (2) a mortgage held by F and F Ventures 11, LLC, dated June 26, 2023, and recorded in the said Registry in Book 11402, Page 64; (3) a water lien held by Auburn Water District, dated September 21, 2022, and recorded in the said Registry in Book 11216, Page 186; and (4) a sewer lien held by Auburn Sewer District, dated September 20, 2022, and recorded in the said Registry in Book 11216, Page 192.

4. An attested copy of the Notice of Hearing was recorded in the Androscoggin County Registry of Deeds in Book 11521, Page 144, as required by 17 M.R.S. § 2857.

5. The record owner of the Property is RedCoral Investments, LLC, and notice of the March 18, 2024 public hearing was served on its registered agent, Jeffrey R. Gnecco, at 62 Portland Street, Suite 25, Kennebunk, Maine, on February 16, 2024.

6. Catherine M. Colombo, Esq. accepted service of the Notice of Hearing on behalf of mortgagee F and F Ventures 11, LLC, on February 21, 2024.

7. Michael Broadbent accepted service of the Notice of Hearing on behalf of both the Auburn Water District and the Auburn Sewerage District on February 21, 2024.

8. The registered agent for 32 Ventures, LLC accepted service of the Notice of Hearing on behalf of the entity on February 27, 2024.

9. On March 18, 2024, the City Council held the public hearing provided for in 17 M.R.S. § 2851. The City Council was represented at the hearing by Mark A. Bower, Esq.

10. City Councilors Richard S. Whiting, Timothy M. Cowan, Stephen G. Milks, Benjamin J. Weisner, Leroy G. Walker, Sr., and Belinda A. Gerry~~, and Adam R. Platz~~ were in attendance and participated in the consideration of this matter. Councilor Adam R. Platz was not present.

11. During the hearing, the City Council heard testimony from the following individuals:

a. Code Compliance Officer (CCO) Jennifer Dick testified regarding her personal knowledge of the condition of the buildings on the Property resulting from her inspections of the Property on various occasions, which is also contained in her affidavit submitted into the record. She provided the City Council with several documents from the City's property file for 46 Fair Street demonstrating its state of disrepair, including: (1) Notice of Violation, dated November 2, 2022; (2) First Citation and Notice of Civil Penalty, dated November 21, 2022; (3) Second Citation and Notice of Civil Penalty, dated December 9, 2022; (4) Third Citation and Notice of Civil Penalty, dated December 28, 2022; (5) Fourth Citation and Notice of Civil Penalty, dated January 10, 2023; and (6) Fifth Citation and Notice of Civil Penalty, dated January 9, 2024. Neither the Notice of Violation nor any of the Citations were appealed to the Auburn Board of Appeals. The CCO also submitted into the administrative record various photographs from her inspections of the Property on May 5, 2023 and March 5, 2024, which demonstrate the significantly deteriorated condition of the Property. The CCO stated that, in her opinion as a certified code professional, the building on the Property is a dangerous building under the meaning set forth in 17 M.R.S. § 2851. The Council accepts and finds credible the facts set forth in the CCO's affidavit and her oral testimony at the hearing.

b. Code Enforcement Officer (CEO) Kris Beaudoin submitted testimony by affidavit setting forth ~~testified regarding~~ his personal knowledge of the condition of the buildings on the Property, ~~, which is also contained in his affidavit submitted into the record. The CEO further testified regarding~~ the City's efforts to secure the buildings on the Property in order to mitigate the risk and danger to the neighborhood and general public, ~~and described~~ his observation of the owner's leaving the building unsecured, and the owner's work on the Property without valid approvals from the City. The CEO's affidavit ~~also~~ include~~sd~~ copies of e-mail correspondence with the owner's manager evidencing the City's efforts to have the owner remediate the Property to no avail. The CEO's affidavit concludes ~~testified to his opinion~~ that the building is dangerous, and his recommendation is to carry out the condemnation and demolition of the building because it is an dangerous residential structure, not safe for human inhabitation and poses a significant risk to the general public. The Council accepts and finds credible the facts set forth in the CEO's affidavit~~ and his oral testimony at the hearing~~.

c. Fire Chief Robert Chase testified at the hearing regarding his opinion, on behalf of the Auburn Fire Department, that the buildings at the Property are a fire hazard due to various violations of the ~~NFPA~~ fire and life safety codes, including issues with the wiring of the house that are clearly visible in the photos included in the record, and the debris in the building and on the Property that creates "fuel load." The Fire Chief testified that the unsecured building could result in illegal entry by squatters, increasing the fire risk, and that the proximity to the nearby school makes the building dangerous if children were to enter the Property or building. ~~Chief Chase~~ The Fire Chief further testified that he would have significant concerns about sending ~~his~~ the City's firefighters into the building on the Property in the event of an emergency ~~fire~~, due to

concerns about its structural integrity, trip hazards and other unknown hazards due to the building being unsecured, and the resulting risk to the safety of his ~~firefighters~~personnel. The Council accepts and finds credible the facts set forth in the Fire Chief's oral testimony at the hearing.

d. Three members of the public testified at the hearing, including Paul Farnsworth, Martin Doherty, and Janice Conant. They described how the Property is a general nuisance to the neighborhood, due to the building being open to the elements and building materials, construction debris, and broken glass and trash strewn about the yard. They also expressed concern about the Property's proximity to the school and nearby playgrounds and the risk that the building poses to children who might wander onto the Property.

e. The owner's representative, Zahid Abid, appeared at the hearing and testified on behalf of the owner. He testified that the owner purchased the Property two and a half years ago and has had issues with contractors completing the work that they were hired to perform. He explained that the owner has an active building permit that was issued on September 11, 2023, and expires on September 10, 2024. He presented the Council with a proposed plan for rehabilitation of the site that includes cleanup and landscaping of the site within two weeks, and completion of work on the building no later than June 1, 2024. He also included copies of checks reflecting payments to bring his accounts with the City current (property tax, water and sewer).

12. Based on the totality of the evidence presented at hearing, the City Council determines that:

a. The building located on the Property is a nuisance and constitutes a hazard to the health and safety of the neighborhood and general public due to the fact that the building is chronically unsecured and the owner has allowed construction debris, trash, and other materials to accumulate on the Property and escape into the nearby water body, Lake Auburn.

b. The building on the Property is currently characterized by ~~total loss, due to~~ significant deterioration and obsolescence resulting in deferred maintenance and lack of needed repairs, the extended period of time being open to the elements, and the risk of collapse.

c~~b~~. In its current state, the building is a fire hazard and uninhabitable and therefore not fit for the purpose for which it is intended.

d~~c~~. Despite the City's best efforts to secure the building, the building's current owner leaves the building chronically unsecured, which makes the building an attractive nuisance for the community and further encourages and proliferates illegal activity, resulting in a significant risk to the general public.

BASED UPON THE ABOVE FINDINGS, the Auburn City Council concludes that the building located at 46 Fair Street is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable and improper for the use or occupancy to which the building has been put; constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, or

abandonment; and is otherwise dangerous to life and property within the meaning of 17 M.R.S. § 2851 and is beyond repair.

These findings and conclusions of the City Council shall be appended to and incorporated into the Order of Demolition dated ~~March 18~~April 1, 2024.

ORDER 39-03182024

City Council Order

IN CITY COUNCIL

CITY OF AUBURN, MAINE
CITY COUNCIL

Re: Premises at 46 Fair Street, Auburn, Maine
Parcel ID# 337-002

ORDER OF DEMOLITION PURSUANT TO 17 M.R.S. §§ 2851-2859

Notice having been given to REDCORAL INVESTMENTS, LLC and all other persons and entities having an interest in the premises situated at 46 Fair Street in Auburn, Maine, described as Parcel ID# 337-002 on the City's maps, copies of which are on file at the Auburn City Hall, and more particularly described in a deed from Allen F. Mackey to RedCoral Investments, LLC, dated September 14, 2021, and recorded in the Androscoggin County Registry of Deeds in Book 10877, Page 16 (the "Property");

Notice also having been given to (1) 32 Ventures, LLC, holder of a mortgage on the Property dated June 23, 2022, and recorded in the said Registry in Book 11139, Page 27; (2) F and F Ventures 11, LLC, holder of a mortgage on the Property dated June 26, 2023, and recorded in the said Registry in Book 11402, Page 64; (3) Auburn Water District, holder of a water lien on the Property dated September 21, 2022, and recorded in the said Registry in Book 11216, Page 186; and (4) Auburn Sewer District, holder of a sewer lien on the Property dated September 20, 2022, and recorded in the said Registry in Book 11216, Page 192.

A hearing having been duly held by the City Council at the Auburn City Hall on March 18, 2024, which was continued to April 1, 2024; and

The structure located on said Property having been adjudged to be structurally unsafe; unstable; unsanitary; constituting a fire hazard; unsuitable and improper for the use or occupancy to which they have been put; constituting a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment; and otherwise dangerous to life and property within the meaning of 17 M.R.S. § 2851 and beyond repair, for the reasons set forth in the findings and conclusions attached as Exhibit A and incorporated herein;

Now, therefore, it is hereby **ORDERED** that the structure located on the Property be removed within 60 days from the date of this Order, that the removal comply with all State and local requirements and that the Property be left in a safe and sanitary condition, or that the nuisance be abated in a manner satisfactory to the City within 60 days from the date of this Order; provided, however, that City staff is authorized to delay the disposal of the building if the owner or any party-in-interest has demonstrated the ability and willingness to satisfactorily rehabilitate the building;

It is further **ORDERED** that, if this Order is not complied with, then the City Council or its designee is authorized to cause the removal of the said structure described herein and to bill the owner for the cost of all expenses incurred by the City, which bill must be paid within 30 days after demand; and

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 39-03182024

City Council Order

It is further **ORDERED** that in the event the owner does not pay the City for its expenses within 30 days after demand, a special tax shall be assessed on the premises described as Parcel ID# 337-002 and located at 46 Fair Street, for all expenses as defined in 17 M.R.S. § 2853, incurred by the City in connection with the removal of the said structure and/or the abatement of the nuisance;

It is further **ORDERED** that the City Clerk cause attested copies of this Order to be served upon the persons and interest holders above-named as required by law, and that any appeal from this decision must be made to the Maine Superior Court within 30 days of the date of this Order, in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Dated: April 1, 2024

CITY OF AUBURN
CITY COUNCIL

Richard S. Whiting

Timothy M. Cowan

Stephen G. Milks

Benjamin J. Weisner

Leroy G. Walker, Sr.

Belinda A. Gerry

Adam R. Platz

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 1, 2024 **Order:** xx-04012024

Author: Sue Clements-Dallaire, City Clerk

Subject: Request to consolidate to one polling place for the July 9, 2024 Special Municipal Election

---

Information: A Special Municipal Election is scheduled for Tuesday, July 9, 2024 to fill the recently vacated School Committee seat (at-large). Because it is an at-large seat and open to all Auburn voters, we would have to open all polling places which would require a minimum of 5 election workers at each location working approximately 15 or 16 hours each.

Historically, turnout for these special elections is extremely low.

- A Special Election was held on 8/12/2014 to fill a Ward 1 School Committee seat. Voter turnout – 16.
- A Special Election was held on 4/23/2019 to fill a Ward 4 School Committee seat. Voter turnout – 18.

Staff is recommending that we consolidate to one polling place (Auburn Hall) for this election. There would be a cost savings for consolidating, the Boy's & Girl's Club would not have to close (they typically close the day before and the day of each election), and it may be challenging to find appropriate staffing to staff each location because many people may be away on vacation in July.

City Budgetary Impacts: Consolidating would save the city approximately $3,000 or more.

Staff Recommended Action: Hold a public hearing and recommend passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Title 21-A Sec. 631-A, and the Order

§631-A. Voting places

1. Establishing suitable voting places. If the municipal officers determine that there is no building within a voting district that is suitable for a voting place, as described in section 627, the municipal officers may, subject to the approval of the Secretary of State, establish a voting place outside the voting district in a suitable building that is as close as possible to the voting district and as convenient as possible to the voters of the voting district.
[PL 2007, c. 455, §28 (NEW).]

2. Consolidating voting places. The municipal officers may, after public notice and hearing held at least 90 days before an election, and subject to the approval of the Secretary of State, consolidate voting places so that more than one voting district votes in the same voting place. When voting places are consolidated under this process, the voters from the different voting districts may vote in the same or separate guardrail enclosures in the building.
[PL 2007, c. 455, §28 (NEW).]

3. Change of voting place. If the municipal officers wish to change the location of a voting place, they must apply to the Secretary of State at least 60 days before the next statewide election, unless an emergency exists. The Secretary of State shall design the application form. The Secretary of State must approve the application before the voting place may be changed.
[PL 2011, c. 342, §21 (NEW).]

SECTION HISTORY

PL 2007, c. 455, §28 (NEW). PL 2011, c. 342, §21 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

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.

ORDER 42-04012024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby authorizes the City Clerk to consolidate to one polling place (Auburn Hall, 60 Court Street) for the Special Municipal Election scheduled to be held on Tuesday, July 9, 2024 to fill the recently vacated School Committee At-large seat.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 1, 2024 **Order:** 43-04012024

Author: Sue Clements-Dallaire, City Clerk

Subject: Adoption of 5 Year Capital Improvement Plan

Information The City Manager has presented a 5 Year Capital Improvement Plan. By Charter, the City Council must adopt the Capital Plan before the end of the current fiscal year.

City Budgetary Impacts: This action is just adopting the plan.

Staff Recommended Action: Adoption of the 5 Year Capital Improvement Plan

Previous Meetings and History: Annual

City Manager Comments:
The 5 Year Capital Improvement Plan is a conceptual plan for the City's long-term capital improvement program which is subject to change due to changing circumstances.

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: CIP 5 Year Plan

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY25 - FY29

Description	FY25	FY26	FY27	FY28	FY29
AUBURN-LEWISTON AIRPORT - City share					
Congressionally Directed Spending (CDS) Hangar Project	$ 68,750				
Annual Pavement Management Program	$ 15,000				
Fire Fighting Foam Trailer (Mobile)	$ 32,500				
TOTAL AUBURN-LEWISTON AIRPORT	**$ 116,250**	**$ -**	**$ -**	**$ -**	**$ -**
CITY CLERK					
Record Restoration	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
Fire Proof Vault Construction		$ 100,000			
TOTAL CITY CLERK	**$ 100,000**	**$ 200,000**	**$ 100,000**	**$ 100,000**	**$ 100,000**
FINANCE					
Revaluation	$ 500,000	$ 500,000	$ 500,000		
TOTAL FINANCE DEPARTMENT	**$ 500,000**	**$ 500,000**	**$ 500,000**	**$ -**	**$ -**
FIRE DEPARTMENT					
Fire					
Engine 2 Reconditioning	$ 250,000				
Apparatus Replacement	$ 1,100,000	$ 300,000	$ 110,000	$ 60,000	$ 1,500,000
Rescue Boat Replacement		$ 40,000			
Fire Hose Replacement	$ 40,000			$ 50,000	$ 60,000
Cascade air fill station system replacement		$ 80,000			
Total Fire	**$ 1,390,000**	**$ 420,000**	**$ 110,000**	**$ 110,000**	**$ 1,560,000**
EMS					
Ambulance Replacement	$ 50,000	$ 275,000	$ 275,000	$ 40,000	
Cardiac monitors		$ 35,000		$ 35,000	$ 35,000
Stretcher Replacement	$ 32,000		$ 32,000		$ 32,000
Total EMS	**$ 82,000**	**$ 310,000**	**$ 307,000**	**$ 75,000**	**$ 67,000**
TOTAL FIRE DEPARTMENT	**$ 1,472,000**	**$ 730,000**	**$ 417,000**	**$ 185,000**	**$ 1,627,000**
INFORMATION TECHNOLOGY					
Fiber Connection		$ 50,000	$ 50,000	$ 50,000	$ 50,000
Security Camera Project	$ 180,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
TOTAL INFORMATION TECHNOLOGY	**$ 180,000**	**$ 150,000**	**$ 150,000**	**$ 150,000**	**$ 150,000**
LA911 (Auburn's share)					
Server Infrastructure Replacement	$ 150,000				
Communications Center	$ 1,250,000				
Dispatch Center HVAC		$ 50,000			
TOTAL LA911	**$ 1,400,000**	**$ 50,000**	**$ -**	**$ -**	**$ -**
NSBA & Ingersoll					
NSBA					
Floor Rubber Rink #2		$ 45,000			
Protective Netting Rink #1		$ 20,000			
Two LED Scorebards Rink #1		$ 150,000			

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY25 - FY29

Description	FY25	FY26	FY27	FY28	FY29
Zamboni			$ 200,000		
Sound System Rink #1				$ 75,000	
Rink board system w/glass for Rink 2				$ 300,000	
Sound System Rink #2					$ 75,000
Ingersoll Turf Facility					
Floor and Rubber install outside of turf areas	$ 35,000				
Replace Turf		$ 300,000			
TOTAL NSBA & INGERSOLL	**$ 35,000**	**$ 515,000**	**$ 200,000**	**$ 375,000**	**$ 75,000**
Description	**FY25**	**FY26**	**FY27**	**FY28**	**FY29**
PLANNING & PERMITTING					
Dangerous Buildings and Junkyard Cleanups	$ 200,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
Comprehensive Plan Program	$ 400,000	$ 400,000	$ 400,000	$ 400,000	$ 400,000
TOTAL PLANNING & PERMITTING	**$ 600,000**	**$ 500,000**	**$ 500,000**	**$ 500,000**	**$ 500,000**
POLICE DEPARTMENT					
Firearm Replacement (Handgun)					$ 96,000
10 Pole Mounted Radar Signs	$ 38,000				
Radar Sign Trailer		$ 26,000			
Cruiser Camera System Replacement			$ 200,000		
Body worn Cameras				$ 280,000	
APEX Training System	$ 75,000				
Digital Mapping Equipment		$ 50,000			
TASER Upgrade					$ 190,000
Mobile Data Terminal Replacement	$ 135,000				
TOTAL POLICE DEPARTMENT	**$ 248,000**	**$ 76,000**	**$ 200,000**	**$ 280,000**	**$ 286,000**
PUBLIC SERVICES					
ENGINEERING					
Whitman Spring Cold Mulch	$ 150,000				
Merrow Road Reconstruction	$ 3,000,000				
Reconstruction	$ 1,800,000	$ 1,488,000	$ 1,434,000	$ 1,008,000	$ 1,267,500
Reclamation	$ 1,500,000	$ 966,000	$ 1,200,000	$ 3,000,000	$ 750,000
Major Drainage	$ 500,000	$ 500,000	$ 500,000	$ 500,000	$ 500,000
MDOT Match	$ 1,500,000	$ 1,450,000	$ 1,266,000	$ 867,500	$ 1,300,000
Resurfacing	$ 1,600,000	$ 847,684	$ 671,500	$ 691,900	$ 750,000
Retaining Walls		$ 754,800	$ 40,000		
Pavement/Retaining Wall Assessment	$ 125,000				
Lake Grove Park-Parking & Court Improvements	$ 150,000				
Senior Center Parking Lot		$ 500,000			
Sidewalk Repairs	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
Downtown Parking and Walkability-Grant Match	$ 400,000	$ 400,000	$ 400,000		
TOTAL ENGINEERING DEPARTMENT	**$ 10,825,000**	**$ 7,006,484**	**$ 5,611,500**	**$ 6,167,400**	**$ 4,667,500**

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY25 - FY29

Description	FY25	FY26	FY27	FY28	FY29
FACILITIES & ENERGY					
Discontinue Municipal Fire Alarm System	$ 120,000	$ 13,200	$ 13,200	$ 13,200	$ 13,200
Auburn Hall Boiler/Mechanical Upgrades	$ 550,000				
Auburn Hall Reconfiguration/APD Relocate			$ 500,000		
Auburn Hall Building Automation System Upgrade				$ 465,500	
Auburn Hall New ERVS					$ 712,500
Auburn Hall Repointing Brick and exterior Masonry work					$ 1,500,000
Auburn Hall Fan Coil Full Replacement					$ 1,500,000
Engine 2 Station Reconstruction	$ 2,000,000	$ 2,000,000			
Engine 5 Preliminary Design & Cost Analysis		$ 50,000			
Engine 5 Station Reconstruction			$ 3,000,000		
Engine 5 Separation Curtains for Diverse Workforce			$ 25,000		
Engine 5 Electrical Upgrade (undersized for HVAC)			$ 100,000		
Engine 5 ERV		$ 166,250			
Engine 5 Front of Building Storefront Window		$ 40,000			
Engine 5 Heating, Cooling and Ventilation upgrade		$ 213,000			
Engine 5 Building Windows				$ 100,000	
Public Works Space Needs Analysis/Addition		$ 100,000			
Public Works 506.5 KW Solar array(Est. cost prior to 650K rebate)			$ 1,855,350		
Public Works Addition/ Remodel/ New Electrical Service				$ 6,000,000	
Description	**FY25**	**FY26**	**FY27**	**FY28**	**FY29**
Public Works Repoint Brick					$ 100,000
NSBA Solar 882.2 KW Solar Array (Est. cost prior to 1.3 Mil rebate)			$ 3,225,250		
Tot Lot Roof Replacement	$ 25,000				
City-wide Facilities & Energy Total	**$ 2,695,000**	**$ 2,582,450**	**$ 8,718,800**	**$ 6,578,700**	**$ 3,825,700**
Auburn Public Library					
Public Library Building Envelope, Repairs & Design Cost Analysis	$ 75,000				
Public Library Boilers Replacement	$ 575,000				
Public Library Rooftop Units (X3)			$ 700,000	$ 700,000	
Public Library Building Envelope, ADA Upgrades & Historical Preservation		$ 300,000	$ 300,000	$ 300,000	$ 300,000
Public Library Building Lighting Upgrades			$ 66,500		
Public Library Building Automation System Upgrade		$ 270,000			
Public Library Roof Coating		$ 250,000			
Auburn Public Library Total	**$ 650,000**	**$ 820,000**	**$ 1,066,500**	**$ 1,000,000**	**$ 300,000**
TOTAL FACILITIES & ENERGY DEPARTMENT	**$ 3,345,000**	**$ 3,402,450**	**$ 9,785,300**	**$ 7,578,700**	**$ 4,125,700**
PUBLIC WORKS					
Road Maintenance Equipment					
Replace front end loader (loading materials and snow removal)		$ 250,000	$ 550,000		
Grader			$ 450,000		$ 405,000
Backhoe		$ 110,000			

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY25 - FY29

Description	FY25	FY26	FY27	FY28	FY29
Replace sidewalk tractor (sidewalk maintenance and mowing)	$ 170,000	$ 170,000		$ 170,000	$ 170,000
Replace Sweeper 49		$ 306,000			$ 306,000
Replace 30 Ton Trailer		$ 38,000			
Replace Vactor Truck	$ 590,000				
Replace Western Star Pulp Truck				$ 275,000	
Replace Chipper			$ 80,000		
Replace Loader Mounted Snow Blower				$ 150,000	
Hot Box Pavement Reclaimer		$ 50,000			
Road Maintenance Equipment Total:	**$ 760,000**	**$ 924,000**	**$ 1,080,000**	**$ 595,000**	**$ 881,000**
Recreation & Open Space Maintenance					
Dog Park		$ 240,000			
Pettengill Softball Field Repair	$ 265,000	$ 15,000	$ 15,000	$ 200,000	
Field GPS Painter	$ 63,000				
Festival Plaza		$ 3,000,000			
Recreation & Open Space Maintenance Total:	**$ 328,000**	**$ 3,255,000**	**$ 15,000**	**$ 200,000**	**$ -**
Electrical Improvements					
Longley Park Renovation		$ 110,500			
Replace Boom Lift School and Public Works	$ 77,000				
Annual Park & Walkway Light Replacement	$ 200,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
Electrical Improvements Total:	**$ 277,000**	**$ 210,500**	**$ 100,000**	**$ 100,000**	**$ 100,000**
City Fleet Vehicles					
Electrical Division - Vehicle Replacement	$ 120,000				
Replace Engeering Vehicles		$ 100,000			
Replace Service Truck		$ 60,000			
Replace Car 93	$ 50,000				
Replace 1/2 ton pick-ups		$ 90,000	$ 50,000	$ 100,000	
Replace One Ton Truck with Plow (2)			$ 70,000	$ 70,000	$ 375,000
Replace 3/4 Ton Pickup w Plow	$ 117,000		$ 50,000	$ 90,000	
Replace 7 yard plow trucks (plowing/sanding and roadway maintenance)	$ 650,000	$ 650,000	$ 650,000	$ 975,000	
Replace 12 yard plow trucks (plowing/sanding and roadway maintenance)			$ 325,000		$ 650,000
Police Vehicle Replacement	$ 312,000	$ 267,300	$ 269,300	$ 271,300	
Battalion Chief Command Vehicle Replacement	$ 80,000				
Recreation Mini Bus replacement/upgrade	$ 180,000			$ 180,000	
Public Safety Command Vehicle Replacement		$ 450,000			
Total City Fleet Vehicles:	**$ 1,509,000**	**$ 1,617,300**	**$ 1,414,300**	**$ 1,686,300**	**$ 1,025,000**
TOTAL PUBLIC WORKS	**$ 2,874,000**	**$ 6,006,800**	**$ 2,609,300**	**$ 2,581,300**	**$ 2,006,000**
TRANSPORTATION					
Traffic Calming & Pedestrian Safety	$ 200,000	$ 200,000	$ 200,000	$ 200,000	$ 200,000
Washington Street at Brickyard Safety Improvements	$ 300,000				
Court Street - Bicycle and Pedestrian Improvements	$ 150,000	$ 850,000			

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY25 - FY29

Description	FY25	FY26	FY27	FY28	FY29
Neighborhood Safety Measures		$ 100,000	$ 100,000	$ 100,000	$ 100,000
LATC Bus Replacement	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000
TOTAL TRANSPORTATION DEPARTMENT	**$ 700,000**	**$ 1,200,000**	**$ 350,000**	**$ 350,000**	**$ 350,000**
TOTAL PUBLIC SERVICES	**$ 17,744,000**	**$ 17,615,734**	**$ 18,356,100**	**$ 16,677,400**	**$ 11,149,200**
RECREATION PROGRAMMING					
Restroom Trailer	$ 95,000				
Major Equipment Replacement		$ 100,000	$ 100,000	$ 100,000	$ 100,000
TOTAL RECREATION PROGRAMMING	**$ 95,000**	**$ 100,000**	**$ 100,000**	**$ 100,000**	**$ 100,000**
EDUCATION (See attached list)	**$ 1,000,000**	**$ 1,000,000**	**$ 1,000,000**	**$ 1,000,000**	**$ 1,000,000**
TOTAL CIP	**$ 23,490,250**	**$ 21,436,734**	**$ 21,523,100**	**$ 19,367,400**	**$ 14,987,200**

ORDER 43-04012024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby adopts the FY 2025 - 2029 (5 year) Capital Improvement Plan, as presented.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 1, 2024 **Order:** 44-04012024

Author: Jennifer Boenig, Downtown Coordinator

Subject: Approving the Mass Gathering for Auburn Lobster Festival

---

Information: The Auburn Lobster Festival is scheduled for Saturday, May 11, 2024, from 1:00-6:00 PM. The event will be held in Festival Plaza and on Main Street which will be closed with public works trucks and barricades. This free community event will feature live music, craft brews, food trucks and more.

A mass gathering is defined as any gathering held outdoors with the intent to attract the continued attendance of 1,000 or more persons for two or more hours.

City Budgetary Impacts: This event is budgeted through the Communications Department.

Staff Recommended Action: Hold the public hearing and motion to approve the mass gathering.

Previous Meetings and History: NA

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

- Application for Auburn Lobster Festival mass gathering.
- Public Notice
- Order

Date received: _____

Date approved: _____

CITY OF AUBURN
SPECIAL EVENT/MASS GATHERING APPLICATION

Required for any special event on city property that will attract up to 1,000 people, or any outdoor event with continued attendance of 1,000 or more persons for 2 or more hours.

****

Applications must be submitted to the Clerk at least 45 days prior to the event if the gathering is expected to attract up to 5,000 people.

Application must be submitted at least 90 days prior to the event if the gathering is expected to attract more than 5,000 people.

Date of Application: 3.21.24

SPONSOR INFORMATION

Name of Sponsoring Organization: City of Auburn

Name of Contact Person for Event: Jennifer Boenig

Title of Contact Person: Downtown Coordinator

Mailing Address: 60 Court Street

Daytime Telephone: 207.333.6601 ext.1132 Cell Phone: 207.576.5348

Email Address: jboenig@auburnmaine.gov

Contact Name and Cell Phone Number DURING the Event: Jennifer Boenig 207.576.5348

Is your organization incorporated as a non-profit organization? Yes ☐ No ☐

Non-Profit Number: _____

EVENT INFORMATION

Name of Event: Auburn Lobster Festival

Type of Event (walk, festival, concert, etc.): Festival

Date of Event: Saturday, May 11, 2024 Rain Date: na

Times of Event: Start Time including set-up: 7 AM Ending time including clean up: 9P

Actual Event Start Time: 1 PM Actual Event End Time: 6 PM

Estimated Attendance: 3,000

Location of Event: Festival Plaza and Main Street

Have you held an event at this location within the last 12 months? Yes ☑ No ☐

If the location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved?

Yes ☐ No ☐ Pending ☐ Date submitted to the Recreation Department: _____

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Not permitted	**CROSS-STREET BANNERS** Please note that the city no longer allows cross-street banners.			
Separate fee and permit possible	**FOOD** – Will food or beverages be sold? If yes, list what types of food or beverages: Food trucks will be at this event. Note - A food service license may be required and must be submitted 14 days prior to the event. Other requirements and/or restrictions may apply.	☑	☐	☐
Separate fee and permit possible	**NON-FOOD ITEMS** – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: City will give away some fun lobster theme items. Note - A peddler permit may be required and must be submitted 14 days prior to the event.	☑	☐	☐
N/A	**LIVE MUSIC** – Will there be any outdoor musical performances? If yes, please describe: Three bands will perform.	☑	☐	☐
N/A	**SOUND AMPLIFICATION** – Will there be a microphone or speaker system to project sound?	☑	☐	☐
Separate fee and permit possible	**ALCOHOL** – Will alcoholic beverages be sold? Note – Vendor must hold a valid State of Maine liquor license and submit an Off Premise Catering Event application 14 days prior to the event.	☑	☐	☐
Separate fee and Permit required	**CARNIVAL** – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.	☐	☑	☐
Separate fee and Permit required	**FIREWORKS** – Will there be a fireworks display? If yes, a permit from the Fire Department is required.	☐	☑	☐
N/A	**PARADE** – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.	☐	☑	☐
N/A	**RUN/WALK/CYCLE** – Will event involve participants doing a walk-a-thon, road race, etc.? If yes, describe route:	☐	☑	☐
Separate permit required	**BURN PERMIT** – Will there be any open flame such as a bonfire? If yes, describe activity: Note - A permit from the Fire Department is required.	☐	☑	☐

N/A	**TENT/CANOPY** – Will you be setting up a tent or canopy? If yes, list number and sizes: three 20x40 tents and 6 ez-ups will be setup	☑	☐	☐
Separate fee and permit required	**ELECTRICAL POWER/EQUIPMENT** – Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment? Power will be needed for stage and sound equipment.	☑	☐	☐
N/A	**ROAD/INTERSECTION CLOSURE** – Will any roads need to be closed to accommodate your event? If yes, please list: Main Street will be closed from Miller Street to Court Street with hard barricades.	☑	☐	☐
N/A	**MAP/DIAGRAM** – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a mandatory requirement for this application and must be included.	☑	☐	☐
N/A	**PARKING ACCOMODATIONS** – What will be the anticipated need for parking and what is your parking plan? City parking garage and surface parking lot	☑	☐	☐
N/A	**TOILETS** – Please list amount at event and/or nearest location: 12 portable toilets on Main Street sidewalk	☑	☐	☐
N/A	**WASTE DISPOSAL** – Please list process and location: Public works will handle trash removal and provide trash cans throughout event space.	☑	☐	☐
N/A	**HAND WASHING FACILITIES** – Please list amount at event and/or nearest location: Hand washing station available as well as hand sanitizer in portable toilets.	☑	☐	☐
N/A	**POTABLE WATER** – Please list amount at event and location: Bottled water in the pump house.	☑	☐	☐
N/A	**FIRST AID FACILITIES** – Please list location at event: Fire rescue onsite and first aid kit.	☑	☐	☐
$	**TOTAL FEE INCLUDED** – Checks payable to "City of Auburn"			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc., the city requires general liability insurance coverage. The **City of Auburn** is to be named as "additionally insured" for the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received at least 30 days before the event and before permits can be issued. Please have the City of Auburn listed on the Certificate of Insurance (minimum coverage $1,000,000 Bodily Injury or Death, per occurrence, and $300,000 Property Damage, per occurrence). It should contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the city. Please have your insurance company fax a copy to: City Clerk 207-333-6623.

DESCRIPTION OF EVENT – Please describe what will occur during your event

The Auburn Lobster Festival is a free community event featuring live music, craft brews, food trucks and more. This event is open to all ages and supports our state's lobster industry.

Signature of Applicant:	Printed Name:	Date Submitted:
[signature]	Jennifer Boenig	3.21.24

Please note that you will be contacted by City Staff if you require additional permitting.

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office
60 Court Street
Auburn, ME 04210
FAX: 207-333-6623
EMAIL: sdallaire@auburnmaine.gov
PHONE: 207-333-6600

******FOR STAFF USE******

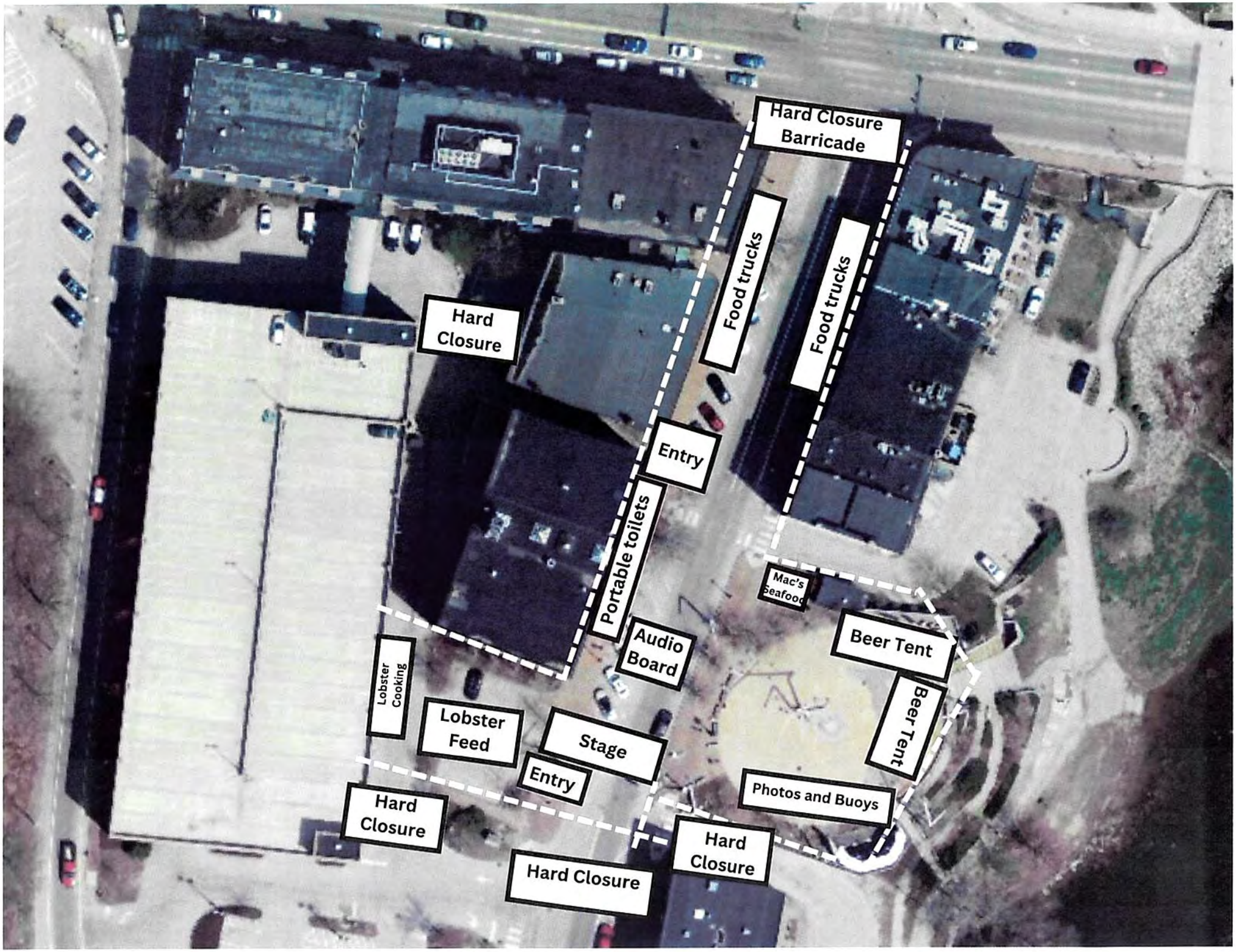
DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector				
Code Officer/Land Use & Zoning				
Fire Department				
Police Department				
Public Works Department				
Recreation Department				

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: _____

License Approved/Denied:_____ Date applicant notified: _____


Hard Closure Barricade
Food trucks
Food trucks
Hard Closure
Entry
Portable toilets
Mac's Seafood
Audio Board
Beer Tent
Beer Tent
Lobster Cooking
Lobster Feed
Stage
Entry
Photos and Buoys
Hard Closure
Hard Closure
Hard Closure

ORDER 44-04012024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the Mass Gathering permit for the May 11, 2024, Auburn Lobster Festival sponsored by the City of Auburn.

Richard Whiting, Ward One
Benjamin Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy Cowan, Ward Two
Leroy G. Walker, Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 1, 2024 **Order:** 45-04012024

Author: Jennifer Boenig, Downtown Coordinator

Subject: Approving the temporary liquor license for an Incorporated Civic Organization for the City's three signature events: Auburn Lobster Festival, Auburn Blues & Brews and New Year's Auburn.

Information: The Auburn Lobster Festival is scheduled for Saturday, May 11, 2024, from 1:00-6:00 PM.

The City is applying for a Liquor License for an Incorporated Civic Organization to allow the sale of alcohol within the designated area of Festival Plaza and Main Street for the Auburn Lobster Festival. The City will also apply for the same license for the Auburn Blues & Brews event on September 7, 2024 and New Year's Auburn on December 31, 2024.

Per MRS Title 28-A Liquor § 1071. INCORPORATED CIVIC ORGANIZATIONS 2. Up to 5 licensed events per year; one event per license. An incorporated civic organization may obtain up to 5 licenses under this section per calendar year.

A Public Hearing is not required per MRS Title 28-A Liquor § 1071. INCORPORATED CIVIC ORGANIZATIONS 4. Application G. Approval by the municipal officers of the municipality in which the proposed licensed premises are located, which, notwithstanding section 653, may be granted without notice or a public hearing.

City Budgetary Impacts: This event is budgeted through the Communications Department.

Staff Recommended Action: Motion to approve the temporary liquor license for the city's three signature events.

Previous Meetings and History: NA

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Application for a License for an Incorporated Civic Organization
- Order

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for a License for an Incorporated Civic Organization

Section A: Applicant Information:

1. Legal Name of Applicant: City of Auburn
2. Contact Name for Applicant: Lt. Barry Schmieks
3. Mailing Address of Primary Office of Applicant: 60 Court St. Auburn, ME 04210
4. Contact Name Telephone/Mobile Number: 207.333.6650 ext. 2066
5. Email Address of Contact: bschmieks@auburnmaine.gov

Section B: Event Information:

1. Title Event: Auburn Lobster Festival
2. Purpose of Event: Community event featuring live music, food trucks, craft brews
3. Duration of Event (check one): ☒ One Day ☐ Multiple Days (only 1 permitted per year)
4. Type of Event: (check one) ☐ Indoor ☒ Outdoor
5. Town or City where Event will take place: Auburn
6. Complete Physical Address of Event: Festival Plaza, 112 Main Street, Auburn and part of Main Street (see map enclosed)
7. Date of Event: May 11, 2024 Time: From 12pm To 7pm

Under Maine liquor laws, alcoholic beverages can **only** be served from 5:00 am to 1:00 am of the next day, Sunday through Saturday; event times cannot deviate from this statutory requirement.

8. Number of Persons Attending: 3,000 estimate

9. Describe specific indoor and/or outdoor area to be licensed: (for an outdoor event, please include a diagram of the outside space in Section F below.)

See map enclosed - dotted line shows alcohol permitted area boundaries

10. Will dancing be part of the event? Yes ☐ No ☑

a. Does the venue have a dance license? Yes ☐ No ☐

b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

Section C: Signature of Applicant

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to $2,000 or by both.

Please sign and date in blue ink.

Dated: _____

_____
Signature of Duly Authorized Person

_____
Printed Name of Duly Authorized Person

Section D: For use by Municipal Officers and County Commissioners only
Approval of an Application for a License for an Incorporated Civic Organization

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this catering event application on this date: _____.

Check only one: ☑ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☑ Municipal Officers
☐ County Commissioners of _____ County

☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of license to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

Section E: Application Fee; Other Information

1. The license fee is $50.00 plus a $10.00 filing fee; make checks payable to Treasurer State of Maine.
2. The law requires the application to be submitted at least 24 Hours prior to the function, however, a longer notice is appreciated to allow additional time for processing.
3. Once issued, this permit is not assignable and is valid only for use by the licensee named in this application and for the date, time, and location listed in this application. This permit is issued subject to Maine liquor laws under Title 28-A and the Bureau's Administrative Rules. Penalties for failure to comply with the laws and rules are provided in Chapter 33 of Title 28-A.
4. The Division is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.
5. Payments to the Division by check subject to penalty provided by 28-A MRS Section 3-B.

Section F: Diagram for Outdoor Events

The following restrictions apply to outdoor events:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the event to control and monitor the area.

In an effort to clearly define the area that consumption and storage of liquor will occur during this outdoor event, diagrams must be submitted on this form and should be as accurate as possible. Be sure to label the areas of consumption and storage on your diagram.

See map enclosed

For Division Use Only

Date Filed: _____

☐ Approved ☐ Not Approved

Date Approved: _____

Approved By: _____

License No:
Deposit Date:
Amt. Deposited:
Payment Type:

ORDER 45-04012024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the temporary liquor license for an Incorporated Civic Organization for the City's three signature events: Auburn Lobster Festival, Auburn Blues & Brews and New Year's Auburn.

Richard Whiting, Ward One
Benjamin Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy Cowan, Ward Two
Leroy G. Walker, Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 1, 2024 **Order**: 46-04012024

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Annual Reports to Maine State Housing

Information: The City is required in accordance with the Certificate of Approval issued by the Maine State Housing Authority to provide them with an annual report for each of the Affordable Housing Districts and associated TIFs.

City Budgetary Impacts: None

Staff Recommended Action: Approve the Order as presented

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: The Order and the Reports

Annual Report for Tax Year April 1, 2023 – March 31, 2024
Affordable Housing Tax Increment Financing District
Submission Deadline of April 30, 2024

Municipality: City of Auburn

Municipal official submitting this report:

Phillip L. Crowell
Printed name

_____ 04/02/2024
Signature **Date**

Title: City Manager
Mailing address: 60 Court Street, Auburn ME 04210
Phone number: 207-333-6601
Email address: pcrowell@auburnmaine.gov

Name of Affordable Housing Development District:

Webster School

Date the municipal legislative body approved this Report (not the District):
April, 1, 2024

In submitting this report, the legislative body of the municipality certifies that the public purpose of the affordable housing district is being met and that the required housing affordability and other conditions of approval, including limitations on uses of tax increment revenues for approved development project costs, set forth in the Certificate of Approval issued by Maine State Housing Authority for the District and the related Affordable Housing Development Program are being maintained.

Status of affordable housing within the District: *"Affordable" means for households earning no more than 120% area median income.*

Type of housing unit	# of Existing affordable units	# of Existing market units	# of Planned affordable units	# of Planned market units
Rental (family)	28	0	0	0
Rental (senior)	0	0	0	0
Owned home/condo	0	0	0	0

Please list property sales within the District (NOTE: impact on affordability is not required by the statute for this item and in any event would be captured in the chart above):

N/A

Please describe any changes from what was described in the approved Development Program for the District, such as changes to the type, scope or timing of development within the District. If the Development Program and Certificate of Approval for the District allow alternative uses of funds, please list how funds are being used in practice.

N/A

Annual Report for Tax Year April 1, 2023 – March 31, 2024
Affordable Housing Tax Increment Financing District
Submission Deadline of April 30, 2024

Municipality: City of Auburn

Municipal official submitting this report:

Phillip L. Crowell
Printed name

_____ 04/02/2024
Signature **Date**

Title: City Manager
Mailing address: 60 Court Street, Auburn ME 04210
Phone number: 207-333-6601
Email address: pcrowell@auburnmaine.gov

Name of Affordable Housing Development District:

48 Hampshire Street

Date the municipal legislative body approved this Report (not the District):
April, 1, 2024

In submitting this report, the legislative body of the municipality certifies that the public purpose of the affordable housing district is being met and that the required housing affordability and other conditions of approval, including limitations on uses of tax increment revenues for approved development project costs, set forth in the Certificate of Approval issued by Maine State Housing Authority for the District and the related Affordable Housing Development Program are being maintained.

Status of affordable housing within the District: *"Affordable" means for households earning no more than 120% area median income.*

Type of housing unit	# of Existing affordable units	# of Existing market units	# of Planned affordable units	# of Planned market units
Rental (family)	42	11	0	0
Rental (senior)	0	0	0	0
Owned home/condo	0	0	0	0

Please list property sales within the District (NOTE: impact on affordability is not required by the statute for this item and in any event would be captured in the chart above):

N/A

Please describe any changes from what was described in the approved Development Program for the District, such as changes to the type, scope or timing of development within the District. If the Development Program and Certificate of Approval for the District allow alternative uses of funds, please list how funds are being used in practice.

N/A

Annual Report for Tax Year April 1, 2023 – March 31, 2024
Affordable Housing Tax Increment Financing District
Submission Deadline of April 30, 2024

Municipality: City of Auburn

Municipal official submitting this report:

Phillip L. Crowell
Printed name

Signature 04/02/2024 **Date**

Title: City Manager
Mailing address: 60 Court Street, Auburn ME 04210
Phone number: 207-333-6601
Email address: pcrowell@auburnmaine.gov

Name of Affordable Housing Development District:

477 Minot Ave

Date the municipal legislative body approved this Report (not the District):
April, 1, 2024

In submitting this report, the legislative body of the municipality certifies that the public purpose of the affordable housing district is being met and that the required housing affordability and other conditions of approval, including limitations on uses of tax increment revenues for approved development project costs, set forth in the Certificate of Approval issued by Maine State Housing Authority for the District and the related Affordable Housing Development Program are being maintained.

Status of affordable housing within the District: *"Affordable" means for households earning no more than 120% area median income.*

Type of housing unit	# of Existing affordable units	# of Existing market units	# of Planned affordable units	# of Planned market units
Rental (family)	36	0	0	0
Rental (senior)	0	0	0	0
Owned home/condo	0	0	0	0

Please list property sales within the District (NOTE: impact on affordability is not required by the statute for this item and in any event would be captured in the chart above):

N/A

Please describe any changes from what was described in the approved Development Program for the District, such as changes to the type, scope or timing of development within the District. If the Development Program and Certificate of Approval for the District allow alternative uses of funds, please list how funds are being used in practice.

N/A

ORDER 46-04012024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the Annual Reports to the Maine State Housing Authority for Tax Year April 1, 2023 – March 31, 2024, and authorizes the City Manager to sign the annual reports for Affordable Housing Tax Increment Financing Districts, #16 (Webster School), #21 (477 Minot Ave) and #22 (48 Hampshire Street), as provided by Business and Community Development Staff.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 1, 2024 **Resolve:** 03-04012024

Author: Phil Crowell, City Manager

Subject: Androscoggin County Natural Hazard Mitigation Plan – Resolution of Adoption

---

Information: Androscoggin County Emergency Management Agency submitted the Androscoggin County Natural Hazard Mitigation Plan 2024 update to the state for review by the State Natural Hazards Planner for the Maine Emergency Management Agency on December 15. The State Natural Hazards Planner completed the review and submitted the update to FEMA for final review and approval January 12.

FEMA Region 1 Mitigation Division has determined the ***Androscoggin County Natural Hazards Mitigation Plan 2024*** meets all applicable FEMA Mitigation Planning requirements (Local Mitigation Planning Policy Guide, effective April 19, 2023), except its adoption by:

- Androscoggin, County of
- Auburn, City of
- Durham, Town of
- Greene, Town of
- Leeds, Town of
- Lewiston, Town of
- Lisbon, Town of
- Livermore, Town of
- Livermore Falls, Town of
- Mechanic Falls, Town of
- Minot, Town of
- Poland, Town of
- Sabattus, Town of
- Turner, Town of
- Wales, Town of

City Budgetary Impacts: None

Staff Recommended Action: City Council adopts the Androscoggin County Natural Hazard Mitigation Plan 2024 Update.

Previous Meetings and History: None

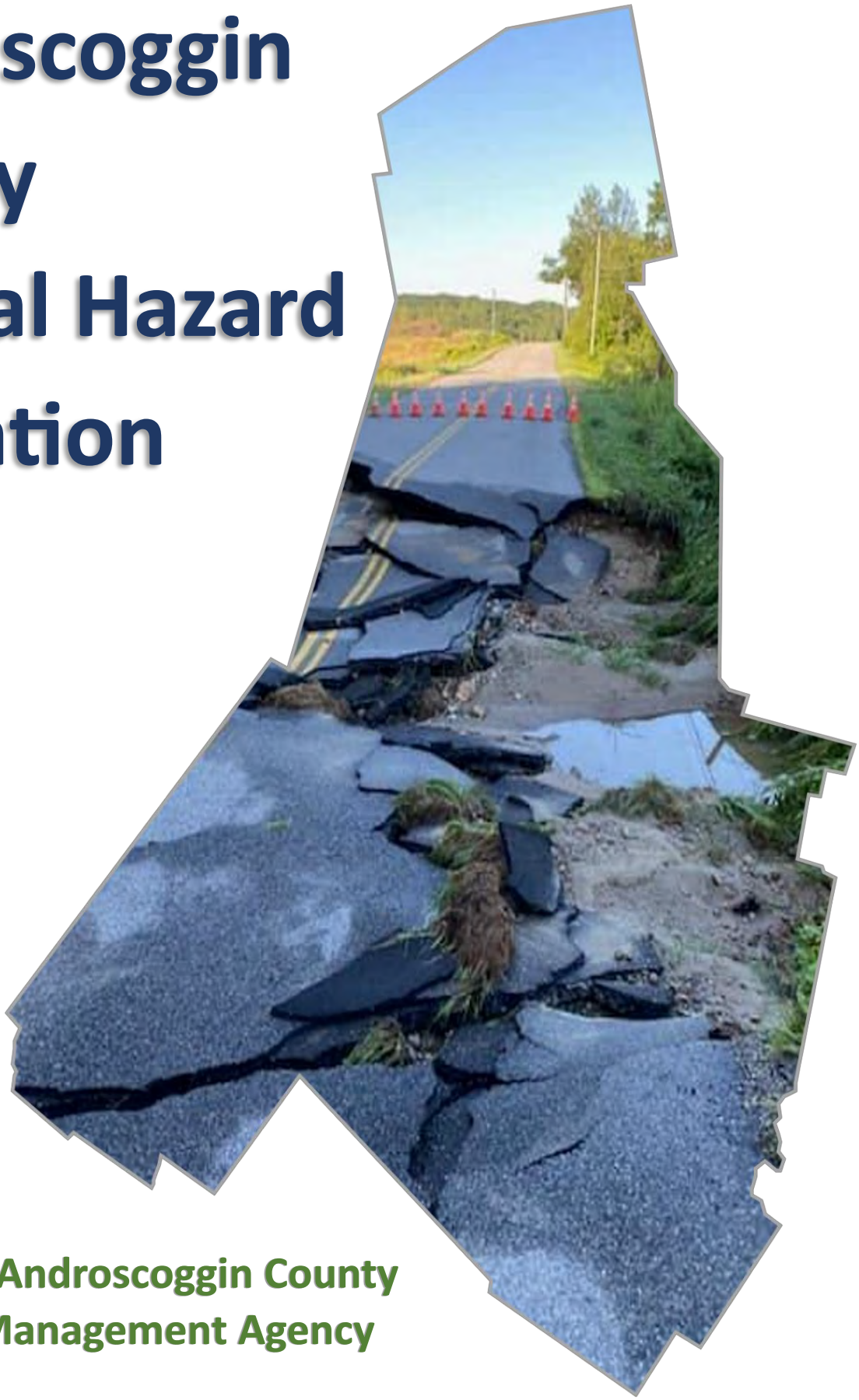
City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Androscoggin County Natural Hazard Mitigation Plan 2024
- Resolution of Adoption

Androscoggin County Natural Hazard Mitigation Plan 2024



Prepared by Androscoggin County Emergency Management Agency

Acknowledgements

The Androscoggin County Natural Hazard M ga on Plan is a mul -jurisdic onal plan, prepared by Androscoggin County Emergency Management Agency for county and the 14 jurisdic ons within Androscoggin County. In the State of Maine, County EMAs coordinate with local governments to prepare a mul -jurisdic onal plan. The Androscoggin County Emergency Management Agency lead this e ort with assistance the Hazard M ga on Planning Team, the Hazard M ga on Planning Steering Com ee, and Jurisdic onal Hazard M ga on Teams. The s that brought this plan to fru on were supported and funded by Androscoggin County and the FEMA Emergency Performance Grant Program

Hazard Mitigation Planning Team	
Angela Molino	Director, Androscoggin County Emergency Management Agency
Paul Leonard	Deputy Director, Androscoggin County Emergency Management Agency
Spencer McKeown	GIS Planner, Androscoggin County Emergency Management Agency

Hazard Mitigation Planning Steering Committee	
Angela Molino	Director, Androscoggin County Emergency Management Agency
Paul Leonard	Deputy Director, Androscoggin County Emergency Management Agency
Spencer McKeown	GIS Planner, Androscoggin County Emergency Management Agency
Nan Johnson	Senior Community Planner, FEMA Region 1, M ga on Division
Heather Dumais	State Hazard M ga on er, Maine Emergency Management Agency
Dr. Samuel Roy	Natural Hazards Planner, Maine Emergency Management Agency
Jonathan Ross	Senior Planner, Maine Emergency Management Agency
Robert Chase	Fire Chief, Auburn Fire Department
Mark Caron	Fire Chief, Lewiston Fire Department

Jurisdictional Teams	
Auburn, City of	Livermore Falls, Town of
Durham, Town of	Mechanic Falls, Town of
Greene, Town of	Minot, Town of
Leeds, Town of	Poland, Town of
Lewiston, City of	Saba us, Town of
Lisbon, Town of	Turner, Town of
Livermore, Town of	Wales, Town of

In add on to those agencies and individuals named above, a number of d erent state, local and regional partners contributed to this plan:

Maine Historic Preserva on Commission, Maine Department of Agriculture, Conserva on & Forestry, Na onal Weather Service-Gray, Maine USDA Farm Service Agency, UMaine Coopera ve Extension, Community Concepts, Androscoggin Valley Council of Governments, Lewiston Housing Authority, Maine Forest Service, Central Maine Power, Co., Poland Springs B g Co., Department of Business & Community Development, City of Auburn, Maine Center for Disease Control, North East States Emergency Consor um, the public, businesses, non-pr ts and stakeholders who completed the Natural Hazard M ga on Surveys.

Thank you.

Executive Summary

Hazard Mitigation is any sustained action taken to reduce or eliminate long term risk to human life, infrastructure, and the environment.

The 2024 update to the Androscoggin County Natural Hazard M on Plan was prepared by the Androscoggin County Emergency Management Agency and in accordance with the Disaster M ga on Act of 2000. DMA 2000 requires states and local governments to prepare HMPs to remain eligible to receive pre-disaster ga on grant funds available in the wake of federally declared disasters. The Androscoggin County Hazard M ga on Plan is a mu -jurisdic onal plan, a collabora ve process. In the State of Maine, County EMAs coordinate with local governments to prepare a mu -jurisdic onal plan. The Androscoggin County Emergency Management Agency (ACEMA) is the lead in this e ort with assistance from planning teams, the Hazard M ga on Planning Team, Hazard M ga on Planning Steering Com ee, and Jurisdic onal Hazard M ga on Teams.

Planning Process

Hazard M on Planning Team coordinated, facilitated, and documented the planning process, collected, and analyzed data, risk, and capab es, sought p cip on through mee ngs, surveys, social media, the Androscoggin County EMA website, and emails. The Hazard M on Steering Com ee provided feedback, input, reviewed the planning process materials, documents, planning and outreach strategy via emails or in person mee ngs. Jurisdic onal Teams ended the workshops, the seminar, and project planning mee ngs. Teams reviewed the 2017 Hazard M on plan, the Natural Hazard Report, p cipated in the Natural Hazard Risk Assessment, and completed the jurisdic on survey, which provided the status update of the 2017 projects. The jurisdic onal teams completed the project worksheets, which resulted in the iden n of vulnerab es, capab es, and development of on strategies for the plan update. The teams played a vital role in public outreach, through the dissemin on of the surveys to the stakeholders and public through mee ngs, emails, and social media.



Risk Assessment

Androscoggin County Emergency Management Agency conducted an All-Hazards Risk Assessment in 2022, all 14 jurisdic ons p cipated. The jurisdic ons rated the impact that each hazard would have on their community using the infor on provided by Androscoggin County EMA through present ons from SME, hazard reports containing hazard d ni ons, county context and general consequence analysis. ng from the Natural Hazard Iden n and Risk Assessment, a review of all available capabili es, and ranking by the jurisdic ons

the following hazards have been selected for this Natural Hazard M g on Plan, Flooding, Severe Summer Weather, Wild , Drought, Severe Winter Weather.

Mitigation Strategy

The 2024 Androscoggin County Natural Hazard M ga on Plan update features new overarching goals designed to empower commun es to navigate ga on e orts through a uid risk landscape, pos oning the commun es within Androscoggin County to address current concerns, future trends, policy requirements, vulnerab es, and poten al impacts from natural disasters. FEMA d nes Goals as general guidelines that explain what should be achieved and de es Objec ves as strategies or implementa on steps to a ain ga on goals, and mi ga on ns as sp ns that help to achieve the ga on goals and obj es. This plan, combines goals, objec ves, and ns to provide dir n for Androscoggin County and all jurisdic ons to reduce risks from iden d hazards and improve resilience. All 14 jurisdic ons p cipated, each on or project sub ed for inclusion in this plan contributes to the county-wide ga on strategy. The local ga on ns or projects paint a picture, illustra ng what each community prior zes and their commitment to hazard ga on and resilience.

GOALS

- **Minimize loss and disruption of life, property, and the environment**
- **Encourage Continuity of Operations pre, during & post hazard events**
- **Enhance Mitigation Capabilities**
- **Increase Public Awareness and Support for Hazard Mitigation**
- **Increase Resilience of Economy and local Resources**

Plan Maintenance & Update



Plan progress will be monitored through cyclical mee ngs with MEMA and/or local jurisdic ons, as well as following federally declared disasters in Androscoggin County. Annually and following disaster d ons, ACEMA will review the hazards in the risk assessment and on strategies to determine relevancy to variable cond ons including land development in the county, as well as changes in state or federal policy to ensure that plan elements re ct current and expected cond ons. At year three of the - year period covered by this plan, a hazard analysis and risk and capabili es assessment will be conducted. In collabor on with the jurisdic ons, projects will be updated, and new projects will be added. The plan will come to frui on through a series of compounding mee ngs, the kick mee ng, the seminar, and project planning mee ngs, including emails, surveys, and the website. Once all hazards, projects, maps, and all per nent data have been updated, and public input recorded, the Androscoggin County Hazard M on Plan d will be sub ed to MEMA for review and recommenda ons before the al d is forwarded to FEMA for review and approval pending adop on (APA). er APA, the jurisdic ons will adopt the plan for nal approval and start another -year plan cycle.

Adoption

The Androscoggin County Hazard M on Plan 2024 provides a path by which local governments can follow to reduce vulnerabili es and lessen impacts from natural disasters. By ad g this plan, each community is agreeing to con nue implementa on of strategies aimed at ga ng hazards iden d in this Plan. P cipa on in the planning process and ad on of the plan by a jurisdic on enables that jurisdic on to be eligible for FEMA Hazard M ga on Assistance (HMA) grant programs, such as the Building Resilient Infrastructure and Commun es (BRIC) and Flood M ga on Assistance (FMA).

Point of Contact. The Androscoggin County Emergency Management Agency leads the e ort to adapt and update the Mu -Jurisdic onal Hazard M ga on Plan. As such, ACEMA is determined to con nue and improve public involvement by providing an ongoing opportunity for public comment and valued input regarding the hazard mi ga on plan, so as to achieve that goal the ACEMA informa on is embedded below:

Mailing Address: Androscoggin County Emergency Management Agency
2 College Street
Lewiston, ME 04240
Email address: ema@androscoggincountymaine.gov
Website: Androscoggincountyema.gov
Telephone: 207-784-0147



Intersection of East Rd and Avenue Rd, Wales ME, Road flooding. Source: Wales Fire Chief Scott Dimmick.

Acronym Definitions

Acronym	Definitions
ACEMA	Androscoggin County Emergency Management Agency
APA	Approval Pending Adoption
BCA	Benefit Cost Analysis
BFE	Base Flood Elevation
BRIC	Building Resilient Infrastructure and Communities
BTM	Brown tail Moth
CDC	Maine Center for Disease Control
CDS	Congressionally Directed Spending
CDWG	Community Wildlife Defense Grant
CEO	Code Enforcement Officer
CFR	Code of Federal Regulations
CME	Coronal Mass Ejections
CMP	Central Maine Power
CPC	Climate Prediction Center
CRS	Community Rating System
CWPP	Community Wildfire Protection Plan
DACF	Department of Agriculture. Conservation and Forestry
DEP	Department of Environmental Protection
DOT	Maine Department of Transportation
DSP	Dam Safety Program
DWP	CDC Drinking Water Program
EAL	Expected Annual Loss
EAP	Emergency Action Plan
EMA	Emergency Management Agency
EMP	Electromagnetic Pulse
EMPG	Emergency Management Performance Grant
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FMA	Flood Mitigation Assistance
FMAG	Fire Management Assistance Grant
FMP	Floodplain Management Program
GIS	Geographic Information System
HABs	Harmful Algal Blooms
HMA	Hazard Mitigation Assistance
HHPD	High Hazard Potential Dams
HMGP	Hazard Mitigation Grant Program
IA	Individual Assistance
LHMP	Local Hazard Mitigation Plan
LPDM	Legislative Pre-Disaster Mitigation
MUBEC	Maine Uniform Building and Energy Code
MEGIS	Maine Office of GIS

Acronym	Definitions
MEMA	Maine Emergency Management Agency
MFS	Maine Forest Service
MHPC	Maine Historic Preservation Commission
MRSA	Maine Revised Statutes Annotated
MS4	Municipal Separate Storm Sewer Systems EAB
MUBEC	Maine Uniform Building and Energy Code
MWW	Maine Won't Wait
NESEC	Northeast State Emergency Consortium
NESIS	Northeast Snowfall Impact Scale
NFIP	National Flood Insurance Program
NHC	National Hurricane Center
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NWS	National Weather Service
PAR	Population at Risk
RLF	Revolving Loan Fund
PA	Public Assistance
SBA	U.S. Small Business Administration
SFHA	Special Flood Hazard Area
SFM	Office of the State Fire Marshal
SHMP	State Hazard Mitigation Plan
SVI	Social Vulnerability Index
TCI	The Climate Initiative
THIRA/SPR	Threat & Hazard Identification & Risk Assessment/Stakeholder Preparedness Review
UMS	University of Maine System
USDA	U.S. Department of Agriculture
USDM	U.S. Drought Monitor
USEPA	U.S. Environmental Protection Agency
USGS	U.S. Geological Survey
WMO	World Meteorological Organization
WUI	Wildland Urban Interface

RESOLVE 03-04012024

City Council Resolve

IN CITY COUNCIL

ANDROSCOGGIN COUNTY NATURAL HAZARD MITIGATION PLAN RESOLUTION OF ADOPTION 2024

Whereas, natural and man-made disasters may occur at any time, we recognize that to lessen the impacts of these disasters we will save resources, property, and lives in Androscoggin County;

And whereas the creation of a multi-jurisdictional Hazard Mitigation Plan is necessary for the development of a risk assessment and effective mitigation strategy;

And whereas, the 2 Cities, 12 Towns in Androscoggin County, as well as Androscoggin County are committed to the mitigation goals and measures as presented in this plan;

Therefore, be it resolved, that the Auburn City Councilors hereby ADOPT the Androscoggin County Natural Hazard Mitigation Plan 2024 Update.

AUTHORIZING SIGNATURES - City of Auburn

Richard S. Whiting	Ward 1, Councilor& Signature above	Date
Timothy M. Cowan	Ward 2, Councilor& Signature above	Date
Stephen G. Milks	Ward 3, Council President& Signature above	Date
Benjamin J. Weisner	Ward 4, Councilor& Signature above	Date
Leroy G. Walker Sr.	Ward 5, Councilor& Signature above	Date
Belinda A. Gerry	At Large, Councilor& Signature above	Date
Adam R. Platz	At Large, Councilor& Signature above	Date

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 1, 2024

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

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 Workshop & Meeting
Agenda
April 16, 2024
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. City Manager's Final FY25 Budget and FY25 CIP – Phil Crowell
B. City Council Discussion

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Whiting

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 47-04162024*
Appointing Election Clerks to serve a two-year term (May 1, 2024, through April 30, 2026).

2. Order 48-04162024*
Authorizing the City Clerk to waive the $60 Temporary Food Service licensing fee for the Auburn Exchange Club for the Lobster Festival Event scheduled to be held on May 11, 2024.

II. Minutes – April 1, 2024, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Memo to City Council from the Planning and Permitting Director

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business - None

VI. New Business

1. Executive Session - Discussion on a poverty abatement case #PA 2024-001 pursuant to (36 M.R.S.A § 841) with possible action to follow (Order 49-04162024).

2. Order 50-04162024

Authorizing the City Manager to execute a lease with Carroll Materials LLC and direct payments made under the lease into the Intermodal Facility Special Revenue Account.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report

IX. Executive Sessions

1. Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

2. Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City. Possible action to follow.

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 16, 2024

Author: Sue Clements-Dallaire, City Clerk

Subject: City Manager's Final FY25 Budget and CIP Presentations and City Council Discussion

---

Information: City Manager Phil Crowell will present his final budget and CIP recommendations for Fiscal Year 2025.

City Budgetary Impacts: To be determined

Staff Recommended Action: Budget Presentation and Council Discussion

---

Previous Meetings and History: Budget discussions began at the February 3rd Council retreat and department presentations began on February 20th, then March 4th, March 11th, March 18th, March 25th, April 1st, and April 8th.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 16, 2024 **Order:** 47-04162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Election Clerks to serve from May 1, 2024 through April 30, 2026

Information: Nominations for election clerks must be submitted by April 1st of each general election year and may be submitted by the parties, the municipal clerk or by any registered voter in the municipality or county.

We did not receive nominations from any of the political parties.

The municipal officers shall appoint election clerks by May 1st of each general election year to serve at each voting place during the time the polls are open and as counters after the polls close. In making the appointments, the municipal officers shall consider all nominations received by April 1st but may appoint any qualified voters.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage of the order as nominated by the City Clerk.

Previous Meetings and History: Appointments are made every two years pursuant to Title 21-A Sec. 503-A.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

ORDER 47-04162024

City Council Order

IN CITY COUNCIL

ORDERED, that the following individuals hereby be appointed as Election Clerks for the period of May 1, 2024, through April 30, 2026.

PARTY	LAST NAME	FIRST NAME
R	Amero	Claire
R	Buchanan	Crystal
R	Cyr	Judy
R	Cyr	Claudette
R	Galway	Bonnie
R	Hayes	Priscilla
R	Lee	Linda
R	Martineau	Raymond
R	Oakley	Ruth
R	Whitney	David
D	Bergeron-Smith	Julia
D	Bergeron-Smith	Bram
D	Cavanagh	Robert
D	Dufresne	Carmen
D	Hayes	Bonnie
D	Jordan	Roland
D	Mailey	Joseph
D	McGuckian	Celia
D	Miller	Priscilla
D	Murphy	Mona
D	Pelliccia	Joseph
D	Pelliccia	Patricia
D	Waters	Elizabeth

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 16, 2024 **Order:** 48-04162024

Author: Jennifer Boenig, Downtown Coordinator

Subject: Fee waiver for the Exchange Club of Auburn for the Auburn Lobster Festival

---

Information: The Exchange Club of Auburn is a nonprofit organization hosting a fundraising dinner during the May 11, 2024 Auburn Lobster Festival. This is an opportunity for the club to serve the community and raise funds to support the Auburn PAL center. The club is requesting council waive the $60 temporary food license.

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)

City Budgetary Impacts:. Loss of $60 temporary food license fee.

Staff Recommended Action: Approve the fee waiver request.

Previous Meetings and History: NA

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
Temporary Food License application
Fee waiver request letter
Overall event layout

EXCHANGE

THE EXCHANGE CLUB OF AUBURN

working to make our community a better place to live

Auburn City Council

Request for Waiver of Permit Fees

March 28, 2024

Dear Council,

The Exchange Club of Auburn has been serving the people of Auburn for over 75 years. We are excited to have been asked to participate for a second year at the Auburn Lobster Festival on May 11, 2024, by providing lobster dinners. This is an opportunity to serve our community yet again and raise funds to support our work donating to the many small groups and individuals who impact our community. Among the groups we have supported in recent years are the Auburn PAL Center, Project Graduation at Edward Little and St. Dominic's Academy, the Auburn Suburban Little League, the Auburn Middle School Hockey Team, and four Students of the Month and a Student of the Year each at Edward Little and St. Dominic's Academy. This year we were able to add an Accepting the Challenge of Excellence Award three high school students who have had to overcome great physical, emotional, or social obstacles and are now eligible for high school graduation.

To assist us in our efforts to make our community a better place to live, we request that the permit fees for our participation in the Auburn Lobster Festival be waived.

We thank you for your consideration.

Mike Mathieu
President-Elect

CITY OF AUBURN

BUSINESS LICENSE APPLICATION

Business Name:

[X] NEW [ ] RENEWAL Expires: _____

Office of the City Clerk
60 Court St, Auburn,
ME 04210
207.333.6600
www.auburnmaine.gov

Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

Please check the boxes for all licenses you are applying for:

There is a late fee of $50.00 for renewals that are 30-45 days late, $100.00 for more than 46 days late, and $200.00 for reoccurring

Food Service Establishments:

[ ] ***FSE Mobile Food distribution Unit** (12 mths) ...$100
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use of location.

[ ] ***FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I)** $500

Public hearing required for new license- $100 fee
Background check must also be included.

[ ] ***FSE Serving Malt and/or Vinous (FSE Class III & IV)**..... $400

Public hearing required for new license- $100 fee
Background check must also be included.

[ ] ***Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X)** $1000
(Plus, actual cost of advertising hearing)

Public hearing required for new license - $100 fee.
Background check must also be included.

[ ] ***FSE (On/Off), no Alcohol**.....$200
Includes Prepackaged Foods

[ ] ***Bottle Club/BYOB**..... $200

Public hearing required for new license- $100 fee
Background check must also be included.

[X] ***Temp FSE** (Per event max 30 days).....$60

***All above licenses**: include copy of floor plan, menu/ draft menu, certified food handler certificate and a copy of all State licenses applicable.

[ ] **FSE Off Premise/Retailer-Malt Liquor/Table Wine**..... $200

Other Business Licenses Applying for:

[ ] ***Special Amusement** $125
Public hearing required for new license- $100 fee
Please fill out supplemental questionnaire (pg. 4).

[ ] ***Pawnshop/Pawn Broker** $100

[ ] ***Secondhand Dealer**..... $100

[ ] ***Massage Establishment/Therapist**..... $150
State license #: _____

Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

[ ] ***Tattoo Artist**..... $100

***Above licenses**: *Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application.* **You can do it yourself on-line here: http://www5.informe.org/online/pcr/**

[ ] **Bowling Alley (fee per lane)** .....
$85
Of lanes: _____

[ ] **Roller Skating Rinks with Part/Full Kitchen...**$90

[ ] **Coin-op Devices (fee per device).....**
Up to 10 devices..... $50 Ea
10 or more devices.... $30 Ea
of devices: _____ **Total Amt** _____

[ ] **Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc.....** $100

Seating:_____ **Occupancy load:**_____

LICENSING FEE(S) TOTAL DUE: $ _____

NAME OF BUSINESS: **Exchange Club of Auburn** BUSINESS ADDRESS: _____

BUSINESS MAILING ADDRESS: **PO Box 1061, Auburn, ME 04211**

OWNER'S NAME (LOCAL/ONSITE): _____ DOB: _____ PHONE: _____

OWNER'S ADDRESS: _____ MAILING ADDRESS: _____

PREFERRED EMAIL: _____

MANAGER'S NAME: **Mike Mathieu (president-elect)** PHONE #: **207.577.4041** DOB: **09/02/1969**

PREFERRED CONTACT NAME: **Per Almquist** PHONE #: **207.513.2478**

EMAIL ADDRESS: **per.almquist@freegrace.us**

DESCRIPTION OF BUSINESS: **We are a non-profit community service organization.**

_____

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): _____

FORM OF BUSINESS ORGANIZATION: ☐ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ LLC ☒ Other

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	*Print Clearly* Address Previous 5 years	Birth Date	% of Stock	Title

OWNER OF BUILDING/UNIT: _____ PHONE # _____

OWNER'S ADDRESS: _____

HOURS OF OPERATION: Mon: _____ Tues: _____ Wed: _____ Thurs: _____

Fri: _____ Sat: _____ Sun: _____

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? ☐ Yes ☒ No (If yes, complete the following)

Name: _____ Date of conviction: _____

Offense: _____ Location: _____

Disposition: _____

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

****READ CAREFULLY BEFORE SIGNING****

I, **Mike Mathieu** (Print name), Owner/Operator of the business, hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature: _____ **Date:** **03.28.2024**

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

___Approved	_	Denied	FIRE INSPECTOR _____
___Approved	_	Denied	CODE ENFORCEMENT OFFICER __
___Approved	_	Denied	POLICE _____
___Approved	_	Denied	FINANCE _____

Comments:

_____

_____

Application date:_____ License issued on:_____

Fees paid: License fee(s)_____Public hearing fee_____Background fee_____Late fee_____

Total amount paid = $_____

Special Amusement Questionnaire:

Exact entertainment to be provided at establishment:

_____

(Specify hours of entertainment) Mon: _____ Tues: _____ Wed: _____ Thurs: _____
Fri: _____ Sat: _____ Sun: _____

Describe in detail the room(s) to be used under the permit:

_____

Include a diagram or floor plan of your business. On the diagram please list the following:

Main Entrance, Secondary Entrances, Fire Escapes, Fire Extinguishers, Location of Stationary Security Personnel, Food Serving or preparation areas, the direction of any speakers, Dancing Area, Locations where alcohol will be sold.

Have any of the applicants, including the corporation ever had a special amusement license denied or revoked?

☐ Yes ☐ No If yes, Please explain (Including location and timeframe):

_____

_____

PLEASE PROVIDE THE FOLLOWING, IF APPLICABLE:

CURRENT LIQUOR LICENSE #_____EXPIRATION DATE:_____

PLEASE BE ADVISED THAT THE APPLICANT MAY BE REQUIRED TO COMPLY WITH THE FOLLOWING CONDITIONS:

Applicant agrees to have two counters or clickers at each entrance. One will be used to document the patrons that have entered the establishment. The second will be used to document the patrons that have exited the establishment. This will give the staff and public safety personnel an accurate count of patrons in the establishment.

Applicant agrees to have the maximum seating and or occupancy capacity clearly listed in each room that is open to the public, and to have security and or staff stationed at all times at all entrances and exits used by the public.

Applicant agrees to, if so ordered by the Chief of Police, to hire sworn members of the Auburn Police Department for security. The rate will be at the current City of Auburn detail rate. These officers will supplement the existing staff or security.

The below chart will be used as a guide in determining the numbers of officers required.

Number of Attendees	Number of Police
1 - 200	2
201 - 400	4
401 - 600	6
601+	One supervisor and one additional officer for each 200 attendees or portion thereof in excess of 601

All requests for modification(s) of the approved Special Amusement license must be submitted in writing to the City of Auburn. Any changes made without approval from the City of Auburn may result in an immediate suspension of the license. Signature on application releases the Auburn Police Department, its agents and representatives from any and all liability of every nature and kind arising out of the furnishing, inspection or collection of such documents, records and other information or the investigation made by the Auburn Police Department.

I do hereby authorize Auburn Police Department and its agents to receive copies of records and/or any information concerning my background, character, bank accounts, businesses, places of employment, schools and any other source necessary for the purpose of obtaining a Special Amusement License.

I have read and understand section 14-600 to 14-609, Special Amusement Permits, of the City of Auburn's business license ordinance. _____ **(Initial)**

EXCHANGE

THE EXCHANGE CLUB OF AUBURN

working to make our community a better place to live

Auburn City Council

Request for Waiver of Permit Fees

March 28, 2024

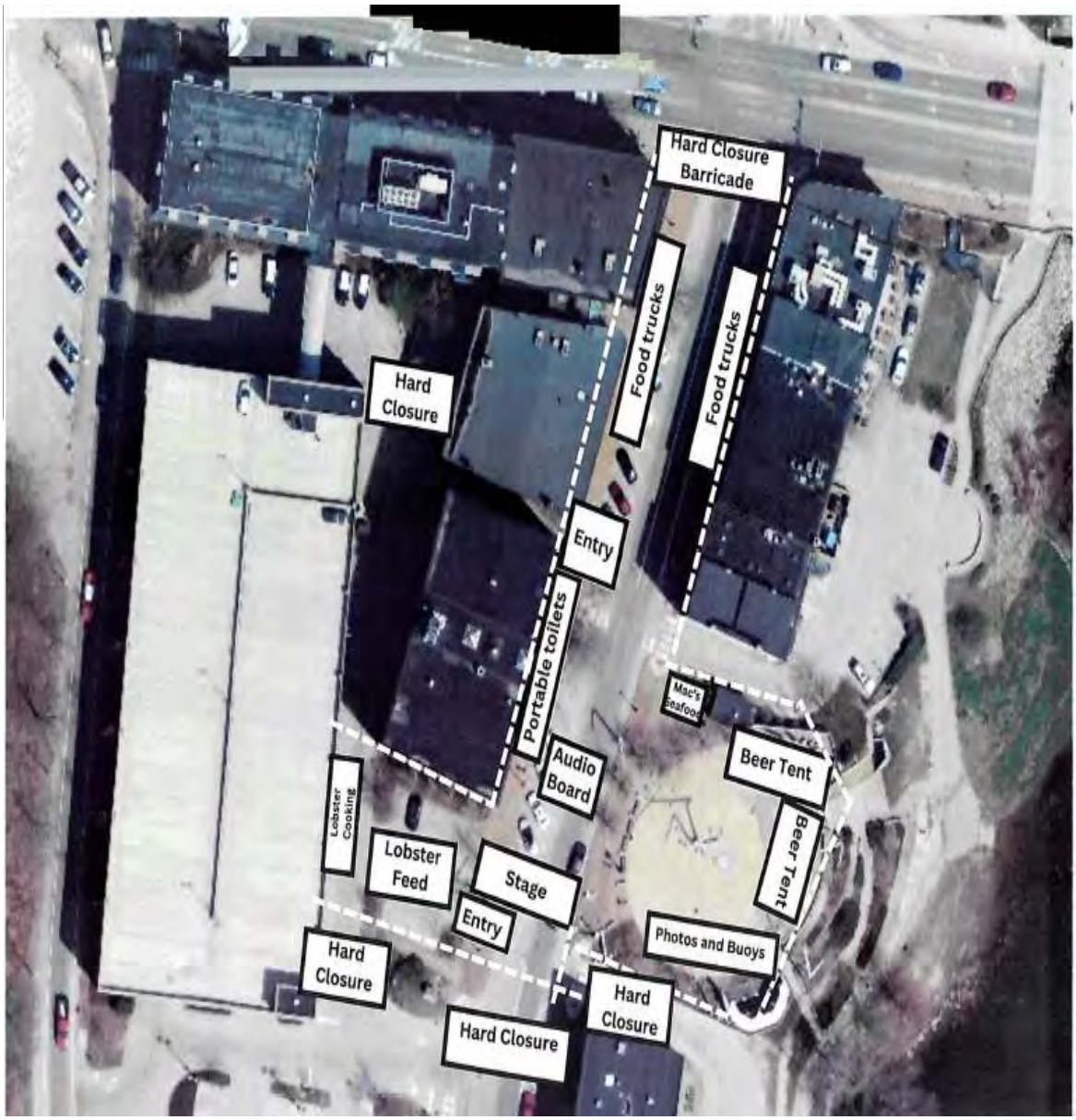
Dear Council,

The Exchange Club of Auburn has been serving the people of Auburn for over 75 years. We are excited to have been asked to participate for a second year at the Auburn Lobster Festival on May 11, 2024, by providing lobster dinners. This is an opportunity to serve our community yet again and raise funds to support our work donating to the many small groups and individuals who impact our community. Among the groups we have supported in recent years are the Auburn PAL Center, Project Graduation at Edward Little and St. Dominic's Academy, the Auburn Suburban Little League, the Auburn Middle School Hockey Team, and four Students of the Month and a Student of the Year each at Edward Little and St. Dominic's Academy. This year we were able to add an Accepting the Challenge of Excellence Award three high school students who have had to overcome great physical, emotional, or social obstacles and are now eligible for high school graduation.

To assist us in our efforts to make our community a better place to live, we request that the permit fees for our participation in the Auburn Lobster Festival be waived.

We thank you for your consideration.

Mike Mathieu
President-Elect


Hard Closure Barricade
Food trucks
Food trucks
Hard Closure
Entry
Portable toilets
Mac's Seafood
Audio Board
Beer Tent
Lobster Cooking
Lobster Feed
Stage
Beer Tent
Entry
Photos and Buoys
Hard Closure
Hard Closure
Hard Closure

ServSafe
National Restaurant Association

Certificate of Achievement

ANSI ACCREDITED
#0655
ASTM E2659
Certificate Issuer

This certificate is awarded to

MICHAEL MATHIEU

Congratulations! You have completed

ServSafe® Food Handler

Employee Food Safety Online Course and Exam

National Restaurant Association
233 S. Wacker Drive, Suite 3600
Chicago, IL 60606-6383
800.765.2122 in Chicago area 312.715.1010
Restaurant.org | ServSafe.com

Certificate Number 6311514 Date 4/26/2023

Expiration Date 4/26/2026

©2017 National Restaurant Association Educational Foundation (NRAEF). All rights reserved. ServSafe® and the ServSafe logo are trademarks of the NRAEF. "National Restaurant Association" and the arc design are trademarks of the National Restaurant Association.
171106O1 v.1711

ORDER 48-04162024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby authorizes the City Clerk to waive the $60.00 Temporary Food Service fee for the Auburn Exchange Club's lobster dinner fundraiser scheduled for Saturday, May 11, 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING APRIL 1, 2024, VOL. 37 PAGE 150

Mayor Harmon called the meeting to order at 7:02 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. Consent Items

1. Order 41-04012024*
Setting the date for the School Budget Validation Referendum Election (June 11, 2024).

Motion was made by Councilor Walker, seconded by Councilor Cowan for passage.

Passage 7-0.

II. Minutes

March 18, 2024, Regular Council Meeting
Motion was made by Councilor Walker, seconded by Councilor Cowan to approve the minutes of the March 18, 2024, Regular Council Meeting.

Passage 6-0-1 (Councilor Platz abstained).

March 25, 2024, Special Council Meeting
Motion was made by Councilor Walker, seconded by Councilor Whiting to approve the minutes of the March 25, 2024, Special Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Recognition - Camden Goddard - 2024 MRPA Citizen Volunteer Award Recipient
- Communication – Request for Lake Stewards of Maine funding from the City of Auburn for FY2024

IV. Open Session – No one from the public spoke.

V. Unfinished Business

1. Ordinance 01-01022024
Amending Chapter 60 of the zoning ordinance to include Effective Date and Applicability Date of Ordinance 26-11202023. Public hearing and second reading.

Public hearing – No one from the public spoke.

Motion was made by Councilor Cowan, seconded by Councilor Whiting for passage.

Failed 3-4 (Councilors Milks, Weisner, Walker, and Gerry opposed). A roll call vote was taken.

2. Order 39-03182024

Disposition of building located at 46 Fair Street under dangerous building statute. Public hearing for parties with interest in property.

This item was postponed during the last regular Council meeting (3/18/2024).

Motion was made by Councilor Milks, seconded by Councilor Walker to reopen the public hearing.

Passage 7-0.

Martin Doherty, 194 Oak Hill Road stated that he is disappointed, and he thought this would be a clearer effort, adding that it seems like the same story over and over, and over again. He does not agree with moving forward with the renovation of this property. He said he thinks demolition is the way to go.

Motion was made by Councilor Cowan, seconded by Councilor Walker to amend Exhibit A, Findings of Fact to conform with the edits shown in the agenda packet from pages 37-40.

Passage 7-0.

Motion was made by Councilor Weisner, seconded by Councilor Milks to amend the order of demolition to conform with the edited order of demolition provided at the start of the meeting.

Passage 7-0.

Passage of the main motion as amended, 7-0.

Councilor Platz was not present during the 3/18/2024 meeting. However, for the record, he confirmed that he has reviewed the materials and the testimony from that meeting in addition to the minutes of that meeting.

VI. New Business

1. Order 42-04012024
Authorizing the City Clerk to consolidate to one polling place for the July 9, 2024, Special Municipal Election. Public hearing and vote.

Motion was made by Councilor Walker, seconded by Councilor Platz for passage.

Public hearing – No one from the public spoke.

Passage 7-0.

2. Order 43-04012024
Adopting the 5-year Capital Improvement Plan (CIP).

Motion was made by Councilor Walker, seconded by Councilor Whiting for passage.

Passage 7-0.

3. **Order 44-04012024**
Approving the Mass Gathering for the Auburn Lobster Festival event scheduled for Saturday, May 11, 20204. Public hearing and vote.

Motion was made by Councilor Walker, seconded by Councilor Milks for passage.

Public hearing – No one from the public spoke.

Passage 7-0.

4. **Order 45-04012024**
Approving the temporary liquor license for an Incorporated Civic Organization for the Lobster Festival event scheduled for Saturday, May 11, 2024. Public hearing and vote.

Motion was made by Councilor Walker, seconded by Councilor Milks for passage.

Public hearing – No one from the public spoke.

Passage 7-0.

5. **Order 46-04012024**
Approving the Annual Report to the Maine State Housing Authority for Tax Year 4/1/2023-3/31/2024.

Motion was made by Councilor Milks, seconded by Councilor Walker for passage.

Passage 7-0.

6. **Resolve 03-04012024**
Adopting the Androscoggin County Natural Hazard Mitigation Plan 2024.

Motion was made by Councilor Walker, seconded by Councilor Whiting for passage.

Passage 7-0.

VII. Open Session – No one from the public spoke.

VIII. Reports

Mayor's Harmon reported on the Burnt Ends BBQ ribbon cutting, the Civic Leadership seminar at USM (Portland campus), and the Vietnam Veteran Memorial service that was held last Friday in Lewiston.

Councilor Cowan reported on the Mayor's Ad hoc Committee on Homelessness adding that their next meeting is on the 11th of April at the Senior Center. He also reported that the next LATC meeting is also scheduled for April 11th.

Councilor Milks reported on the Ad hoc Water Committee meeting he attended and provided some of the results from the WRS study on phosphorus levels.

Councilor Platz thanked the School Committee for their budget presentation during the workshop. He reported that he attended the Brown Tail Moth seminar that was held at the Senior Community Center stating it was very informative, and he reported that the Conservation Working Group put out a nice YouTube video on backyard pollinators.

City Manager Crowell announced that there will be a Land Use Forum on Saturday, April 13th from 10:00 am to 1:00 pm at the Senior Community Center. He also noted that there will be an additional budget workshop scheduled for Monday, April 8th.

IX. Executive Sessions – Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

Motion was made by Councilor Walker, seconded by Councilor Cowan to enter into executive session.

Passage 7-0. Time 7:52 pm.

Council was declared out of executive session at 8:22 pm.

X. Adjournment

Motion was made by Councilor Cowan, seconded by Councilor Gerry to adjourn. Unanimously approved, the meeting adjourned at 8:22 pm.

A TRUE COPY **ATTEST** Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn, Maine
Planning and Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Mayor and City Council

From: Eric J. Cousens, Director Planning and Permitting

Re: Lake Auburn Watershed Stakeholders Update

Date: April 16, 2024, Council Meeting

In January of 2024, the City Council ordered (04-01022024) the City Manager to direct staff to work with city wide interest groups (AG Working Group, Sustainability and Natural Resources Board, LAWPC, Planning Board and public stakeholders) to consider specific questions related to the Lake Auburn Watershed Ordinances. The group was named the Lake Auburn Watershed Stakeholders Group. Since that time, the group (s) have met on numerous occasions to address the Councils questions related to protecting Lake Auburn and is drafting the recommended ordinances to drive those protections. Unfortunately, the deadline of April 16, 2024 will not be met. The recommendations will be presented at the May 6, 2024 meeting which will still allow the necessary time to be submitted to the Planning Board at their May 14, 2024 meeting.

Proposed Timeline:

April 16, 2024, City Council Communication Memo

May 6, 2024, Text Amendments to City Council for Order to refer text amendments to Planning Board.

May 14, 2024, Public Hearing for Planning Board to review text amendments to provide recommendation to the City Council.

June, 2024, likely 1st and 2nd City Council reading to include public hearing on text amendments.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 16, 2024

Author: Sue Clements-Dallaire, City Clerk

Subject: Executive Session, poverty abatement case, pursuant to 36 M.R.S.A. § 841

Information: Discussion on a poverty abatement case #PA 2024-001 pursuant to (36 M.R.S.A § 841). Possible action to follow (Order 49-04162024).

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 16, 2024 **Order:** 50-04162024

Author: Jonathan P. LaBonte, Transportation Systems Director

Subject: Auburn Intermodal Facility Track Rights Lease

Information: The City has been actively pursuing potential customers for the Intermodal Facility, along with our partners at the St. Lawrence and Atlantic Railroad. While Power and Construction Group currently leases space for laydown and storage of materials, the freight intermodal movements that were central to the construction of this facility in 1994 have not occurred since 2014.

Carroll Materials LLC is interested in moving non-hazardous product into Auburn by rail and then transferring to truck in the Intermodal. The lease would provide them rights to store up to five (5) rail cars on the City-owned track in the Intermodal, as well as accessing the property by truck for transfers. As part of the broader partnership to move product through Auburn, they are also likely to store additional product awaiting unloading on the Rangeley Branch, an asset of the Lewiston and Auburn Railroad Company. The Rangeley Branch opened for use in 2016 and will now see its first activity.

The three year term is the start of growing this business relationship and in turn attracting other customers to the facility. Given the facility has been dormant for a decade, we are also discussing with MaineDOT strategies to plan for necessary upgrades to meet customer needs into the future.

City Budgetary Impacts: Reveune of $12,000 in annual lease payments

---

Staff Recommended Action: Approval of the Order

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
DRAFT Carroll Materials LLC Lease

Lease Agreement

This Lease Agreement, made as of the _____ day of _____, 2024, between the **City of Auburn**, a municipality organized and existing under the laws of the State of Maine (hereinafter referred to as the "Landlord")and **Carroll Materials LLC**, a Maine limited liability company (hereinafter called "Tenant"), whose address is 25 Dolls Ridge Road, Limerick, ME 04048 (the "Lease")

Landlord and Tenant, for the consideration hereinafter expressed, covenant and agree as follows:

1. Premises: Landlord leases to Tenant, subject to the rights hereinafter excepted and reserved and upon the terms and conditions hereinafter set forth, enough track length to cover up to five (5) rail cars (approximately 225 feet based on rail car length of 45 feet), situated on Track 1 at the City's Intermodal Facility, located in Auburn, County of Androscoggin, State of Maine (the "Tracks"). Landlord also provides to Tenant rights to use of scales and related equipment as may be necessary for the tracking and transfer of product to or from Rail Cars.

2. Use of Premises: (a) Tenant shall use the Tracks for no purpose other than the storage and inspection of rail cars owned or used by or consigned to Tenant (the "Rail Cars"), pending placement of the Rail Cars onto tracks of Tenant or other outbound movement.

   (b) The commodities to be stored on the Tracks shall be limited to cement. Under no circumstances shall Tenant store hazardous commodities on the Tracks. Landlord may, but shall not be required to, permit use of the Tracks by Tenant for non-hazardous commodities other than those described herein, and any such use shall fall under the Standard Terms and Conditions (hereinafter defined) of this Lease. Such additional permission may be revoked by Landlord at any time, in its sole discretion.

   (c) The scale is made available "as is". Tenant is not obligated to use the scale and may seek third-party options off site for its use. Should Tenant choose to use the scale, it agrees, at its own expense, to make necessary improvements to ensure its proper operation, as may be required by any regulatory body for achieving certification in the State of Maine. Landlord may, at its discretion, participate in future repairs or capital investment associated with the scale.

3. Term: This Lease shall take effect as of _____, 2024 and shall remain in effect until _____, 2027, or terminated earlier in accordance with Section 8 of the Standard Terms and Conditions (hereinafter defined).

4. Payment: (a) As rental for use of the Premises under this Lease, Tenant shall pay Landlord Twelve Thousand Dollars ($**12,000.00)** annually for the storage of the Rail Cars, in advance. In the event that an invoice has not been paid or payment has not been made by Lessee within fifteen (15) days after such payment is due and payable, a late payment charge of two percent (2%) may be assessed on the outstanding balance (payments, late payment charges and finance charges) owed, and a finance charge of two percent (2%) per month may also be assessed on the outstanding balance (payments, late payment charges and finance charges) owed. Payments shall be applied first to finance charges, second to late payment charges, and then to the outstanding balance.

   (b) During the term of this Lease, all tax, insurance, license, repair, replacement, betterment, transportation, loading, unloading, operation and maintenance expenses and costs associated with Tenant's Rail Cars, or the operation and maintenance thereof, shall be the exclusive responsibility of Tenant and not the Landlord.

5. Standard Terms and Conditions: The Landlord's standard terms and conditions to this Lease ("Standard Terms and Conditions") are annexed hereto as Exhibit A and are incorporated into this Lease. The Standard Terms and Conditions apply to all Tracks leased under this Lease.

IN WITNESS WHEREOF, this Lease has been duly executed, in duplicate, by the parties hereto as of the day and year first above written.

LANDLORD:	TENANT:
City of Auburn	Carroll Materials LLC
By:_____	By:_____
Name:	Name:
Its:	Its:
Date:	Date:

EXHIBIT A

STANDARD TERMS AND CONDITIONS TO LEASE OF TRACK SPACE FOR STORAGE OF CARS

The following Standard Terms and Conditions are incorporated by reference to the Lease of Track Space for Storage of Cars (the "Lease"), dated _____, 2024, by and between the City of Auburn and Carroll Materials LLC. Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to them in the Lease.

1. Tenant shall not at any time own or claim any right, title or interest in or to the Tracks or the land thereunder or adjacent thereto, nor shall the exercise by Tenant of rights under the Lease for any length of time give rise to any right, title or interest on the part of Tenant in or to the Tracks or the land thereunder other than the leasehold created herein.

2. Landlord retains the following rights to use the Tracks: (a) to substitute other track within the same general location of the same approximate length as described in Section 1 of the Lease and any such substituted track shall be included in the definition of "Tracks"; (b) to maintain and/or construct, and to permit others to maintain and/or construct, overhead and/or underground pipe and/or wire lines under or over the Tracks, and to use, repair, replace, and remove the same; and (c) to alter, rearrange, extend, or enlarge the Tracks. Only Landlord's employees, agents, or its designees may operate trains or move Rail Cars on the Tracks.

3. In the event that Rail Cars cannot be stored on the Tracks for any reason whatsoever, but are still stored on other tracks owned by or in the possession of Landlord, such portions of Landlord's track or property shall be deemed as Tracks for the purpose of this Section 3. With respect to the Tracks and any Rail Cars while they are being stored on the Tracks:

   (A) TENANT AGREES TO SAVE LANDLORD HARMLESS AND INDEMNIFY IT FROM ANY LIABILITY FOR INJURY, LOSSS, ACCIDENT, OR DAMAGE TO ANY PERSON OR PROPERTY AND FROM ANY CLAIMS, ACTIONS, PROCEEDINGS, AND COSTS IN CONNECTION THEREWITH, INCLUDING REASONABLE COUNSEL FEES ARISING FROM OMISSION, FAULT, NEGLIGENCE, OR OTHER MISCONDUCT OF TENANT, ITS OFFICERS, EMPLOYEES, AGENTS, AND INVITEES ON OUR ABOUT THE PREMISES OR OTHERWISE OCCURING THEREON.

   (B) IN THE EVENT OF ANY LEAKAGE, SPILLAGE OR RELEASE FROM ANY RAIL CAR ON THE TRACKS, TENANT SHALL PROMPTLY AND FULLY REIMBURSE, DEFEND AND INDEMNIFY THE LANDLORD FOR ANY COST, CHARGE, FINE, PENALTY OR REASONABLE ATTORNEY'S FEES INCURRED BY THE LANDLORD AS A RESULT OF SUCH LEAKAGE, SPILLAGE OR RELEASE, INCLUDING COSTS TO CLEAN, NEUTRALIZE, REMOVE OR REMEDY THE RELEASE.

   (C) TENANT SHALL ASSUME THE RISK OF LOSS AND/OR DAMAGE TO ANY RAIL CAR AND THE CONTENTS THEREOF ON THE PREMISES OR TRACK AND SHALL NOT ASSERT ANY CLAIM AGAINST THE LANDLORD FOR SUCH LOSS OR DAMAGE ARISING FROM ANY CAUSE WHATSOEVER.

4. (a) Tenant shall, at its expense, procure and maintain throughout the term of this Lease, and thereafter until all Rail Cars are removed from the Tracks, a comprehensive general form of insurance covering liability, including, but not limited to, Public Liability, Personal Injury, and Property Damage, as well as Contractual Liability in the amount of $2,000,000 per occurrence and $6,000,000 in the aggregate, and with a deductible no greater than $50,000 of the amount of insurance coverage per occurrence. Such policies shall be endorsed to provide Waiver of Subrogation in favor of the Landlord and the Landlord shall be named as Additional Insureds. An Umbrella policy may be utilized to satisfy the required limits of liability under this section.

   (b) RESERVED

   (c) RESERVED

   (d) RESERVED

   (e) All insurance shall be placed with insurance companies licensed to do business in the state in which the Tracks are located, with a current Best's Insurance Guide Rating of A- and Class VIII, or better. Tenant shall provide Landlord with, and thereafter maintain in effect, a current Certificate of Insurance, prior to commencement of this Lease, evidencing such insurance, and such certificate of insurance must be endorsed to provide for coverage of incidents occurring within fifty (50) feet of a railroad track, and any provision in the insurance policy to the contrary must be specifically deleted. Each policy shall provide that it shall not be canceled or materially changed unless at least thirty (30) days' prior written notice of cancellation or change shall have been mailed by the insurance company to Landlord at the address designated herein.

   (f) The furnishing of insurance required by this Section 4 shall in no way limit or diminish the liability or responsibility of Tenant as provided under any section of this Lease.

   (g) If any policies providing the required coverages are written on a Claims-Made basis, the following shall apply:

      (1) The retroactive date shall be prior to the commencement date of this Lease and shall not be advanced during the term of this Lease,
      (2) Tenant shall maintain such policies on a continuous basis, and
      (3) If there is a change in insurer or policies are canceled or not renewed, Tenant shall purchase an extended reporting period of not less than three (3) years after the termination of this Lease.
      (4) Tenant shall arrange for adequate time for reporting of any loss under this Lease.

   (h) The above indicated insurance coverages shall be enforceable by any legitimate claimant after the termination or cancellation of this Lease, or any amendment hereto, whether by expiration of time, by operation of law or otherwise, so long as the basis of the claim against the insurance company occurred during the period of time when the Lease was in effect and the insurance was in force.

   (i) Failure to provide the required insurance coverages or endorsements (including contractual liability endorsement) or adequate reporting time shall be at Tenant's sole risk.

5. (a) Notwithstanding any other provision of this Lease, Tenant shall comply with any and all environmental laws, statutes, ordinances, rules, regulations, orders, decisions, including the Resource

Conservation and Recovery Act, as amended or supplemented, and the Comprehensive Environmental Response Compensation and Liability Act, as amended or supplemented (hereinafter collectively referred to as "Environmental Laws"), issued by any federal, state or municipal governmental body or agency established thereby (hereinafter referred to as "Authority"), relating to the use of the Track by Tenant;

(b) Tenant, in its use of the Track, shall not create or permit any condition on the Track that could present a threat to human health or to the environment. Tenant shall at all times be in full compliance with all Environmental Laws, present or future, set by any Authority, including but not limited to, Environmental Laws concerning air quality, water quality (surface of underground), noise, hazardous substances and hazardous waste(s).

(c) Should any discharge, leakage, spillage, emission or pollution of any type occur or arise from the Track as a result of Tenant's presence, use, operations or exercise of the rights granted hereunder, Tenant shall immediately notify Landlord and shall, at Tenant's expense, be obligated to clean all property affected thereby, whether owned or controlled by Landlord or any third persons, to the satisfaction of Landlord (insofar as the property owned or controlled by Landlord is concerned) and any governmental body having jurisdiction in the matter. Landlord may, at is option, clean the property; if Landlord elects to do so, Tenant shall pay Landlord the reasonable cost of such cleanup promptly upon the receipt of a bill therefor.

(d) **TENANT AGREES TO RELEASE, INDEMNIFY AND DEFEND THE LANDLORD FROM AND AGAINST ALL LIABILITY, COST AND EXPENSE (INCLUDING, WITHOUT LIMITATION, ANY FINES, PENALTIES, JUDGMENTS, LITIGATION COSTS AND ATTORNEY FEES) INCURRED BY THE LANDLORD AS A RESULT OF TENANT'S BREACH OF THIS SECTION 5 REGARDLESS OF THE NEGLIGENCE OF THE LANDLORD, EXCEPT TO THE EXTENT ANY SUCH LIABILITIES, COSTS AND EXPENSES ARE SOLELY CAUSED BY THE GROSS NEGLIGENCE OF THE LANDLORD.**

6. Tenant acknowledges that during the period of time that Rail Cars have been placed on the Tracks for storage Landlord shall not be, and Tenant shall not assert that Landlord is a bailee or warehouseman with respect to such Rail Cars or the contents thereof. Tenant further acknowledges and agrees that during such storage period Landlord will not, and has no duty or obligation under this Lease or otherwise to provide security for the Rail Cars or the contents thereof against acts or omissions of third parties (including trespassers) or against Acts of God. Tenant agrees to develop, implement and maintain any safety or security plans and measures required by governmental authority or otherwise prudent to safeguard the Rail Cars and their contents while stored on the Tracks.

7. In exercising its rights under this Lease, Tenant shall adopt and enforce suitable safety rules and regulations satisfactory to Landlord for the protection of Landlord and Tenant employees and others if and when Tenant's employees are in or on the stored cars or on or near the Tracks, and will require Tenant employees and others to notify, by proper signals or flags, the employees of Landlord that they are in or on cars or on or near the Tracks.

8. If Tenant fails to keep and perform any of its obligations under this Lease, including, without limitation, timely payment of rental, then Landlord may terminate this Lease immediately upon written notice to Tenant. This Lease also may be terminated at any time by either party by serving thirty (30) days' written notice of termination upon the other party, stating therein the date that such termination shall

take place. No termination hereof shall release Tenant or Landlord from any liability or obligation hereunder, whether of indemnity or otherwise. Upon termination of this Lease, Tenant shall immediately vacate the Tracks. If Tenant fails to vacate, Tenant shall be charged standard demurrage according to the applicable tariff rates then in effect.

9. In the event either party is unable, due to natural disaster, strike or labor unrest, to fulfill its obligations under this Lease, it shall be excused therefrom without penalty until the natural disaster has abated, or for the duration of the strike or labor unrest.

10. All notices to be given hereunder shall be given in writing, by depositing same in the United States mail, or other acceptable mailing service, with postage prepaid, and addressed to Landlord or Tenant, as the case may be, at the address identified above.

11. In the event that Tenant embraces two or more persons, corporations, or entities, all the covenants and agreements of Tenant shall be the joint and several covenants and agreements of such persons, corporations, or entities.

12. The Tenant represents and warrants that it has the authority and legal right to enter into this Lease and to perform the obligations required of it hereunder, and this Lease and any document or instrument to be executed and delivered by each to the other pursuant hereto has been duly (or will be prior to delivery) authorized, executed and delivered.

13. All the covenants and provisions of this Lease shall be binding upon the legal representatives, successors and permitted assigns of Tenant. No assignment by Tenant shall be binding upon Landlord without the prior written consent of Landlord in each instance, which consent may be withheld in Landlord's absolute discretion. This Lease shall inure to the benefit of the successors and assigns of Landlord.

14. All questions arising under this Lease shall be decided according to the laws of the State of Maine.

15. To the maximum extent possible, each provision of this Lease shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Lease shall be prohibited by, or held to be invalid under, applicable law, such provision shall be ineffective solely to the extent of such prohibition or invalidity, and this shall not invalidate the remainder of such provision or any other provision of this Lease.

16. The waiver by Landlord of the breach of any provision herein by Tenant shall in no way impair the right of Landlord to enforce that provision for any subsequent breach thereof.

17. This Lease is the full and complete agreement between Landlord and Tenant with respect to all matters relating to the Tracks and supersedes all other agreements between the parties hereto relating to the Tracks and may not be modified without the written consent of all Parties and has been executed by the authorized officials of the Parties.

18. This Lease does not constitute permission for Tenant's employees or agents or any other person to enter upon the premises of Landlord. Tenant shall seek permission from Landlord to enter the Landlord's premises as may be necessary by Tenant and such permission shall not be unreasonably withheld.

19. RESERVED

20. The parties shall not disclose the terms of this Agreement to a third party (a) other than as required by law so long as such party required to disclose the terms of this Agreement under applicable law provides the other party with prior written notice of such requirement, or (b) as otherwise agreed in writing between the parties. Notwithstanding the foregoing, the parties may disclose the terms and conditions of the Agreement to (1) a parent, subsidiary or affiliated company; or (2) to their lawyers and consultants, including but not limited to its auditors, provided that all such parties agree to maintain the confidentiality of such information in accordance with the terms of this provision. If any party violates this paragraph, any adversely affected party may cancel this Agreement without penalty and exercise any available remedies under applicable law.

ORDER 50-04162024

City Council Order

IN CITY COUNCIL

Ordered, that the Auburn City Council hereby authorizes the City Manager to execute a lease with Carroll Materials LLC and directs payments made under the lease into the Intermodal Facility Special Revenue Account.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 16, 2024

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 16, 2024

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city. Possible action to follow.

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 Workshop & Meeting
Agenda
May 6, 2024
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Lewiston Falls FERC License Comments – Eric Cousens
B. Public Works Update –Scott Holland
C. Executive Session – Legal matter, pursuant to 1 M.R.S.A. §405(6)(E)

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Whiting

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 53-05062024*
Appointing Edward Little High School sophomore, Houda Aden to serve as City Council Student Representative with a term expiration of 6/30/2026.

2. Order 54-05062024*
Appointing Edward Little High School junior, Anaya Egge to serve as City Council Student Representative with a term expiration of 6/30/2025.

3. Order 55-05062024*
Appointing Emmanual Babine to serve on the Zoning Board of Appeals with a term expiration of 5/1/2025, as nominated by the Appointment Committee.

4. Order 56-05062024*
Appointing Katie Boss to serve on the Zoning Board of Appeals with a term expiration of 5/1/2026, as nominated by the Appointment Committee.

5. Order 57-05062024*
Appointing Michael Dixon to serve on the Zoning Board of Appeals with a term expiration of 5/1/2027, as nominated by the Appointment Committee.

6. Order 58-05062024*

Appointing Stanwood “Joe” Gray to serve on the Zoning Board of Appeals with a term expiration of 5/1/2027, as nominated by the Appointment Committee.

7. **Order 59-05062024***
Appointing Chelsea Eaton to serve on the Zoning Board of Appeals with a term expiration of 5/1/2026, as nominated by the Appointment Committee.

8. **Order 60-05062024***
Appointing Gerald Samson to serve on the Zoning Board of Appeals with a term expiration of 5/1/2025, as nominated by the Appointment Committee.

9. **Order 61-05062024***
Appointing Elisabeth Collier to serve on the Board of Assessment with a term expiration of 3/31/2025, as nominated by the Appointment Committee.

10. **Order 62-05062024***
Appointing Mary LaFontaine to serve on the Board of Assessment with a term expiration of 3/31/2026, as nominated by the Appointment Committee.

11. **Order 63-05062024***
Appointing Corey Kinnan to serve on the Parks & Recreation Advisory Board with a term expiration of 10/01/2024, as nominated by the Appointment Committee.

12. **Order 64-05062024***
Appointing Elisabeth Collier to serve on the Parks & Recreation Advisory Board with a term expiration of 10/1/2024, as nominated by the Appointment Committee.

13. **Order 65-05062024***
Appointing Adam Lee to serve on the Lewiston Auburn Railroad Corporation for a three-year term (April 2024 through April 2027).

14. **Order 66-05062024***
Appointing Jessica Donovan to serve on the Lewiston Auburn Railroad Corporation for a three-year term (April 2024 through April 2027).

15. **Order 67-05062024***
Appointing Jonathan LaBonté to vote the shares held by any shareholder for the Lewiston Auburn Railroad Corporation.

16. **Order 68-05062024***
Confirming Chief Moen’s appointment of Annemarie Iadarola as Constable with firearm for the Auburn Police Department.

II. Minutes – April 16, 2024, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Presentation - Child Abuse and Neglect Data presented by Community Concepts, Inc., presented by Melissa Wakefield (Maine Families Program Manager) and Melissa Robinson (Prevention Council & Community Coordinator for Androscoggin County)

- Communication - Funding Requests (Lifeflight, Kennebec Behavioral Health, Land Trust, Lake Stewards of Maine)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business - None

VI. New Business

1. Order 69-05062024
Initiating ordinance amendment process to Chapter 60 – Zoning Article XVI. – Administration and Enforcement Division 2. Site Plan Review and Section 60.2 Definitions.

2. Ordinance 09-05062024
Amending Chapter 60, Article IV, Division 12 General Business District be amended by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. Public hearing and first reading.

3. Ordinance 10-05062024
Creating the Maine Bioproducts Advanced Manufacturing Tech Hub Overlay District Map. Public hearing and first reading.

4. Order 70-05062024
Adopting the Fiscal Year 2025 Budget of the Auburn School Department.

5. Resolve 04-05062024
Adopting the Appropriations Resolve for Fiscal Year 2025. Public hearing and first reading.
Passage requires an affirmative vote of 5 Councilors at the second reading.

6. Order 71-05062024
Initiating ordinance amendment process to Sec. 60-2 Definitions, Article XIII Division 2-Phosphorous Control, Article IV Division 3-Low Density Country Residential District, and Division 4-Lake Auburn Watershed Overlay District including adoption of associated zoning maps, all within Chapter 60 of the Code of Ordinances (these changes relate to Subsurface wastewater systems and residential development within the watershed).

7. Order 72-05062024
Approving the liquor license for the Hilton Garden Inn.

8. Order 73-05062024

Appointing Emily F. Carrington as Registrar of Voters for the City of Auburn with a term expiration date of December 31, 2024.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report
d. January 2024 Finance Report – Kelsey Earle, Finance Director

IX. Executive Sessions – None

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024

Author: Eric J. Cousens, Planning and Permitting Director

Subject: Lewiston Falls/Monty Hydro Facility – Draft License Application Comments

---

Information: This is an update on the licensing process for the Lewiston Falls/Monty Hydro Facility on the main stem of the Androscoggin in anticipation of the expiration of the existing license in 2026 and a follow up to the March 4, 2024 Council Communication (details on page 19) . Our Comprehensive Plan, Strategic Plan, New Auburn Master Plan, the Androscoggin Greenway Plan and ATRC Bridging the Gaps Bicycle and Pedestrian Plans give staff substantive direction and support to advocate for needs and improvements to mitigate impacts of the facility on the community. The attached draft set of comments does not include mitigation requests from Lewiston as those are still being drafted. The comments from Lewiston will be added to the final version so the stakeholder group can speak with a single, unified voice. In short, the Draft License Application(DLA) lacks many details that will be needed in the Final License Application (FLA) and fails to propose any meaningful mitigation. This not unusual and we expect more detail in the in the FLA. We have met with FERC staff and other stakeholders at the State and National level to draft the comments. Staff will review the comments and take any feedback from the Council at the workshop as we finalize a submittal for later this month.

The focus of the requests are to improve river access for recreation and public safety, portaging around the falls, flows over the falls for aesthetics and recreation and to shift maintenance costs associated with river access facilities back to the licensee of the hydro facility.

City Budgetary Impacts: None

Staff Recommended Action: Update and feedback from Council.

Previous Meetings and History: 6.6.2022 Communications, 12.20.2021 Communications, 4/24Communications.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Draft Comments on DLA

May XX, 2024

Ms. Debbie-Anne A. Reese
Acting Secretary Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Via online submission to: http://www/ferc.gov

Subject: **City of Auburn, City of Lewiston, American Whitewater, Appalachian Mountain Club, Grow L-A, Maine Council of Trout Unlimited [and Maine Rivers, Atlantic Salmon Federation, Friends of Merrymeeting Bay, Androscoggin Land Trust, etc.?] Comments on the Draft License Application (DLA) for the Lewiston Falls Hydroelectric Project (FERC No. 2302)**

Dear Ms. Reese:

The City of Auburn, City of Lewiston, American Whitewater, Appalachian Mountain Club, Grow L-A, and Maine Council of Trout Unlimited ("signatories") submit the following Comments and Study Requests in response to the Draft License Application (DLA) for the Lewiston Falls Hydroelectric Project (FERC Project No. 2302) by Brookfield White Pines Hydro LLC (BWPH) dated February 21, 2024. These organizations all have a strong and continuing interest in the outcome of the Lewiston Falls Project relicensing.

In summary, the DLA is incomplete and fails to propose any meaningful mitigation measures despite the stakeholders good faith participation in the studies coordinated by the Licensee. The need for additional study of recreational impacts remains, project generating information is absent from the DLA and mitigation measures have not been proposed in response to the completed or nearly completed studies. The following pages provide stakeholder information and study deficiencies followed by Stakeholder Mitigation needs beginning on Page 6.

The City of Auburn , located in central Maine, an industrial center and the ninth largest city by land area in the United States with 67 square miles, is located on a corridor to the western recreational mountains of Maine and is home to more than 25,000 residents. Daily, upwards of 100,000 people live, work, and play in our city. Auburn's critical infrastructure includes: 2 high schools, a middle school and 9 elementary schools; 2 regional post offices; Lake Auburn - the only water supply for the City of Auburn and surrounding communities; Lewiston/Auburn Municipal Airport; Central Maine Community College (5,000 students); Customs Zone for freight arriving by air and rail; two railroad lines; 2 large and 6 small hydroelectric dams; an underground petroleum pipeline; 5 large commercial factories; an acetylene production plant; 3 propane storage and underground pipes carrying natural gas to the community; 8 medium to large hazmat facilities; a 2-sheet ice arena that also hosts concerts and trade shows; a waste-burning electric power plant; a retail hub and recreation areas.

There are 11,965 residents in Auburn who qualify for Community Development Block Grant (CDBG) assistance for being under 80% HUD Area Median Family Income (HAMFI). This number encompasses 46% of the total 25,530 residents in Auburn. Of the total households within Auburn, 7,850 households (or 30%) are qualified for the HOME program for being under 50% HAMFI. These qualifying households are largely located within a 1-mile area surrounding the project and many depend on walking and public transit to access recreational opportunities along the Androscoggin River.

The City of Lewiston is located in Androscoggin County in south-central Maine, less than an hour drive from the ocean, the western mountains, and from Portland, Augusta, and Freeport. The area's interstate highway access places 50% of Maine's population within a half hour of the community. Together, the cities of Lewiston and Auburn are home to approximately 61,000 residents with Lewiston's population being 37,121. Lewiston-Auburn is the region's economic and cultural center, serving Androscoggin County and the large trade area of central and western Maine. Given its size alone, Lewiston-Auburn's success is important to Maine's economic development.

Lewiston is a regional center for healthcare, education, culture and shopping. Lewiston is also an employment center. Within 1.2 miles of the Lewiston Falls project boundary are Central Maine Medical Center (one of the state's three largest medical facilities), St. Mary's Regional Medical Center, Bates College, University of Southern Maine's Lewiston-Auburn College, financial and professional service companies, as well as hotels and retail. Within a five-minute drive of the Lewiston Falls project boundary area are approximately 9,500 households and 7,000 employees.

The character of Lewiston and Auburn is influenced by both the striking natural environment of central Maine, and Lewiston's history as a great industrial center powered by the Androscoggin River. Lewiston Falls, which once fueled production of textiles, shoes and more before an era of decline that began in the 1950s, continues to provide a dramatic focal point for both Lewiston and Auburn downtowns. The Androscoggin River, once polluted by the industry it fueled, now rolls cleanly between the two downtowns, past emerging riverfront parks. Kayakers and fisherman have begun to discover this stretch of the Androscoggin, and a growing network of trails link the downtown riverfronts.

Historic mill buildings remain a strong presence in Lewiston. Within a 5-minute walk of the riverfront, over 1 million square feet of mill space remains within three major mill facilities: the Bates Mill Complex, the Continental Mill, and the Hill Mill. The network of canals that once powered the mills remains in place.

Lewiston's compact downtown neighborhoods occupy the area east of the river. Multifamily housing that once served millworkers is now occupied by a new generation of residents, including Somali and Bantu immigrants. A mix of small businesses, multifamily housing, the Continental Mill and vacant lots characterize the area between the redeveloping Bates Mill Complex and the river. Just 1/3 of a mile east of the river is Lisbon Street, Lewiston's "main street." Once a grand shopping destination that drew visitors from across the region, Lisbon Street's 2- to 4-story buildings are beginning to see new activity. However, this same area is subject to some of the state's highest poverty rates. Immediately abutting the project boundary, 45% of Census Tract 201 and 25% of Census Track 202 live in poverty in comparison to City's rate of 18% and Maine's of 11%. Lewiston also has 28,350 households that qualify

for CDBG representing 78% of total 36,409 households of which 11,620 (32%) households qualify for the HOME program. These qualifying households are largely located within a 1-mile area surrounding the project and many depend on walking and public transit to access recreational opportunities along the Androscoggin River.

A great river, once harnessed to produce the power that drew industry to the twin cities, can now again be the spark that defines the communities. The Lewiston Falls area can become the region's great urban destination, a place for recreation, cultural activities, work and urban living. A solid foundation for the area exists; however, not yet a strong, vibrant urban riverfront destination. The downtown riverfront and canal system needs a critical mass of more housing, public amenities, and jobs to improve quality of life and to support economic development that extends beyond the riverfront and benefits the center cities of both communities. The river and Lewiston's canal system are the backbone of these objectives.

Comments

The Androscoggin, once a mighty fast-flowing river, unites the cities of Auburn and Lewiston that, with a combined population of over 62,000, make up the second largest metropolitan area in the state. The hydroelectric facility located atop the dramatic 37-foot Lewiston Falls, also known as Great Falls, impedes the natural flow of the river, degrading a once majestic natural waterfall to dry rock much of the year, hampering the public's use and enjoyment of the defining natural resource of the area, and impacting the water quality of the lower Androscoggin River.

If the dam is relicensed, Brookfield White Pines Hydro LLC must compensate the owners of the river, the citizens of Lewiston and Auburn and of the State of Maine, for their loss of the use of it in its natural state. The facility severs through-paddling options and floods the natural floodplain to create steep inaccessible banks along the impoundment, making it difficult to access the water. The facility reduces the amount of time that water flows over the falls by redirecting flows through turbines. The cities of Auburn and Lewiston lose the iconic falls that define our communities and are the reason the cities grew along the banks of the Androscoggin River.

Any mitigation must first and foremost meet the needs of the immediate community. The poverty rate for Lewiston is 19.5%, nearly double the state rate. Forty percent of downtown residents do not own a car, and therefore do not have access to the river at distant locations. Many cannot afford specialized recreation equipment. Similarly, 46% of Auburn residents qualify for public assistance due to their income levels. These qualifying households are largely located within a 1-mile area surrounding the project and many depend on walking and public transit to access recreational opportunities along the Androscoggin River.

Project Facilities and Operations

The Lewiston Falls project consists of 5 dams, the Charles E. Monty Station powerhouse, a gatehouse, an island spillway, the upper canal, the impoundment stretching 2.5 miles upstream, and a 75' x 400'

tailrace excavated into the bedrock of Lewiston Falls, permanently altering the natural geology. The project also includes the Durham boat launch located 7 miles downstream. **As indicated in Studies and the DLA, the facility essentially operates as run of river, however, the operations and flows are coordinated with, dependent on and benefit from the Gulf Island Pond impoundment for generating operations and equal consideration for other uses should also be given the ability to benefit from the licensees ability to deliver water to the project area via coordinated facilities.**

The project drains an area of 2,907 square miles and discharges a minimum flow of 1,430 cubic feet per second or inflow, whichever is less, out of a total potential maximum flow of 6,600 cfs. Of the discharge, 50 cfs is released into the Lewiston Canal System, with periodic refreshment flows of 300 cfs, and 1,380 is released from Monty Station through the tailrace. The project generates 28.44 MW of electricity.

Project Area

A major portion of the project area was removed in 2020 reducing it by nearly 5 miles of affected river. The removed area recognized the major downstream effects of project operations - the current, reduced area does not. **The signatories request the return of these areas to the project, and in the absence of this measure, that recreational facilities both current and needed be given full consideration for inclusion in the terms and conditions of the new license going forward.**

Impact of Project Facilities & Operations

The Lewiston Falls Hydroelectric Project impedes the flow of water over Great Falls. Since the opening of the Charles E. Monty Station in 1990, flows over Great Falls have been reduced by 40%, from approximately 146 days of the year to approximately 43 days, or from about 40% of the year to about 12%. The dewatering of the falls has a severe negative impact on the Twin Cities, hampering their evolution from an industrial past to a vibrant future based on attracting activity to the urban riverfront. The facility severs through-paddling options and floods the natural floodplain to create steep inaccessible banks along the impoundment, making it difficult to access the water. The facility reduces the amount of time that water flows over the falls by redirecting flows through turbines. The Cities of Auburn and Lewiston lose the iconic falls that define our communities and are the reason for the cities grew along the banks of the Androscoggin River.

Visual impact

A 37-foot drop without water flowing over it is the dominant visual element in Lewiston-Auburn. No man-made effort can compensate for the loss of that natural feature but understanding the effects of

facility operations is necessary for a NEPA finding on the relicensing. The lack of water reveals the permanent scar of the raceway, the dry rocks of Lewiston Falls have attracted graffiti and trash, the lack of water flow in the canal system invites litter and imparts a sense of stagnation. Without water flow, there is less reason to visit the trails, parks or overlooks near the area. Chain link fence surrounding the viewing platform adjacent to West Pitch adds to the overall sense of indifference. Until the visual impact changes, Lewiston-Auburn cannot meet its full potential as a vibrant urban center focused on its riverfront.



Recreation Impact

The Lewiston Falls Hydropower Project seriously impacts recreation in Lewiston-Auburn. The presence of the facility, including the powerhouse, blocks access to Great Falls from the Lewiston side. The absence of water leaves less reason to visit adjacent amenities such as parks, trails or viewing platforms. The facility severs through-paddling options and floods the natural floodplain to create steep inaccessible banks. Access to the river for fishing, boating, and other water-based activity is relatively limited, and the lack of water flow over the falls contributes to an absence of human activity in the downtown area. The project currently provides only 3 recreation facilities: the West Pitch viewing platform, the impoundment boat launch, located ½ mile upstream, and the Durham boat launch located 7 miles downstream. There currently is no portage around the falls and a lack of connectivity between recreational facilities. The nature of the impoundment further restricts access to the river as the pond has flooded the formerly accessible natural flood zone to a pond elevation that meets steep embankments in many areas.

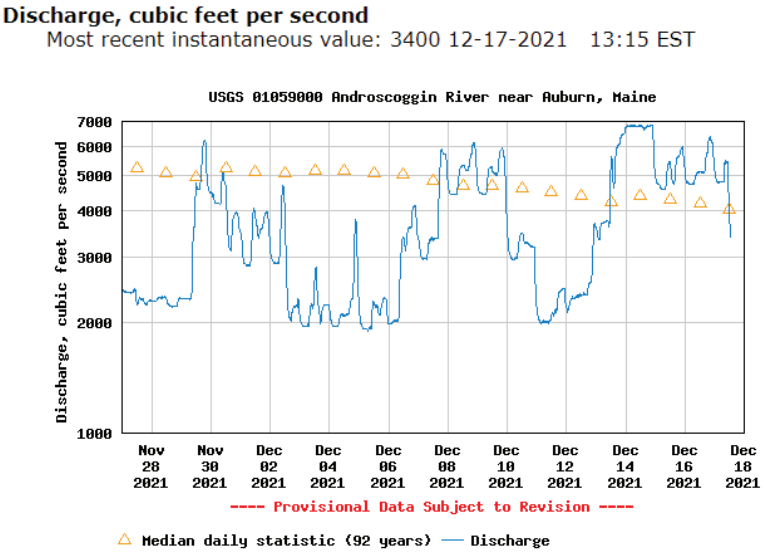


Operational water levels and especially flows fluctuate often and this significantly affects different recreational user groups in different ways. Fluctuating flows shown below are measured downstream of the facility and are driven by generating operations in coordination with licensee controlled flows at facilities upstream.

Further, the dam blocks upstream access for fish. Of the seven diadromous species identified in the *Androscoggin River Watershed Comprehensive Plan for Diadromous Fishes*, only the American Eel is found upstream of the dam.

No fishway exists and no anadromous species are trucked or stocked upstream. The last fisheries survey was conducted in 2003, 19 years ago.

Ecological and water quality impact



The project alters the ecosystem both upstream and downstream of the dams. First, the 2.5-mile impoundment upstream slows the natural flow of a once fast-moving river, warming the waters and resulting in the accumulation of silt and sediment. In turn, these changes alter the ecosystem in and along the river. Fluctuating water levels in the artificial pond created by the impoundment further degrade the ecosystem there. Downstream of the dams, the lack of water also alters the ecosystem by resulting in lower than natural water levels, flowing water through turbines instead of over the falls and may affect dissolved oxygen levels. The Maine Department of Environmental Protection classifies this river reach as Class C. Water quality monitoring was terminated in 1994, 28 years ago. As mentioned above, the last fisheries survey was conducted in 2003, 19 years ago. Notably, the waters below Lewiston Falls are classified as Critical Atlantic Salmon Habitat.

Study Requests and Conclusions

The Stakeholders actively participated in the Study phase of the FERC process and were dedicated to identifying the studies needed to inform the licensing process so that licensing decisions can be based on current information and the best available science. We requested three studies that we deemed essential to the future management of the Lewiston Falls Project. Those requests are detailed in prior filings and the shortcomings are summarized below.

Study request #1: Aesthetic study-Most of the study was completed however the licensee has failed to complete the final step to Evaluate other investments that could mitigate impacts and restore the overall aesthetics of the project area, including, but not limited to, fencing upgrades, increased river access for pedestrians, tree planting and proposed flows over the falls and in the canals. . **The DLA lacks proposed mitigation efforts as required to mitigate project impacts.**

Study request #2: River Access and Recreational Flow study – This study remains to be completed and we do not have adequate information to assess recreational flows below the project. The study conclusion that existing facilities are adequate for the proposed license period is unacceptable.

Study request #3: Special Dissolved Oxygen Level Study – This study has been completed and the Licensee has failed to propose any mitigation measures. Stakeholders remain ready to engage in discussions to determine mitigation.

Proposed Mitigation and Study

To mitigate project impacts the Licensee must consider the following in a Final License Application.

- **Aesthetic Flows** - No aesthetic flows were proposed as part of the DLA while it is clear that project operations reduce aesthetic flows significantly. Since the opening of the Charles E. Monty Station in 1990, flows over Great Falls have been reduced by 40%, from approximately 146 days of the year to approximately 43 days, or from about 40% of the year to about 12%. **We request that the Licensee provide at least 4000 CFS from Dam 1 for at least 40 days per year during daylight hours and every Friday evening from 4Pm - 8PM between May 15 and October 30 including 10 holiday or event weekend days with dates to be determined at an annual meeting between the Licensee and stakeholders to be held each year in April, with consideration of the licensees ability to coordinate inflows with licensee controlled facilities upstream that are already used in this way for generating purposes.** **See flows on page 5.**



4,350 cfs spill, Dam 1 deflated, Headpond el. 168.29 ft

- **Propose Recreational Mitigation** - Work with stakeholders to determine which facilities and access points such as trails, parks, boat launches, portage sites and picnic areas need to be developed or improved to make the river accessible to people across the region. This includes ADA compliance; **The DLA proposal that existing facilities are adequate is unacceptable.**

- Upgrades are needed at the North River Road boat Launch including grading, parking lot paving and striping, ramp repairs, shoreline stabilization, signage and ADA pedestrian connectivity to the existing sidewalk network on Center Street.
- The dam severs through paddling capabilities and the combination of required safety buoys above the dam and no trespassing signage/fencing extend a long and undefined Portage. The City of Auburn has worked to acquire riverside rights to improve this, however the licensee should be required work with the City to design and construct a portage facility that is consistent with Auburn's Riverwalk and connects to existing sidewalks between the North River Road Boat Launch and West Pitch Park or alternative. A concept plan was provided to the Licensee during the Study process. The Facility would be largely on licensee owned and City owned land. **Licensee should be required to contribute 50% of design and construction costs and participate in the design process when the City secures access rights to the entire necessary on and off road corridor.**
- Portage and access from public streets are needed above and below Dresser Rips in Auburn. This is needed for recreation and Public Safety. Emergency responses are limited by access above and below Dresser Rips. **The licensee should be required to work with the City and fund acquisition of rights and construction of access for Public Safety above and below the Rips.**
- River safety signage is needed along the river for public safety reference points. **The licensee should be required to work with the Cities to install numbered markers along the river for emergency reference points along the river.** Licensee should work with Stakeholders to propose a plan as part of the FLA.
- Maintenance of project recreation facilities should be provided by or funded by the licensee during the license period. **The licensee should be required to provide a maintenance plan for project facilities(existing and new) or propose an alternative as part of the DLA.**
- **Restoration of former project boundary or development of additional recreation and emergency access as project facilities should be proposed as part of the FLA.**
- Designate the emergency access at Festival Plaza as an emergency and recreational access point. It is currently listed as only emergency access.
- Evaluate ways to inform the public when ideal conditions exist or will exist. Safe Waters website should be enhanced to provide real time and 3-7 day predicted flows for recreational trip planning.

PLACEHOLDER: Mix mitigation requests with those requested by Lewiston on the east side of the river.

Conclusion

The Androscoggin Riverfront remains a significant resource for the Lewiston-Auburn community. In an era when communities across the country have reclaimed urban waterfronts as vibrant community destinations, Lewiston and Auburn have the potential to create a unique and special place. A destination riverfront will benefit Lewiston and Auburn most directly if it is strongly connected to the rest of the community and especially to the core of downtown Lewiston along Lisbon Street. The hydro facility has lost its historic economic connection to the community and no longer powers the idle mills and canals, but it continues to impact the communities by severing access and redirecting flows from public trust resources and by hampering recreational activities. The above requested studies and mitigation measures are necessary to provide information and mitigate the operational impacts of P-2302 to inform FERC's NEPA Analysis.

City of Auburn
Eric J. Cousens
Director of Planning and Permitting

City of Lewiston
Jonathan M. Connor
Director of Planning and Code Enforcement

American Whitewater
Bob Nasdor
Northeast Stewardship & Legal Director

Trout Unlimited
Stephen G. Heinz

Grow L+A
Peter Rubins
Board member, Chair Grow L+A River Working Group

AMC
Eliza Townsend
Maine Conservation Policy Director

Maine TU Council FERC Coordinator

Others??

CC: Senator Susan Collins Office, Maine 2nd District Congressman Jared Golden's Office

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024

Author: Scott Holland, Public Works Director

Subject: Public Works Operations Updates

Information: Scott Holland will be brief the City Council on seasonal plans and projects including upcoming city beautification efforts.

City Budgetary Impacts: N/A

Staff Recommended Action: Update and discussion

Previous Meetings and History: N/A

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024

Subject: Executive Session

Information: Legal matter, pursuant to 1 M.R.S.A. Section 405(6) (E).

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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024 **Orders:** 53-05062024 through 64-05062024

Author: Emily F. Carrington, City Clerk

Subject: Board and Committee Appointments

The Appointment Committee met on April 23, 2024, to review applications and make their nominations for various boards and committees of the city as follows:

- Houda Aden to serve as City Council Student Representative with a term expiration of 6/30/2026.
- Anaya Egge to serve as City Council Student Representative with a term expiration of 6/30/2025.
- Emmanual Babine to serve on the Zoning Board of Appeals with a term expiration of 5/1/2025.
- Katie Boss to serve on the Zoning Board of Appeals with a term expiration of 5/1/2026.
- Michael Dixon to serve on the Zoning Board of Appeals with a term expiration of 5/1/2027.
- Stanwood "Joe" Gray to serve on the Zoning Board of Appeals with a term expiration of 5/1/2027.
- Chelsea Eaton to serve on the Zoning Board of Appeals with a term expiration of 5/1/2026.
- Gerald Samson to serve on the Zoning Board of Appeals with a term expiration of 5/1/2025.
- Elisabeth Collier to serve on the Board of Assessment with a term expiration of 3/31/2025.
- Mary LaFontaine to serve on the Board of Assessment with a term expiration of 3/31/2026.
- Corey Kinnan to serve on the Parks & Recreation Advisory Board with a term expiration of 10/01/2024.
- Elisabeth Collier to serve on the Parks & Recreation Advisory Board with a term expiration of 10/1/2024.

City Budgetary Impacts: None

Staff Recommended Action: Motion to appoint members as recommended by the Appointment Committee.

Previous Meetings and History: The Appointment Committee met on April 23, 2024, to make their recommendations.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Vacancies, Application Spreadsheet, Applications, Orders

April 23, 2024
Applicant List

Board or Committee	Ward	Last Name	First Name	Address
Board of Assessment Review	1	Collier	Elisabeth	97 Lake Auburn Avenue
	3	LaFontaine	Mary	113 Western Avenue
City Council Student Representative		Aden	Houda	Auburn, ME
		Egge	Anaya	Auburn, ME
Parks & Recreation Advisory Board	1	Collier	Elisabeth	97 Lake Auburn Avenue
	3	Kinnan	Corey	323 Minot Avenue
Zoning Board of Appeals	1	Babine	Emmanual	136 Lake Auburn Avenue
	2	Boss	Katie	7 Morse Street
	2	Dixon	Michael	126 Everett Road
	5	Eaton	Chelsea	576 Trapp Road
	5	Gray	Stanwood “Joe”	1200 Sopers Mill Road
		Samson	Gerald	1394 Minot Avenue

* Indicates this applicant is seeking re-appointment

** Indicates this person is an associate/alternate member seeking full member status

VACANCIES

Board of Assessment Review - 5 vacancies, 2 regular members and 3 alternate members, up to a three-year term TBD

City Council Student Representative - 2 appointments, term expiration TBD

Parks & Recreation Advisory Board - 2 vacancies, with term expirations of 10/01/2024

Zoning Board of Appeals - 9 vacancies, 7 regular members and 2 associate members, up to a three-year term TBD

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Tuesday, March 26, 2024 3:10 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Elisabeth

Middle Initial: M

Last Name: Collier

Residence Address: 97 Lake Auburn Ave

Ward: Ward 1

City: Auburn

Home Phone: 2096069497

Cell Phone: 2096069497

E-mail Address: elisabeth.collier@cmhc.org

Current Occupation: Registered Nurse Critical Care Educator

Previous Occupation (if retired or no longer working):

Education and/or experience: BSN

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Board of Assessment Review

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to be more involved in my community.

What do you hope to accomplish?: Learn the inner workings of the political and council processes.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: no

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: no

Dates served (if known):

How did you learn of this vacancy?: Web search

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: I certify

Date of Electronic Signature: Elisabeth M Collier

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Tuesday, April 16, 2024 8:52 AM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Mary

Middle Initial: J

Last Name: Kozicki LaFontaine

Residence Address: 113 Western Ave

Ward: Ward 3

City: Auburn

Home Phone: 207.513.2364

Cell Phone: 207.513.2364

E-mail Address: mary.lafontaine@yahoo.com

Current Occupation: Human Resources

Previous Occupation (if retired or no longer working):

Education and/or experience: Masters Degree in Adult Education, 23 yrs exp in State government, 15+ years in HR, Auburn City Council, Aub/Lew Airport Board, Board of Assessment Review, LAEGC, Registration Appeals Board, Library Brd of Trustees, School Committee

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Board of Assessment Review

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): After 23 yrs in State Government and 15+ years serving the Citizen of Auburn, I would like to offer my services again. I miss being a public servant. In addition, I have skills and expertise to offer.

What do you hope to accomplish?: My desire is to have people feel heard and that people are treated fairly.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: no

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Yes. Auburn City Council, Aub/Lew Airport Board, Board of Assessment Review, Registration

Dates served (if known): 2011 - 2023

How did you learn of this vacancy?: Mayor Harmon

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Mary J Kozicki LaFontaine

Date of Electronic Signature: April 16, 2024

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Tuesday, March 26, 2024 3:08 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Elisabeth

Middle Initial: M

Last Name: Collier

Residence Address: 97 Lake Auburn Ave

Ward: Ward 1

City: Auburn

Home Phone: 2096069497

Cell Phone: 2096069497

E-mail Address: elisabeth.collier@cmhc.org

Current Occupation: Registered Nurse Critical Care Educator

Previous Occupation (if retired or no longer working):

Education and/or experience: BSN

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Parks & Recreation Advisory Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I would like to become an integral member of the city council and to participate in the running's of the city.

What do you hope to accomplish?: Become more involved in my local community.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: no

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: no

Dates served (if known):

How did you learn of this vacancy?: Web search

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: I certify

Date of Electronic Signature: Elisabeth M Collier

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Monday, February 5, 2024 12:32 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Corey

Middle Initial: T

Last Name: Kinnan

Residence Address: 323 Minot Ave

Ward: Ward 3

City: Auburn

Home Phone: 2074020679

Cell Phone: 2074020679

E-mail Address: coreytkinnan@gmail.com

Current Occupation: Self-Employed

Previous Occupation (if retired or no longer working):

Education and/or experience: Bachelor's in public health. Master's in Urban Studies

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Parks & Recreation Advisory Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have always had a passion to serve my community, no matter where I live. I recently relocated to Auburn from Omaha, Nebraska. While living in Omaha I completed my bachelor's in public health, and my master's in urban studies. Both from the University of Nebraska at Omaha (UNO). While at UNO for undergrad, I lead a public health initiative that took the university tobacco-free. As a master's student I was involved in several committees including, Bike UNO and Sustainability. I also interned at my local congressional office for 6 months where I was integral in organizing meetings with constituents and town halls. I believe my background makes me the perfect candidate for the open board position.

What do you hope to accomplish?: I hope to bring my expertise in strategic planning, passion for sustainability, and knowledge in public/private partnerships to Auburn. I believe I can be of service to my community which is a strong passion of mine.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known): N/A

How did you learn of this vacancy?: Misty Edgecomb

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Corey T. Kinnan

Date of Electronic Signature: 2/5/24

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Wednesday, April 17, 2024 12:02 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Emmanual

Middle Initial: J

Last Name: babine

Residence Address: 136 lake auburn ave

Ward: Ward 1

City: Auburn

Home Phone: 2075144651

Cell Phone: 2075144651

E-mail Address: Jacque.babine@gmail.com

Current Occupation: Retail shift lead

Previous Occupation (if retired or no longer working):

Education and/or experience: High-school diploma

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Zoning Board of Appeals

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to get my foot into the door of the American government and also be more involved with my community. I'm a younger person and feel I will give voice for the next generation of politicians

What do you hope to accomplish?: I hope to learn and soak in as much information I can and then to use that information to better my community with some knowledgeable out of the box ideas.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known):

How did you learn of this vacancy?: The mayor of aubrun directed me to the site.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Emmanual Jacque Babine

Date of Electronic Signature: 4/17/2024

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Tuesday, April 16, 2024 4:45 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Katie

Middle Initial:

Last Name: Boss

Residence Address: 7 Morse Street

Ward: Ward 2

City: Auburn

Home Phone: 413-313-4391

Cell Phone: 413-313-4391

E-mail Address: Katie.e.boss@gmail.com

Current Occupation: Assistant Director of Engagement

Previous Occupation (if retired or no longer working):

Education and/or experience: Master of Public Health

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Zoning Board of Appeals

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): As a former member of Auburn?s Planning Board, City Council, Agriculture Committee, recent Comprehensive Plan Update Committee, and most recent Strategic Plan Committee I have many years of experience volunteering for our municipality, and the broad perspective to be an effective arbiter for the Zoning Board of Appeals.

What do you hope to accomplish?: I hope to help to enforce city ordinances fairly and with integrity, in support of all of Auburn?s citizens.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Yes - see above

Dates served (if known):

How did you learn of this vacancy?: City website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Katie Boss

Date of Electronic Signature: 4/16/24

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 04/10/2024

Last name: Dixon First name: Michael Middle initial: S

Residence address: 126 Everett Rd Ward: 2

City: Auburn State: ME Zip code: 04210

Home phone: 207-783-7763 Work phone: 207 783-3052 Cell phone: 207 240-6921

Email address: msdixon47@gmail.com

Current occupation: Mostly retired Psychologist

Previous occupation (if retired or no longer working): _____

Educational and/or experience (or attach your resume): _____

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
___ Age Friendly Committee
___ Agriculture Committee
___ Airport Board
___ Auburn Housing Authority
___ Audit Committee
___ Cable TV Advisory Board
___ CDBG Loan Committee
___ Citizen's Advisory Committee
___ Community Forest Board
___ Conservation Commission
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Parks & Recreation Advisory Board
___ Planning Board
___ Regulatory Advisory Board
___ Sewer District
___ Water District
✓ Other Zoning Board of Appeals

Is this application for a ✓ new appointment or ___ reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). I have previous experience as a ZBA member and as Chair

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). To ensure that the City is following our Zoning Code

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? Briefly served on the Housing Needs Committee

Dates served (if known)? Feb & March, 2024

Have you previously served on a City or Community Board or Committee? If so, which one(s)?

Served on previous Comp Plan revies, and ZBA

Dates served (if known)? ___

How did you learn of this vacancy? Spoke with our current mayor re ZBA needs

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Michael A Dif Date: 04/10/2024

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: APR 10 2024
APPOINTMENT DATE: ___
TERM EXPIRATION DATE: ___
OATH DATE: ___

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Monday, April 15, 2024 8:00 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Chelsea

Middle Initial:

Last Name: Eaton

Residence Address: 576 Trapp Rd

Ward: Ward 5

City: Auburn

Home Phone: 2077497069

Cell Phone: 2077497069

E-mail Address: bluebeehg@gmail.com

Current Occupation: General contractor. Small business owner

Previous Occupation (if retired or no longer working):

Education and/or experience: High school

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Zoning Board of Appeals

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I?m interested in getting more involved in Auburns Policies and how our City works. The ZBA would give me and opportunity to get involved as a beginner and on a time commitment that I can handle at this time in my life.

What do you hope to accomplish?: I hope to learn more about community involvement in local politics. I know I will learn more about our comprehensive plan. My goal in the ZBA is to ensure that decisions are being made legally and consistently regardless of the applicant. I also hope to gain experience that will allow me to get involved on other boards in the future.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known):

How did you learn of this vacancy?:

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Chelsea Eaton

Date of Electronic Signature: 4-23-24

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Monday, March 4, 2024 4:33 AM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Stanwood

Middle Initial: J

Last Name: Gray

Residence Address: 1200 Sopers Mill Rd

Ward: Ward 5

City: Auburn

Home Phone: 2076156957

Cell Phone: 2076156957

E-mail Address: stanwoodgray@gmail.com

Current Occupation: Farmer/carpenter

Previous Occupation (if retired or no longer working):

Education and/or experience: college

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Zoning Board of Appeals

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have been intensely interested in zoning and the effect on Auburn. I am conversant with Auburn's zoning ordinances.

What do you hope to accomplish?: Put/keep Auburn on the right track with regard to zoning and to move this city forward.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Natural Products and Agriculture Working Group

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, Complete Streets, GFTV, Agriculture and Forestry Board,

Dates served (if known):

How did you learn of this vacancy?: city website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Stanwood Gray

Date of Electronic Signature: 3/4/24

auburnmaine.gov

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 2/5/24

Last name: SAMSON First name: Gerald Middle initial: N

Residence address: 1394 Minot Ave Ward: _____

City: Auburn State: Me Zip code: 04210

Home phone: _____ Work phone: _____ Cell phone: 740-1414

Email address: Cleves8313@Gmail

Current occupation: Retired

Previous occupation (if retired or no longer working): Assessor + Code Enforcement Officer

Educational and/or experience (or attach your resume): 2 yrs College 33 years Assessing/Code

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
___ Auburn Housing Authority
X Board of Assessment Review
___ CDBG Loan Committee
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Planning Board
___ St. Louis Bells Committee
X Zoning Board of Appeals
___ Airport Board
___ Audit & Procurement Committee
___ Cable TV Advisory Board
___ Community Forest Board
___ Conservation Commission
___ Finance Committee
___ Parks & Recreation Advisory Board
___ Sewer District
___ Water District

Is this application for a ___ new appointment or X reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). Public Service

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). _____

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? _____
Yes Appeals Board

Dates served (if known)? 2023

Have you previously served on a City or Community Board or Committee? If so, which one(s)?
Yes
Board of Assessment Review.

Dates served (if known)? Mid 1990's Auburn

How did you learn of this vacancy? _____

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.
Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!
I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.
Signature: _____ Date: 2/5/24

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: _____
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

ORDER 53-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Edward Little High School sophomore, Houda Aden to serve as City Council Student Representative with a term expiration of 6/30/2026, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 54-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Edward Little High School junior, Anaya Egge to serve as City Council Student Representative with a term expiration of 6/30/2025, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 55-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Emmanual Babine to serve on the Zoning Board of Appeals with a term expiration of 05/01/2025, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 56-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Katie Boss to serve on the Zoning Board of Appeals with a term expiration of 05/01/2026, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 57-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Michael Dixon to serve on the Zoning Board of Appeals with a term expiration of 05/01/2027, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 58-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Stanwood "Joe" Gray to serve on the Zoning Board of Appeals with a term expiration of 05/01/2027, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 59-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Chelsea Eaton to serve on the Zoning Board of Appeals with a term expiration of 05/01/2026, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 60-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Gerald Samson to serve on the Zoning Board of Appeals with a term expiration of 05/01/2025, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 61-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Elisabeth Collier to serve on the Board of Assessment Review with a term expiration of 03/31/2025, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 62-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Mary LaFontaine to serve on the Board of Assessment with a term expiration of03/31/2026, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 63-050620024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Corey Kinnan to serve on the Parks & Recreation Advisory Board with a term expiration of 10/01/2024, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 64-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Elisabeth Collier to serve on the Parks & Recreation Advisory Board with a term expiration of 10/01/2024, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024 **Order:** 65-05062024 and 66-05062024

Author: Emily F. Carrington, City Clerk

Subject: Appointment of Adam Lee and Jessica Donovan to serve on the Lewiston Auburn Railroad Corporation

---

Information: Pursuant to Article VI Sec. 4 of the Bylaws of the Lewiston and Auburn Roairoad Corporation, Auburn Directors of the LARC shall be elected by the Auburn City Council.

City Budgetary Impacts: None

Staff Recommended Action: Recommend passage

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 65-05062024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Adam Lee to serve on the Lewiston Auburn Railroad Corporation for a term of 3 years from April of 2024 – April of 2027.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 66-05062024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Jessica Donovan to serve on the Lewiston Auburn Railroad Corporation for a three-year term (April of 2024 – April of 2027).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024 **Order:** 67-05062024

Author: Emily F. Carrington, City Clerk

Subject: Authorizing Jonathan LaBonté to vote the shares held by any shareholder for the Lewiston Auburn Railroad Company

---

Information: Pursuant to Article IV Sec. 2 and Article VI Sec. 4 of the Bylaws of the Lewiston and Auburn Railroad Company the Auburn Directors of the LARC shall be elected by the Auburn City Council and only the municipal official designated by the municipal legislative body shall be authorized to vote the shares held by any Shareholder.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 67-05062024

City Council Order

IN CITY COUNCIL

ORDERED, that the Auburn City Council hereby authorizes Jonathan LaBonté to vote the shares held by any shareholder for the Lewiston Auburn Railroad Company.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024 **Order:** 68-05062024

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointment of Annemarie Iadarola as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests City Council appointment of Annemarie Iadarola as a Constable with firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of Annemarie Iadarola as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
N/A

ORDER 68-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Annemarie Iadarola as Constable with firearm/arrest powers for the Auburn Police Department.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Mayor Harmon called the meeting to order at 7:05 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. Consent Items

1. Order 47-04162024*
Appointing Election Clerks to serve a two-year term (May 1, 2024, through April 30, 2026).

2. Order 48-04162024*
Authorizing the City Clerk to waive the $60 Temporary Food Service licensing fee for the Auburn Exchange Club for the Lobster Festival Event scheduled to be held on May 11, 2024.

Motion was made by Councilor Walker and seconded by Councilor Milks for passage of the two consent items.

Passage 7-0.

II. Minutes – April 1, 2024, Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Platz to approve the minutes of the April 1, 2024, Regular Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Memo to City Council from the Planning and Permitting Director
- Proclamation in recognition of City Clerk Sue Clements-Dallaire who will be retiring on May 3, 2024.

IV. Open Session – No one from the public spoke.

V. Unfinished Business - None

VI. New Business

1. Executive Session - Discussion on a poverty abatement case #PA 2024-001 pursuant to (36 M.R.S.A § 841) with possible action to follow (Order 49-04162024).

Motion was made by Councilor Walker, seconded by Councilor Milks to enter executive session pursuant to 36 M.R.S.A. § 841.

Passage 7-0, time in 7:12 pm.

Council was declared out of executive session at 7:24 pm.

Motion was made by Councilor Whiting, seconded by Councilor Walker approving the poverty abatement, case # PA 2024-001 in the amount of $2,842.61. This is Order 49-04162024.

Passage 7-0.

2. **Order 50-04162024**
Authorizing the City Manager to execute a lease with Carroll Materials LLC and direct payments made under the lease into the Intermodal Facility Special Revenue Account.

Motion was made by Councilor Walker, seconded by Councilor Weisner for passage.

Passage 7-0.

VII. Open Session – No one from the public spoke.

VIII. Reports

Councilor Gerry wanted to speak on the record regarding her vote at the last Council meeting regarding development on the Gracelawn property.

Councilor Whiting commented that the City of Auburn has had excellent City Clerks over the years, and he has personally known Leroy Linnell, Mary Lou Magno, Sue Clements-Dallaire, adding that they were all outstanding city clerks, and he is optimistic that our new City Clerk (Emily Carrington) will be as well.

Councilor Cowan reported that another meeting was held with the ad hoc committee on homelessness and if anyone is interested in hearing more about that, please let him know.

Councilor Weisner thanked the Public Works crew for the ride along they took him on and he thanked the Public Works staff for their hard work during the last storm.

Councilor Walker commented on Gracelawn zoning item adding that the city has been working hard on what can go there and the tests that have been done have been positive and he stated that moving forward we will likely see that whole area developed.

Councilor Platz congratulated Dr. Susan Dorris, who will be the new Superintendent of the Auburn School Department. He provided a budget update from the last School Committee meeting adding that the School Committee will be voting at the budget at the April 24th meeting.

City Manager Crowell took a moment to introduce Auburn's new City Clerk, Emily Carrington. He announced that April 20th at 10pm the Conservation Working Group will hold a Clean-up event and people can sign up on our website. Tomorrow at the Hasty Gym from 1:00 pm to 3:00 pm the Auburn Police Department is hosting a "Cocoa with a Cop" event for kids that are on school vacation. The National Collegiate Roller Hockey

national championship is being held in Auburn at the Norway savings Bank Arena. There will be games all week and it's a chance for kids to skate with the players. Last, the street sweeping schedule is on our website so residents will know what the schedule is.

IX. Executive Sessions

Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City. Possible action to follow.

Motion was made by Councilor Walker, seconded by Councilor Milks to enter into executive session.

Passage 7-0, time 7:38 pm.

Council was declared out of executive session at 7:53 pm.

Order 51-04162024

Ordered, that the City Council authorizes the City Manager to execute the purchase of property located at 67 Kittyhawk Avenue, Auburn, Maine in the amount of $1,350,000.00 which will be appropriated from the fund balance.

Motion was made by Councilor Walker, seconded by Councilor Cowan for passage.

Passage 7-0.

Order 52-04162024

Ordered, that the City Council authorizes the City Manager to enter into a Memorandum of Understanding (MOU) with the Auburn Lewiston Municipal Airport for the implementation of the right of first refusal of the property located at 67 Kittyhawk Avenue, Auburn, Maine.

Motion was made by Councilor Walker, seconded by Councilor Platz for passage.

Passage 7-0.

Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

Motion was made by Councilor Walker, seconded by Councilor Milks to enter into executive session.

Passage 7-0, time 8:01 pm.

Council was declared out of executive session at 8:22 pm.

X. Adjournment

Motion was made by Councilor Walker, seconded by Councilor Milks to adjourn.

Passage 7-0. The meeting adjourned at 8:25 pm.

A TRUE COPY

ATTEST Susan Clements-Dallaire
Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024

Author: Jennifer Edwards, Public Health Manager, Department of Business & Community Development

Subject: Androscoggin County Child Abuse & Neglect Data & Programs from Community Concepts, Inc.

Information: Staff from Community Concepts will provide a report on Child Abuse & Neglect rates in Androscoggin County.

Summary: April was Child Abuse Prevention Month. To increase public awareness, staff from Community Concepts will present child abuse and neglect data and information about the community prevention programs offered by Community Concepts free of charge in Androscoggin County.

City Budgetary Impacts: N/A

Staff Recommended Action: Presentation

Previous Meetings and History: N/A

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments: See attached program flyers (4) provided by Community Concepts, Inc.

Community Concepts



FRONT PORCH PROJECT®

TRAINING

- **Explore** how to build relationships by connecting with others in times of need or stress
- **Foster** the idea that it's okay to ask for and receive help in times of stress
- **Learn** how to be most helpful to other caregivers without harm
- **Empower** yourself to feel confident in offering support

The Front Porch Project is supported by:

Maine Children's Trust

The Front Porch Project® of Maine

The Front Porch Project is a community initiative based on the belief that everyone can - and should - become more aware of how to help support children and families in their community.

We invite everyone in the community to join us!

COMMUNITY CONCEPTS

To Schedule a training please connect with Melissa
207-240-2990 or mrobinson@community-concepts.org

Visit us online at www.ccimaine.org.

Community Concepts is an equal opportunity provider and employer.

CommunityConcepts

Parent Enrichment Schedule

Have parenting questions? Need parenting support? You are not alone!
Join a community of other parents through CCI's groups and classes held on Zoom.

123 Magic

A simple technique to get kids to STOP doing what you don't want them to do and to START what you want them to do. This program is for parents with children ages 2-12.

Cooperative Coparenting

Learn powerful ways to communicate cooperatively, make coparenting decisions in the best interest of your children, and avoid the destructive effects that separation or divorce can have on a family.

Community-Based Nurturing Parenting

Get together with other parents and discuss a variety of topics.

Family Playgroups

All families with kids ages five and under are welcome to join us for free, in-person playgroups!

Thursdays from 10-11:30 am
124 Canal Street, Lewiston

Nurturing Fathers

Nurturing Father is designed to meet the needs and learning styles of any man parenting a child.

Parenting Through Recovery

Parenting Through Recovery is designed for parents or caregivers who are working on recovery and want to learn more about the effects of substance use on their family, parenting style, and their relationship with their child.

First Five Years

This course covers parenting from birth through age 5.

Connect With Us!

Follow us on Facebook at
Family Services of Community Concepts

Follow us on Instagram!
@communityconceptsmaine

New classes are offered each quarter!
Please contact us to receive our full list of class options.

Ready to register for a class?
Have questions?
Please contact us!

Visit our website!

207-240-2990
www.ccimaine.org
parentworkshops@community-concepts.org

Community Concepts, Inc. is an equal opportunity provider and employer.

Professional Training Opportunities to **Strengthen Families** and Prevent Child Abuse and Neglect

TRAINING TOPICS



INFANT SAFE SLEEP - SIDS PREVENTION

Reducing the number of injuries and deaths of Maine infants due to unsafe sleep practices is a priority. This training provides professionals with an understanding of the importance of educating and supporting families to create a safe sleep environment for their babies. Participants will learn ways to advocate, model, and reinforce safe sleep practices.



THE PERIOD OF PURPLE CRYING - ABUSIVE HEAD TRAUMA PREVENTION

The Period of PURPLE Crying program is an evidence-based shaken baby syndrome/abusive head trauma (SBS/AHT) prevention program. This training takes a normal child development approach by providing professionals with knowledge and skills to help parents and caregivers understand the frustrating features of crying in normal infants that can lead to shaking or abuse.



MANDATED REPORTER

Maine law requires that certain professionals, identified as Mandated Reporters, who suspect child abuse and neglect report to Child Protective Services. Maine law also requires training once every four years. The purpose of Mandated Reporter training is to promote child safety by increasing the knowledge of Mandated Reporters. Participants will learn how to identify the signs of abuse and neglect and the process for making a report.

STRENGTHENING FAMILIES PROTECTIVE FACTORS

CENTER FOR THE STUDY OF SOCIAL POLICY'S strengthening families
A PROTECTIVE FACTORS FRAMEWORK

Strengthening Families™ is a research-informed approach to increase family strengths, enhance child development, and reduce the likelihood of child abuse and neglect.

It is based on engaging families, programs, and communities in building five protective factors:

- Parental resilience
- Social connections
- Knowledge of parenting and child development
- Concrete support in times of need
- Social and emotional competence of children

This training is designed for anyone who works with children and families and focuses on concrete ways your work can support the building of Protective Factors. Professionals will learn how to work in partnership with families to promote child safety and family well-being.



Visit www.mechildrenstrust.org for more information.

Community Concepts

Join our Prevention Council for an upcoming

PROTECTIVE FACTORS TRAINING





Join us to learn about the **Protective Factors** from the Center for the Study of Social Policy:

- **Parental Resilience**
- **Social Connections**
- **Knowledge of Parenting and Child Development**
- **Concrete Support in Times of Need**
- **Social and Emotional Competence of Children**

Strengthening Maine families through the Protective Factors is supported by The Maine Children's Trust and the National Alliance of Children's Trust and Prevention.

MAINE CHILDREN'S TRUST

We invite everyone in the community to join us!

This course is offered to community members and providers. When we help strengthen Protective Factors for ourselves and for our neighbors, we help to strengthen families and to ensure kids in our community grow up healthy and safe!

Please contact Melissa to schedule a class!
207-240-2990 or mrobinson@community-concepts.org

Visit us online at www.ccimaine.org.

Community Concepts is an equal opportunity provider and employer.

March 2024

Kelsey Earle, Finance Director
City of Auburn
60 Court St, Suite 150
Auburn, ME 04210

LIFEFLIGHT OF MAINE

Greetings,

Maine is a special place with hundreds of communities scattered along the coast and further inland, on small islands and tucked along mountain roads. It often feels like one small town, where people know one another, are committed to this place and to their neighbors, work hard, contribute what they can, and enjoy and take pride in the rugged landscape.

At LifeFlight of Maine, we are committed to being there for Maine, and for your community, when you need us. We have four teams standing by 24 hours a day, seven days a week, ready to bring ICU-level care to the point of need. Our teams are prepared to respond rapidly with a top speed of nearly 175 miles per hour. Our highly skilled clinicians and our state-of-the-art aircraft give patients their best chance on their worst day.

We are grateful for every single family that entrusts us with caring for their loved ones. We are grateful to the police and fire departments, emergency medical services, and hospitals who work alongside us in caring for patients. LifeFlight is one important link, among many, in the chain of survival for those who are critically ill or injured. That is as true today as it was when we began 25 years ago.

We are also grateful for each and every community in Maine and the incredible support we continue to receive for our life-saving mission. Since 1998, we have transported more than 37,000 patients, including residents of every single Maine city, town, plantation, and community. **Since 1998, we have transported 259 residents of Auburn, with 23 in the last year. Additionally, we have landed in Auburnfor 5 scene calls since 1998.**

Each year, we reach out to all municipalities in the state to invite them to **support our Community Giving Campaign** to ensure that LifeFlight teams can continue to answer the call for help today and for years to come. Since 2006, 266 communities have contributed a total of $840,000. Each one of these gifts is an acknowledgement from these Maine communities that they understand and appreciate the vitally important and unique role that LifeFlight plays as a connector in the state's increasingly fragile healthcare system. **This year**, **we hope Auburn will help us reach our goal of having every municipality in Maine participate in our Community Giving Campaign. Please consider a gift of $2000, which is based on a rate of $0.25 per capita.**

LifeFlight is a nonprofit charitable organization that depends on logistical and philanthropic support across Maine. Communities like yours make our work possible. Together, we ensure people have access to the care they need when they need it, and we are grateful for your partnership and commitment.

Enclosed you'll find FAQs and supplemental information about LifeFlight, a map of Maine transport locations, and a map of Maine communities that have supported us. **Please contact Ashley MacMillan at The LifeFlight Foundation at amacmillan@lifeflightmaine.org or 207-357-5508 with any questions**. If you need additional information or a specific town application form is required with this request, please let us know.

Sincerely,

Joe Kellner
Chief Executive Officer
LifeFlight of Maine

Ashley MacMillan
Director of Annual Giving
The LifeFlight Foundation

THE LIFEFLIGHT FOUNDATION

Ten Facts and Frequently Asked Questions about LifeFlight

1. LifeFlight is a private non-profit charitable organization with a public mission serving all of Maine. We care for all patients regardless of insurance status or ability to pay for care with helicopters based in Bangor, Lewiston, and Sanford, a fixed-wing airplane based in Bangor, rapid response vehicles, and specialized ground ambulances. In FY2023 LifeFlight provided $1.7 million of care to patients without insurance or the means to cover the cost of care, as well as significant discounts for Medicare and MaineCare patients.

2. In FY23, 2,468 patients were transported from 124 Maine communities, islands, and unorganized townships– about 1 patient every 3.5 hours. LifeFlight has cared for more than 37,000 patients since September 1998.

3. What is the Community Giving Campaign? Each year in the Fall, LifeFlight reaches out to every community in the state to ask for support. The request includes a suggested donation based on population; a $1.00 per capita rate for towns that have up to 1,000 residents; a $0.50 per capita rate for those with up to 2,000 residents; and a $0.25 per capita rate for all others, with asks typically capped at $2,000. The average gift size in 2023 was $596, and some towns give generously beyond what they are asked.

4. How is LifeFlight funded? LifeFlight operates much like a hospital emergency department, taking care of all patients and billing insurance companies. We contract with most major commercial insurance companies and participate in the Medicare and Medicaid programs. Most of our operational expenses are covered by patient fees, but we rely on the LifeFlight Foundation to support the purchase of new aircraft, medical equipment, infrastructure improvements, and to provide clinical education around the state.

5. LifeFlight helicopters, the airplane, and specialty ground vehicles are equipped as fully functioning mobile intensive care units. LifeFlight's critical care teams bring the trauma center intensive care unit level care-- skills, medical technology, pharmacy, blood, and more -- directly to a patient's side.

6. What types of patients do we transport? Critically ill or injured patients of all ages needing specialized care beyond what can be provided by local hospitals - including premature infants, cardiac and stroke patients, complex traumatic injury, organ transplant, sepsis, burns, and serious obstetric complications. We use strict medical utilization criteria to make sure all flights are medically necessary. Emergency medical providers are guided by state-mandated protocols based on the latest research and best practice.

7. About 92% of patients are transported from community hospitals to major specialty centers, and 8% are transported directly from the scene of an emergency - roadsides, woods, mountains, and islands. While most patients are transported to EMMC, MMC and CMMC, about 10% of patients are transported to Boston and beyond for specialized care not available in Maine.

8. LifeFlight is lean. We are among the most efficient providers in the world, we pay close attention to costs, maintaining a very small administrative team that results in some of the lowest costs and charges in New England and the country. We balance this with our goal of being in the top decile internationally for quality of care.

9. LifeFlight's costs and charges are the lowest in New England and among the lowest in the country. The average charge for a LifeFlight transport is around $20,000. Other provider charges across New England and the northeast range from around $27,000 for non-profits providers to $60,000-$80,000 from for-profit air medical companies. LifeFlight participates with most major commercial insurance companies as well as Medicare and MaineCare, with the goal of avoiding any "surprise bill" to patients.

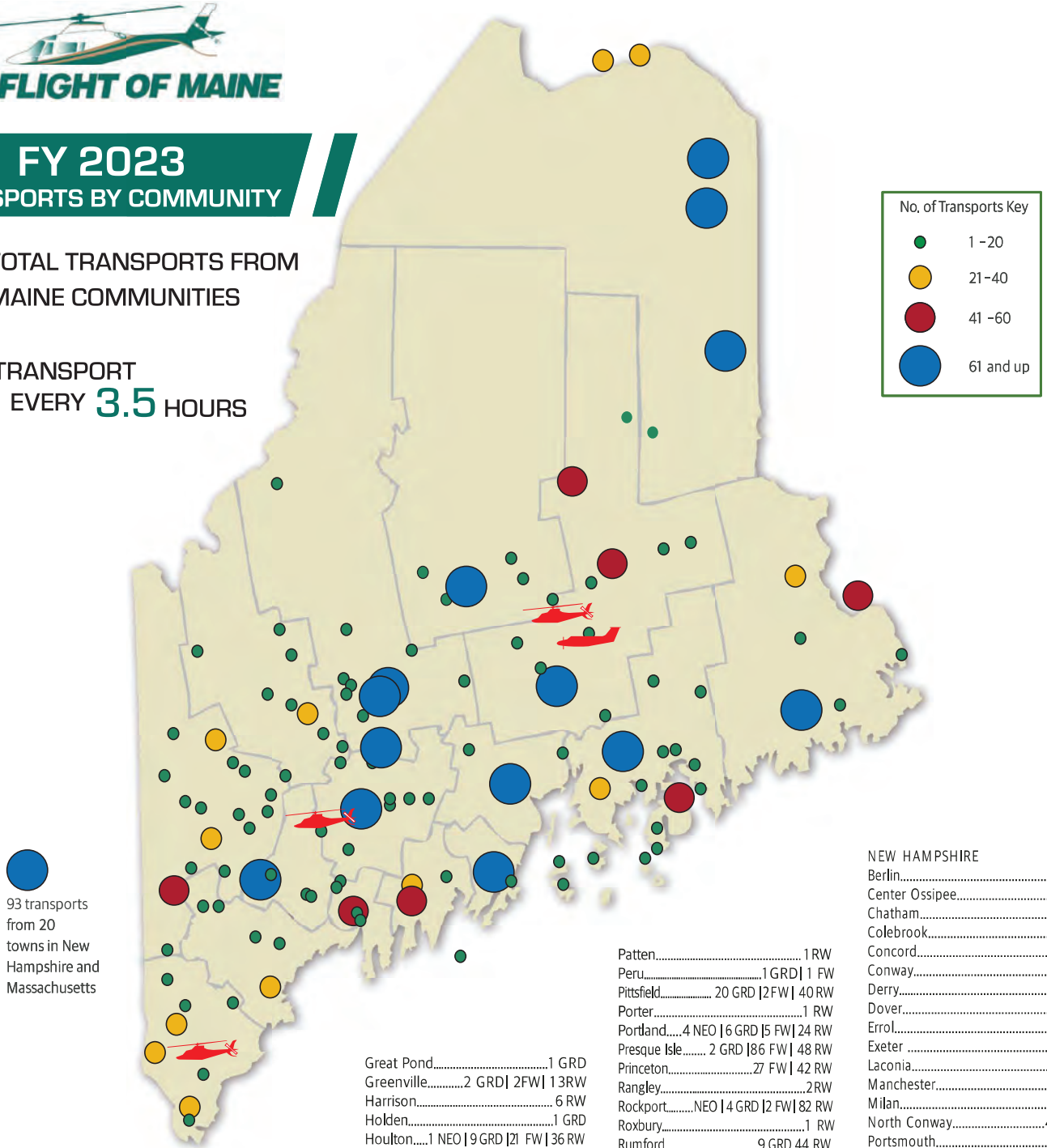
10. What other benefits to our town and region does LifeFlight provide besides critical care and transport? We provide local critical care training to medical providers in specialized areas such as traumatic brain injury and pediatric trauma, critical medical diagnosis, and treatment. We also support weather systems, hospital helipads, and advanced aviation navigation systems across the state.

LIFEFLIGHT OF MAINE

FY 2023
TRANSPORTS BY COMMUNITY

2,468 TOTAL TRANSPORTS FROM
124 MAINE COMMUNITIES

1 TRANSPORT
EVERY **3.5** HOURS



Acton....3 RW
Andover....1 RW
Athens....2 RW
Auburn....2 GRD | 8 FW | 3 RW
Augusta....11 NEO | 13 GRD | 7 FW | 74 RW
Aurora....1 RW
Avon....1 RW
Bangor....6 NEO | 45 GRD | 69 FW | 64 RW
Bar Harbor....2 NEO | 17 GRD | 49 RW
Belfast....5 NEO | 11 GRD | 2 FW | 60 RW
Belgrade....1 RW
Bethel....2 RW
Biddeford....10RW
Bingham....1 RW
Blue Hill....5 GRD | 24 RW
Boothbay Harbor....4 RW
Bowdoin....3 RW
Bridgton....7 GRD | 41 RW
Brooks....1 RW
Brooks....1 RW
Brooksville....1 RW
Brookton....1 RW
Brownfield....1 RW

Brownville....3 RW
Bryant Pond....6 RW
Calais....9 GRD | 1 FW | 28 RW
Caribou....7 NEO | 4 GRD | 35 FW | 74 RW
Carrabassett....8 RW
Casco....4 RW
Castine....1 RW
Charleston....1 RW
Corinna....1 FW
Cushing....1 RW
Damariscotta....1 GRD | 51 RW
Deer Isle....2 RW
Dixfield....1 RW
Dover Foxcroft....8 NEO | 23 GRD | 67 RW
Ellsworth....8 NEO | 33 GRD | 72 RW
Etna....1 RW
Exeter....1 RW
Farmington....10 GRD | 67RW
Fort Kent....8 GRD | 1 FW | 19 RW
Franklin....1 RW
Frenchville....28 RW
Fryeburg....3 RW
Garland....1 RW

Great Pond....1 GRD
Greenville....2 GRD | 2FW | 13RW
Harrison....6 RW
Holden....1 GRD
Houlton....1 NEO | 9 GRD | 21 FW | 36 RW
Hudson....1 FW
Isleboro....1RW
Jackman....2 RW
Jay....2 RW
Jefferson....2 RW
Jonesport....1 RW
Lewiston....1 NEO | 43 GRD | 101 RW
Lincoln....1 NEO | 8 GRD | 34 RW
Livermore....1 RW
Machias....NEO | 18 GRD | 1 FW | 69 RW
Madison....1 RW
Manchester....1 RW
Millinocket....4 GRD | 9 FW | 24 RW
Monhegan....3 RW
New Portland....1GRD
Newburg....1 GRD
Newry....1 RW
Norridgewock....4 FW | 1 RW
North Haven....1 RW
Norway....1 GRD
Owls Head....4 FW
Oxford....1 RW
Palermo....1 RW

Patten....1 RW
Peru....1 GRD | 1 FW
Pittsfield....20 GRD | 2 FW | 40 RW
Porter....1 RW
Portland....4 NEO | 6 GRD | 5 FW | 24 RW
Presque Isle....2 GRD | 86 FW | 48 RW
Princeton....27 FW | 42 RW
Rangley....2RW
Rockport....NEO | 4 GRD | 2 FW | 82 RW
Roxbury....1 RW
Rumford....9 GRD 44 RW
Sanford....5 GRD | 1 FW | 24 RW
Sebago....1 RW
Sherman....1 GRD | 1 RW
Skowhegan....7 NEO | 10 GRD | 71 RW
Standish....1 RW
Stonington....21 RW
Sumner....1 RW
Swans Island....3 RW
Tenants Harbor....1 RW
Trenton....14 RW
Turner....1 GRD 1 RW
TWPS D-6....1 RW
Unity....1 RW
Vinalhaven....19 RW
Warren....1 RW
Waterville....NEO | 14 GRD | 3 FW | 54 RW
Wayne....2RW
West Forks....1 RW
West Newfield....1 RW
West Paris....1 RW
Winterport....1 GRD
Wiscasset....1 RW
York....4GRD | 8RW

NEW HAMPSHIRE
Berlin....3RW
Center Ossipee....1 RW
Chatham....1 RW
Colebrook....1 RW
Concord....1 RW
Conway....1 RW
Derry....2RW
Dover....2RW
Errol....2RW
Exeter....2RW
Laconia....2RW
Manchester....2RW
Milan....2RW
North Conway....48 RW
Portsmouth....6 RW
Rochester....3 RW
Wolfeboro....4 RW

MASSACHUSETTS
Bedford....1 FW
Hyannis....1 RW
Lawrence....2RW
Methuen....1 RW
Nantucket....9FW
Rochester....1 RW
Vineyard Haven....6 FW

NEO: Neonatal transports in partnership with Northern Light Eastern Maine Medical Center NICU team

GRD: ground transports

FW: fixed wing (airplane) transports

RW: rotor wing (helicopter) transports

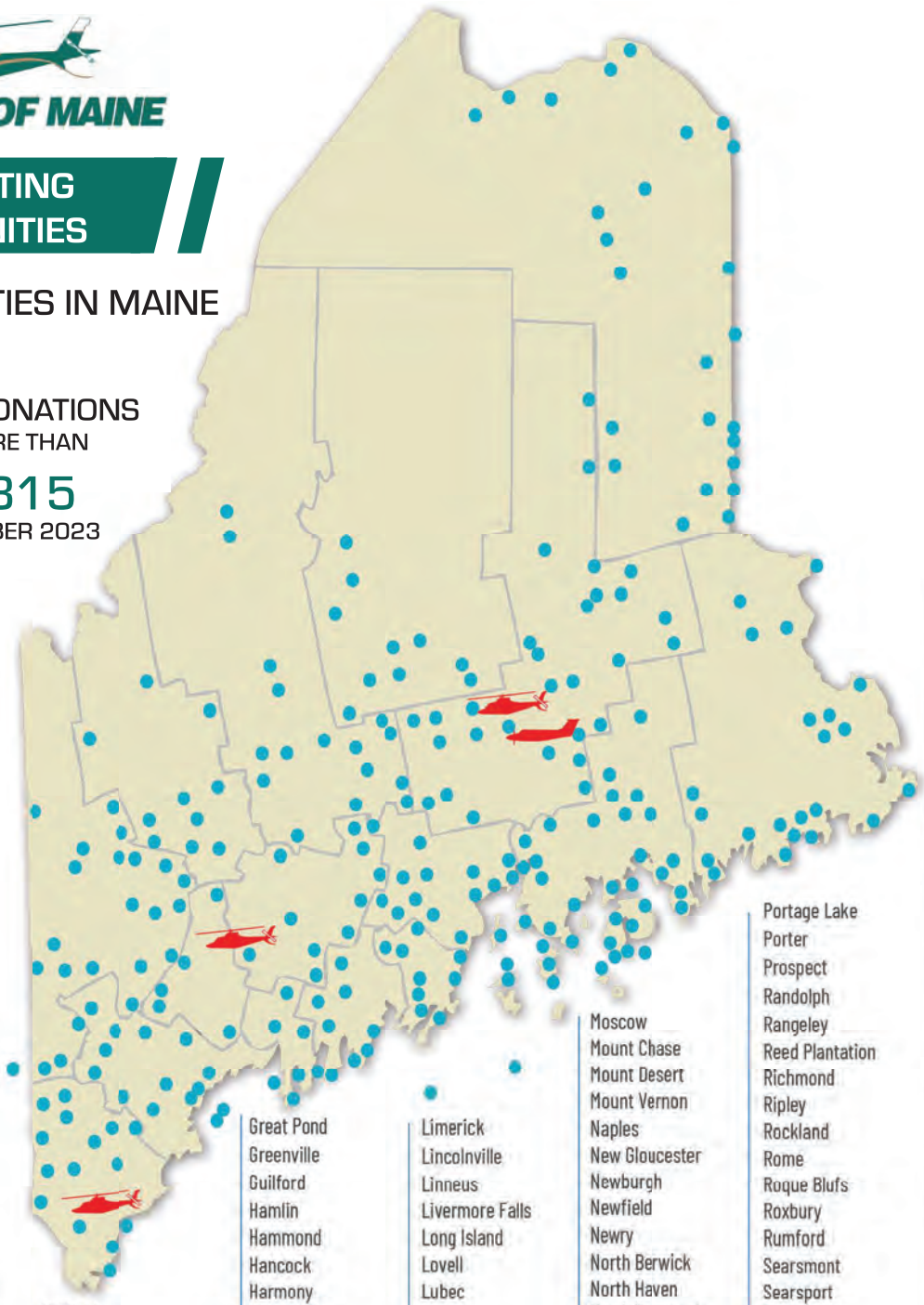
LIFEFLIGHT OF MAINE

SUPPORTING COMMUNITIES

465 COMMUNITIES IN MAINE

268
HAVE MADE DONATIONS
TOTALING MORE THAN

$842,815
AS OF SEPTEMBER 2023



Abbot
Acton
Addison
Albion
Allagash
Alna
Amherst
Amity
Andover
Anson
Appleton
Arrowsic
Ashland
Atkinson
Athens
Avon
Baldwin
Bar Harbor
Beaver Cove
Beddington
Belfast
Benton
Biddeford
Blue Hill
Boothbay
Bowdoin
Bowdoinham
Bowerbank
Bradley
Bremen
Bridgton
Bristol
Brooklin
Brooksville
Brownfield
Bucksport
Burlington
Buxton
Byron
Calais
Cambridge

Camden
Canaan
Canton
Caratunk
Carrabassett Valley
Carthage
Cary Plantation
Casco
Castine
Caswell
Charleston
Charlotte
Chebeague Island
Chester
Chesterville
China
Clifton
Clinton
Columbia Falls
Cooper
Corinth
Cornish
Cranberry Isles
Crawford
Crystal
Cumberland
Cutler
Cushing
Deblois
Dedham
Deer Isle
Denmark
Detroit
Dexter

Dixfield
Dover-Foxcroft
Dresden
Durham
Eagle Lake
Eastbrook
Edinburg
Embden
Etna
Eustis/Stratton
Exeter
Falmouth
Freedom, NH
Freedom, ME
Frenchville
Friendship
Fryeburg
Garland
Gorham
Gouldsboro
Grand Lake Stream

Great Pond
Greenville
Guilford
Hamlin
Hammond
Hancock
Harmony
Harpswell
Hartford
Hartland
Haynesville
Hebron
Hiram
Hollis
Houlton
Howland
Hudson
Isle au Haut
Islesboro
Jackman
Jonesboro
Jonesport
Kennebunkport
Knox
Lakeville
Lamoine
Lebanon
Liberty

Limerick
Lincolnville
Linneus
Livermore Falls
Long Island
Lovell
Lubec
Lyman
Machias
Madawaska
Manchester
Mariaville
Mars Hill
Marshfield
Masardis
Matinicus
Mattawamkeag
Maxfield
Meddybemps
Medford
Mexico
Milford
Millinocket
Monhegan
Monmouth
Monticello
Montville
Moose River

Moscow
Mount Chase
Mount Desert
Mount Vernon
Naples
New Gloucester
Newburgh
Newfield
Newry
North Berwick
North Haven
North Yarmouth
Norway
Ogunquit
Orient
Orland
Orrington
Osborn
Otis
Otisfield
Owls Head
Oxford
Palermo
Palmyra
Parsonsfield
Passadumkeag
Penobscot
Perham
Phippsburg
Pittston
Plymouth
Poland

Portage Lake
Porter
Prospect
Randolph
Rangeley
Reed Plantation
Richmond
Ripley
Rockland
Rome
Roque Bluffs
Roxbury
Rumford
Searsmont
Searsport
Sebago
Sedgwick
Shapleigh
Sherman
Shirley
Skowhegan
Smithfield
Solon
Sorrento
South Bristol
Southport
Southwest Harbor
Springfield
St Francis
St George
Stacyville
Standish
Steuben
Stockholm
Stockton Springs
Stoneham

Stonington
Sumner
Stow
Strong
Sullivan
Swans Island
Swanville
Sweden
Talmadge
Temple
Thomaston
Thorndike
Topsfield
Tremont
Trenton
Union
Upton
Vanceboro
Veazie
Verona Island
Vinalhaven
Waite
Wallagrass
Waltham
Warren
Washburn
Washington
Waterboro
Waterford
Waterville
Weld
Wellington
Weston
Westport Island
Whitefield
Whitneyville
Willimantic
Wilton
Windham
Windsor
Winn
Winslow
Winter Harbor
Wiscasset
Woodstock
Woodville
Woolwich
York

LIFEFLIGHT OF MAINE 25 Years

The Chain of Survival

Since 1998, LifeFlight of Maine has safely cared for and transported more than 37,000 patients, one life at a time, from every community in Maine.



Every day and night of the year, our crews stand ready to answer the call for help. These calls come from local hospitals, major medical centers, islands, mountain communities, lakeshores, trails, and coastal villages — from every corner of Maine. We are committed to being there when you need us.

Together with our EMS, first responder, and hospital partners, we form the chain of survival for those who are critically ill or injured. The health and safety of all of our communities depend on each link in this chain. At LifeFlight, we are committed to building strong and lasting partnerships with these vital services to ensure that Mainers have their best chance on their worst day.

Remote Access Project

When an accident, critical injury, or illness threatens life or limb, there is no substitute for quickly mobilized, highly skilled emergency providers working together to ensure patients receive the care they need. LifeFlight's specially trained paramedics and critical care nurses bring intensive care skills and equipment directly to the patient. Often, that means landing near the scene of an accident.

While LifeFlight lands at emergency scenes with temporary landing zones regularly, establishing known landing zones with year-round access improves safety, reliability, and continuity of care.

LifeFlight maintains a database of more than 140 designated remote landing zones around the state. Landowners, both public and private, are encouraged to contact LifeFlight about established a designated remote landing zone on their property.

Learn more: LifeFlightMaine.org/remote.

Ground Safety & User Course

The safety of our operations and the care of our patients are our highest and only priorities. Safety is especially important when responding to scene calls. In most cases, an emergency temporary landing zone needs to be identified and secured quickly by first responders on the ground. LifeFlight offers a no-cost Ground Safety and User Course (with Maine EMS-approved CME hours) for its partners.

The program is a combination of education and hands-on interfacing with a LifeFlight team and aircraft. The program includes learning when to call LifeFlight, how to access the LifeFlight system, how to create a safe landing zone, preparing a patient for transport, communications and coordination, and more.

Learn more about our Ground Safety and User Course, or contact us about scheduling a session: LifeFlightMaine.org/groundsafety.

LIFEFLIGHT OF MAINE 25 Years

Meet Joe Kellner, CEO of LifeFlight of Maine



Joe Kellner stepped into the role of CEO of LifeFlight of Maine on October 1, 2023, with years of experience as a paramedic, expertise in EMS operations, a deep understanding of healthcare policy, and a dedication to building world-class EMS systems to improve healthcare outcomes.

While studying for a degree in German at the University of Maine, Joe approached the local volunteer ambulance service to learn where he could find an EMT course, mostly to acquire some basic skills should they become necessary. The on-duty crew convinced him to do an observation shift on the ambulance, and he was hooked.

Over his twenty-year career, he has worked for EMS agencies of all types, including volunteer, municipal, private, and healthcare system-based. He has served in various roles, including EMS clinician, educator, supervisor, director, service chief, and as the senior leader of Northern Light Medical Transport, one of the largest ambulance services in the State of Maine. Since 2012, Joe has also served as the chief operating officer of MedComm, a state-wide ground and air ambulance communications center, which dispatches LifeFlight crews in addition to other services.

With a strong interest in advocacy and policy, Joe served on the Maine EMS board for seven years under appointments from both Governors Lepage and Mills, including a term as its chair. He regularly testifies on EMS issues before the Maine legislature and has advocated nationally on issues facing EMS.

Most recently, Joe served as chief financial officer for LifeFlight of Maine, while simultaneously working as vice president of finance, operations, and strategy at Northern Light Home Care and Hospice and Northern Light Medical Transport.

Joe earned both his Bachelor of Arts and Master of Business Administration degrees from the University of Maine in Orono. He is a fellow of the American College of Healthcare Executives and a licensed paramedic in Maine. He has received numerous awards and accolades for his work in EMS, and in 2023 he was named to Mainebiz's "40 Under 40." He lives in Windham with his wife, Caitlin, and their two boys, Elliott and Leland.

"Over the years, Joe has tirelessly worked to advocate for EMS locally and nationally, and has remained very close to LifeFlight, most recently serving as its chief financial officer. He is well positioned to lead LifeFlight of Maine into the future."

- Timothy Dentry, president and CEO, Northern Light Health

Kennebec
BEHAVIORAL HEALTH

Administrative Offices & Clinic
67 Eustis Parkway
Waterville, Maine
04901-5173
207-873-2136
1-888-322-2136
207-872-4522 Fax

Augusta Clinic
66 Stone Street
Augusta, Maine
04330-5227
207-626-3455
207-626-3612 Fax

Medication Clinic
11 Caldwell Road
Augusta, Maine
04330-5227
207-213-2037

Skowhegan Clinic
5 Commerce Drive
Skowhegan, Maine
04976-1828
207-474-8368
207-474-7794 Fax

Winthrop Clinic
736 Old Lewiston Rd
Winthrop, Maine
04364-4121
207-377-8122
207-377-8564 Fax

Farmington
115 Mt Blue Circle
Suite 3
Farmington, Maine
04938
207-860-3026
207-860-3027 Fax

www.kbhmaine.org

Clubhouse International

August 30, 2023
City of Auburn
60 Court Street
Auburn, ME 04210

Dear Town Clerk,

Kennebec Behavioral Health (KBH) is a 501 (C) (3) Nonprofit organization) that offers clinic-based services including medication management and outpatient counseling for mental health, substance use disorder, and co-occurring disorders at throughout Central Maine since 1960. Our mission is to promote the well-being of children, adults and families who experience mental illness, emotional difficulties or behavioral challenges.

Each year, KBH sends funding letters of request to the towns in which our clients reside to help cover a small portion of Auburn residents uncompensated care for the year. Fiscal Year 2023 requests had initially been sent in September 30, 2023. Can you please tell me what the status is for our funding request of $400 for FY 2023?

During fiscal year 2023, Kennebec Behavioral Health (KBH) provided mental health and substance use disorder services to 110 Auburn residents. This included providing $158158.86 in uncompensated health care to residents who were either underinsured or had no insurance. Kennebec Behavioral Health had respectfully requested $400 to help offset the cost of providing uncompensated care to Auburn residents, or an amount that Auburn could provide, from the next municipal budget. KBH has a total of $7,808,080.00 (Statewide) of uncompensated care for FY23. Therefore, any help to cover these costs, no matter how big or small, would be greatly appreciated.

Also, in order to streamline our future requests, I would greatly appreciate it if the Town of Auburn could respond to the following questions:

- What is the typical due date for letters of request and additional information/documentation?
- What should be included with our requests for additional information?
- Does the Town of Auburn ask for Applications and/or Petitions?
- When do you hold the Annual Town Meeting and/or Budget Meeting, and would you require a staff member from KBH to attend regarding the request?

Please send your response and other pertinent information, to our mailing address: Kennebec Behavioral Health- Attn: Kelli Johnson, 67 Eustis Parkway, Waterville, ME. 04901 or via email to kjohnson@kbhmaine.org. You may also reach me at (207) 873-2136 Ext. 1034. Your responses will aid me improving and advancing the KBH Municipal Campaign for many years to come and will hopefully make my job a little easier. I sincerely thank you for your time and consideration and look forward to your responses.

Sincerely,

Kelli Johnson

Kelli Johnson
Development & Grant Coordinator

Dear Mr. Crowell,

Subject: Request for Additional Funding Support for Androscoggin Land Trust

I hope this letter finds you well. As the Executive Director of Androscoggin Land Trust, I am reaching out to discuss an urgent need arising from unforeseen circumstances that have recently impacted on our community and our organization's fiscal stability.

As you are aware, ALT is committed to conserving and promoting green spaces in Auburn, which significantly enhances the quality of life for our residents. Our efforts in managing critical natural landscapes like Sherwood Forest, Huston Farms, and the Lake Auburn easements have not only preserved these areas but also provided invaluable recreational and educational opportunities to our community.

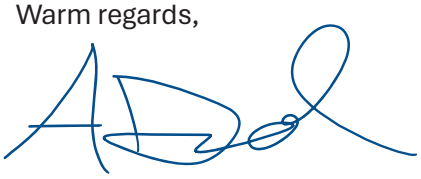
However, the tragic mass shooting last fall redirected much-needed philanthropic efforts towards supporting the victims and their families, a cause we deeply respect and support. Unfortunately, this has led to a significant shortfall in the funding generally available for environmental and community projects like those managed by ALT. This shift has placed some of our crucial activities at risk, particularly as we approach the end of our fiscal year.

In response, we respectfully request additional funding from the City of Auburn to help bridge this gap. This support will not only ensure the continuation of our stewardship activities but also allow us to maintain the community engagement and conservation education programs that benefit all Auburn residents. We had a budget shortfall of $62,000. Now the gap has closed. We estimate that we're now at $27,000 shortfall. I'm requesting $20,000.00 to help see us through this year. We have plans to shore up our fund development for next and future fiscal years. Any amount will help us to round out this year and make it successful.

Continued investment in ALT is an investment in Auburn's resilience and sustainability. It supports our shared vision of a community that values and actively participates in the preservation of its natural environment. Any assistance you can provide at this challenging time would be greatly appreciated and will help ensure that we can continue our mission without scaling back on essential services and projects.

Thank you for considering this request. I am available at your earliest convenience to discuss this in further detail and explore how we can ensure the ongoing success of our land conservation efforts.

Warm regards,



Aimee Dorval
Executive Director
Androscoggin Land Trust

LAKE STEWARDS OF MAINE
Volunteer Lake Monitoring Program

March 4, 2024

To: City Council, City of Auburn, Maine
From: Alison Cooney, Executive Director - Lake Stewards of Maine
Re: Request for Lake Stewards of Maine funding from the City of Auburn for FY2024

Dear City Council,

I am writing to you to request funding for support for Lake Stewards of Maine (LSM). LSM is a statewide 501(c)(3) nonprofit that trains, certifies and supports volunteer community scientists who collect water quality monitoring data and survey lakes for aquatic invasive species. All of our training and support is provided at no charge to the public. Formed in 1971 (formerly known as the Maine Volunteer Lake Monitoring Program), the program was initially administered by the Maine Department of Environmental Protection (ME DEP) and transitioned to non-profit status in 1996 when state and federal funding decreased and could no longer fully support the program.

With 6,000 lakes and ponds, and thousands of miles of river habitat, Maine is water rich! Additionally, Maine's lakes contribute $11.8 billion in value to the state's economy. Maintaining the health of Maine's clear, clean lakes requires nothing less than a statewide cadre of passionate and committed citizen stewards watching over them. Currently, more than 1,200 LSM certified volunteer community scientists monitor the health of more than 530 lakes throughout Maine. The direct involvement of dedicated LSM citizen lake scientists plays a vital role in maintaining and improving the water quality of Maine lakes and has been a significant factor in the early detection and control of aquatic invasive species in our lakes.

Every summer we extend our reach to include more lakes with volunteer involvement. Last summer, LSM coordinated 54 water quality training sessions and conducted 12 aquatic invasive plant workshops throughout the state. Over 400 individuals attended the in-person trainings, with hundreds more joining online webinars and technical support sessions.

While we receive state funding and actively pursue grants, our expenses are surpassing our budget. **To support the continued costs of training and supporting community lake scientists who monitor lakes throughout the state, Lake Stewards of Maine respectfully requests $1,500 from the City of Auburn.**

As we approach our upcoming field season, we'd be happy to inform you of the trainings we'll be providing in your area. It would be a wonderful opportunity for you to meet some of the volunteers who are dedicated to caring for local lakes and ponds in and around the City of Auburn. To view existing monitors on specific lakes, please visit our *lake resource* website, www.LakesOfMaine.org, search Towns, select a lake, then click on *Monitoring* in the menu bar to see who is monitoring your lakes.

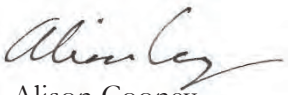
24 Maple Hill Road
Auburn, ME 04210
www.LakeStewardsOfMaine.org
www.LakesOfMaine.org
stewards@lakestewardsme.org
(207) 783-7733

LAKE STEWARDS OF MAINE
Volunteer Lake Monitoring Program

All those who experience the wide variety of offerings provided by Maine's lakes benefit from the stewardship efforts of LSM's committed volunteers. Every dollar donated to Lake Stewards of Maine is typically matched 10 times over by volunteer effort. A worthwhile investment on behalf of Maine's treasured lakes!

For more information about Lake Stewards of Maine, please visit our *volunteer stewardship* website, www.LakeStewardsOfMaine.org. Thank you for your consideration of this request. We are excited about the prospect of establishing a relationship with you as we work together to protect Maine's lakes and ponds.

Kind Regards,



Alison Cooney
LSM Executive Director
alison@lakestewardsme.org

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024 **Order:** 69-05062024

Author: Eric J. Cousens, Planning and Permitting Director

Subject: Initiate and Refer Amendment of Chapter 60, Article XVI, Division 2 Site Plan Review to Planning Board

---

Information: Shortcomings in the ordinance that may result in automatic approvals were identified based on project reviews that may take more than one Planning Board Meeting. As we worked towards correcting those the review team, including legal counsel suggested further revisions to make the process clear and predictable.

City Budgetary Impacts: None

Staff Recommended Action: Initiate consideration of the proposed amendments and refer to Planning Board for Public Hearing and a Recommendation pursuant to Chapter 60, Article XVII.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Draft Ordinance Amendments

DIVISION 2. SITE PLAN REVIEW

Subdivision I. In General

Sec. 60-1276. Purpose.

The purpose of site plan review is to ensure that the design and layout of certain developments permitted by special exceptions, or other developments noted herein, will constitute suitable development and will not result in a detriment to city, neighborhood or the environment.

(Ord. of 9-21-2009, § 7.1A)

Sec. 60-1277. Objective.

In considering a site plan, the planning board shall make findings that the development has made provisions for:

(1) Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air;

(2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;

(3) Adequacy of the methods of disposal for wastes; and

(4) Protection of environment features on the site and in adjacent areas.

(Ord. of 9-21-2009, § 7.1B)

Sec. 60-1278. Applicability.

A site plan review shall be required for the following projects:

(1) All uses permitted by special exception.

(2) Any other uses for which site plan review is required by any other provision contained in this or other ordinances.

(Ord. of 9-21-2009, § 7.1C)

Secs. 60-1279—60-1299. Reserved.

Subdivision II. Procedure

Sec. 60-1300. File for site plan review.

An applicant for site plan review shall file with the ~~department of community development and planning~~planning, permitting and code department a completed site plan application along with an original and 15 copies of the site plan and the required processing fee. ~~Such plans shall be filed not less than 30 days prior to a regularly scheduled meeting~~. Plans shall be folded at a size not to exceed 8½ inches by 11 inches.

(Ord. of 9-21-2009, § 7.1D(1); Ord. No. 11-03012021, 3-15-2021)

Sec. 60-1301. Scale; required information.

The original plan shall be drawn on reproducible Mylar at a scale of no more than 100 feet to the inch. Each site plan shall contain the following information:

(1) Name and address of owner and developer and interest of the applicant if other than the owner or developer.

(2) Name of development, scale and meridian arrow, with specific definition of representation, date of plan and legend.

(3) Names and addresses of all owners of record of all adjacent property as appear on assessor's records.

(4) Current zoning boundaries and 100-year floodplain boundaries including surrounding areas to a distance of 300 feet from the perimeter of the site.

(5) Easements; rights-of-way, existing, planned or proposed; or other reservations adjacent to or intersecting the property.

(6) Topographic map of the site, containing the following:

a. Existing contours, where the slope of existing ground surface is generally two percent or more, the topographic map shall show contours at intervals of five feet of elevation (or lesser intervals as the planning board or engineering department may prescribe). Where the slope of the existing ground surface is generally less than two percent, contour intervals of one foot shall be shown. These contours shall not be copied from the city topographic maps and shall be determined from an on-site survey certified by a registered land surveyor.

b. Proposed contours shall be shown at intervals to be determined by the city engineer.

(7) Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees with a diameter of ten inches measured three feet from the base of the trunk.

(8) Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of 100 feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed.

(9) Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow, existing within 200 feet of the subject property.

(10) Existing soil conditions and soil suitability test results.

(11) Locations of proposed buildings and uses thereof.

(12) Proposed traffic circulation system including streets, parking lots, driveways and other access and egress facilities, curblines, sidewalk lines and existing streets, including the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.

(13) Location of existing and proposed public utility lines, indicating whether proposed lines will be placed underground.

(14) Site developments requiring stormwater permits pursuant to 38 M.R.S.A. § 420-D shall include the required plan and to the extent permitted under 38 M.R.S.A. § 489-A, be reviewed under the procedures of article XVI of this chapter; and they shall meet and comply with 38 M.R.S.A. § 484(4-A) and those Rules promulgated by the Maine Department of Environmental Protection pursuant to the Site Law and section 420-D, specifically Rules 500, 501 and 502, as last amended August 12, 2015. If a project proposes infiltration and the standards in Rule 500, appendix D are not met, then a waste discharge license may be required from the Maine Department of Environmental Protection. An infiltration system serving a development regulated under the Site Location of Development Act may be required to meet standards in addition to those in appendix D.

(15) Location and design of proposed off-street parking and loading areas indicating number and size of stalls.

(16) Proposed location and direction of and time of use of outdoor lighting.

(17) Existing and proposed planting, fences and walls, including all landscaping and screening and indicating existing trees to be retained and areas to be left undisturbed, including design features intended to integrate the proposed new development into the existing landscape to enhance aesthetic assets and to screen objectionable features from neighbors.

(18) Location, size, design and manner of illumination of signs.

(19) Disposal of sewage, trash, solid waste, oil waste, hazardous waste or radioactive waste showing disposal facilities, receptacles or areas.

(20) Perimeter boundaries of the site giving complete descriptive lot data by bearings, distances and radii of curves including the name and seal of the registered land surveyor who prepared the plan.

(21) Description and plan of capacity and location of means of sewage disposal together with approval of sewer district engineer or evidence of soil suitability for such disposal (test pit locations shall be shown on the plans) similarly approved by the city engineer department.

(22) A statement of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, the total number of parking spaces required by the zoning chapter for the uses proposed, the number of employees expected per shift and the total floor area of proposed commercial or industrial uses.

(23) Description and plan of a phase development concept detailing the areas and sequence of phasing.

(24) A statement by the developer assuring that he has the financial capabilities to fully carry out the project and to comply with the conditions imposed by the planning board.

(Ord. of 9-21-2009, § 7.1D(2); Ord. No. 10-10172016, 11-7-2016)

Sec. 60-1302. Exemption for information.

Upon request, the planning board, or the ~~planning, permitting and code enforcement~~ director, acting for the board, may waive the necessity of providing any of the foregoing planning information which is not relevant to the proposed development. The planning board or the ~~planning, permitting and code enforcement~~ director, acting for the board, may waive the site plan review fee if the purpose of the site plan review is to determine the adaptive reuse of a structure of community significance.

(Ord. of 9-21-2009, § 7.1D(3); Ord. No. 05-04032017, § 3, 4-24-2017)

Sec. 60-1303. Approval—Time line for review.

The planning, permitting and code enforcement director shall, within five 10 business days of receipt, review the application and notify the applicant that either:

1.) The application is not accepted for processing, as it has not met the requirements of Sec. 60-1300 and 60-1301, and shall enumerate the materials that are missing; or

2.) The application has been conditionally accepted for processing as one or more required minor elements, as required by Sec. 60-1300 or 60-1301, are missing or inadequate and must be submitted within five business days or the application will not be accepted for processing; or

3.) The application has met the requirements of Sec. 60-1300 and 60-1301 and is accepted for processing.

The planning, permitting and code enforcement director shall, at the time of notification to the applicant that the application is accepted for processing, transmit copies of the application and site plan to those city departments that, in his the director's view opinion, requires such information to provide recommendations regarding the application to the planning board. The agencies departments receiving these copies shall have up to 15 business days to make provide their recommendations to the planning, permitting and code enforcement director.

The planning, permitting and code enforcement director shall review the submitted site plan and any recommendations made by the city departments and may:

1.) Request additional information from the applicant in to order assist with the director's review of the submitted site plan.

2.) Make recommendations to the applicant for changes to the submitted site plan that, in the director's opinion, will cause the site plan to conform to city requirements.

The planning, permitting and code enforcement director shall, upon completion of the director's review of the site plan, but not later than 60 days after notification to the applicant that the application is accepted for processing, request the planning board chair to schedule a public hearing by the planning board at a regularly scheduled planning board meeting.

(Ord. of 9-21-2009, § 7.1D(4))

Sec. 60-1304. Same—Public hearing; findings.

The planning board chair shall, upon request of the planning, permitting and code enforcement director, schedule a public hearing at the next regularly scheduled planning board meeting that occurs at least 16 days after receipt of the request from the directorwithin 30 days of receipt of a completed application, hold a public hearing. Notice of a public hearing shall be given in the manner provided for in division 3 of article XVII of this chapter. The planning board will not unreasonably delay the takinge of final action on the site plan within 60 days of receiving a completed application, or within such other time limit as may be mutually agreed toafter the public hearing. Such final action shall consist of either:

(1) A finding and determination that the proposed project will constitute a suitable development and will not result in a detriment to the neighborhood or the environment; or

(2) A written denial of the application stating the reasons for such denial, upon a finding that:

a. The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will create hazards to safety.

b. The bulk, location or operation of proposed buildings and structures will be detrimental to and adversely affect the use and values of existing development in the neighborhood or the health or safety of persons residing or working therein.

c. The provisions for on-site landscaping are inadequate to screen neighboring properties from unsightly features of the development.

d. The site plan does not adequately provide for the soil and drainage problems which the development may give rise to in accordance with section 60-1301(14).

e. The provisions for exterior lighting create safety hazards for motorists traveling on adjacent streets, or are inadequate for the safety or occupants or users of the site, or will create a nuisance affecting adjacent properties.

f. The proposed development will unduly burden off-site sewer drainage or water systems.

g. The proposed development will create a fire hazard by failing to provide adequate access to the site, or to buildings on the site, for emergency vehicles.

h. The proposed development violates provisions of the zoning regulations applicable to the site or other applicable laws, regulations or ordinances.

i. The proposed development will unduly impact the ability to provide municipal services.

(Ord. of 9-21-2009, § 7.1D(5))

Sec. 60-1305. Same—Subject to conditions, modification, restrictions, etc.

Approval may be made subject to conditions, modifications and restrictions as the planning board may deem necessary; and any construction, reconstruction, alteration or addition shall be carried on only in conformity to such conditions, modifications or restrictions and in conformity with the application and site plan.

(Ord. of 9-21-2009, § 7.1D(6))

Sec. 60-1306. Signed copies.

~~If no action is taken within 60 days after submittal of a completed application, the site plan shall be deemed to have been approved.~~ An original of the approved plan signed by the planning board chair, on behalf of the planning board, and one signed copy shall be delivered to the applicant, the assessor's department, the engineering department and to the building inspector on which basis building permits may be issued when all other required plans have been approved.

(Ord. of 9-21-2009, § 7.1D(7))

Sec. 60-1307. Findings in writing.

The findings of the planning board shall be in writing, signed by the planning board chair on behalf of the planning board, with a copy being forwarded to the applicant. The planning board's written report shall also include a statement as to how any deficiencies in the site plan might be resolved and what conditions, modifications and restrictions are to be complied with in executing the plan.

(Ord. of 9-21-2009, § 7.1D(8))

Sec. 60-1308. Expiration of approval.

Approval of a site plan shall expire one year after the date of approval, except for approved site plans for solar energy generating systems, which shall expire ~~in~~ two years after the date of approval, unless all building permits have been obtained to begin construction in accordance with the approved site plan. If a development is contested with litigation, the approval period of this section shall not commence until a final, nonappealable court judgment is issued or until the litigation has been dismissed with prejudice. This provision shall apply retroactively to all projects approved after January 1, 2007. Any site plan that contains a phase concept approved by the planning board shall not be required to obtain all building permits within the time sequence established for completion of each phase. No building permits or other permits shall be issued until all improvements are substantially completed for the preceding phase. A single one-year extension may be given upon a showing of good cause in writing by the applicant to the planning board not less than 30 days before the expiration of approval of ~~his~~ the applicant's existing plan. ~~.~~ The planning board shall approve or disapprove the requested extension at its next regular meeting.

(Ord. of 9-21-2009, § 7.1D(9); Ord. No. 02-04012013, att. D, 4-16-2013)

Sec. 60-1309. No building permitted without approval.

No permit shall be issued for the construction of any building in an area included in the site plan or in any development for which a site plan is required until such site plan has been approved by the planning board and unless the construction plans and specifications presented to the building inspector with the application for the permit are consistent with the approved site plan.

(Ord. of 9-21-2009, § 7.1D(10))

Sec. 60-1310. Certificate of occupancy.

No certificate of occupancy shall be issued with respect to any building until all construction called for by the site plan is completed, except by special permission of the planning board granted upon a showing of special circumstances warranted the issuance of the certificate and that the remaining construction will be completed within a reasonable time.

(Ord. of 9-21-2009, § 7.1D(11))

Sec. 60-1311. Deposit of surety.

The planning board may require the applicant with the submission of the site plan to tender a certified check payable to the city and issued by a surety company or secured by deposits issued by institutions authorized to issue the same by the laws of the state or the United States or irrevocable letters of credit issued by said banking institutions in an amount of money determined by the city planner, with the advice of the various city departments and agencies concerned, to be sufficient to ensure compliance with the approved site plan.

(Ord. of 9-21-2009, § 7.1D(12))

Sec. 60-1312. Review of planning board needed for variance.

For those developments subject to site plan review (division 2 of article XVI of this chapter) the relaxation of the dimensional requirements of any use district shall be reviewed by the planning board. The modifications of the

dimensional requirements shall be allowed as the planning board may deem necessary to carry out the objectives and intent of site plan review as specified in division 2 of article XVI of this chapter.

(Ord. of 9-21-2009, § 7.1D(13))

Sec. 60-1313. Correction of off-site deficiencies.

The planning board shall have the right to require the developer, at ~~his~~ the developer's expense, to correct any off-site deficiencies either created or aggravated by the developer's proposed project.

(Ord. of 9-21-2009, § 7.1D)

Secs. 60-1314—60-1334. Reserved.

ORDER 69-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the Auburn City Council initiate an amendment to City of Auburn Ordinances Chapter 60, Article XVI, Division 2 Site Plan Review and refer the proposed(attached) text to the Planning Board for a public hearing and recommendation on the proposed text amendment pursuant to Chapter 60, Article XVII. Amendments.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 06, 2024 **Ordinance:** 09-05062024

Author: Jay Brenchick, Director of Economic Development and Eric J. Cousens, Director of Planning and Permitting

Subject: General Business Zone text amendment to allow Maine bioproducts manufacturing in parts of the GB zone.

Information: In October 2023, the Governor's Office announced that the Economic Development Administration (EDA) designated Maine's Forest Bioproducts Advanced Manufacturing Tech Hub as a Federal "Tech Hub." The designation acknowledges that Maine's forest bioproducts sector has the potential for rapid growth and opens the door for significant Federal investment. The Technology Hub overlay will allow the City of Auburn to compete for prospects and incentives related to the new federal Tech Hub designation. The text amendment adds flexibility to a certain area of the city zoned as General Business by adding such manufacturing use to the General Business District.

This change will define and declare the City's desire to attract investment related to Maine's Forest Bioproducts Advanced Manufacturing Technologies in the mapped area to promote related uses and expand uses in the General Business zoned portions of the Technology Hub Overlay to include manufacturing uses using Maine Forest Bioproducts. This change will create significant opportunities for manufacturing in the City of Auburn and leverage outside investment.

City Budgetary Impacts: None known.

Staff Recommended Action: Staff recommends that the Council take the Planning Board's recommendations to adopt the text amendment.

Previous Meetings and History: During the February 20, 2024, City Council Meeting, staff informed City Council of the Economic Development Administration (EDA) designation of Maine as a Forest Bioproducts Advanced Manufacturing Tech Hub. The Economic Development Department; Planning, Permitting & Code Department; and Business and Community Development Department will work together to create an Innovation/Tech Hub Designation in the area surrounding Exit 75 and the Auburn-Lewiston Municipal Airport. This designation aims to align the City of Auburn's zoning, business resources, marketing, and economic development partnerships with the efforts made at the state and federal levels. On April 9, 2024, Planning Board voted to recommend that the City Council adopt this text amendment.

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments:

Tech Hub Overlay Map, General Business Zone ordinance text, Planning Board motion, staff report.

DIVISION 12. GENERAL BUSINESS DISTRICT

Sec. 60-498. Purpose.

This district is intended to include commercial uses serving both the city and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area.

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. Use regulation.

(a) *Permitted uses.* The following uses are permitted:

(1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).

(2) Grocery stores and supermarkets.

(3) Clothing stores.

(4) Furniture stores.

(5) Department stores.

(6) Specialty shops.

(7) Hotels and motels.

(8) Funeral homes and mortuaries.

(9) Child day care centers.

(10) Medical and dental clinics.

(11) Wholesale bakeries.

(12) Retail laundries and dry cleaners, but not plants.

(13) Banks, business and professional offices.

(14) Public transportation passenger offices.

(15) Governmental offices.

(16) Municipal, civic or public service buildings and other utility facilities.

(17) Warehouses, wholesale offices, salesrooms and showrooms.

(18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.

(19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.

(20) Animal hospitals and pet shops, but no kennels.

(21) Business equipment repair and business services.

(22) Radio and television studios.

(23) Printing shops, but not publishing plants.

(24) Retail, service, office and commercial uses similar to the foregoing.

(25) Carwashes.

(26) Accessory uses, building and structures.

(27) Shelters for abused persons.

(28) Greenhouses and lawn maintenance services.

(29) Temporary outdoor places of amusement.

(30) Churches and temples.

(31) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.

(32) Marijuana cultivation accessory to a licensed retail store on the same property.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

(1) Automobile filling stations.

(2) Automobile repair and service stations.

(3) Automobile and marine sales lots and sales and service agencies.

(4) Automobile and marine paint and body repair shops.

(5) Hospitals, care homes, boardinghouses and lodginghouses.

(6) Research or philanthropic institutions.

(7) Outdoor theaters.

(8) Drive-in or carry-out restaurants.

(9) Commercial parks.

(10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.

(11) Light industrial plants which will not create a nuisance by noise, vibration, smoke, odor or appearance.

(12) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.

(13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.

(14) Convenience stores.

(15) Research, experimental and testing laboratories.

(16) Landscape services.

(17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.

(18) Automotive towing and storage.

(19) Major retail development provided that it meets the conditions noted in section 60-45(g).

(20) Outpatient addiction treatment clinics.

(21) Adaptive reuse of structures of community significance.

(22) Public safety services.

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(23) Government services.

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(24) Manufacture, compounding or assembling of articles using Maine derived forest products, agricultural products or other natural resource inputs.

a. The property is located in the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District.

(Ord. of 9-21-2009, § 3.62B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 05-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 30, 31, 3-15-2021; Ord. No. 02-02132023, 2-17-2023)

Formatted: Normal

Secs. 60-501—60-523. Reserved.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: April 9th, 2024

To: Auburn Planning Board

From: The City of Auburn Office of Planning & Permitting

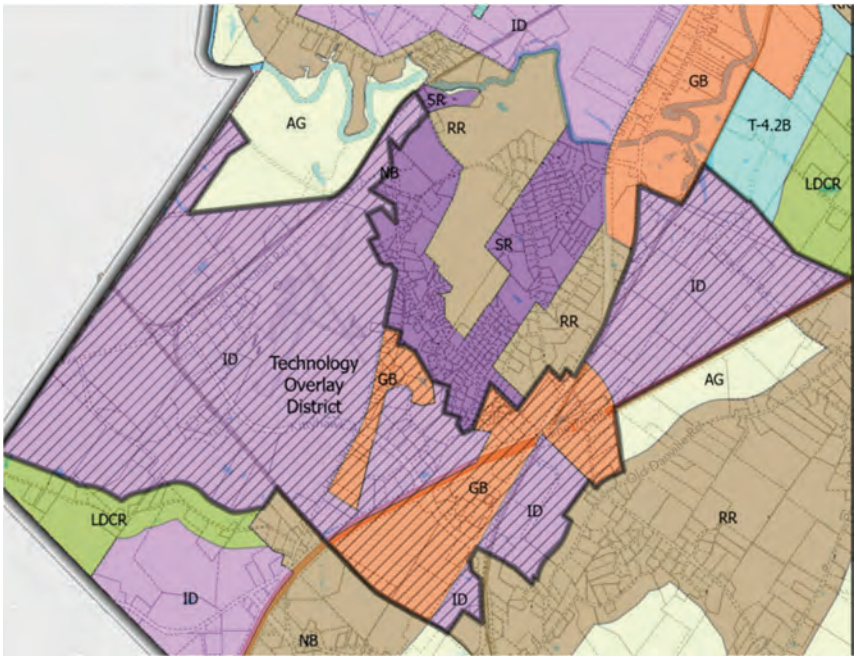
Re: Staff Report on Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District Text and Map Amendments

I. **Proposal 1 Public Hearing/ Text Amendment:** City Council initiated text amendment to Chapter 60 Article IV, Division 12 General Business District by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District.

II. **Proposal 2 Public Hearing/ Map Amendment:** City Council initiated zoning map amendment to create the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. This zoning map overlay is generally located near Lewiston Junction Road, Kittyhawk Ave, and the southerly half of Washington Street.

III. Background: This proposal is to implement more flexibility in the General Business Zoning District in the area near exit 75 on the Maine Turnpike that is not available in other areas of the City that are also zoned as General Business, like Center Street and the surrounding neighborhoods.

The Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District is represented on the sketch map as cross-hatched over the existing General Business District (represented in orange) and the existing Industrial District (represented in light purple). The extent of this zoning change is to add language allowing manufacturing of Maine-derived natural products, resembling what is already allowed in the Industrial Zoning District, in one area of the General Business District. As such, this overlay is presented as both a text amendment to the General Business Zone, and a Map amendment creating the overlay represented visually on the City's Official Zoning Map.



The City of Auburn's Economic Development Director, Jay Brenchick, gives the following introduction on the origins of these two proposals:

In October 2023, the Governor's Office announced that the Economic Development Administration (EDA) designated Maine's Forest Bioproducts Advanced Manufacturing Tech Hub as a Federal "Tech Hub." The designation acknowledges that Maine's forest bioproducts sector has the potential for rapid growth and opens the door for significant Federal investment. The Maine Technology Institute (MTI) and the Governor's Office partnered with a consortium that included the University of Maine, the Roux Institute, the Maine Community College System, the Maine Venture Fund, and others during the application process.

Maine's Forest Bioproducts Tech Hub will accelerate research and development of natural polymers and other plant-based and wood fiber bioproducts that sequester carbon and replace plastics and toxic chemicals while bolstering "Made in America" supply chain goals.

The City of Auburn Economic Development has been in regular communication with the University of Maine, the Roux Institute, the Maine Composites Alliance, the Manufacturers Association of Maine, the Maine Manufacturers Extension Partnership, and the Maine Department of Economic and Community Development to position Auburn for participation in the Tech Hub designation and other state and federal innovation initiatives.

The Economic Development Department, Planning, Permitting & Code Department, and Business and Community Development Department are collaborating to create an Innovation/Tech Hub Designation surrounding Exit 75 and the Auburn-Lewiston Municipal Airport. This designation aims to align the City of Auburn's zoning, business resources, marketing, and economic development partnerships with efforts made at the state and federal levels.

In short, the Technology Hub overlay will allow the City of Auburn to compete for prospects and incentives related to the new state and federal Tech Hub designation.

IV. **Planning Board Recommended Action:** Review the Text and Map proposals, hold a public hearing on both the proposed text amendment and the proposed map amendment. Make two separate motions to provide a favorable recommendation to City Council on the Zoning Map and Text Amendments.

V. **Suggested Motion:**

a. **Proposal 1 (Text Amendment):** I make a motion to recommend that the City Council amend Chapter 60 Article IV, Division 12 General Business District by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District.

b. **Proposal 2 (Map Amendment):** I make a motion to recommend that the City Council amend the Official Zoning Map of the City of Auburn to create the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. This zoning map overlay is generally located near Lewiston Junction Road, Kittyhawk Ave, and the southerly half of Washington Street.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 05/06/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Tech Hub Overlay Text Amendment

The following is the report from the Planning Board regarding Adding language to support a Maine bioproducts manufacturing tech hub within the General Business District pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on April 9th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT: Consider adding Chapter 60 Article IV, Division 12 General Business District be amended by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District.

Motion: Dave Trask makes a motion to recommend that the City Council amend Chapter 60 Article IV, Division 12 General Business District by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District; **Second:** Tim DeRoche Seconds.
Vote: 7-0-0 Motion passes.

LEGAL NOTICE
City of Auburn

Notice is hereby given that the Auburn City Council will hold Public Hearings on **Monday, May 6 2024, at 7:00 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to consider the following topics:

1. **PUBLIC HEARING/ TEXT AMENDMENT:** City Council initiated text amendment to Chapter 60 Article IV, Division 12 General Business District by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District.
2. **PUBLIC HEARING/ MAP AMENDMENT:** City Council initiated zoning map amendment to create the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. This zoning map overlay is generally located near Lewiston Junction Road, Kittyhawk Ave, and the southerly half of Washington Street.

Both proposals were initiated by the city pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Additional information and copies of the official map and text amendments listed above are available in the Auburn Planning & Permitting Department, by contacting Katherine Cook at (207) 333-6601 ext. 1155 or kcook@auburnmaine.gov, and will be made available online no later than the Friday before the meeting at https://www.auburnmaine.gov/pages/government/planning-board-agendas.

Ordinance 09-05062024

City Council Ordinance

IN CITY COUNCIL

Creating the Maine Bioproducts Advanced Manufacturing Tech Hub Overlay District Map

Be it ordained, by the Auburn City Council, that Chapter 60 Article IV, Division 12 General Business District be amended by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. The text shall appear under Sec. 60-499(b)(24) as follows:

DIVISION 12. GENERAL BUSINESS DISTRICT

Sec. 60-499. Use regulation.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

(24) Manufacture, compounding or assembling of articles using Maine derived forest products, agricultural products or other natural resource inputs.

a. The property is located in the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024 **Ordinance:** 10-05062024

Author: Jay Brenchick, Director of Economic Development and Eric J. Cousens, Director of Planning and Permitting

Subject: Ordinance to amend Official City of Auburn Zoning Map to include the Maine Forest Bioproducts Advanced Manufacturing Overlay District

---

Information: In October 2023, the Governor's Office announced that the Economic Development Administration (EDA) designated Maine's Forest Bioproducts Advanced Manufacturing Tech Hub as a Federal "Tech Hub." The designation acknowledges that Maine's forest bioproducts sector has the potential for rapid growth and opens the door for significant Federal investment. The Technology Hub overlay will allow the City of Auburn to compete for prospects and incentives related to the new federal Tech Hub designation. The attached map identifies the area staff recommends for the Technology Hub Overlay.

This change will define and declare the City's desire to attract investment related to Maine's Forest Bioproducts Advanced Manufacturing Technologies in the mapped area to promote related uses and expand uses in the General Business zoned portions of the Technology Hub Overlay to include manufacturing uses using Maine Forest Bioproducts. The proposed Maine Forest Bioproducts Advanced Overlay District overlays the existing General Business and Industrial Zoning Districts in the southern part of the City of Auburn near Washington Street and the Maine Turnpike. All district regulations in the Industrial District and the General Business District, as amended, will be upheld and maintained. This change will create significant opportunities for manufacturing in the City of Auburn and leverage outside investment.

City Budgetary Impacts: None known.

Staff Recommended Action: Staff recommends that the Council vote to adopt the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District attached to this information sheet.

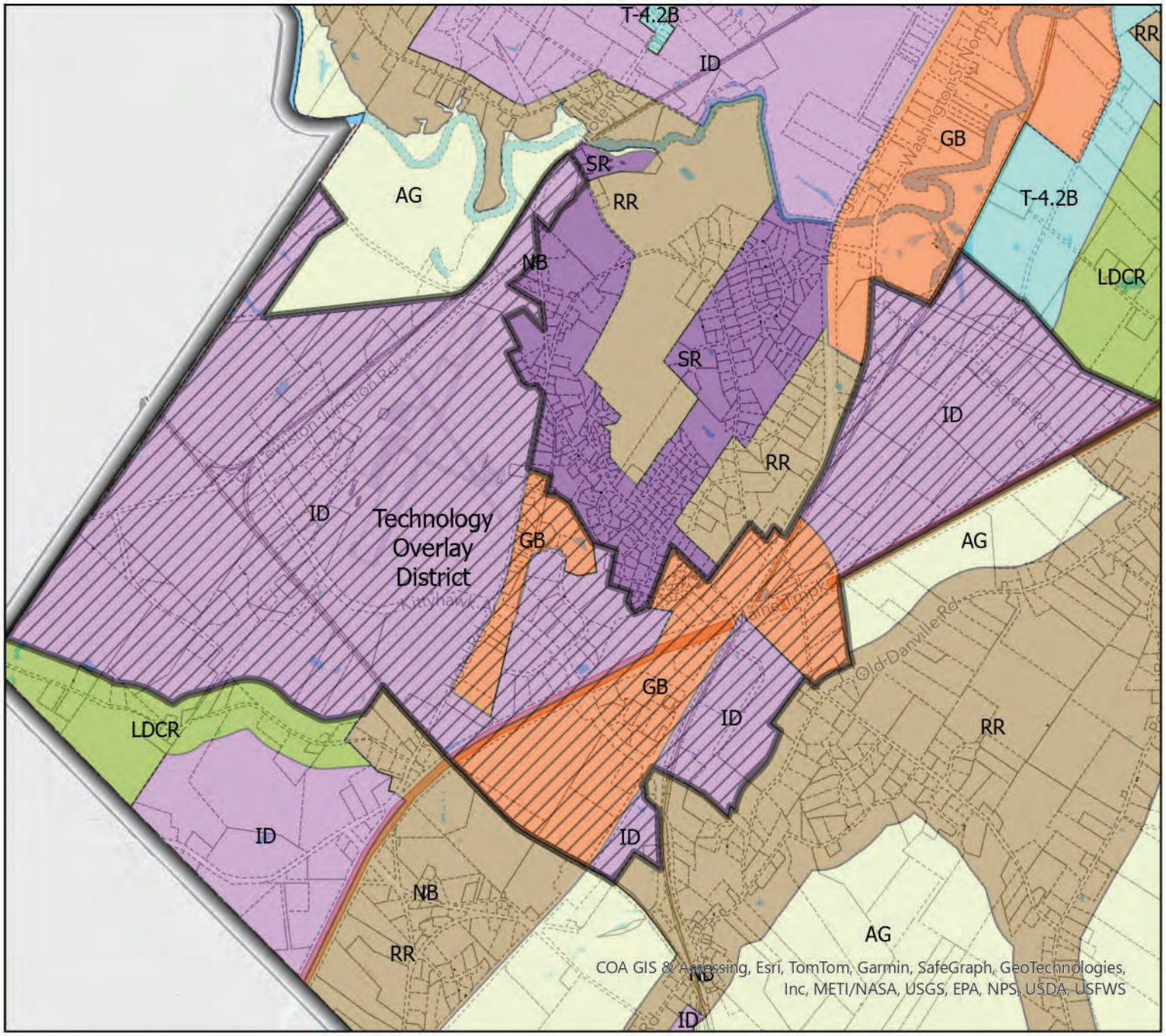
Previous Meetings and History: During the February 20, 2024, City Council Meeting, staff informed City Council of the Economic Development Administration (EDA) designation of Maine as a Forest Bioproducts Advanced Manufacturing Tech Hub. The Economic Development Department; Planning, Permitting & Code Department; and Business and Community Development Department will work together to create an Innovation/Tech Hub Designation in the area surrounding Exit 75 and the Auburn-Lewiston Municipal Airport. The Planning Board voted to recommend that the City Council adopt this Map amendment at their April 9, 2024, meeting. This designation aims to align the City of Auburn's zoning, business resources, marketing, and economic development partnerships with the efforts made at the state and federal levels.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Tech Hub Overlay Map, Ordinance, Planning Board Motion

Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District



City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 05/06/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Tech Hub Overlay Map Amendment

The following is the report from the Planning Board regarding Adding language to support a Maine bioproducts manufacturing tech hub map overlay as part of the City of Auburn's official zoning map. After notice and Public Hearings held on April 9th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT: City Council initiated zoning map amendment to create the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. This zoning map overlay is generally located near Lewiston Junction Road, Kittyhawk Ave, and the southerly half of Washington Street.

Motion: Tim DeRoche makes a motion to recommend that the City Council amend the Official Zoning Map of the City of Auburn to create the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. This zoning map overlay is generally located near Lewiston Junction Road, Kittyhawk Ave, and the southerly half of Washington Street; **Second**: Bob Hayes seconds that motion.
Vote: 7-0-0; Motion Passes.

Ordinance 10-05062024

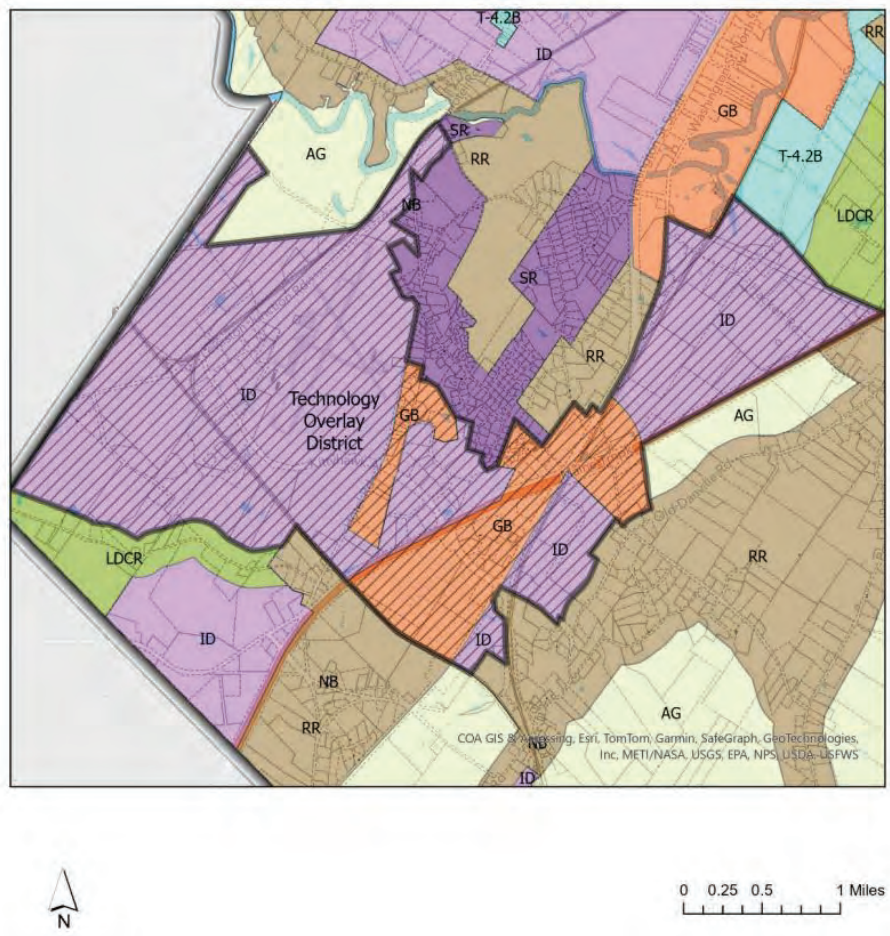
City Council Ordinance

IN CITY COUNCIL

Creating the Maine Bioproducts Advanced Manufacturing Tech Hub Overlay District Map

Be it ordained, by the Auburn City Council, that the Official Zoning Map of the City of Auburn to be amended to create the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. This zoning map overlay is generally located near Lewiston Junction Road, Kittyhawk Ave, and the southerly half of Washington Street and appears as follows:

Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District



Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024 **Order:** 70-05062024

Author: Mark Conrad, School Business Manager

Subject: FY 2025 Auburn School Department Budget

Information: On April 24, 2024 the School Committee unanimously voted to approve an FY 2025 operating budget of $62,123,473. The budget represents a 5.2% overall increase from the current year, with a local increase of 4.8% ($957,590). The largest single impact in this budget is the loss of federal ESSER (pandemic) funding for 15 staff positions that are integral to our school staffing. This budget eliminates five (5) positions from the operating budget and nine (9) positions funded by ESSER, and transfers six (6) positions from ESSER to the operating budget. Similar to previous years, the proposed budget includes authorizations to transfer unexpended FY 2024 balances into two reserve accounts: the Edward Little High School Capital Reserve, and the School Technology Equipment Reserve. It also includes a one-time transfer from excess fund balance funds into a new Curriculum Development Reserve Fund to sustain the recent progress made in curriculum and student outcomes into the future.

For the first time in three years this budget includes a CIP request totaling $983,000, including a new fire alarm panel for Park Ave. ($32,000), a district-wide HVAC controls software platform migration ($251,000), and a new boiler room at Fairview ($700,000).

The revenue budget includes a 6.0% increase in State subsidy, a $350,000 increase in the use of fund balance funds, to $2,350,000, and an expenditure of $211,000 in remaining revenue from the Edward Little naming rights campaign.

City Budgetary Impacts: The total local (tax) allocation is increasing by $957,590 or 4.8%, from $19,797,148 in FY 2024 to $20,754,738 in FY 2025.

Staff Recommended Action: The School Committee and Superintendent recommend that the City Council approve the FY 2025 school budget as presented.

Previous Meetings and History: : The School Committee has held many budget meetings and workshops to develop the proposed budget, beginning February 28th. The School Committee encouraged public comment at each budget meeting. Members of the School Committee and school administration have attended two budget workshops with the City Council.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

Proposed FY 2025 School Budget by Article
Proposed FY 2025 School Revenue Budget
FY 2025 City Council School Budget Order

Auburn School Department

FY 2025 School Budget by Warrant Article

(Revised to remove new position and adjust health insurance premium)

Article	Purpose	FY 2024 Approved	FY 2025 Proposed	$ Change	% Change
1	Regular Instruction	$19,300,554	$20,414,118	$1,113,563	5.8%
2	Special Education	$12,882,836	$13,903,945	$1,021,110	7.9%
3	Career and Technical Education	$0	$0	$0	---
4	Other Instruction	$898,147	$958,221	$60,075	6.7%
5	Student and Staff Support	$3,806,698	$4,210,854	$404,156	10.6%
6	System Administration	$1,200,966	$1,491,243	$290,277	24.2%
7	School Administration	$2,413,311	$2,693,273	$279,961	11.6%
8	Transportation and Buses	$2,178,859	$2,441,816	$262,957	12.1%
9	Facilities Maintenance	$5,679,257	$5,293,437	($385,820)	-6.8%
10	Debt Service/Other Commitments	$10,329,269	$10,299,164	($30,105)	-0.3%
11	All Other Expenditures	$39,644	$41,685	$2,041	5.1%
	Total - Operating Budget	**$58,729,542**	**$61,747,757**	**$3,018,214**	**5.1%**
	Adult Education	$341,747	$375,716	$33,969	9.9%
	Total - All Articles	**$59,071,289**	**$62,123,473**	**$3,052,183**	**5.2%**

Excluding Debt Service & Adult Ed.	**$48,400,273**	**$51,448,593**	**$3,048,319**	**6.3%**

FY 2025 Budget Process
Auburn School Department
General Fund Revenue Budget

(Revised to remove new position and adjust health insurance)

Fiscal Year	2020-2021 Actual	2021-2022 Actual	2022-2023 Actual	2023-2024 Approved	2024-2025 Proposed	Variance	Percentage
State/EPS Model							
Subsidy	$25,975,376	$28,656,518	$28,347,708	$27,580,651	$29,231,738	$1,651,087	106.0%
Debt Service-ELHS	$0	$1,554,035	$6,235,863	$8,568,985	$8,596,809	$27,824	100.3%
Debt Service-Park Ave	$579,894	$560,117	$534,544	$513,402	$492,966	($20,436)	96.0%
Total State	**$26,555,270**	**$30,770,670**	**$35,118,115**	**$36,663,039**	**$38,321,513**	**$1,658,474**	**104.5%**
Local							
Minimum Local 15671-A	$16,272,338	$16,031,338	$14,867,518	$15,245,365	$15,589,990	$344,625	102.3%
Local Only Debt Service	$102,473	$311,789	$894,187	$1,187,586	$1,155,649	($31,937)	97.3%
Additional Local	$1,322,309	$1,486,251	$3,195,978	$3,150,553	$3,795,455	$644,902	120.5%
Total Local	**$17,697,120**	**$17,829,378**	**$18,957,683**	**$19,583,504**	**$20,541,094**	**$957,590**	**104.9%**
Other							
State Agency Client/SOS	$187,493	$58,909	$21,211	$20,000	$20,000	$0	100.0%
MeCare Reimbursement	$148,939	$126,230	$104,156	$100,000	$100,000	$0	100.0%
Franklin Tuition	$58,249	$96,617	$111,012	$60,000	$100,000	$40,000	166.7%
Rental Properties (RETC)	$58,000	$58,000	$58,000	$0	$0	$0	---
Child Care	$50,000	$50,000	$50,000	$50,000	$50,000	$0	100.0%
Gate Receipts	$0	$32,557	$31,545	$33,000	$34,150	$1,150	103.5%
Revenue - Naming Rights	$0	$0	$0	$200,000	$211,000	$11,000	105.5%
Miscellaneous	$22,548	$357,657	$83,314	$20,000	$20,000	$0	100.0%
Total Other	**$525,229**	**$779,969**	**$459,237**	**$483,000**	**$535,150**	**$52,150**	110.8%
Fund Balance	**$ -**	**$0**	**$0**	**$2,000,000**	**$2,350,000**	**$ 350,000**	117.5%
Total General Operating	**$44,777,619**	**$49,380,017**	**$54,535,035**	**$58,729,542**	**$61,747,757**	**$3,018,215**	**105.1%**
Adult Education							
State	$95,639	$94,617	$94,354	$88,103	$122,072	$33,969	138.6%
Local	$200,141	$213,702	$207,192	$213,644	$213,644	$0	100.0%
Other (Tuition)	$8,289	$7,800 p		$40,000	$40,000	$0	100.0%
Total Adult Education	**$304,069**	**$316,119**	**$301,546**	**$341,747**	**$375,716**	**$33,969**	**109.9%**
Grand Total Revenue	**$45,081,688**	**$49,696,136**	**$54,836,582**	**$59,071,289**	**$62,123,473**	**$3,052,184**	**105.2%**

Fiscal Year	2020-2021 Actual	2021-2022 Actual	2022-2023 Actual	2023-2024 Approved	2024-2025 Proposed	Variance	Percentage
Increase in Lcoal Share - Debt Service				$1,187,586	$1,155,649	($31,937)	-2.7%
Increase in Local Share - Operations (Including AE)				$18,609,562	$19,599,089	$989,527	5.3%
				$19,797,148	**$20,754,738**	**$957,590**	**4.8%**
City Property Valuation (Current 2024)					$2,259,431,378		
Mil Rate For Education (Total)					9.19		
Change on $150K home					0.42		$63.57

Note: the current City Property Valuation will be updated (and increasing) before a tax rate is set for the FY 2025 budget.

ORDER 70-05062024

City Council Order

IN CITY COUNCIL

Ordered,

That the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2024-2025.

1. That $ 20,414,118 be authorized to be expended for Regular Instruction;

2. That $ 13,903,945 be authorized to be expended for Special Education;

3. That $-0- be authorized to be expended for Career and Technical Education;

4. That $ 958,221 be authorized to be expended for Other Instruction;

5. That $ 4,210,854 be authorized to be expended for Student and Staff Support;

6. That $ 1,491,243 be authorized to be expended for System Administration;

7. That $ 2,693,273 be authorized to be expended for School Administration;

8. That $ 2,441,816 be authorized to be expended for Transportation and Buses;

9. That $ 5,293,437 be authorized to be expended for Facilities Maintenance;

10. That $ 10,299,164 be authorized to be expended for Debt Service and Other Commitments;

11. That $ 41,685 be authorized to be expended for All Other Expenditures;,

12. That $ 53,702,850.90 be appropriated for the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that $ 15,589,989.66 be raised as the municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

Explanation: *The city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding*

City Council Order

Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

13. That $1,155,649 be raised and appropriated for the annual payments on debt service previously approved by the city's legislative body for non-state-funded school construction projects or non-state-funded portions of school construction projects, in addition to the funds appropriated as the local share of the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with Maine Revised Statues, Title 20-A, Section 15690 (2A);

Explanation: *Non-state-funded debt service is the amount of money needed for the annual payments on the city's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

14. That $3,795,455 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by $3,795,455, as required to fund the budget recommended by the School Committee.

The School Committee recommends $3,795,455, which exceeds the State's Essential Programs and Services allocation model by $3,795,455. The School Committee gives the following reasons for exceeding the State's Essential Programs and Services funding model:

The Essential Programs and Services funding model does not recognize all of the costs of special education services, transportation services, instructional services, co-curricular services and other services that the School Department provides.

Explanation: *The additional local funds are those locally raised funds over and above the city's local contribution to the total cost of funding public education from Pre- kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the school department budget for educational programs.*

15. That the school committee be authorized to expend $61,747,757 for the fiscal year beginning July 1, 2024 and ending June 30, 2025 from the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, fund balances, state subsidy and other receipts for the support of schools;

16. That the City of Auburn appropriate $375,716 for Adult Education and raise $213,644 as the local share,

City Council Order

with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

17. That in addition to amounts approved in the preceding articles, the School Committee be authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

18. That in addition to amount approved in the preceding articles, the School Committee be authorized to transfer up to $150,000 from the School Department's unexpended balances at the end of the 2023-2024 fiscal year to the Edward Little High School Capital Reserve Fund for the purpose of funding capital improvement projects, facility upgrades, and plant maintenance at the new Edward Little High School and adjacent athletic facilities.

19. That in addition to amount approved in the preceding articles, the School Committee be authorized to transfer up to $150,000 from the School Department's unexpended balances at the end of the 2023-2024 fiscal year to the School Technology Equipment Reserve Fund for the purpose of funding purchase and maintenance of computers, tablets, audiovisual equipment, and related technology for the School Department.

20. That in addition to the amount approved in the preceding articles, the School Committee transfer $268,000 from Excess Fund Balance Funds to the Curriculum Development Reserve Fund for the purpose of funding curriculum development materials, equipment, software, and professional development.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024 **Resolve**: 04-05062024

Author: Kelsey Earle, Finance Director

Subject: Resolve Adopting the 2024-2025 Annual Appropriation and Revenue Resolve (Public Hearing & First Reading)

Information: In accordance with the City Charter, Article 8, Section 8.6, prior to the fiscal year the City Council shall adopt an annual appropriation resolve making appropriations by department, fund, services, strategy or other organizational unit and authorizing an allocation for each program or activity.

The Council has been supplied with a resolve to adopt the annual appropriations for the City of Auburn, which includes final figures for revenue, total appropriation and municipal budget.

The school appropriation has been incorporated into this annual appropriation resolve for the City of Auburn.

This is the public hearing first reading of the Appropriation Resolve for FY 24-25.

City Budgetary Impacts: With this FY 25 Proposed Budget the tax levy increase is 5.96%, which is above CPIU at 4.1% . At this time, the estimated proposed mil rate increase is 5.96%.

Staff Recommended Action: Staff recommends passage of the budget on the second reading.

Previous Meetings and History: Preliminary City budget presentation March 4, 2024 and final Manager's Budget presentation April 16, 2024, Budget workshop April 22, 2024.
The School Committee has held many budget meetings and workshops to develop the proposed budget beginning November, 2023. The School Committee encouraged public comment at each budget meeting. A joint meeting to discuss the FY 2025 school budget was held with the City Council in a workshop on April 1, 2024.

City Manager Comments: I concur with the recommendation.

Signature: Phillip Crowell Jr.

Attachments:
Resolve for the 2024-2025 Annual Appropriation and Revenue including School Department Articles.

RESOLVE 04-05062024

City Council Resolve

IN CITY COUNCIL

Resolved, that the following be, and hereby is the Annual Appropriation and Revenue Resolve of the City of Auburn for the fiscal year 2024-2025, which includes the amounts appropriated herein and revenues from all sources beginning July 1, 2024, and ending June 30, 2025.

The estimated aggregate amount of non-property tax revenue is $67,511,381 with a municipal revenue budget of $26,142,646 and a School Department revenue budget of $41,368,735.

The aggregate appropriation for the City of Auburn is $121,825,948, with a municipal budget of $54,256,734 County budget of $3,117,240 and a School Department budget of $62,123,472 which received School Committee approval on April 24, 2024, and school budget approved at the May 6, 2024 Council Meeting pursuant to the School Budget Validation vote on June 11, 2024, in accordance with Maine Revised Statues, Title 20-A § 1486 and based on the budget submitted to the Auburn City Council on April 16, 2024, by the City Manager, and notification was posted on the City of Auburn website on May 2, 2024 that a public hearing would be held on May 6, 2024 at 7:00 p.m. and said hearing having been held on that date, and as amended by the City Council, the same is hereby appropriated for the fiscal year 2024-2025 beginning July 1, 2025 for the lawful expenditures of the City of Auburn and the County of Androscoggin taxes, and said amounts are declared not to be in excess of the estimated revenue from taxation and sources other than taxation for the fiscal year of 2024-2025.

SCHOOL BUDGET ARTICLES

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2024-2025.

1. That $ 20,414,118 be authorized to be expended for Regular Instruction;

2. That $ 13,903,945 be authorized to be expended for Special Education;

3. That $-0- be authorized to be expended for Career and Technical Education;

4. That $ 958,221 be authorized to be expended for Other Instruction;

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Resolve

5. That $ 4,210,854 be authorized to be expended for Student and Staff Support;

6. That $ 1,491,243 be authorized to be expended for System Administration;

7. That $ 2,693,273 be authorized to be expended for School Administration;

8. That $ 2,441,816 be authorized to be expended for Transportation and Buses;

9. That $ 5,293,437 be authorized to be expended for Facilities Maintenance;

10. That $ 10,299,164 be authorized to be expended for Debt Service and Other Commitments;

11. That $ 41,685 be authorized to be expended for All Other Expenditures;,

12. That $ 53,702,850.90 be appropriated for the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that $ 15,589,989.66 be raised as the municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

    Explanation: *The city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding*

    Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

13. That $1,155,649 be raised and appropriated for the annual payments on debt service previously approved by the city's legislative body for non-state-funded school construction projects or non-state-funded portions of school construction projects, in addition to the funds appropriated as the local share of the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with Maine Revised Statues, Title 20-A, Section 15690 (2A);

    Explanation: *Non-state-funded debt service is the amount of money needed for the annual payments on the city's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

14. That $3,795,455 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by $3,795,455, as required to fund the budget recommended by the School Committee.

City Council Resolve

The School Committee recommends $3,795,455, which exceeds the State's Essential Programs and Services allocation model by $3,795,455. The School Committee gives the following reasons for exceeding the State's Essential Programs and Services funding model:

The Essential Programs and Services funding model does not recognize all of the costs of special education services, transportation services, instructional services, co-curricular services and other services that the School Department provides.

Explanation: *The additional local funds are those locally raised funds over and above the city's local contribution to the total cost of funding public education from Pre- kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the school department budget for educational programs.*

15. That the school committee be authorized to expend $61,747,757 for the fiscal year beginning July 1, 2024 and ending June 30, 2025 from the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, fund balances, state subsidy and other receipts for the support of schools;

16. That the City of Auburn appropriate $375,716 for Adult Education and raise $213,644 as the local share, with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

17. That in addition to amounts approved in the preceding articles, the School Committee be authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

18. That in addition to amount approved in the preceding articles, the School Committee be authorized to transfer up to $150,000 from the School Department's unexpended balances at the end of the 2023-2024 fiscal year to the Edward Little High School Capital Reserve Fund for the purpose of funding capital improvement projects, facility upgrades, and plant maintenance at the new Edward Little High School and adjacent athletic facilities.

19. That in addition to amount approved in the preceding articles, the School Committee be authorized to transfer up to $150,000 from the School Department's unexpended balances at the end of the 2023-2024 fiscal year to the School Technology Equipment Reserve Fund for the purpose of funding purchase and maintenance of computers, tablets, audiovisual equipment, and related technology for the School

City Council Resolve

Department.

20. That in addition to the amount approved in the preceding articles, the School Committee transfer $268,000 from Excess Fund Balance Funds to the Curriculum Development Reserve Fund for the purpose of funding curriculum development materials, equipment, software, and professional development.

RESOLVED, The City is authorized to accept grants and forfeitures and to expend sums that may be received from grants and forfeitures for municipal purposes during the fiscal year beginning July 1, 2024, and ending June 30, 2025, provided that such grants and forfeitures do not require the expenditure of other funds not previously appropriated.

RESOLVED, that fifty percent (50%) of all real estate taxes assessed as in the annual commitment, committed to the Tax Collector, shall be due proportionately from each taxpayer on September 16, 2024, and the remaining fifty percent (50%) shall be due on March 17, 2025.

Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any real estate taxes remaining uncollected on September 17, 2024, and March 18, 2025, respectively shall bear interest at a rate of 6% per annum from and after such dates.

Personal property taxes shall be due and payable on or before September 16, 2024. Any personal property taxes remaining unpaid on September 17, 2024, shall bear an interest rate of 6% per annum from and after such date. Interest on all delinquent taxes shall be computed on a daily basis and shall be collected by the Tax Collector. The Tax Collector is authorized to accept tax prepayments.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024 **Order:** 71-05062024

Author: Planning & Permitting Staff

Subject: Order initiating Planning Board to review draft ordinance text and map changes by the Lake Auburn Stakeholders Group. The Planning Board is to review updates to Article II General Provisions, Division 2, Phosphorus Control, Division 3, Low Density Country Residential and Division 4, Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024.

Information: In January of 2024, City Council ordered (04-01022024) the City Manager to direct staff to work with city wide interest groups (AG Working Group, Sustainability and Natural Resources Board, LAWPC, Planning Board and public stakeholders) to create the make-up of Lake Auburn Stakeholders Group. Since that time the group (s) have met on numerous occasions to address continued concerns with protecting lake Auburn utilizing the ordinance to drive that discussion on what is best for the two communities' public water supply. The proposed changes are detailed in the attached order and proposed text and maps. Since that time the group (s) have meet on numerous occasions (6 times) to address continued concerns with protecting lake Auburn utilizing the ordinance to drive that discussion on what is best for the two communities public water supply while putting into action items that will impact Subsurface waste-water disposal system inspection In Sec 60-952(f)(6) and further considerations amending text amendments that will strengthen the ordinance for protections to the Lake Auburn Watershed and the source water protection for the communities of Auburn and Lewiston which serves clean drinking water to 39,000 residents from Lake Auburn. The overlay maps will follow existing watershed/overlay boundaries that will assist in the septic inspection program and further define natural resource features for buffers for a Planning Board Public hearing will be completed based on this directive.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Staff recommends that the Council initiate the process for the proposed text change and map changes and send it to the Planning Board for a public hearing and recommendation to City Council.

Previous Meetings and History: Order 04-01022024 on January 2nd, 2024, initiated this discussion and created a working group. Between January and May 1st of 2024, the Lake Auburn Stakeholders Group have met on numerous occasions (6 times) to address continued concerns with protecting Lake Auburn.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Order, Proposed Text Amendments, Official Lake Auburn Overlay District 400' Setback to Lake, Stream and Brook for Subsurface Wastewater Fields Map, Lake Auburn Watershed Overlay District Septic System Inspection Map.

DIVISION 2. PHOSPHORUS CONTROL

Sec. 60-1064. Purpose.

(a) The purpose of this division is to provide protection against additional phosphorus export to Taylor Pond and Lake Auburn from new land uses and changes in existing land uses by ensuring that development within the watersheds does not generate more phosphorus than the water bodies can handle and by eliminating or reducing existing sources of phosphorus.

(b) Phosphorus, a nutrient, stimulates algal growth, the main cause of water quality decline. The primary source of new and increasing phosphorus loading in the state lakes is land development: residential, commercial and industrial.

(Ord. of 9-21-2009, § 5.7A)

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is .25.~~0.5.~~

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is ~~1,180.0.~~.150.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.03~~6~~5; for Lake Auburn, the phosphorus allocation is 0.0~~47~~20.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is ~~109.9~~ 3.74 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-1066. Applicability.

This division shall apply to all land areas within the direct watersheds of Taylor Pond and Lake Auburn. The following land uses shall be required to obtain a phosphorus control permit and conform to the standards contained in this division:

(1) Any new building or structure with more than 200 square feet of ground floor area.

(2) Any expansions or series of expansions of ground floor area of any existing building which increases the area of the ground floor by more than 30 percent of that which exists at the time of adoption of the ordinance from which this division is derived.

(3) Any earth moving, brush and tree cutting which impacts 10,000 square feet or more whether accomplished as a single activity or as a series of activities beginning on the date of adoption of the ordinance from which this division is derived shall only meet the criteria contained in section 60-1069.

(4) Road or driveway construction and reconstruction and parking area construction which affects more than 1,500 square feet of land area whether accomplished as a single activity or as a series of activities beginning on the date of adoption of the ordinance from which this division is derived shall only meet the criteria contained in section 60-1069.

(5) All projects for which special exception, site plan and subdivision review is required.

(Ord. of 9-21-2009, § 5.7C; Ord. No. 15-05022022, 5-16-2022)

Sec. 60-1067. Exemptions.

This division shall not apply to the following:

(1) Changes of use within an existing structure where no ground floor expansion and/or road, driveway and parking area expansion is planned.

(2) Timber management or harvesting operations conducted according to a management plan prepared and supervised by a registered forester (unless required by division 4 of article XII of this chapter) or the city water district.

(3) Agricultural uses conducted according to a soil and water conservation plan approved by the Androscoggin County Soil and Water Conservation District.

(Ord. of 9-21-2009, § 5.7D)

Sec. 60-1068. Best management practices.

Agriculture, silviculture, mining, chemical use and storage and waste disposal activities should be conducted in accordance with the best management practices (BMPs) as recommended by the department of environmental protection, the state soil and water conservation commission, the cooperative extension service or other appropriate public service agency. New roads and the reconstruction of existing roads, driveways, drainage diversions, ditches and roadside buffers should be designed for the worst storm conditions in accordance with the best management practices (BMPs) recommended by the department of environmental protection, the state soil and water conservation commission, the cooperative extension service or other appropriate public service agency.

(Ord. of 9-21-2009, § 5.7E)

Sec. 60-1069. Erosion and sedimentation controls.

A comprehensive erosion and sedimentation control plan, including a proposed program for the maintenance and periodic inspection of all control facilities which will remain after the project is completed and a designation of the responsible party, shall be submitted to the city planning, permitting, and code department as follows:

(1) In the Taylor Pond Watershed~~., A~~ a plan designed in accordance with the applicable sections of ~~chapter 8 of the~~ the latest edition of Maine Department ~~of~~ Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II & Technical Design Manual Volume III, March 2016. ~~DEP Phosphorous Control and Lake Watersheds: A Technical Guide to Evaluating New Development~~, the latest edition of the Maine Erosion and sediment Control Handbook and all building and environmental protection requirements of this Code. For dwelling units, the Basic Single Family Residential (SFR) Lot Standards of the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II shall be used.

(2) In the Lake Auburn Watershed Overlay District~~., A~~ a plan designed in accordance with the applicable sections of ~~chapter 8 of~~ the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II & Technical Design Manual III, March 2016,~~. DEP Phosphorous Control and Lake Watersheds: A Technical Guide to Evaluating New Development~~, the latest edition of the Maine Erosion and Sediment Control Handbook, and all building and environmental protection requirements of this Code ~~and criteria of the city water district or commission.~~ For dwelling units, the Basic Single Family Residential (SFR) Lot Standards of the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II shall be used.

(Ord. of 9-21-2009, § 5.7F)

Sec. 60-1070. Submission requirements.

All projects subject to review under the provisions of this division shall submit a phosphorus control plan and maintenance provisions meeting the standards set forth in design criteria of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual Volume II, March 2016.

(1) *Plan submission.* Plans shall be submitted and processed in accordance with article XVI of this chapter. In addition to the requirements for submission under this article, the following instructions shall be provided:

a. A long-term maintenance plan for all phosphorus control measures including provisions for inspection and repair, designation of responsible parties, contractual obligations and proposed deed restrictions.

b. Hydrologic soil class of all areas to be cleared or where clearing will be permitted, with the area indicated in square feet of each lot using the appropriate method as described in the phosphorus control manual.

c. All calculations and worksheets in the format of those contained in the phosphorus control manual and detailed construction specifications and diagrams for all control measures.

d. A comprehensive erosion and sedimentation control plan, designed in accordance with the latest version of Maine Erosion and Sediment Control Handbook for Construction: Best Management

Practices, ~~March 1991~~ October 2016, and all building and environmental protection requirements of this Code.

(2) *Review method.*

a. All projects shall use the standard review method and shall conform to the Phosphorus Allocation standard set forth in this division including the following: Expansions of four lot subdivisions which were previously approved using the simple review method.

b. Projects meeting the following criteria may employ the simple review method:

1. Minor subdivisions with four or fewer lots provided that these developments contain less than 200 feet of new or upgraded roads and/or all driveways serving residential uses are less than 150 feet in length.

2. Activity which includes less than 200 feet of new or upgraded road construction.

(3) *Commercial and industrial development and expansions.* Commercial and industrial development and expansions of commercial and industrial developments and the expansion of multifamily dwelling units, which involve less than 15,000 square feet of disturbed area. All other subdivisions including expansions of previously approved four-lot subdivisions which were reviewed using the simple review method and all other projects shall utilize the standard review method.

(Ord. of 9-21-2009, § 5.7G; Ord. No. 11-03012021, § 81, 3-15-2021; Ord. No. 10-03072022, 3-21-2022)

Secs. 60-1071—60-1093. Reserved.

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-200. Purpose.

The purpose of this zone is to maintain and promote the rural/agricultural character of the land within this zone. This zone is composed of those areas in the city whose predominant land use is rural, wooded and agricultural. The regulations for this zone are designed to protect and stabilize these predominant land uses which are the essential characteristics of these areas and to minimize conflicting land uses detrimental to agricultural enterprises. Since residences are only incidental to this zone's development, the densities which require improved roads and expanded municipal services, in excess of those required by the present agricultural-oriented uses, shall not be permitted.

(Ord. of 9-21-2009, § 3.32A)

Sec. 60-201. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Lawn maintenance services.

(b) *Special exception uses*. The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

(1) All uses permitted by special exception in the Agriculture and Resource Protection (AR) District, (division 2 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).

(2) Bed and breakfast.

(3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.32B; Ord. 33-02072011-08, 2-7-2011; Ord. No. 08-08012011-07b, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-08192019, 9-9-2019; Ord. No. 11-03012021, § 9, 3-15-2021; Ord. No. 27-06212021, 7-19-2021)

Sec. 60-202. Dimensional requirements.

All structures in this district except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for

domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less, unless the lot is in the Lake Auburn Watershed Overlay District in which case the front yard shall have a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.32C; Ord. No. 11-03012021, §§ 10, 11, 3-15-2021)

Secs. 60-203—60-227. Reserved.

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn Water District on file in the office of the Auburn Water District, the city planning, permitting and code department~~department of planning and permitting services~~ and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying zoning districts within ~~such section~~the city. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned.

Building has the same meaning as in Sec. 60-2 of this Chapter.

Curtain drain means a ~~tranch~~ trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Dwelling Unit has the same meaning as in Sec. 60-2 of this Chapter.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where:

(1) The products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit; and

(2) The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the Auburn Water District, City of Lewiston, and the Town of Turner having three commissioners appointed by the Auburn Water District, three commissioners appointed by the City of Lewiston, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Local plumbing inspector means a plumbing inspector or alternate plumbing inspector as defined in Section 12-22 of the Auburn City Ordinances.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Normal high-water line and Normal high-water mark means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and ~~consistence~~consistency of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material excessively coarse soil horizons and parent material, and the seasonal groundwater table. Any of these limiting horizons may from time to time be ~~Also sometimes~~ referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of six inches of upper fill layer meeting the following upper fill layer specifications.

Soil Filter Media Specifications

Upper fill layer	
Sieve #	% passing by weight
No. 4	75—95
No. 10	60—90
No. 40	35—85
No. 200	20—40
200 (clay size)	< 2.0

Lower fill layer	
Sieve #	% passing by weight
No. 10	85—100
No. 20	70—100
No. 60	15—400
No. 200	6—8
200 (clay size)	< 2.0

State licensed site evaluator means a person licensed by the Maine Department of Health and Human Services to evaluate soils for the purpose of designing subsurface wastewater disposal systems.

Stream or Brook means a channel between defined banks as depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map.

Subsurface wastewater disposal system inspector means a person who holds a current certification issued by the Maine Department of Health and Human Services, Division of Environmental and Community Health as a Subsurface Wastewater Disposal System Inspector.

(Ord. of 9-21-2009, § 5.3B; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-952. Use and environmental regulations.

1. *Subsurface Wastewater Disposal Systems*.

(~~b~~a) ~~*Residential d*~~*Dwelling units in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)c., new dwelling units are prohibited in ~~the~~ that part of the Lake Auburn Watershed Overlay District which overlies the Agriculture and Resource Protection Zone. Pursuant to 30-A M.R.S.A. 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.

(~~f~~b) *Private subsurface wastewater disposal systems.* Each new building, or any existing building for which there is any addition, alteration, or change of use, each new dwelling unit, or any existing dwelling unit for which there is an addition or alteration thereto that includes the addition of one or more bedrooms, in the Lake Auburn Watershed Overlay District, not served by public sewer, shall, in the development of a private subsurface wastewater disposal system, adhere to the requirements of this section as well as the requirements of the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241. Notwithstanding any provision of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 the Rule shall be applied regardless of whether the addition or alteration is an initial or subsequent addition or alteration. ~~The following regulations shall be adhered to in the development of private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District~~:

(1) Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filer media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a state licensed site evaluator affirm that these design ~~criteria~~ requirements are met before the ~~LPI~~ local plumbing inspector finds the design or installation of the system to comply with this section.

(2) N~~o n~~ew (first use), expanded, or replacement disposal field~~s~~ shall be separated from~~installed closer than 400 feet to~~ the normal high-water mark of any lake, pond, ~~or year-round or intermittent stream~~stream, or brook ~~(as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~ as follows:

~~a. Where the daily wastewater flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~

a. Where the daily wastewater flow is, or is reasonably likely to be, 2,000 gallons or less, the system shall be located at least 400 feet from the normal high-water mark of any lake, pond, stream, or brook.

b. Where the daily wastewater flow is, or is reasonably likely to be, in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond, stream, or brook.

~~(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.~~

(~~4~~3) All new (first use), expanded, or replacement private subsurface wastewater disposal systems~~, replacement or new,~~ shall include one of the two following design elements. The selection of which design element is most appropriate shall be determined by a state licensed site evaluator based upon the evaluation of the groundwater conditions, soils, and slopes present at the site where the system is to be installed.~~either have:~~

a. ~~A c~~Curtain drain installed per Section ~~11~~12(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (~~2015~~2023), as may be amended from time to time; or

b. ~~A d~~Diversion ditch, upslope of the disposal field, installed for the disposal field's entire length ~~(~~including fill extensions, and constructed so that the curtain drain is located to prevent any under drain of the disposal field~~),~~

~~whichever installation in determined to be the most appropriate based on the evaluation of groundwater conditions on the site by a state licensed site evaluator.~~

~~The local plumbing inspector shall require that a state licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this section.~~

(~~5~~4) All new (first use), expanded, or replacement private subsurface wastewater disposal systems~~, replacement or new,~~ shall be installed on the same lot as the building or dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of an expanded or replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the expanded or replacement system's location on adjacent lots with a permissive easement allowing installation and maintenance from the adjacent lot owner.

(~~6~~5) Commencing July 1, 2024, ~~LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every five years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.~~ the owner of each building or dwelling unit in the Lake Auburn Watershed Overlay District, not served by public sewer, shall have their private subsurface wastewater disposal system inspected to ensure continuing compliance with this Section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241.

a. *Inspections.* An initial inspection shall be completed by the completion date specified in the Lake Auburn Watershed Overlay District Septic Systems Inspection Map, dated March 19, 2024, which is on file in the office of the city planning, permitting and code department.

Subsequent inspections shall be completed within five (5) years of the initial inspection and every subsequent inspection, unless the property is sold, in which case a subsequent inspection shall be conducted at the time of sale.

Such inspections shall be completed by a certified subsurface wastewater disposal system inspector.

Such inspector shall inspect the private subsurface wastewater disposal system using the minimum requirements established by the Maine Department of Health and Human Services, Division of

Environmental and Community Health for evaluating and reporting on existing subsurface wastewater disposal systems.

b. *City record keeping and notifications.* The city planning, permitting and code department shall maintain, within the city GIS system, a record of each subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District that requires inspection. The record must include, at a minimum, the city parcel identifier, date the next inspection is due, and date of the last inspection.

The city planning, permitting and code department shall provide the owner of each building or dwelling unit written notices by regular mail, to the address shown on the city property tax records, of the date by which the inspection of the subsurface wastewater disposal system must be completed. The first notice shall be mailed twelve (12) months prior to each required completion date and the second notice six (6) months prior to each required completion date.

c. *Reporting and reviewing of results of inspections.* Reporting shall be made utilizing the latest version of the HHE-240 reporting form, for initial inspections, and the Supplement HHE-240 reporting form, for subsequent inspections, as published by the Maine Department of Health and Human Services, Division of Environmental and Community Health. Such reports shall be submitted to the local plumbing inspector.

The local plumbing inspector shall review the report and determine if corrective action is required to ensure that;

1. for subsurface wastewater disposal systems for which a design is on file with the planning, permitting and code department, the system is functioning per the design on file,
2. for subsurface wastewater disposal systems for which there is no design on file with the planning, permitting and code department, the system is functioning as built.

d. *Alternative design for replacement subsurface wastewater disposal systems.* For buildings or dwelling units that exist in the Lake Auburn Watershed Overlay District as of July 1, 2024, should the local plumbing inspector determine, upon review of the report from the subsurface wastewater disposal system inspector, through personal observation, or through independent means, that the subsurface wastewater disposal system is not functioning as designed or built and a replacement system is required, and:

1. a state licensed site evaluator informs the local plumbing inspector that the parcel on which the building or dwelling unit is situated on is not suitable to site a subsurface wastewater disposal system replacement that meets the requirements of this Section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241; and
2. the local plumbing inspector determines that the replacement subsurface wastewater disposal system cannot be sited pursuant to Subsection 4;

then a state licensed site evaluator may propose, and the local plumbing inspector may approve, after consultation with the Lake Auburn Water Protection Commission, an alternative subsurface wastewater design that does not meet the requirements of this Section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 but which meets as many of the requirements as possible, and for those requirements that cannot be met, includes design elements that maximize the efficacy of the treatment of the wastewater.

(~~7~~6) ~~The Auburn Water District~~In coordination with the local plumbing inspector LAWPC, or its designee, shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the City of Auburn health officer, police chief, local plumbing inspector or ~~housing inspector~~code enforcement officer of

any observed defects or malfunction that require ~~abatement~~ corrective action by the property owner or operator.

(~~8~~7) The local plumbing inspector shall furnish a copy of all site evaluation and inspection reports in the Lake Auburn Watershed Overlay District to ~~the Auburn Water District or its designee~~LAWPC.

8) Commencing on July 1, 2024, a maximum of three (3) new dwelling units per calendar year are permitted in that part of the Lake Auburn Watershed Overlay District in which new dwelling units are permitted.

The city planning, permitting, and code department shall, on an annual basis, provide a report to the Planning Board as to the extent and effect of the construction of new dwelling units in the Lake Auburn Watershed Overlay District. The report shall include, at a minimum, the number of new dwelling units constructed in the past year, the cumulative number of new dwelling units constructed since July 1, 2024, and the effect of such construction on the Lake Auburn water quality.

Should the city planning, permitting and code department report that the construction of new dwelling units has had an adverse effect on the Lake Auburn water quality, the Planning Board shall consider what action is to be taken to prevent further degradation of Lake Auburn water quality from the construction of new dwelling units.

2. *Agricultural, Forestry, and Erosion Control.*

(a) *Agricultural uses.* Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if:

(1) The owner or operator first demonstrates to LAWPC's watershed manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff; and

(2) LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) *Manure and sludge disposal.* Spreading and disposal of sludge is prohibited. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Water District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.

3. *Enforcement*

The city planning, permitting and code department shall have authority to enforce all requirements of this Division.

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019; Ord. No. 10-06202023, 7-10-2023; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-953. Dimensional regulations; building setbacks.

~~All~~ Any new or expanded buildings ~~and~~ or structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than ~~75~~ 100 feet inland from the normal high-water mark of Lake Auburn. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages, or other structures. Marinas and boat rental facilities shall not be permitted within ~~75~~ 100 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

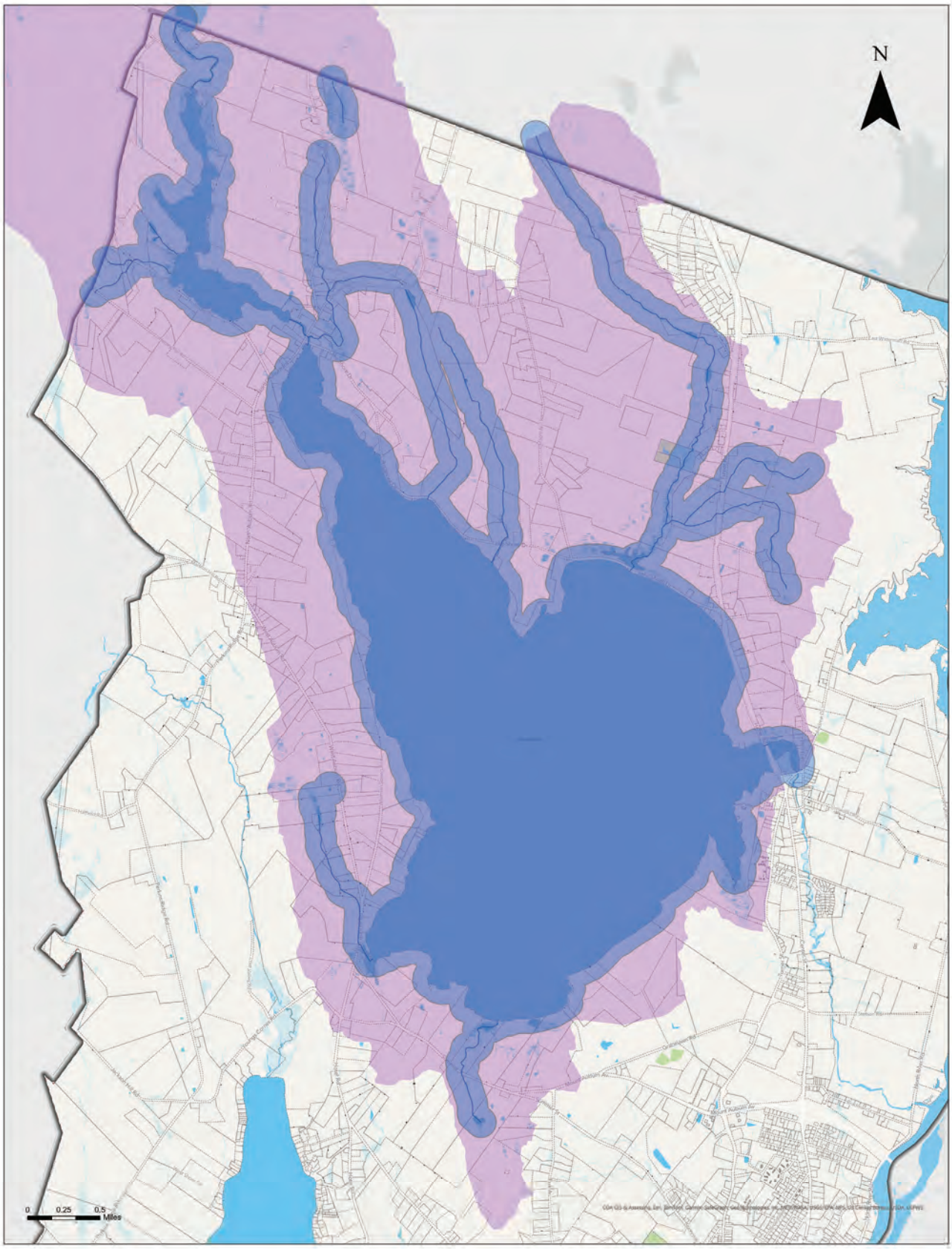
Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

Secs. 60-955—60-981. Reserved.

Official Lake Auburn Overlay District 400' setback to Lake, Stream, and Brook for Subsurface Wastewater Fields

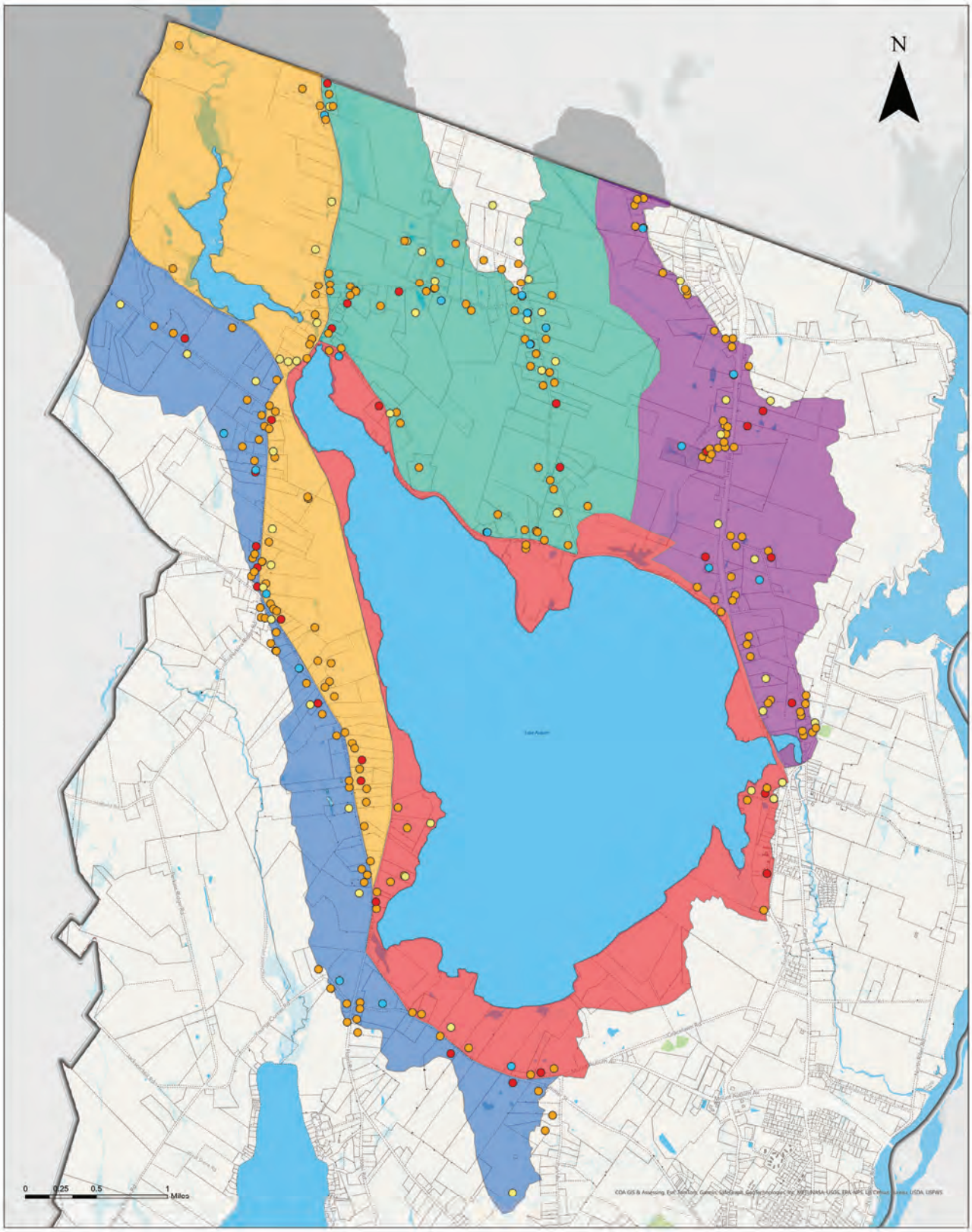


- Lake Auburn Watershed
- USGS 7.5 Minute Streams
- Lake Auburn Watershed Streams Buffer 400 ft
- Wetlands

auburnmaine.gov

* This Map was created on April 23, 2024 using USGS 7.5 minute lakes and streams

Lake Auburn Watershed Overlay
District Septic Systems Inspection Map



- Septic Site GPS Coordinates
- Septic Site Approximate location from sketch
- Septic Site Generalized location on lot
- Other Septic Site Locations

- Area 1: July 1, 2024 to June 30, 2025
- Area 2: July 1, 2025 to June 30, 2026
- Area 3: July 1, 2026 to June 30, 2027
- Area 4: July 1, 2027 to June 30, 2028
- Area 5: July 1, 2028 to June 30, 2029
- Remaining Area

auburnmaine.gov

March 19, 2024

ORDER 71-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the Auburn City Council Initiates consideration of an amendment from the Lake Auburn Stakeholders Group and refers the attached text and maps to the Auburn Planning Board for Public Hearing and a Recommendation pursuant to Chapter 60, Article XVII. Amendment include Chapter 60, Article II, Chapter 60, Article XIII, Division 2, Phosphorus Control, Chapter 60, Article IV, Division 3, Low Density Country Residential District, Chapter 60, Article XII, Division 4, Lake Auburn Watershed Overlay District and amendments to the Zoning Map. The intent is to consider text amendments that will strengthen the ordinance for protections to the Lake Auburn Watershed and the source water protection for the communities of Auburn and Lewiston which serves clean drinking water to 39,000 residents from Lake Auburn. The overlay maps will follow existing watershed/overlay boundaries that will assist in the septic inspection program and further define natural resource features for buffers. Materials for a Planning Board Public hearing has been completed based on the directive in Order 04-01022024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 06, 2024 **Order:** 72-05062024

Author: Alison F. Pepin, Deputy Clerk

Subject: Giri Auburn 14 LLC., DBA Hilton Garden Inn Auburn Riverwatch

---

Information: Giri Auburn 14 LLC., DBA Hilton Garden Inn Auburn Riverwatch, 14 Great Falls Plaza, an existing business under new ownership, applied for a new Liquor License. Police, Fire, and Code have completed the necessary inspections and have granted approval. There are no outstanding taxes owed.

City Budgetary Impacts: None

Staff Recommended Action: Public Hearing and recommend passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Applications
- Public Notice
- Order

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Division Use Only
License No:
Class: By:
Deposit Date:
Amt. Deposited:
Payment Type:
OK with SOS: Yes ☐ No ☐

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Section I: Licensee/Applicant(s) Information; Type of License and Status

Legal Business Entity Applicant Name (corporation, LLC): Giri Auburn 14 LLC	Business Name (D/B/A): Hilton Garden Inn Auburn Riverwatch
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 14 Great Falls Plaza, Auburn, ME 04210
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 2300 Crown Colony Dr. Ste 203, Quincy MA 02169
Mailing address, if different from DBA address:	Email Address: msangani@girihotels.com
Telephone # Fax #:	Business Telephone # Fax #: 207-784-4433
Federal Tax Identification Number: 99-2164763	Maine Seller Certificate # or Sales Tax #: Applied
Retail Beverage Alcohol Dealers Permit:	Website address: www.girihotels.com

1. New license or renewal of existing license? ☑ New Expected Start date: _____
   ☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above: N/A New License.
   Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
   ☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

☐	Restaurant (Class I, II, III, IV)	☐	Class A Restaurant/Lounge (Class XI)	☐	Class A Lounge (Class X)
☐	Hotel (Class I, II, III, IV)	☒	Hotel – Food Optional (Class I-A)	☐	Bed & Breakfast (Class V)
☐	Golf Course (included optional licenses, please check if apply) (Class I, II, III, IV)	☐	Auxiliary	☐	Mobile Cart
☐	Tavern (Class IV)	☐	Other: _____		
☐	Qualified Caterer	☐	Self-Sponsored Events (Qualified Caterers Only)		

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

14 Great Falls Plaza, Auburn, ME 04210

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☐ Yes ☒ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If **Yes**, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

_____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☐ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
Please see attached.		

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Please see attached.		

Residence address on all the above for previous 5 years	
Name	Address:
Name	Address:
Name	Address:
Name	Address:

State	Operating Co.	DBA	Address	License #
ME	Giri Community LLC	Best Western Plus Augusta Civic Center	110 Community Drive, Augusta, ME 04330	10296
ME	Giri Waterville LLC	Best Western Plus Waterville	375 Main Street, Waterville, ME 04901	4300
ME	Giri Oxford I LLC	Hampton Inn Oxford Casino	151 Main St, Oxford, ME 04270	10297
ME	Giri Holiday Bangor Inc	Holiday Inn	404 Odlin Rd., Bangor ME 04401	10094
ME	Giri Portland Inc	Hilton Garden Inn Portland Airport	145 Jetport Blvd, Portland ME 04102	11114
ME	Amin Hotels Inc	Ogunquit River Inn	17 Post Road, Wells ME 04090	4199
ME	Giri Ogunquit 74 Inc	West Meadow Pub	74 Main Street, Ogunquit ME 03907	12885
ME	Giri York Union Inc	The Union Bluff Hotel	8 Beach St, York, ME 03909	13896
ME	Giri York Union Inc	The Union Bluff Meeting House	4 Beach St, York, ME 03909	13897
ME	Giri Sebasco Inc	Sebasco Harbor Resort	29 Kenyon Rd, Phippsburg, ME 04562	14212
ME	Giri Bethel LLC	The Bethel Inn Resort	21 Broad Street, Bethel ME 04217	14871

#11 - Different Entities but majority ownership is the same.

#12: Name, DOB, Place of Birth and Address:

Ashish Sangani

DOB: 07-19-76 Place of Birth: Mumbai, India

Residence Address: 79 Shore Ave, Quincy MA 02169

Sagar Malavia

DOB: 04-22-76 Place of Birth: Mumbai, India

Residence Address: 49 Putnam Street, Quincy MA 02169

Ryan Amin

DOB: 07-07-88 Place of Birth: Massachusetts

Residence Address: 60 Lamplighter Drive, Shrewsbury MA 01545

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If **Yes**, provide name of law enforcement officer and department where employed:

_____

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☒ No

17. Does the licensee/applicant(s) own the premises? ☒ Yes ☐ No

If No, please provide the name and address of the owner:

Upon purchasing - estimated closing May 2024

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 138.00

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

74 seat dining room with 5,000 sq ft of conference space to include outdoor patio seatings

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Church

Distance: 0.13

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to $2,000 or by both.

Please sign and date in blue ink.

Dated: 04/10/2024

Signature of Duly Authorized Person

Signature of Duly Authorized Person

Ashish Sangani
Printed Name Duly Authorized Person
managing Member

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

This Application will Expire 60 Days from the date of Municipal or County Approval unless submitted to the Bureau

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises 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 their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
    - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of $10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the $10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

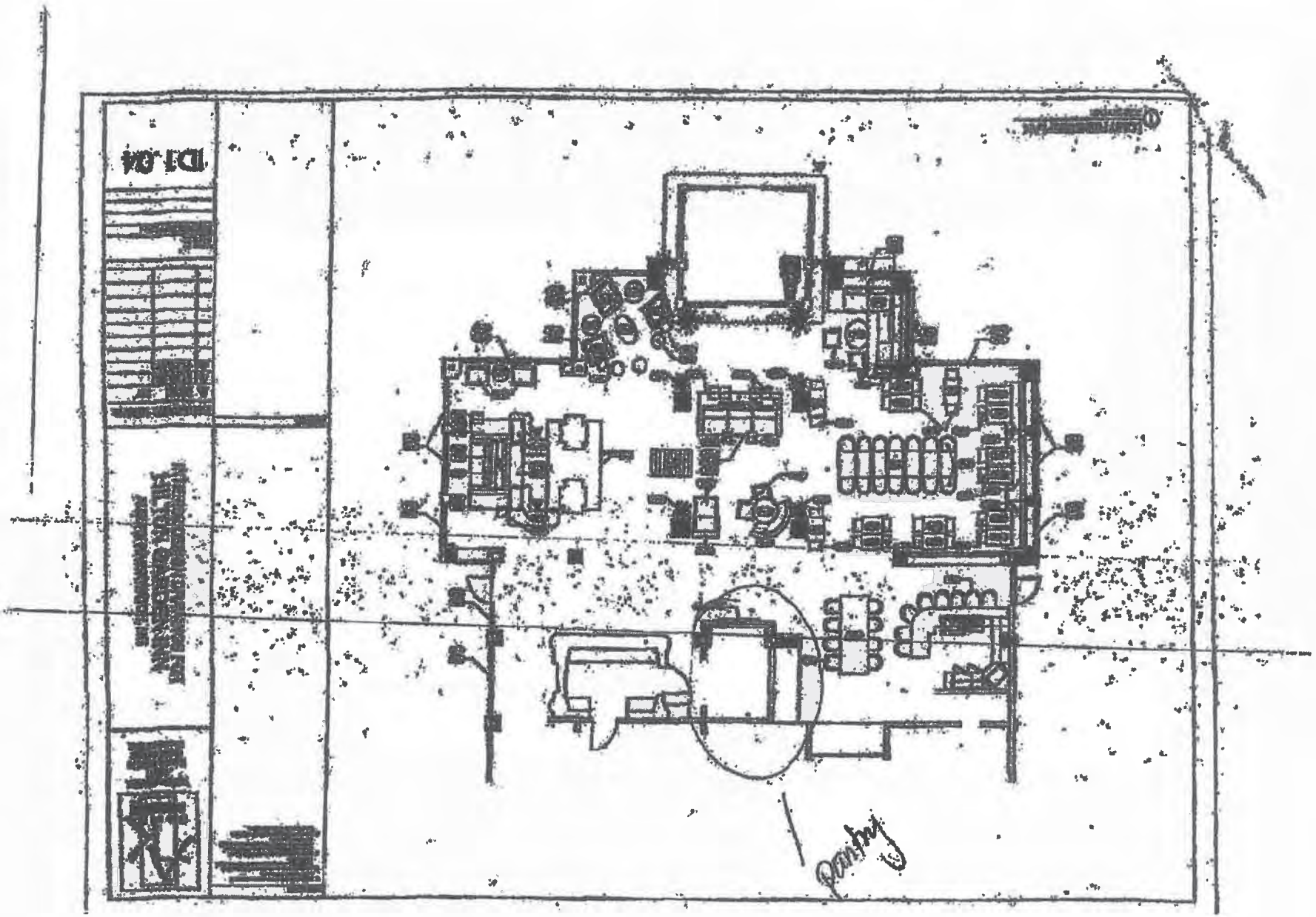
Class of License	Type of liquor/Establishments included	Fee
Class I	**For the sale of liquor (malt liquor, wine and spirits)**	$ 900.00
	This class includes: Airlines; Civic Auditoriums; Class A Restaurants: Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	
Class I-A	**For the sale of liquor (malt liquor, wine and spirits)**	$1,100.00
	This class includes only hotels that do not serve three meals a day.	
Class II	**For the Sale of Spirits Only**	$ 550.00
	This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	**For the Sale of Wine Only**	$ 220.00
	This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	**For the Sale of Malt Liquor Only**	$ 220.00
	This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class III and IV	**For the Sale of Malt Liquor and Wine Only**	$ 440.00
	This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class V	**For the sale of liquor (malt liquor, wine and spirits)**	$ 495.00
	This class includes only a Club without catering privileges.	
Class X	**For the sale of liquor (malt liquor, wine and spirits)**	$2,200.00
	This class includes only a Class A Lounge	
Class XI	**For the sale of liquor (malt liquor, wine and spirits)**	$1,500.00
	This class includes only a Restaurant Lounge	

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

Please See Attached.


Pantry

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Giri Auburn 14 LLC
2. Doing Business As, if any: Hilton Garden Inn Auburn Riverwatch
3. Date of filing with Secretary of State: 04/05/2024 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

   _____

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Ashish Sangani	79 Shore Ave, Quincy MA	07/19/1976	Manager	62.0000
Sagar Malavia	49 Putnam Street, Quincy MA	04/22/1976	Member	19.0000
Ryan Amin	60 Lamplighter Dr., Shrewsbury MA	07/07/1988	Member	19.0000

(Ownership in non-publicly traded companies must add up to 100%.)

MAINE TRUST
– for Local News –

Order Confirmation

Jill Eastman
Auburn, City Of
Finance Dept.
60 Court St., Suite 411
Auburn, ME 04210
(207) 333-6600
ap@auburnmaine.gov

Thank you for placing your advertisement.

Your order information is below. This is not a bill.

Thank you!

Bruce Marquis

Ad Information : CITY OF AUBURN NOTICE OF PUBLIC HEARING A public hearing wil
Planning Notes :

Order Number	**0494705**	Order Price	**$142.59**
Sales Rep.	**Bruce Marquis**	PO No.	**apepin@auburnmaine.gov**
Account	**S38471**	Payment Type	**Invoice**

Publication	**Sun Journal**	Number of dates	**3**
First Run Date	**05/01/2024**	Last Run Date	**05/03/2024**
Section	**Legal**	Classification	**Legal**
Size	**x1**	Color	**Black & White**

Publication	**Online Upsell SUN**	Number of dates	**1**
First Run Date	**05/01/2024**	Last Run Date	**05/01/2024**
Type	**Impressions**	Count	**1,000**
Size	**Not Applicable**	Color	

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

A public hearing will be held by the Auburn City Council on May 06, 2024, at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License application for the new owners of:

Giri Auburn 14 LLC., DBA Hilton Garden Inn, Auburn Riverwatch – 14 Great Falls Plaza

All interested persons may appear and will be given the opportunity to be heard before final action is taken.

ORDER 72-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby approves the Liquor License for Giri Auburn 14 LLC., DBA Hilton Garden Inn Auburn Riverwatch located at 14 Great Falls Plaza.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 6, 2024 **Order:** 73-05062024

Author: Emily F. Carrington, City Clerk

Subject: Appointing Emily F. Carrington as Registrar of Voters for the City of Auburn

---

Information: The City Council must appoint a Registrar of Voters as outlined in Title 21-A, section 101. The previous City Clerk was appointed as Registrar of Voters with a term expiration of 12/31/2024. This is to fill the remainder of that term.

21-A, Sec. 101 - The municipal officers of each municipality shall appoint in writing a qualified registrar of voters by January 1st of each odd-numbered year. The registrar shall serve for 2 years and until a successor is appointed and sworn. The municipal clerk may be appointed to serve as registrar, but the term of the clerk has no effect on the term of the registrar. If the clerk is not appointed to serve as registrar, the clerk must be appointed by the registrar to serve as a deputy registrar and has the same authority as the registrar to make determinations of voter eligibility and to perform the duties of voter registration as provided in this Title.

City Budgetary Impacts: None

Staff Recommended Action: Motion for passage.

Previous Meetings and History: December 19, 2022, Order 161-12192022

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

ORDER 73-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Emily F. Carrington as Registrar of Voters for the City of Auburn, with a term expiration date of 12/31/2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Monthly Financial Report
January 2024

Authored by: Kelsey Earle

To: Honorable Mayor, Members of the City Council and City Manager
Subject: Financial Report for the Month Ending January 31, 2024

I respectfully submit the financial summaries of the revenue and expenditure activities for the City during the month ended January 31, 2024.

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 seventh month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 58.3% 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.

General Fund Highlights

Revenues

• Total revenues collected through January 2024 were **$41.9M** or **56.79%** of budgeted general fund revenue, as compared to **$40.6M** of actual revenues through January 2023.

•Year-to-date tax revenues of **$32.2M** were **1.22% higher** than the prior year.

•Investment returns were significant at **$243,223** or **19.55% higher** than FY23.

• An increase in State Revenue Sharing also contributed to the increase in revenue comparisons from the same period.

Expenditures

• Expenditures through January 2024 were **$60,523,057M** or **53.09%** of the budget, as compared to **$54,780,902** of actual expenditures through January 2023.

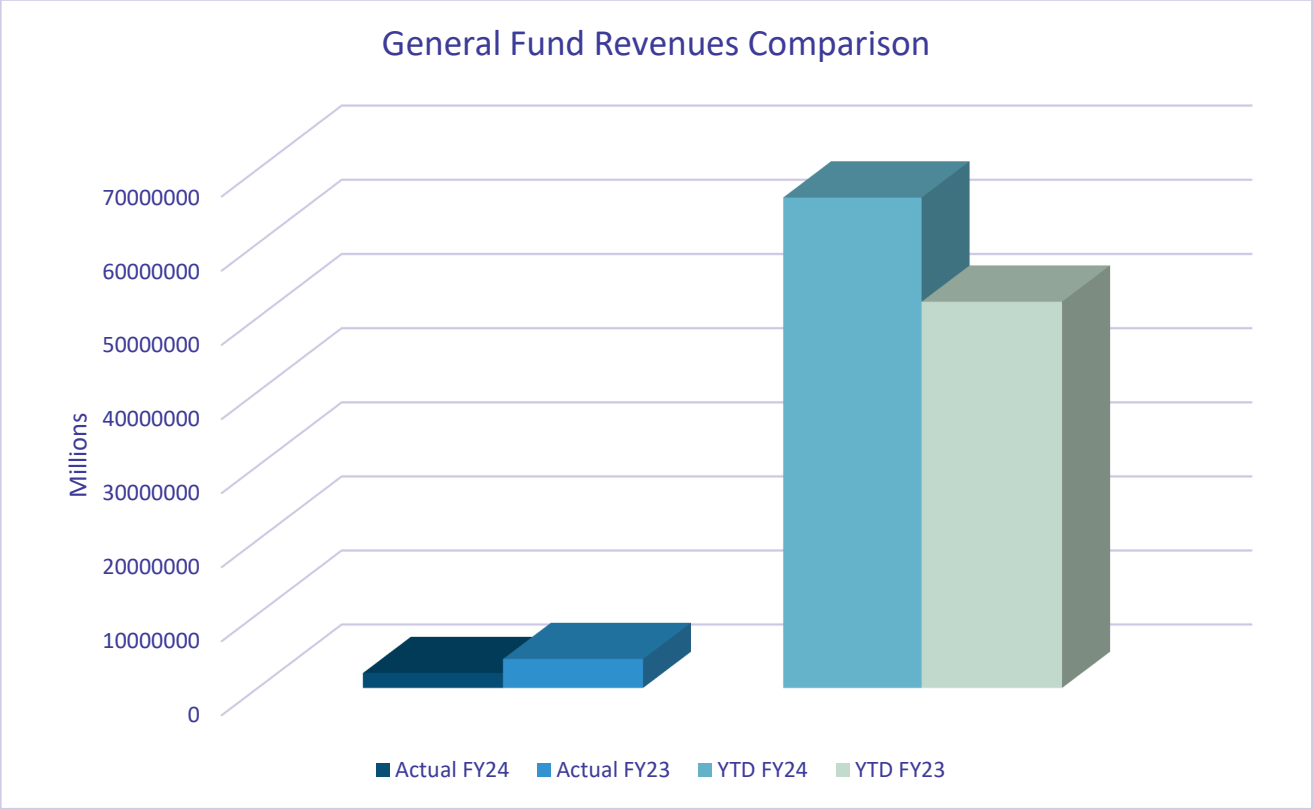
Respectfully submitted,

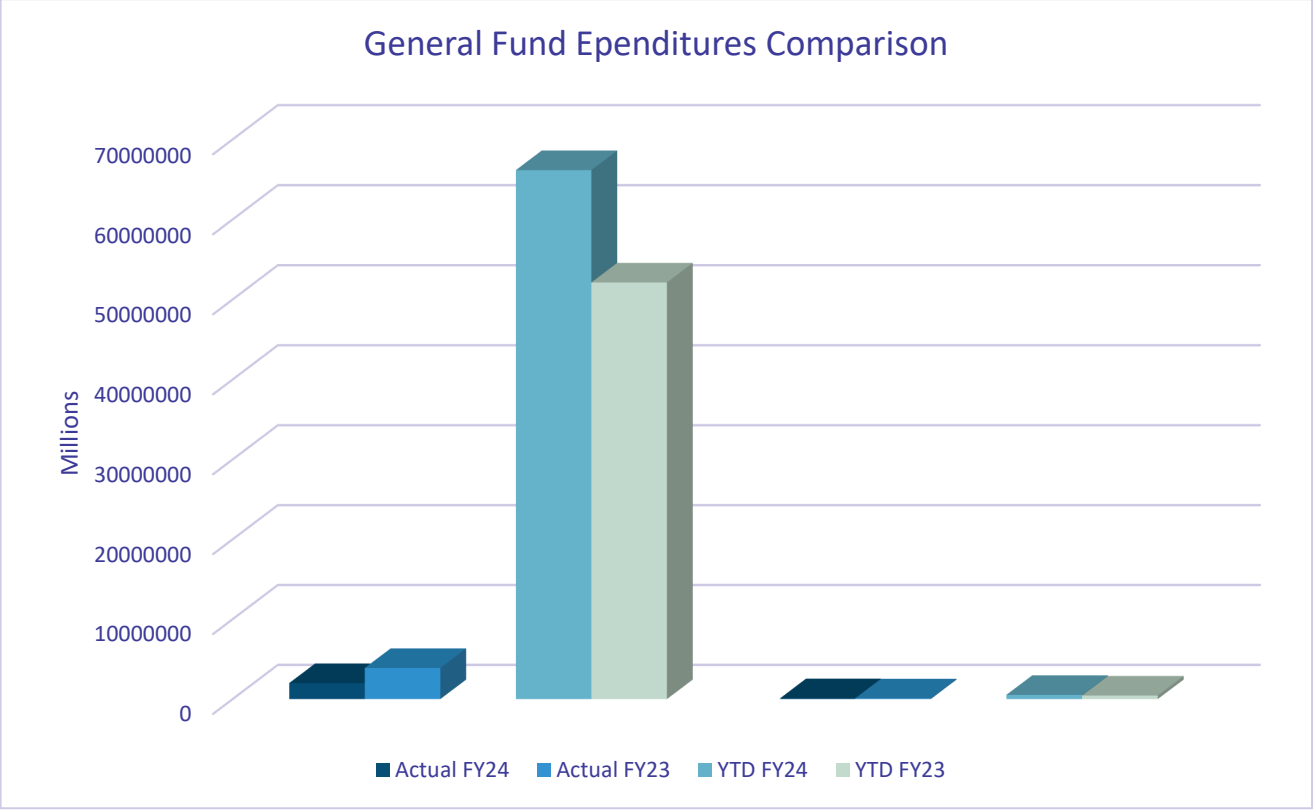
Kelsey L. D. Earle

Kelsey L. D. Earle
Finance Director

General Fund

for the Period Ended January 31, 2024





Monthly Budget Report-Revenues

Account Number	Account Desc	JAN 2024 Budget	JAN 2024 Actual	JAN 2024 % Used	JAN 2023 Actual	JAN 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	2023 YTD % Used	Variance
1000 General Fund		0.00	(2,007,572.69)	100.00%	(3,900,775.10)	100.00%	(113,170,192.00)	(66,165,863.85)	58.47%	(62,129,568.11)	58.04%	4,036,295.74
0006 Communications & Technology		0.00	0.00	0.00%	0.00	0.00%	(40,000.00)	0.00	0.00%	0.00	0.00%	0.00
0007 City Clerk		0.00	(40,498.41)	100.00%	(43,287.80)	100.00%	(273,300.00)	(186,482.80)	68.23%	(204,284.19)	90.91%	(17,801.39)
0008 Finance		0.00	(1,741,008.18)	100.00%	(1,319,883.64)	100.00%	(71,208,002.00)	(39,831,586.92)	55.94%	(38,752,571.97)	57.09%	1,079,014.95
0011 Economic Development		0.00	0.00	0.00%	(495.00)	100.00%	0.00	0.00	0.00%	(35,145.00)	100.00%	(35,145.00)
0012 Planning & Permitting		0.00	(54,977.50)	100.00%	(35,886.83)	100.00%	(211,000.00)	(181,947.25)	86.23%	(115,728.83)	55.51%	66,218.42
0042 Public Works		0.00	(70.00)	100.00%	(5,380.00)	100.00%	(430,450.00)	(516,457.00)	119.98%	(437,044.00)	101.30%	79,413.00
0015 Facilities		0.00	(2,157.50)	100.00%	(650.00)	100.00%	(95,000.00)	(9,347.46)	9.84%	(8,430.66)	8.87%	916.80
0021 Fire & EMS Transport		0.00	0.00	0.00%	0.00	0.00%	(100.00)	(55.00)	55.00%	(40.00)	40.00%	15.00
0022 Police		0.00	(5,157.00)	100.00%	(11,727.30)	100.00%	(48,200.00)	(32,531.20)	67.49%	(77,580.55)	38.27%	(45,049.35)
0023 Fire EMS Transport		0.00	(150,726.20)	100.00%	(150,987.81)	100.00%	(1,465,000.00)	(944,307.48)	64.46%	(908,033.92)	67.26%	36,273.56
0025 Information Technology		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	(150.76)	100.00%	(150.76)
0031 Health and Social Services		0.00	(482.90)	100.00%	(21,038.51)	100.00%	(125,000.00)	(201,660.21)	161.33%	(46,863.06)	55.85%	154,797.15
0043 Solid Waste Disposal		0.00	(12,495.00)	100.00%	(13,241.00)	100.00%	0.00	(37,266.67)	100.00%	(39,376.50)	100.00%	(2,109.83)
0046 PW School Maint & Custodial		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0056 LA Transit Committee		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0070 Education		0.00	0.00	0.00%	(2,298,197.21)	100.00%	(39,274,140.00)	(24,224,221.86)	61.68%	(21,504,318.67)	58.81%	2,719,903.19
	Grand Total:	0.00	(2,007,572.69)	100.00%	(3,900,775.10)	100.00%	(113,170,192.00)	(66,165,863.85)	58.47%	(62,129,568.11)	58.04%	4,036,295.74

Monthly Budget Report-Expenditures

Account Number	Account Desc	JAN 2024 Budget	JAN 2024 Actual	JAN 2024 % Used	JAN 2023 Actual	JAN 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	2023 YTD % Used	Variance
1000 General Fund		0.00	3,882,577.71	100.00%	6,162,556.25	100.00%	113,999,794.66	60,523,056.98	53.09%	54,780,902.22	50.91%	(5,742,154.76)
0000 Unassigned		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0004 Mayor and Council		0.00	2,531.24	100.00%	5,711.90	100.00%	174,696.33	89,461.13	51.21%	80,541.47	45.55%	(8,919.66)
0005 City Manager		0.00	54,082.54	100.00%	31,833.69	100.00%	719,509.00	370,577.26	51.50%	261,458.62	49.51%	(109,118.64)
0006 Communications & Technology		0.00	40,798.02	100.00%	13,803.64	100.00%	361,522.00	217,025.48	60.03%	97,607.74	42.00%	(119,417.74)
0007 City Clerk		0.00	22,418.78	100.00%	18,676.03	100.00%	299,253.76	168,296.43	56.24%	158,301.75	56.64%	(9,994.68)
0008 Finance		0.00	77,513.07	100.00%	64,648.23	100.00%	1,228,278.00	850,947.78	69.28%	732,200.74	64.05%	(118,747.04)
0009 Human Resources		0.00	19,642.96	100.00%	17,803.23	100.00%	246,260.00	140,785.58	57.17%	121,475.18	54.69%	(19,310.40)
0010 Planning & Permitting		0.00	56,607.74	100.00%	57,295.02	100.00%	717,461.00	412,471.41	57.49%	422,616.05	56.70%	10,144.64
0003 Economic Development		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0011 Economic Development		0.00	14,522.60	100.00%	17,155.44	100.00%	123,893.00	110,586.54	89.26%	174,938.77	61.04%	64,352.23
0012 Planning & Permitting		0.00	375.00	100.00%	0.00	0.00%	0.00	375.00	100.00%	0.00	0.00%	(375.00)
0013 Business & Community Developme		0.00	27,181.69	100.00%	21,177.59	100.00%	710,692.00	206,309.56	29.03%	160,683.40	23.93%	(45,626.16)
0042 Public Works		0.00	504,018.73	100.00%	554,967.90	100.00%	6,511,956.04	3,482,396.05	53.48%	2,900,455.70	49.45%	(581,940.35)
0015 Facilities		0.00	0.00	0.00%	0.00	0.00%	0.00	80.99	100.00%	21,588.10	90.81%	21,507.11
0016 Worker's Compensation		0.00	0.00	0.00%	0.00	0.00%	715,400.00	715,400.00	100.00%	698,000.00	100.00%	(17,400.00)
0017 Fringe Benefits & Salary Incre		0.00	584,610.51	100.00%	511,925.69	100.00%	8,377,629.00	3,934,791.55	46.97%	3,839,407.40	48.35%	(95,384.15)
0018 Emergency Reserve		0.00	0.00	0.00%	0.00	0.00%	550,000.00	0.00	0.00%	0.00	0.00%	0.00
0019 Debt Service		0.00	21,731.16	100.00%	0.00	0.00%	8,334,544.00	7,404,677.29	88.84%	7,549,963.19	90.30%	145,285.90
0020 Capital Investment & Purchasin		0.00	83,968.32	100.00%	50,580.90	100.00%	834,613.18	448,813.38	53.77%	331,080.09	49.23%	(117,733.29)
0021 Fire & EMS Transport		0.00	564,252.92	100.00%	447,432.73	100.00%	6,367,748.65	3,685,564.95	57.88%	3,294,968.94	57.55%	(390,596.01)
0022 Police		0.00	437,549.24	100.00%	375,495.05	100.00%	5,228,357.94	3,023,789.37	57.83%	2,789,969.84	56.21%	(233,819.53)
0023 Fire EMS Transport		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0025 Information Technology		0.00	138,914.88	100.00%	29,403.49	100.00%	985,540.76	689,895.70	70.00%	534,583.19	64.64%	(155,312.51)
0030 Recreation		0.00	86,547.02	100.00%	57,471.17	100.00%	723,631.00	397,981.17	55.00%	378,812.28	49.36%	(19,168.89)
0031 Health and Social Services		0.00	89,677.31	100.00%	30,983.71	100.00%	180,825.00	447,841.85	247.67%	94,055.07	78.46%	(353,786.78)
0043 Solid Waste Disposal		0.00	57,818.65	100.00%	111,904.33	100.00%	1,411,000.00	655,216.35	46.44%	645,566.50	48.91%	(9,649.85)
0044 Transportation		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0040 Public Works		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0045 County Tax		0.00	0.00	0.00%	0.00	0.00%	2,972,037.00	2,972,037.00	100.00%	2,761,220.00	100.00%	(210,817.00)
0046 PW School Maint & Custodial		0.00	65,396.24	100.00%	0.00	0.00%	0.00	56,161.55	100.00%	0.00	0.00%	(56,161.55)
0049 Auburn Arts in the Park		0.00	0.00	0.00%	7,500.00	100.00%	20,000.00	15,000.00	75.00%	22,500.00	75.00%	7,500.00
0050 Public Library		0.00	94,888.00	100.00%	0.00	0.00%	1,138,659.00	664,277.76	58.34%	632,590.00	58.33%	(31,687.76)
0051 Transfer to TIF		0.00	0.00	0.00%	0.00	0.00%	3,049,803.00	2,951,315.15	96.77%	2,479,087.54	81.29%	(472,227.61)
0052 Water & Sewer		0.00	195,300.82	100.00%	195,300.82	100.00%	792,716.00	585,902.46	73.91%	585,902.46	73.91%	0.00
0053 Tax Sharing		0.00	0.00	0.00%	0.00	0.00%	260,000.00	0.00	0.00%	0.00	0.00%	0.00
0054 Auburn-Lewiston Airport		0.00	(1,469.87)	100.00%	0.00	0.00%	205,000.00	210,337.32	102.60%	206,298.68	100.63%	(4,038.64)
0056 LA Transit Committee		0.00	0.00	0.00%	0.00	0.00%	400,079.00	0.00	0.00%	0.00	0.00%	0.00
0057 LA-911		0.00	643,700.14	100.00%	304,428.21	100.00%	1,287,401.00	965,550.27	75.00%	913,284.63	75.00%	(52,265.64)
0070 Education		0.00	0.00	0.00%	3,237,057.48	100.00%	59,071,289.00	24,649,190.65	41.73%	21,891,744.89	39.28%	(2,757,445.76)
	Grand Total:	0.00	3,882,577.71	100.00%	6,162,556.25	100.00%	113,999,794.66	60,523,056.98	53.09%	54,780,902.22	50.91%	(5,742,154.76)

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2023 - June 30, 2024
Report as of January 31, 2024

	Beginning Balance 1/1/2024	January 2024				Write-Offs	Ending Balance 1/31/2024
		New Charges	Payments	Refunds	Adjustments		
Attorney/In care of	**$ -**	$ -	$ (16.75)	$ -	$ -	$ -	$ (16.75)
Bluecross	**$ 52,734.06**	$ 16,996.50	$ (12,896.78)	$ 436.43	$ (1,975.20)	$ -	$ 55,295.01
Intercept	**$ (1,069.40)**	$ -	$ (400.00)	$ -	$ -	$ -	$ (1,469.40)
Medicare	**$ 337,176.28**	$ 164,362.70	$ (59,083.51)	$ -	$ (98,604.00)	$ -	$ 343,851.47
Medicaid	**$ (28,643.57)**	$ 47,860.40	$ (46,287.83)	$ -	$ (33,085.69)	$ -	$ (60,156.69)
Other/Commercial	**$ 130,344.06**	$ 21,019.35	$ (24,332.80)	$ -	$ (2,425.28)	$ -	$ 124,605.33
Patient	**$ 47,868.83**	$ 4,094.00	$ (9,453.41)	$ 1,082.61	$ (4,256.89)	$ -	$ 39,335.14
Worker's Comp	**$ (11,116.01)**	$ -	$ (558.61)	$ -	$ -	$ -	$ (11,674.62)
TOTAL	**$ 527,294.25**	**$ 254,332.95**	**$ (153,029.69)**	**$ 1,519.04**	**$ (140,347.06)**	**$ -**	**$ 489,769.49**

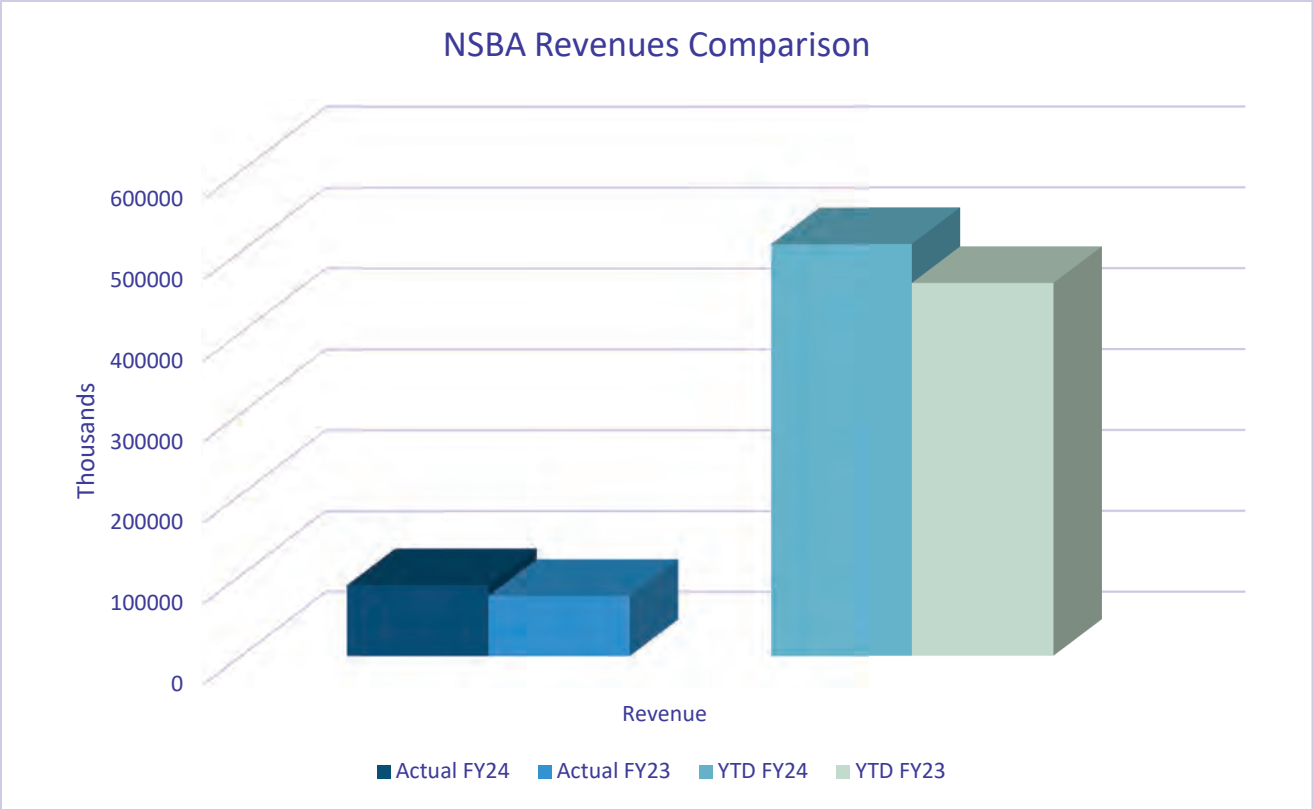
Norway Savings Bank Arena

for the Period Ended January 31, 2024

As of January 2024, Norway Arena had an operating gain YTD of $148,514.

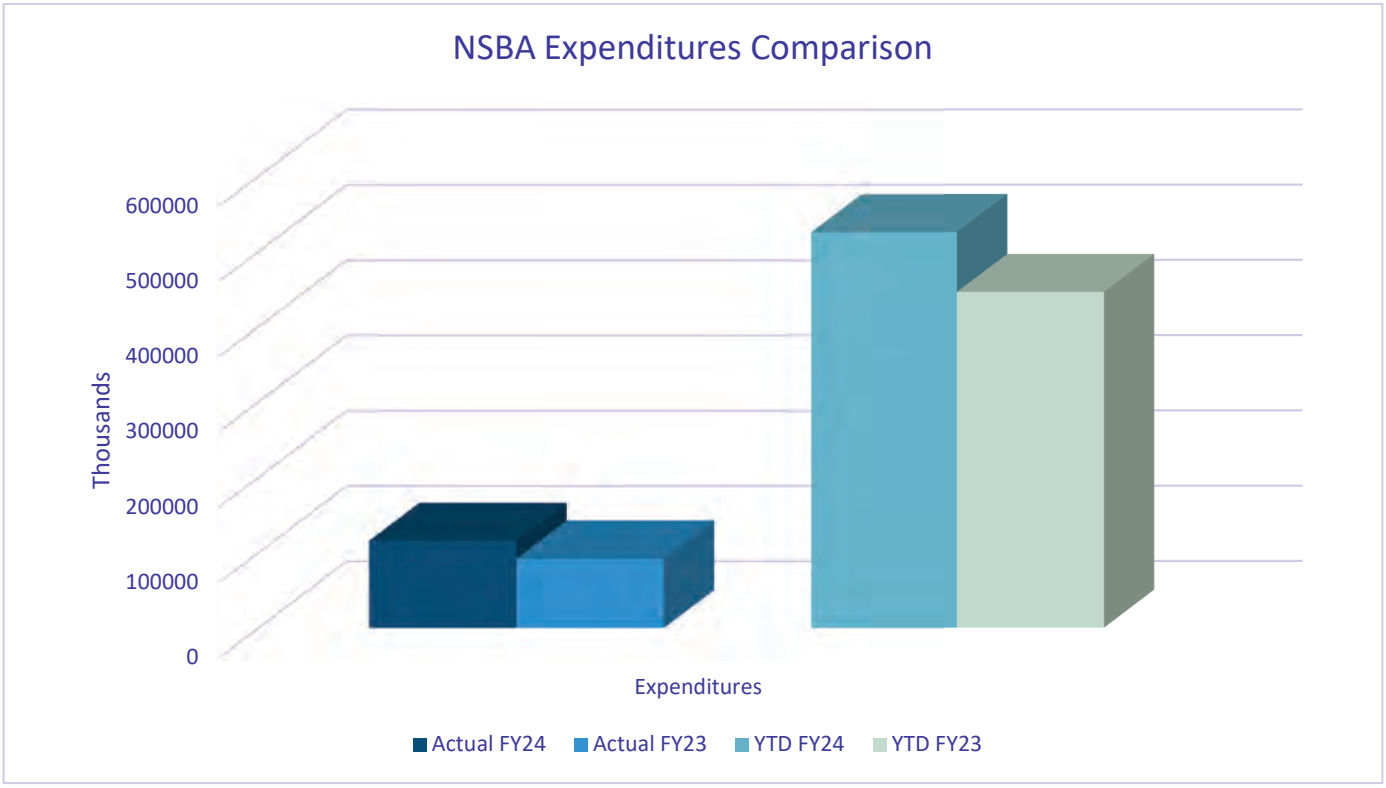
Revenues:

The operating revenues for Norway Arena through January 2024 are $509,227. This revenue comes from concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals. Table 1 reflects revenues collected for the current year with comparison for the same period a year ago. Total revenues represent a 10.47% increase over FY23.



Expenditures:

The operating expenses for Norway Arena through January 2024 were $525,511. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance. Table 2 reflects expenditures for the current year with comparison for the same period a year ago. Total expenditures represent a 17.86% increase over FY23, consistent with increased cost of services and goods.



Monthly Budget Report-Revenues

Account Number	Account Desc	Budget	Jan-24 Actual	Jan-23 Actual	2024 YTD Budget	2024 YTD Actual	2024 YTD %	2023 YTD Actual	Variance
6200 Norway Savings Bank Arena		**0.00**	**(87,531.73)**	**(74,305.11)**	**(1,088,500.00)**	**(509,227.34)**	**46.78%**	**(460,970.57)**	**$ 48,256.77**
		0.00	**(87,531.73)**	**(74,305.11)**	**(1,088,500.00)**	**(509,227.34)**	**46.78%**	**(460,970.57)**	**48,256.77**
6200 4201	Gladiators	0.00	0.00	0.00	(260,000.00)	(147,194.29)	56.61%	(122,683.66)	**24,510.63**
6200 4202	EL Ice	0.00	(6,125.00)	0.00	(22,500.00)	(9,065.00)	40.29%	(1,225.00)	**7,840.00**
6200 4203	Red Hornet	0.00	(4,532.50)	0.00	(18,500.00)	(10,902.50)	58.93%	0.00	**10,902.50**
6200 4205	St Doms	0.00	(15,434.90)	(9,759.17)	(47,000.00)	(24,316.20)	51.74%	(11,841.65)	**12,474.55**
6200 4206	Poland/Gra	0.00	(5,512.50)	0.00	(19,500.00)	(7,554.16)	38.74%	0.00	**7,554.16**
6200 4207	CMCC	0.00	0.00	0.00	(22,500.00)	0.00	0.00%	0.00	**0.00**
6200 4208	SMMHL	0.00	0.00	0.00	(2,500.00)	0.00	0.00%	0.00	**0.00**
6200 4209	Adult Leag	0.00	(10,353.75)	(25,663.33)	(130,000.00)	(64,675.00)	49.75%	(81,099.38)	**(16,424.38)**
6200 4210	YouthOther	0.00	0.00	0.00	(1,500.00)	(4,238.00)	282.53%	(1,742.00)	**2,496.00**
6200 4211	HS/MS Othe	0.00	(500.00)	0.00	(15,000.00)	(3,535.00)	23.57%	(1,960.00)	**1,575.00**
6200 4212	Ice R-Twin	0.00	(7.00)	(28.00)	(60,000.00)	(8,337.00)	13.90%	(1,720.48)	**6,616.52**
6200 4215	Freestyl	0.00	0.00	(605.00)	(7,500.00)	(2,085.00)	27.80%	(4,505.00)	**(2,420.00)**
6200 4220	Camps/Clin	0.00	0.00	0.00	(50,000.00)	(11,560.00)	23.12%	(21,010.00)	**(9,450.00)**
6200 4221	Tournament	0.00	0.00	0.00	(50,000.00)	(12,166.63)	24.33%	(36,982.52)	**(24,815.89)**
6200 4222	BirthdayPa	0.00	0.00	0.00	(500.00)	0.00	0.00%	0.00	**0.00**
6200 4223	Private Re	0.00	(1,640.00)	(1,260.00)	(60,000.00)	(19,616.67)	32.70%	(13,990.00)	**5,626.67**
6200 4224	Public Ska	0.00	(2,910.00)	(7,040.00)	(20,000.00)	(7,792.50)	38.96%	(16,355.00)	**(8,562.50)**
6200 4225	ShinnyHock	0.00	(300.00)	0.00	(4,000.00)	(3,315.00)	82.88%	(690.00)	**2,625.00**
6200 4240	Programs	0.00	0.00	0.00	(20,000.00)	0.00	0.00%	0.00	**0.00**
6200 4241	FundRaise	0.00	0.00	0.00	0.00	0.00	0.00%	0.00	**0.00**
6200 4250	NonIceFac	0.00	(850.00)	0.00	(55,000.00)	(24,600.00)	44.73%	(25,597.48)	**(997.48)**
6200 4252	Skates	0.00	(1,210.00)	(765.00)	(6,000.00)	(2,705.00)	45.08%	(765.00)	**1,940.00**
6200 4260	Concession	0.00	0.00	0.00	(16,500.00)	(9,000.00)	54.55%	0.00	**9,000.00**
6200 4261	PepsiMachi	0.00	0.00	(825.28)	(3,000.00)	(415.05)	13.83%	(1,348.45)	**(933.40)**
6200 4262	GameMachin	0.00	0.00	0.00	(2,000.00)	0.00	0.00%	0.00	**0.00**
6200 4263	Food Vendi	0.00	(236.08)	(359.33)	(2,000.00)	(475.20)	23.75%	(733.25)	**(258.05)**
6200 4265	Pro Shop	0.00	(1,170.00)	0.00	(7,000.00)	(4,602.00)	65.74%	(2,340.00)	**2,262.00**
6200 4270	Sponsors	0.00	(36,750.00)	(28,000.00)	(186,000.00)	(131,077.14)	70.47%	(114,381.70)	**16,695.44**

Monthly Budget Report-Expenditures

Account Number	Account Desc	JAN 2024 Budget	JAN 2024 Actual	JAN 2024 % Used	JAN 2023 Actual	JAN 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6200 Norway Savings Bank Arena		0.00	115,639.50	100.00%	92,218.29	100.00%	881,871.55	525,511.34	59.59%	445,884.36	$ 79,626.98
		0.00	**115,639.50**	**100.00%**	**92,218.29**	**100.00%**	**881,871.55**	**525,511.34**	**59.59%**	**445,884.36**	**79,626.98**
6200 611000	Salaries	0.00	27,228.93	100.00%	24,275.48	100.00%	231,095.00	185,568.66	80.30%	175,531.38	**10,037.28**
6200 612000	Part Time	0.00	6,208.46	100.00%	7,487.65	100.00%	60,000.00	38,361.35	63.94%	37,215.21	**1,146.14**
6200 612008	Programs	0.00	0.00	0.00%	2,243.00	100.00%	10,000.00	0.00	0.00%	2,243.00	**(2,243.00)**
6200 613030	Police Tim	0.00	4,095.00	100.00%	0.00	0.00%	0.00	4,095.00	100.00%	942.50	**3,152.50**
6200 614015	EarnedPdLv	0.00	0.00	0.00%	0.00	0.00%	0.00	152.01	100.00%	0.00	**152.01**
6200 615000	Uniform Al	0.00	0.00	0.00%	286.96	100.00%	0.00	260.02	100.00%	286.96	**(26.94)**
6200 628000	PS - Gen/P	0.00	0.00	0.00%	165.50	100.00%	14,000.00	2,243.97	16.03%	957.73	**1,286.24**
6200 628003	PS - Drug	0.00	0.00	0.00%	0.00	0.00%	400.00	68.00	17.00%	0.00	**68.00**
6200 628014	PS - Solid	0.00	63.23	100.00%	121.89	100.00%	600.00	315.79	52.67%	423.74	**(107.95)**
6200 628019	Repairs -	0.00	10,980.66	100.00%	1,179.91	100.00%	50,000.00	26,177.25	52.35%	38,033.42	**(11,856.17)**
6200 628020	Repairs -	0.00	156.98	100.00%	141.96	100.00%	4,000.00	602.63	15.08%	2,479.66	**(1,877.03)**
6200 628021	Repairs -	0.00	1,086.94	100.00%	0.00	0.00%	4,000.00	1,665.42	41.63%	2,201.44	**(536.02)**
6200 628026	Repairs -	0.00	4,524.00	100.00%	0.00	0.00%	0.00	8,424.00	100.00%	0.00	**8,424.00**
6200 628033	Rent	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 628051	PSCleaning	0.00	2,090.00	100.00%	0.00	0.00%	19,235.00	11,305.00	58.77%	11,675.00	**(370.00)**
6200 628065	COVID19	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 628070	PS-Securit	0.00	384.94	100.00%	353.16	100.00%	4,900.00	3,507.24	71.57%	3,217.68	**289.56**
6200 629000	Training &	0.00	1,450.00	100.00%	0.00	0.00%	5,000.00	1,450.00	29.00%	625.00	**825.00**
6200 632000	Dues & Sub	0.00	2,905.30	100.00%	0.00	0.00%	7,412.00	4,699.80	63.41%	1,049.00	**3,650.80**
6200 633000	Office Sup	0.00	0.00	0.00%	0.00	0.00%	2,000.00	275.32	13.75%	0.00	**275.32**
6200 633001	Other Sup	0.00	2,682.60	100.00%	979.29	100.00%	71,800.00	55,000.82	76.60%	18,584.07	**36,416.75**
6200 633002	ADV SIG	0.00	93.90	100.00%	21.71	100.00%	3,000.00	417.70	13.93%	1,429.40	**(1,011.70)**
6200 633021	Other Sup	0.00	1,075.62	100.00%	1,060.00	100.00%	4,000.00	1,531.22	38.28%	1,836.03	**(304.81)**
6200 633030	MV Sup - G	0.00	0.00	0.00%	7.81	100.00%	0.00	7.95	100.00%	17.93	**(9.98)**
6200 640000	Comm - Tel	0.00	568.84	100.00%	494.95	100.00%	5,000.00	2,094.42	41.88%	2,325.37	**(230.95)**
6200 640001	Comm-Cable	0.00	0.00	0.00%	0.00	0.00%	2,500.00	1,496.83	59.88%	1,503.05	**(6.22)**
6200 641000	Utilities	0.00	0.00	0.00%	2,574.19	100.00%	46,000.00	6,530.78	14.20%	17,069.38	**(10,538.60)**
6200 641001	Utilities	0.00	5,962.58	100.00%	4,633.81	100.00%	34,500.00	19,883.13	57.63%	21,154.06	**(1,270.93)**
6200 641002	Utilities	0.00	0.00	0.00%	7,230.28	100.00%	176,000.00	0.00	0.00%	40,797.19	**(40,797.19)**
6200 641003	Utilities	0.00	858.52	100.00%	161.32	100.00%	3,000.00	4,554.03	151.80%	1,692.47	**2,861.56**
6200 642000	Comm - Pos	0.00	0.00	0.00%	0.00	0.00%	150.00	0.00	0.00%	0.00	**0.00**
6200 645000	Insurance	0.00	43,223.00	100.00%	33,538.00	100.00%	31,000.00	43,223.00	139.43%	33,538.00	**9,685.00**
6200 650000	CAPITAL OU	0.00	0.00	0.00%	5,261.42	100.00%	90,279.55	101,600.00	112.54%	29,055.69	**72,544.31**
6200 659000	Depreciati	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 900001	TRANSFER O	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**

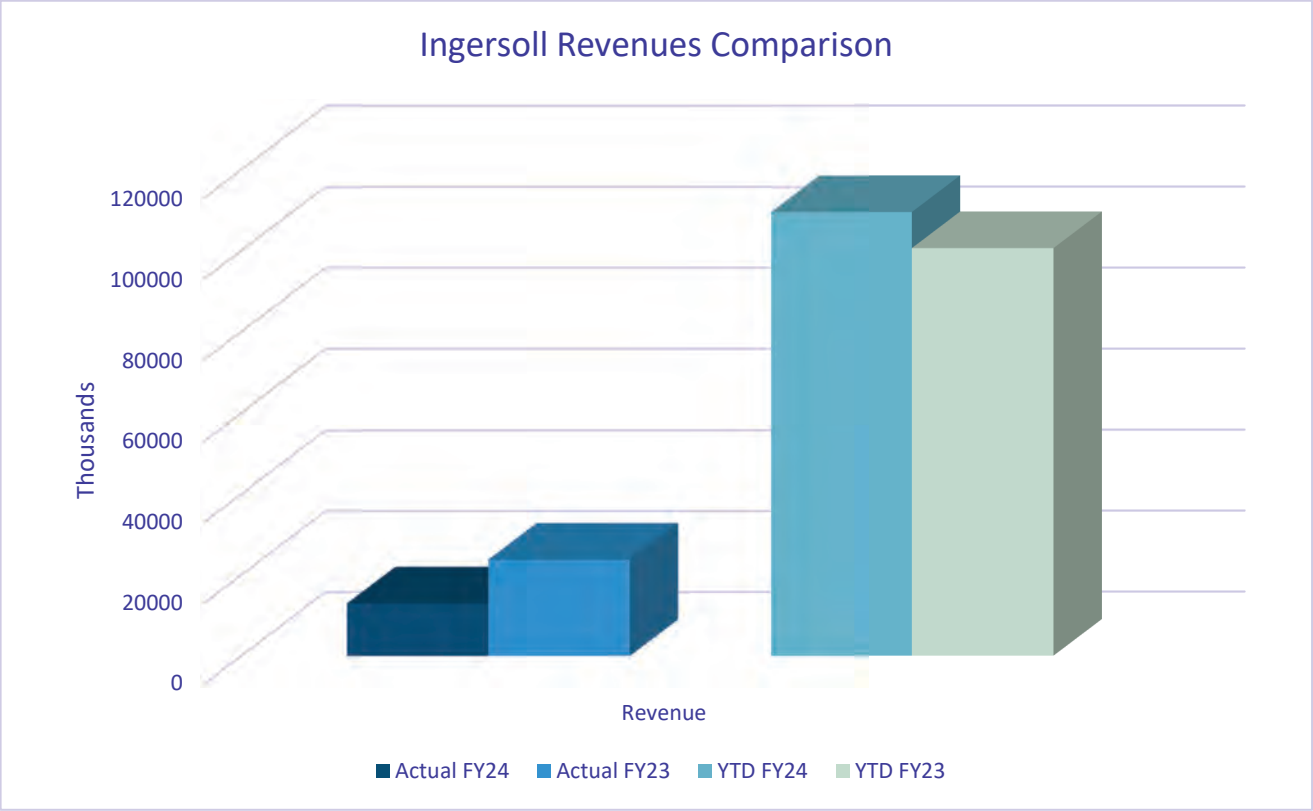
Ingersoll Turf Facility

for the Period Ended January 31, 2024

As of January 2024, Ingersoll Turf Facility had an operating gain YTD of $93,799.

Revenues:

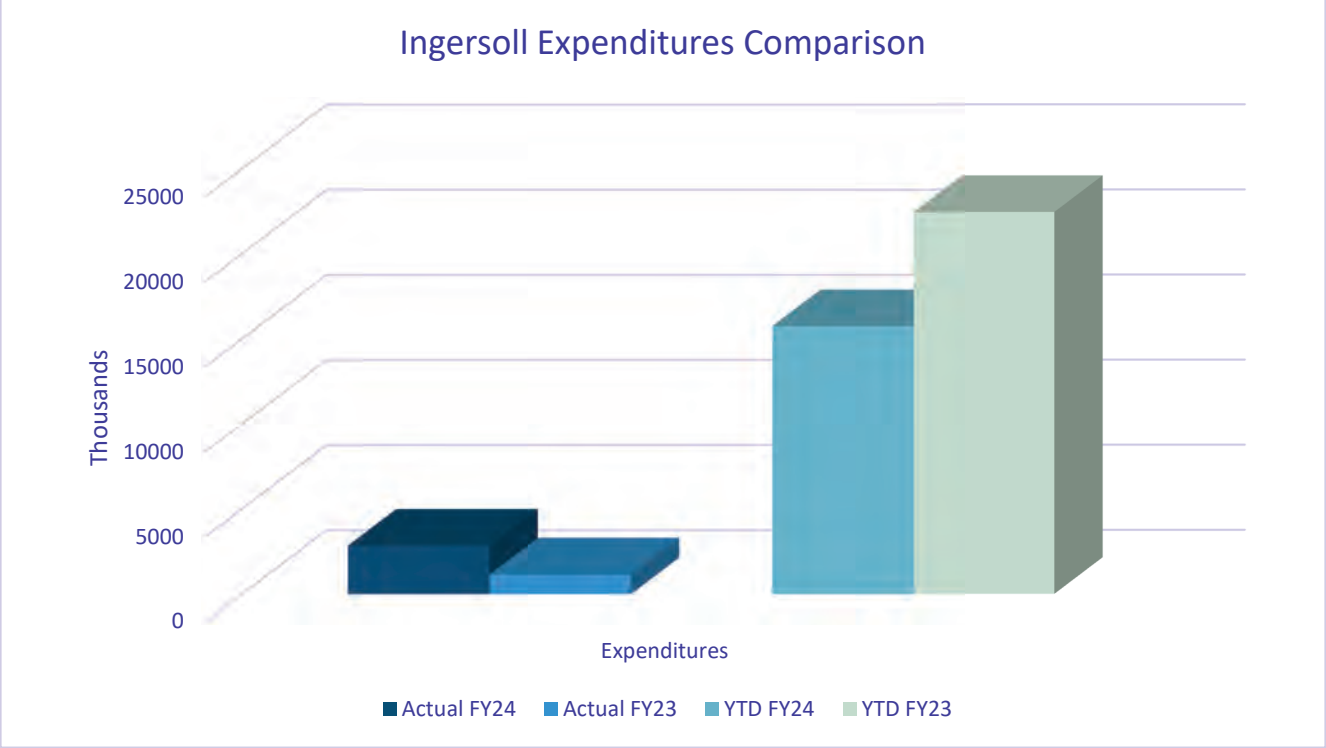
The operating revenues for Ingersoll through January 2024 are $109,546. This revenue comes from the sponsorships, programs, rental income and batting cages. Table 1 reflects revenues collected for the current year with comparison for the same period a year ago. Total revenues represent a 8.84% increase over FY23.



Expenditures:

The operating expenses for Ingersoll through January 2024 were $15,747. These expenses include supplies, repairs, capital purchases and maintenance. Table 2 reflects

expenditures for the current year with comparison for the same period a year ago. Total expenditures represent a 70% decrease over FY23, consistent with increased cost of services and goods.



Monthly Budget Report-Revenues

			JAN 2024		JAN 2023		2024 YTD			2023 YTD	
Account Number	Account Desc	Budget	Actual	% Used	Actual	% Used	Budget	Actual	% Used	Actual	Variance
6100 Ingersoll Turf Facility		0.00	(13,008.54)	100.00%	(23,839.57)	100.00%	0.00	(109,546.21)	100.00%	(100,641.45)	$ (8,904.76)
6100 420070	Sponsorshi	0.00	0.00	0.00%	0.00	0.00%	0.00	(7,525.00)	100.00%	(2,000.00)	**(5,525.00)**
6100 420800	CAGES	0.00	(847.50)	100.00%	(2,462.50)	100.00%	0.00	(13,952.50)	100.00%	(7,785.00)	**(6,167.50)**
6100 420903	Programs	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6100 420903 TF01	Programs	0.00	(3,085.00)	100.00%	(5,101.00)	100.00%	0.00	(10,499.00)	100.00%	(13,451.00)	**2,952.00**
6100 420903 TF02	Youth Soft	0.00	(550.00)	100.00%	(1,835.00)	100.00%	0.00	(1,532.50)	100.00%	(7,632.50)	**6,100.00**
6100 420903 TF03	Programs	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6100 420903 TF04	Programs	0.00	(195.00)	100.00%	0.00	0.00%	0.00	(1,020.00)	100.00%	(1,820.00)	**800.00**
6100 420903 TF05	SeniorWalk	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6100 420903 TF06	Programs	0.00	(860.00)	100.00%	(835.00)	100.00%	0.00	(5,140.00)	100.00%	(3,575.00)	**(1,565.00)**
6100 422000	Investment	0.00	(443.04)	100.00%	(154.57)	100.00%	0.00	(2,617.31)	100.00%	(630.95)	**(1,986.36)**
6100 429010	Rental Inc	0.00	(7,028.00)	100.00%	(13,451.50)	100.00%	0.00	(67,259.90)	100.00%	(63,747.00)	**(3,512.90)**
	Grand Total:	0.00	(13,008.54)	100.00%	(23,839.57)	100.00%	0.00	(109,546.21)	100.00%	(100,641.45)	(8,904.76)

Monthly Budget Report-Expenditures

Account Number	Account Desc	JAN 2024 Budget	JAN 2024 Actual	JAN 2024 % Used	JAN 2023 Actual	JAN 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6100 Ingersoll Turf Facility		**0.00**	**2,851.43**	**100.00%**	**1,159.14**	**100.00%**	**18,802.39**	**15,746.96**	**83.75%**	**22,439.79**	**$ 6,692.83**
		0.00	**2,851.43**	**100.00%**	**1,159.14**	**100.00%**	**18,802.39**	**15,746.96**	**83.75%**	**22,439.79**	**6,692.83**
6100 611000	Salaries	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	172.50	**172.50**
6100 633033	PROGRAM	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	1,915.00	**1,915.00**
6100 633033 TF01	COEDSoccer	0.00	840.00	100.00%	640.00	100.00%	0.00	2,804.00	100.00%	2,286.00	**(518.00)**
6100 633033 TF02	Youth Soft	0.00	244.41	100.00%	519.14	100.00%	0.00	244.41	100.00%	519.14	**274.73**
6100 633033 TF04	BDay	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	450.00	**450.00**
6100 633033 TF06	MISC EXP	0.00	1,650.00	100.00%	0.00	0.00%	0.00	3,733.98	100.00%	1,320.00	**(2,413.98)**
6100 640000	Comm - Tel	0.00	117.02	100.00%	0.00	0.00%	0.00	409.57	100.00%	0.00	**(409.57)**
6100 650000	CAPITAL OU	0.00	0.00	0.00%	0.00	0.00%	0.00	8,555.00	100.00%	14,135.75	**5,580.75**
6100 651069	RecStudy	0.00	0.00	0.00%	0.00	0.00%	18,802.39	0.00	0.00%	1,641.40	**1,641.40**
	Grand Total:	**0.00**	**2,851.43**	**100.00%**	**1,159.14**	**100.00%**	**18,802.39**	**15,746.96**	**83.75%**	**22,439.79**	**6,692.83**

City Council Workshop & Meeting
Agenda
May 20, 2024
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. FY25 Capital Improvement Plan (CIP)
B. Amending "Appendix A Fees and Charges" regarding reimbursements, refunds & waivers
C. Executive Session – Pursuant to Title 1 M.R.S.A. Section 405(6)(D) regarding School Maintenance Union contract. *Passage requires 3/5 majority vote to enter executive session.*

7:00 P.M. City Council Meeting - *Roll call votes will begin with Councilor Weisner*

Pledge of Allegiance & Roll Call

I. Consent Items – *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.*

II. Minutes – Accepting the May 6, 2024 Regular Council Meeting minutes.

III. Communications, Presentations and Recognitions

- City Clerk to Administer Oath of Office to City Council Student Representative Anaya Egge
- **Proclamation** - Maine Arbor Week
- Communication - Funding Request (Day One)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. **Ordinance 09-05062024** -- Amending Chapter 60, Article IV, Division 12 General Business District be amended by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. *Passed public hearing/first reading on May 6, 2024. Second reading and final passage. ROLL CALL VOTE. Passage requires majority vote.*

2. **Ordinance 10-05062024** - Creating the Maine Bioproducts Advanced Manufacturing Tech Hub Overlay District Map. *Passed public hearing/first reading on May 6, 2024. Second reading and final passage. ROLL CALL VOTE*. *Passage requires majority vote.*

3. **Resolve 04-05062024** - Adopting the Appropriations Resolve for Fiscal Year 2025. Passed public hearing and first reading on May 6, 2024. *Second reading and final passage. Passage requires an affirmative vote of 5 Councilors.*

VI. New Business

1. **Order 74-05202024** - Adopting the annual CDBG/HOME Consortium Action Plan. *Public hearing. Passage requires majority vote.*

2. **Order 75-05202024 –** Adopting the revised CDBG-CV Budget. *Public hearing. Passage requires majority vote.*

3. **Order 76-05202024 –** Authorizing the City Clerk to waive the $60 Temporary Food Service fee for Phoenix No Limits Karate for a fundraising event to be held on June 08, 2024. *Passage requires majority vote.*

4. **Order 77-05202024 –** Authorizing the City Clerk to waive the $200 business license fee for Auburn Suburban Baseball and Softball. *Passage requires majority vote.*

5. **Resolve 05-05202024** - Approving the Auburn Water District bond request in the amount of $626,939 to be used for the purchase of a Vactor Truck. *Passage requires majority vote.*

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports

a. **Mayor's Report**
b. **City Councilors' Reports**
c. **City Manager Report**
d. **February 2024 Finance Report** – Kelsey Earle, Finance Director

IX. Executive Session

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024

Author: Kelsey Earle, Finance Director

Subject: FY25 CIP Final Review

Information: City Manager Phil Crowell will provide information to the Mayor and City Council regarding the proposed FY25 Capital Improvement Plan (CIP) for final review, with first reading scheduled for the June 3rd meeting.

City Budgetary Impacts: None at this time.

Staff Recommended Action: Review the proposed FY25 CIP plan/projects.

Previous Meetings and History: The 5 Year CIP Plan was discussed at several workshops and adopted at the 4/1/2024 Council meeting.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
FY25 CIP plan

CAPITAL IMPROVEMENT PLAN
FY 25 BONDS

Description			Total
Airport	Annual Pavement Management Program		$ 150,000
Airport	Congressionally Directed Spending (CDS) Hangar Project		$ 68,750
Clerk	Record Restoration		$ 100,000
Fire	Engine 2 Reconditioning		$ 250,000
IT	Security Camera Project		$ 90,000
LA 911	Server Infrastructure Replacement		$ 150,000
Planning & Permitting	Dangerous Buildings and Junkyard Cleanups		$ 150,000
Planning & Permitting	Comprehensive Plan Program		$ 220,000
Police	Mobile Data Terminal Replacement		$ 135,000
Engineering	Whitman Spring Repair		$ 150,000
Engineering	Reconstruction		$ 1,800,000
Engineering	Reclamation		$ 1,500,000
Engineering	Major Drainage		$ 500,000
Engineering	MDOT Match		$ 1,500,000
Engineering	Resurfacing		$ 1,600,000
Engineering	Pavement/Retaining Wall Assessment		$ 125,000
Engineering	Sidewalk Repairs		$ 100,000
Engineering	Downtown Parking and Walkability-Grant Match		$ 400,000
Facilities & Energy	Auburn Hall Boiler/Mechanical Upgrades		$ 550,000
Facilities & Energy	Engine 2 Station Reconstruction		$ 2,000,000
Facilities & Energy	Public Library Building Envelope, Repairs & Design Cost Analysis		$ 75,000
Facilities & Energy	Public Library Boilers Replacement		$ 575,000
Public Works	Replace Vactor Truck		$ 590,000
Public Works	Replace Boom Lift School and Public Works		$ 77,000
Public Works	Annual Park & Walkway Light Replacement		$ 100,000
Public Works	Replace 7yd plow truck (plowing/sanding and roadway maintenance)		$ 325,000
Public Works	Recreation Mini Bus replacement/upgrade		$ 110,000
Transportation	Traffic Calming & Pedestrian Safety		$ 100,000
Transportation	Court Street - Bicycle and Pedestrian Improvements		$ 150,000
Transportation	LATC Bus Replacement		$ 50,000
		TOTAL BOND CIP	$ 13,690,750

FY 25 Other Funds

Description		Funds	Total
Airport	Fire Fighting Foam Trailer (Mobile)	Grant	$ 32,500
Finance	Revaluation	Special Financing	$ 400,000
Fire	Apparatus Replacement- Engine 5	Special Financing	$ 1,100,000
Fire	Fire Hose Replacement	Operating	$ 40,000
EMS	Ambulance Replacement	Grant	$ 50,000
EMS	Stretcher Replacement	EMS Reserve	$ 32,000
Police	10 Pole Mounted Radar Signs	Operating	$ 38,000
Facilities & Energy	Tot Lot Roof Replacement	Operating	$ 25,000
Public Works	Replace Car 93	Operating	$ 50,000
Public Works	Police Vehicle Replacement	Operating	$ 234,000
Public Works	Battalion Chief Command Vehicle Replacement	Operating	$ 80,000
		TOTAL OTHER CIP	$ 2,081,500

TOTAL FY 25 CAPITAL IMPROVEMENT PLAN	$ 15,772,250

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024 **Order:** Workshop Item

Author: Eric J. Cousens, Planning and Permitting Director

Subject: Fee Schedule Amendment-Fee Reimbursement/Refunds

Information: The Council recently removed the fee schedule from the ordinance and adopted it by order. That action was recommended by legal counsel and staff as it will make it easier for the Council to amend the schedule with a single vote in the future. Adopting the fee schedule by order is a common approach to managing fee schedules. This discussion started when a petitioned zoning change was denied by the Council and at least two councilors wanted to consider a refund of the petition fee that was not permissible in the existing ordinance.

The attached draft amendment to the fee schedule would establish a process where the Council would be authorized to issue fee reimbursements for zoning petitions. It also reorganizes all reimbursement policies to a single part of the policy and makes some clerical edits.

Staff is concerned that the amendment would promote more zoning petitions if the petition circulator knew the cost would be reimbursed if it did not pass. Processing a petition requires research, Planning Board preparation and public hearing, preparation for Council public hearing and two readings, including public notice expenses and mailings. Staff did not find another community that reimburses zoning petition fees but did note that we are relatively low cost for fees compared to other Cities.

City Budgetary Impacts: None.

Staff Recommended Action: Discuss and determine if a majority of the Council wishes to see this on a future agenda for consideration and adoption.

Previous Meetings and History: Previous discussion on fee schedule movement from ordinance to policy.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Draft fee schedule Amendments, other community examples.

Appendix A FEES AND CHARGES[1]

Administrative

Notary fee10.00

Copy fee, per page (8.5 x 11 black and white)0.10

Animals

Dog license fees:

Unaltered dog—annually11.00

Spayed/neutered dog—annually6.00

Late fee after January 3125.00

Impoundment fee—each50.00

Additional per day for boarding fee TBD

Dangerous dog registration fee—annually100.00

Buildings and Building Regulations

Building permit—single-family:

New construction, additions and mobile homes25.00

Accessory structure25.00

Renovation < $4,000.0025.00

Renovation > $4,000.0025.00 base + 5.00 per $1,000.00 value

Building permit—multi-family:

New construction and additions30.00 base + 0.30 per sf

Renovations30.00 base + 5.00 per $1,000.00 value

[1]Editor's note(s)—Ord. No. 35-10182021, adopted November 1, 2021, repealed app. A and enacted a new app. A as set out herein and later amended. Former app. A pertained to similar subject matter and derived from an Ord. adopted May 2, 2011; Ord. No. 12052011-04, adopted December 5, 2011; Ord. No. 02-03052012, adopted March 19, 2012; Ord. No. 58-07152013, adopted July 15, 2013; Ord. No. 12-06152015, adopted July 6, 2015; Ord. No. 13-06152015, adopted July 6, 2015; Ord. No. 02-02222016, adopted March 7, 2016; Ord. No. 01-02242020, adopted March 2, 2020; Ord. No. 07-10192020, adopted November 2, 2020; Ord. No. 17-03012021, adopted March 15, 2021.

Editor's note(s)—All fees in this schedule that are calculated per a unit of time, distance, or other measurement shall be construed to include any portion of such unit. The acronym "TBD" as used herein means "to be determined" and denotes an amount that has not yet been determined by the city council or that may have been determined but not yet included in a supplement to this schedule. The acronym "NA" as used herein means "not applicable" and indicates a fee that is not associated with a particular code section but with the code chapter contents generally.

Building permit—commercial:

*New construction for agricultural building for the storage of crops, housing of livestock are excluded from the building permit fees. This exclusion does not apply to marijuana.

New construction30.00 base + 0.35 per sf (per floor)

Renovation30.00 base + 7.00 per $1,000.00 value

Foundation only30.00 base + 5.00 per $1,000.00 value

New construction of agricultural buildings for the storage of crops or housing of livestock, excluding marijuana25.00 base + 0.07 per sf

Building permit—swimming pools:
*This includes electrical inspection.

Above ground and in-ground pools50.00

Building permit—other:

Fences25.00
..... (6 ft or higher)

Underground storage tanks50.00
..... (first tank) +
..... 15.00 (additional tanks)

Moving building100.00

Driveways25.00

Change of use40.00

Certificate of occupancy Included in permit
..... ($260.00 penalty)

Signs25.00 base + 0.50 per sf

Banners, for seven-day period not to exceed 14 days250.00

Demolition:

Interior demolition not in conjunction with a construction project50.00

< 5,000 sf50.00

> 5,000 sf250.00

Belated fee:

The customary permit fee shall double where work commences prior to the issuance of the appropriate permits.

~~Building permit fee reimbursement policy:~~

~~In the event that the recipient of a building permit does not undertake any of the building activity associated with a given permit, he/she may submit a written request to the director of planning and permitting for the reimbursement is made within six months of the issuance of said permit, and if no work associated with said permit was commenced, 75 percent of the permit fee will be reimbursed. The city shall retain 25 percent of the permit fee to provide compensation for the costs associated with issuance of said permit and to process reimbursement.~~

Plumbing fees:

Internal plumbing:

Per fixture (subject to minimum below)9.00

Minimum36.00

Subsurface wastewater TBD

Nonengineered systems150.00

Field only100.00

Treatment tank only (non-engineered)75.00

Engineered system300.00

Treatment tank only (engineered)120.00

Holding tank150.00

Other system components50.00

Separate laundry disposal field50.00

Seasonal conversion75.00

Variance50.00

Primitive system (including 1 alt wc)150.00

Alternative toilet only75.00

Electrical inspections:

Minimum TBD

Residential 32.00

Commercial 42.00

Single and multifamily dwellings—per unit (includes service/openings)—each58.00

All temporary services30.00

Services—single phase—panel and meter:

Base fee—up to 100 amps (includes cable hookup)12.00

Plus-per each additional 100 amps or fraction7.00

Plus-per each additional meter7.00

Plus-subpanels—up to 100 amps7.00

Plus-subpanels—each additional 100 amps or fraction10.00

Services—three phase—panels:

Base fee—up to 100 amps (includes cable hookup)30.00

Plus-per each additional 100 amps or fraction7.00

Plus-per each additional meter7.00

Plus—subpanels, up to 100 amps10.00

Plus-subpanels—each additional 100 amps or fraction10.00

Wiring openings (total outlets, lights and switches—120 volt):

1—20 openings15.00

21 to 50 openings20.00

51+ openings0.50
..... per opening

Appliances in new locations—120 volts—compactors, dishwashers, disposals, air conditioners, etc.5.00

Appliances in new locations—240 voltsTBD

Ranges, ovens, water heaters, dryers, air conditioners, etc.10.00

Domestic heat:

Electric—per kilowatt3.00

Gas, oil, central air, other12.00

Manufactured dwellings—per unit (includes service equipment)42.00

Circuses, carnivals, fairs, festivals, etc.75.00 flat fee

Transformers, generators and UPS (battery backup)25.00 flat fee

Alarm system (copper or fiber):

Fire, burglar—base fee18.00

Plus—per outlet over first 10 outlets0.50

Other low voltage system (computer, phone, cable, satellite dish, sound, closed circuit television, etc.)—base fee18.00

Plus—per outlet over 10 outlets0.50

Motors:

< 25 HP12.00

Plus—for each 5 HP or fraction thereof over 25 HP2.00

Signs (one time fee):

Portable, mobile, permanent—each sign25.00

Emergency lighting battery pack unit—each7.00

Water, sewer, gas or wall pump—each10.00

State business licensing inspections—each40.00

Annual industrial electrical permit—does not include new structures or additions250.00

Fire alarm box connection—annually:

DET electronic units400.00

Mechanical box connections425.00

Belated electrical permit fee—within one calendar year:

First offense100.00

Second offense200.00

Third offense400.00

Fourth offense800.00

Fifth and subsequent offenses—each1,600.00

Inspections and department call outs after normal business hours-minimum (additional time beyond three hours shall be calculated at time plus one-half for the on call electrician)150.00

Notice of intent to sell, transfer or rent property subject to order:

Violation of section 12-199:

Not less than50.00

Not more than100.00

Businesses and Business Regulations

Lodginghouse, Boardinghouses, rooming houses, hotels, motels, etc.—annually100.00
..... flat fee

Outpatient addiction treatment clinic—annually200.00

Closeout sales (30-A M.R.S.A. § 3781)—maximum of one per business up to 60 days20.00

Massage licenses—annually:

Establishment (more than one therapist)—annually150.00

Therapist—annually, plus cost of background check)150.00

Solicitation permit (issued by police department)0.00 each

Mobile or itinerant vendor permit (door-to-door sales):

One year100.00

Mobile food distribution unit (roving diner):

Twelve months100.00

Vendor use of city property (each three-month period)50.00

Peddlers:

Per event75.00

30-day permit100.00

Agricultural barn sales—each (maximum of one three-day permit per month between the months of April and October)15.00

Garage sales—each (maximum of two three-day permits within six months):

On-line issuance0.00

In office issuance0.00

Secondhand dealer license—annually100.00

Pawnbroker license—annually plus actual cost of advertising hearing100.00

Junkyard/automobile graveyard (no on-line license)—annually plus actual cost of advertising hearing:100.00

Taxicabs:

Taxicab business license—annually100.00

Call-out inspection fee (establishment requested outside normal hours)—each, plus inspector's overtime hourly rate100.00

Re-inspection fee100.00

Flea market, craft fairs, swap meets, and bazaars:

One day event0.00
..... application only

Three months0.00
..... application only

Alcohol beverage establishments:

Class A lounge (liquor)—annually (plus actual cost of advertising hearing)~~1,000.00~~

1,300.00 flat fee

Tavern license—annually:

~~Up to 2,999 square feet150.00~~

250.00 flat fee

Liquor service approval (off-premises catering)—per event10.00

Food service establishments (plus actual cost of advertising hearing):

Class I (liquor—beer, wine and spirits, and mixed drinks)—annually500.00
..... flat fee

Class III/IV (liquor—beer and wine)—annually400.00
..... flat fee

Class IV (liquor—beer)—annually400.00
..... flat fee

Class on or off premises (no liquor)—annually200.00
..... flat fee

Bottle club/BYOB—annually200.00
..... flat fee

Temporary food service establishment—per event—maximum of 30 days60.00

Off premises retailer—annually200.00
..... flat fee

Adult amusement devices—each device annually1,100.00

Beano/bingo (EnerGov—no online license)No fee

Carnival, circus, or other traveling amusement—per day150.00

~~Coin-operated amusement device—annually—per device:~~

~~Per unit up to 10 devices0.00~~

~~Per unit for 10 or more devices0.00~~

~~Jukeboxes—each device—annually0.00~~

~~Motion picture theater—per screen—annually0.00~~

~~Pool halls—annually per table0.00~~

Roller skating rinks—annually:

With partial or full kitchen90.00

Dances and dancehalls—per event35.00

Mass gathering permit application fee—determined for each event (EnerGov—no on-line license)N/A

Tattoo (background check required):

Tattoo artist license fee—annually100.00

Tattoo exhibitions or shows—per event250.00

Race trackN/A

Special amusement (background check required)—annually plus cost of advertising hearing125.00

Game of chance (EnerGov—no on-line license):

Six months10.00

Up to three-year blanket approval20.00

Relicensing upon late renewal by any existing licensed business:

30—45 days late50.00

More than 45 days late100.00

Reoccurring 200.00

Emergency Management and Services

Security (alarm) system permit:

Issuance30.00

Environment

Fill permit—original issuance:

Up to 7,000 square feet of fill area25.00

7,001 to 22,500 square feet of fill area35.00

Over 22,500 square feet of fill area50.00

Fill permit renewal—annually—if not delinquent0.00

Fire Prevention and Protection

Fire department services:

Reports—per copy10.00

Research—per hour (1 hour minimum)20.00

Old hose—per foot1.00

Coverage of a fire/EMS event—per person-per hour50.00 plus apparatus rate

Accident or fire photos—each—unless otherwise determined by fire chief10.00

Photos printed outside of agency—each—plus actual costs20.00

Environmental reviews—each20.00

Fireworks standby—per hour200.00

Training burns resulting in demolition2,500.00

Fire investigations—per hour100.00

Hazard material incidents:

Cost of response—see apparatus costs—plus cost of materials and supplies used.

Illegal/unauthorized burning response—per hour250.00

Out of control burn response:

Cost of response—see apparatus costs.

Vehicle accidents—per hour250.00

Extrication of patients from vehicle300.00

Spill control and clean-up100.00

Salvage calls—residential:

Labor—per hour150.00

Sump pump—each—per hour50.00

Salvage calls—commercial—per hour500.00

False alarms—received in one calendar year:

Second100.00

Increase in first alarm fee for each subsequent alarm100.00

Fireworks:

Use or possession with intent to use in the city:

First offense (plus costs):

Not less than200.00

Not more than400.00

Second and subsequent offenses (plus costs):

Not less than300.00 per violation

Not more than600.00 per violation

Sale or possession with intent to sell in the city:

First offense (plus costs):

Not less than500.00

Second and subsequent offenses (plus costs):

Not less than1,000.00 per violation

Apparatus rates: includes normal crew assignment

Engine—per hour250.00

Aerial device—per hour350.00

Rescue—per hour150.00

Boat—per hour150.00

Command unit100.00

Forestry/brush truck150.00

Solid Waste

Solid waste fees shall be as determined annually by the city council base on prior years' financial information.

Streets, Sidewalks and Other Public Places

Display of goods permit—each0.00

Excavation/Street Opening Permits—per square foot* :

Newly constructed, reconstructed or repaved street6.00

Paved streets5.00

Gravel streets and shoulders3.00

Construction areas (streets scheduled for full-depth construction5.00

* *Applicability Date:* Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, the amendments to this Appendix A evidenced by Ordinance 05-06052023, when enacted, shall govern any proposed excavation/street opening for which an application has not been submitted to and finally acted upon by the City prior to June 5, 2023.

Sidewalk openings—per square foot:

Concrete, brick, bituminous1.50

Other openings:

1.00 for all other materials

Entrance permit—each 20.00

Private property N/C

Inspection of improvements in developments:

Streets to be accepted by city—as percentage of estimated costs of required public improvements2%

Private streets—as percentage of estimated costs of required public-type improvements2%

Special exceptions—the greater of:

Minimum200.00

Percentage of public type improvements2%

Traffic and Vehicles

Parade or procession permit—each0.00

Parking in city owned parking lot and mechanics row parking garage—monthly45.00

Zoning

Zoning text amendments:

Base fee—each application 400.00

Additional for required advertising—each application 300.00

Zoning map amendments:

Base fee—each application 400.00

Additional for required advertising—each application 300.00

Zoning board—appeals, interpretation, variance, conditional use permit, etc.:

Base fee—each application 150.00

Additional for required advertising—each application200.00

Site plan review:

Minor projects—interdepartmental/staff review—each application200.00

Major projects and subdivision of existing structures—planning board review/special exceptions:

Base fee—each application500.00

Additional for required advertising200.00

Site plan amendment:

Minor projects—staff approved amendments—each100.00

Major projects—planning board approved—amendments:

Base fee-each application100.00

Additional for required advertising200.00

Subdivision review—new lots and structures:

First three lots750.00

Each additional lot over three100.00

Delegated review (in addition to site plan or subdivision fees when required)—includes one or all areas (stormwater, TMP, site law, etc.) 25% of the fee that would be charged by the state department of environmental

protection and state department of transportation for the same permits based on state adopted fee schedules at the time of application.

Zoning conformance/rebuild letter—each50.00

Independent professional review fees TBD

Engineering inspection fees TBD

Required advertising (unless otherwise specifically provided above)100.00

Other General Information:

- Applicants are responsible for the cost of all public hearing advertisements and background checks required for various licenses. Failure to list that additional expense in the fee schedule shall not eliminate that requirement from the licensing process.
- Applicants are responsible for providing background checks, not older than 3 days prior to submission of application for all licenses that require such checks or, alternatively, applicants may pay $100.00 to the city with the application to cover the cost of the background check.
- License fees established in this appendix include two routine or pre-operational inspections and one follow-up inspection. When additional inspections are required, the city may charge an additional $100.00 per inspection to cover the costs of each additional inspection or visit.
- All first time applications must be made in person, unless otherwise specifically stated herein.
- All on-line licenses will receive a 10% discount unless otherwise indicated herein.
- No on-line renewal of liquor licenses, special amusement licenses, or tattoo or massage licenses is permitted.
- ~~Residential construction. A veteran/widow/widower of a veteran or contractor on behalf of a veteran/widow/widower of a veteran seeking to build new construction or to rehabilitate an existing property will have all fees waived/reimbursed at time of permit approval. This applies to owner occupied single family and multifamily units, up to 3 unit structures. This does not apply to state fees administered by the city.~~
- ~~Commercial construction. A veteran owned business* or subcontractor hired by a veteran owned business*, will be entitled to a 50% fee reduction/reimbursement for new construction or rehabilitation of an existing property at the time of permit approval. This does not apply to state fees administered by the city.~~

~~* Veterans honorably discharged from federal service, must present DD-214 to economic, and community development office for fees to be waived.~~

~~** Veteran owned business as defined by the SBA being a corporation in which 51% of the shares of the company are owned by a veteran.~~

Fee refund, reimbursement & waiver policy:

Residential construction. A veteran/widow/widower of a veteran or contractor on behalf of a veteran/widow/widower of a veteran seeking to build new construction or to rehabilitate an existing property will have all fees waived/reimbursed at time of permit approval. This applies to owner occupied single family and multifamily units, up to 3 unit structures. This does not apply to state plumbing fees administered by the city.

Commercial construction. A veteran owned business* or subcontractor hired by a veteran owned business* will be entitled to a 50% fee reduction/reimbursement for new construction or rehabilitation of an existing property at the time of permit approval. This does not apply to state plumbing fees administered by the city.

* Veterans honorably discharged from federal service, must present DD-214 to economic, and community development office for fees to be waived.

** Veteran owned business as defined by the SBA being a corporation in which 51% of the shares of the company are owned by a veteran.

Building permit fee reimbursement policy: In the event that the recipient of a building permit does not undertake any of the building activity associated with a given permit, he/she may submit a written request to the director of planning and permitting for the reimbursement within six months of the issuance of said permit, and if no work associated with said permit was commenced, 75 percent of the permit fee will be reimbursed. The city shall retain 25 percent of the permit fee to provide compensation for the costs associated with issuance of said permit and to process reimbursement.

Floodplain Overlay District: A non-refundable application fee of $50.00 for all minor development and $100.00 for all new construction or substantial improvements shall be paid to the city. (Sec. 60-895).

Zoning text or map amendment requests: In the event that the applicant for a zoning text or map amendment does not receive approval, the base fees may be reimbursed. The applicant must submit a request to the city clerk within 30 days of the date of the denial. The city council shall consider the request within 30 days at a regular city council meeting and may approve by majority vote to authorize the reimbursement. The additional cost for required advertising is not reimbursable.

Business licenses: 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. (Sec. 14-31)
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. (Sec. 14-38)

Mass gatherings and events: An appeal for waiver of fees or surety bond may be made in writing to the city council. The city council may waive the permit fee or surety bond, when it determines that such waiver will not compromise the purpose or enforcement of this article. (Sec. 14-261).

(Ord. No. 35-10182021, 11-1-2021; Ord. No. 48-12062021, 12-20-2021; Ord. No. 04-02072022, 2-7-2022; Ord. No. 01-01032023, 1-17-2023; Ord. No. 05-06052023, 6-20-2023)

Refund, Reimbursement, or Waiver Policies – Zoning Text or Map Changes

City/Town	Population	Fee	Policy
Biddeford	22,450	$1,300 (text or map) + $75 administrative fee	Non-refundable (Code).
Lewiston	38,500	$400 (text or map) + plus required advertising	No refund/reimbursement policy.
Bangor	31,600	Map: $664-$1,060 Text: $1,590-$2,193 + plus required advertising	No refund/reimbursement policy found.
South Portland	27,000	$1,000 (map or text) + $200 pre-application meeting + application fee	Does not allow refunds/reimbursements.
Portland	68,400	$7,500 (map or text) / $10,000 map & text combined	The fee for text or zoning map amendment applications may be waived or reduced by the Planning Authority in the case of an application submitted by a governmental body or where an applicant can establish financial hardship. If a text or zoning map amendment application is withdrawn by an applicant prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of half of the amount of the application fee will be made to the applicant by the City provided that all costs incurred by the City have been paid in full by the applicant. Application fee is non-refundable. (Code).
Auburn	24,200	$400 (map or text) + advertising fees ($300)	

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (D) to discuss a School Union contract.

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.

IN COUNCIL WORKSHOP MAY 6, 2024 VOL 37 PAGE 158

5:30 PM Workshop - Executive Session
Councilor Walker moved to enter Executive Session pursuant to 1 MRSA 405(6)(E) to discuss a legal matter. Milks seconded motion to enter Executive Session. Motion passed 7-0. City Council came out of Executive Session at 6:40pm.

IN COUNCIL REGULAR MEETING MAY 6, 2024 VOL 37 PAGE 158

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. **Consent Items**

Councilor Weisner moved to remove **Order 66-05062024*** and **Order 67-05062024** from Consent. Councilor Milks moved to remove **Order 66-05062024*** from Consent. The Mayor declared these items removed from Consent and placed under New Business.

1. **Order 53-05062024* -** Appointing Edward Little High School sophomore, Houda Aden to serve as City Council Student Representative with a term expiration of 6/30/2026.

2. **Order 54-05062024* -** Appointing Edward Little High School junior, Anaya Egge to serve as City Council Student Representative with a term expiration of 6/30/2025.
3.
4. **Order 55-05062024* -** Appointing Emmanual Babine to serve on the Zoning Board of Appeals with a term expiration of 5/1/2025, as nominated by the Appointment Committee.

5. **Order 56-05062024* -** Appointing Katie Boss to serve on the Zoning Board of Appeals with a term expiration of 5/1/2026, as nominated by the Appointment Committee.

6. **Order 57-05062024* -** Appointing Michael Dixon to serve on the Zoning Board of Appeals with a term expiration of 5/1/2027, as nominated by the Appointment Committee.

7. **Order 58-05062024* -** Appointing Stanwood "Joe" Gray to serve on the Zoning Board of Appeals with a term expiration of 5/1/2027, as nominated by the Appointment Committee.

8. **Order 59-05062024* -** Appointing Chelsea Eaton to serve on the Zoning Board of Appeals with a term expiration of 5/1/2026, as nominated by the Appointment Committee.

9. **Order 60-05062024* -** Appointing Gerald Samson to serve on the Zoning Board of Appeals with a term expiration of 5/1/2025, as nominated by the Appointment Committee.

10. **Order 61-05062024* -** Appointing Elisabeth Collier to serve on the Board of Assessment with a term expiration of 3/31/2025, as nominated by the Appointment Committee.

11. **Order 62-05062024* -** Appointing Mary LaFontaine to serve on the Board of Assessment with a term expiration of 3/31/2026, as nominated by the Appointment Committee.

12. **Order 63-05062024* -** Appointing Corey Kinnan to serve on the Parks & Recreation Advisory Board with a term expiration of 10/01/2024, as nominated by the Appointment Committee.

13. **Order 64-05062024* -** Appointing Elisabeth Collier to serve on the Parks & Recreation Advisory Board with a term expiration of 10/1/2024, as nominated by the Appointment Committee.

14. **Order 68-05062024* -** Confirming Chief Moen's appointment of Annemarie Iadarola as Constable with firearm for the Auburn Police Department.

On motion for passage by Councilor Walker, seconded by Councilor Gerry, the remaining items on the Consent Calendar as shown above passed 7-0.

Minutes – April 16, 2024, Regular Council Meeting

Motion to approve the minutes made by Councilor Walker, seconded by Councilor Cowan. Motion passed 7-0.

II. **Communications, Presentations and Recognitions**

- Presentation - Child Abuse and Neglect Data presented by Community Concepts, Inc., presented by Melissa Wakefield (Maine Families Program Manager) and Melissa Robinson (Prevention Council & Community Coordinator for Androscoggin County)

- Communication - Funding Requests (Lifeflight , Kennebec Behavioral Health, Land Trust, Lake Stewards of Maine).

  The Mayor declared that any Councilors looking to support funding requests will need to move to amend the budget appropriation resolve.

III. **Open Session –** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

The following spoke:

Pamela Rousseau, W Auburn Rd; thanked the City for brush pick up.

Unfinished Business - None

IV. **New Business**

15. **Order 65-05062024* -** Appointing Adam Lee to serve on the Lewiston Auburn Railroad Corporation for a three-year term (April 2024 through April 2027).

Removed from the Consent Calendar by motion of Councilor Weisner.

Councilors discussed the process of how nominations to this committee come before the Council for appointment. Councilors Walker and Weisner requested more information about appointees in the future.

Mayor Harmon spoke on the process of appointments for different committees. The LARC nominations are made upon recommendation of the City Manager. City Manager Crowell stated this committee is not a City committee and the organization's by-laws state this the appointment is to be made by the municipality. City Manager Crowell stated the City is following a process it has historically followed and no conflict of interest exists for those nominated and the Council may wish to consider a policy amendment if it wishes to change the process for nomination and appointment to this committee in the future.

Motion for passage by Councilor Platz, seconded by Councilor Gerry.
Motion failed 3-4 (Gerry, Milks, Walker, Weisner, Walker opposed).

16. **Order 66-05062024* -** Appointing Jessica Donovan to serve on the Lewiston Auburn Railroad Corporation for three-year term (April 2024 through April 2027).

Removed from the Consent Calendar by motion of Councilor Weisner.

Motion for passage by Councilor Platz, seconded by Councilor Whiting.

Motion passed 4-3 (Milks, Walker, Weisner opposed).

17. **Order 67-05062024* -** Appointing Jonathan LaBonté to vote the shares held by any shareholder for the Lewiston Auburn Railroad Corporation.

Removed from the Consent Calendar by motion of Councilor Milks.

Councilors requested more information about this appointment in the future.

Motion for passage by Councilor Walker, seconded by Councilor Gerry. Motion passed 7-0.

1. **Order 69-05062024 -** Initiating ordinance amendment process to Chapter 60 – Zoning Article XVI. – Administration and Enforcement Division 2. Site Plan Review and Section 60.2 Definitions.

Motion for passage by Councilor Walker, seconded by Councilor Weisner.

Motion passed 5-2 (Milks, Gerry). This item will be forwarded to the Planning Board for recommendation.

2. **Ordinance 09-05062024 -** Amending Chapter 60, Article IV, Division 12 General Business District be amended by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. Public hearing and first reading. ROLL CALL VOTE.

Motion for passage by Councilor Whiting, seconded by Councilor Cowan.

This item was opened for public hearing. The following spoke:

Pamela Rousseau, W Auburn Rd

Public hearing was closed.

Motion passed 5-2 (Milks, Walker opposed).

3. **Ordinance 10-05062024 -** Creating the Maine Bioproducts Advanced Manufacturing Tech Hub Overlay District Map. Public hearing and first reading. ROLL CALL VOTE.

Motion for passage by Councilor Whiting, seconded by Councilor Cowan.

This item was opened for public hearing. There was no comment. Public hearing was closed.

Motion passed 5-2 (Milks, Walker opposed).

4. **Order 70-05062024 -** Adopting the Fiscal Year 2025 Budget of the Auburn School Department.

Motion for passage by Councilor Platz, seconded by Councilor Whiting.

Motion passed 5-2 (Gerry, Weisner opposed). The FY25 School Budget Validation Referendum election will be held on June 11, 2024.

5. **Resolve 04-05062024 -** Adopting the Appropriations Resolve for Fiscal Year 2025. Public hearing and first reading. *Passage requires an affirmative vote of 5 Councilors at the second reading*.

Motion for passage by Councilor Walker, seconded by Councilor Whiting.

Councilor Gerry moved to amend the Resolve to the cut Councilor and Mayor's pay to $1,800 per year for Councilors and the Mayor's salary to $3,000. Councilor Whiting seconded.

The Mayor clarified this amendment would not impact the FY25 budget. A roll call vote on the amendment was requested by Councilor Gerry. The amendment failed 1-6 (Whiting, Cowan, Milks, Weisner, Walker, Platz opposed).

This item was opened for public comment. There was no comment.

Councilors discussed the budget.

Motion passed 5-2 (Gerry, Weisner opposed).

6. **Order 71-05062024 -** Initiating ordinance amendment process to Sec. 60-2 Definitions, Article XIII Division 2-Phosphorous Control, Article IV Division 3-Low Density Country Residential District, and Division 4-Lake Auburn Watershed Overlay District including

adoption of associated zoning maps, all within Chapter 60 of the Code of Ordinances (these changes relate to Subsurface wastewater systems and residential development within the watershed).

Motion for passage by Councilor Walker, seconded by Councilor Cowan.

This item was opened for public comment. There was no comment.

Councilor Milks moved to table this item to a date certain until more information can be provided at a workshop. Seconded by Councilor Weisner. Motion passed 4-3 (Whiting, Cowan, Platz opposed).

Mayor Harmon and Councilors discussed the process of initiating ordinance amendments.

Councilor Gerry moved to reconsider the vote to table, seconded by Councilor Whiting. Motion to reconsider the vote to table passed 4-3. (Walker, Weisner, Milks opposed).

The motion to table was returned for action. Mayor called for the vote on the motion to table. Motion to table failed 3-4 (Gerry, Whiting, Cowan, Platz opposed).

Motion for passage passed 4-3 (Milks, Weisner, Walker opposed).

7. **Order 72-05062024 -** Approving the liquor license for the Hilton Garden Inn. Public hearing.

This item was opened for public comment. There was no comment.

Motion for passage by Councilor Milks, seconded by Councilor Walker.

Motion passed 7-0.

8. **Order 73-05062024 -** Appointing Emily F. Carrington as Registrar of Voters for the City of Auburn with a term expiration date of December 31, 2024.

Motion for passage made by Councilor Gerry, seconded by Councilor Walker.
Motion passed 7-0.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*
None.

VIII. Reports

a. **Mayor's Report –** Mayor Harmon reported on recent meetings of the AVCOG General Assembly and the Androscoggin Commissioners. The Mayor represented the City at the Inauguration of the new Bates College president, Garry W. Jenkins.
b. **City Councilors' Reports** - Councilor Gerry deferred to Councilor Cowan; Councilor Whiting congratulated all who won awards at the Central Maine Community College

Foundation meeting; Councilor Cowan shared an upcoming meeting of the Committee on Homelessness; Councilor Milks corrected a mistake he made on the development of the gravel pit and stormwater run-off; Councilor Weisner passed; Councilor Walker noted an upcoming meeting of the Age Friendly Committee including an event at the Auburn Library on May 18th from 1-3pm to give away clothing to residents in need; Councilor Platz gave an update from the Conservation Working Group regarding No Mow May and approval of the two new Student Representatives to the Council who will be joining the Council on May 20th.

c. **City Manager Report** – City Manager Crowell welcomed the two new Student Representatives to the Council. Orientation for the Student Representatives will be held this Thursday and sworn in at the meeting on May 20. Mr. Crowell introduced City Clerk Emily Carrington and provided the Council with a 30 day update on the status of 46 Fair Street. Mr. Crowell reminded the public of the LobsterFest event this weekend. Councilor Walker asked the City Manager for an update on St. Louis Church.

d. **January 2024 Finance Report** – Kelsey Earle, Finance Director, presented the report.

IX. Executive Sessions – None

X. Adjournment

On motion by Councilor Milks, a motion to adjourn was made and seconded by Councilor Platz. Motion passed 7-0. Council adjourned at 8:58pm.

A TRUE COPY **ATTEST** Emily F. Carrington
City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024

Author: Emily F. Carrington, City Clerk

Subject: City Clerk to Administer Oath of Office to City Council Student Representative

---

Information: City Clerk Emily Carrington will administer the oath of office to City Council Student Representative Anaya Egge, who was appointed by the City Council at the May 6, 2024 meeting. Houda Aden has withdrawn from the position.

City Budgetary Impacts: N/A

Staff Recommended Action: City Clerk to administer oath of office to the City Council Student Representative.

Previous Meetings and History: N/A

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments: N/A

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024

Author: Emily F. Carrington, City Clerk

Subject: Proclamation for Maine Arbor Week

Information: Proclamation recognizing Maine Arbor Week from May 19 to May 25, 2024 in the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Presentation of the Proclamation recognizing Maine Arbor Week.

Previous Meetings and History: N/A

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments: Proclamation signed by Mayor Harmon, letter of recognition from the Arbor Day Foundation

PROCLAMATION
MAINE ARBOR WEEK

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and this holiday called Arbor Day was first observed with the planting of a million trees in Nebraska; and

WHEREAS, May 19th to May 25th, 2024 is Maine Arbor Week; and

WHEREAS, trees can reduce the erosion of our precious topsoil, cut heating and cooling cost, moderate the temperature, clean the air, provide life-giving oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE I, Jeffrey D. Harmon, Mayor of the City of Auburn, by virtue of the authority vested in me, do hereby proclaim May 19th to May 25th, 2024, as the celebration of Maine Arbor Week in the City of Auburn, and I urge all citizens to celebrate Maine Arbor Week and support efforts to protect our trees and woodlands.

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine

to be fixed this 20th day of May 2024

Jeffrey D. Harmon, Mayor

Arbor Day Foundation®
211 N. 12th Street • Lincoln, NE 68508 • 888-448-7337 • arborday.org

We inspire people to plant, nurture, and celebrate trees.

Mayor Jeffrey Harmon
60 Court St
Auburn, ME 04210

Dear Tree City USA Community Member,

On behalf of the Arbor Day Foundation, I'm thrilled to congratulate Auburn on earning recognition as a 2023 Tree City USA. Residents of Auburn should be proud to live in a community that makes the planting and care of trees a priority.

Founded in 1976, Tree City USA is a partnership between the Arbor Day Foundation, the U.S. Forest Service, and the National Association of State Foresters. Auburn is part of an incredible network of more than 3,600 Tree City USA communities nationwide, with a combined population of 155 million.

Over the last few years, the value and importance of trees has become increasingly clear. Cities and towns across the globe are facing issues with air quality, water resources, personal health and well-being, and energy use. Auburn has taken steps to create to a brighter, greener future.

We hope you are as excited as we are to share this accomplishment with your local media and your residents. Enclosed in this packet is a press release for you to distribute at your convenience.

We're excited to celebrate your commitment to the people and trees of Auburn. Thank you, again, for your efforts.

Best Regards,

Dan Lambe
Arbor Day Foundation Chief Executive

RECYCLED PAPER
RECYCLABLE

Arbor Day Foundation®
211 N. 12th Street · Lincoln, NE 68508 · 888-448-7337 · arborday.org

We inspire people to plant, nurture, and celebrate trees.

FOR IMMEDIATE RELEASE
Contact:
Jasmine Putney
Arbor Day Foundation
402-216-9307
jputney@arborday.org

Arbor Day Foundation Names Auburn a 2023 Tree City USA®

LINCOLN, Nebraska (4/22/2024) – Auburn was named a 2023 Tree City USA by the Arbor Day Foundation to honor its commitment to effective urban forest management.

Auburn achieved Tree City USA recognition by meeting the program's four requirements: maintaining a tree board or department, having a tree care ordinance, dedicating an annual community forestry budget of at least $2 per capita, and hosting an Arbor Day observance and proclamation.

The Tree City USA program is sponsored by the Arbor Day Foundation, in partnership with the U.S. Forest Service and the National Association of State Foresters.

"Tree City USA communities see the positive effects of an urban forest firsthand," said Dan Lambe, chief executive of the Arbor Day Foundation. "The trees being planted and cared for by Auburn are ensuring that generations to come will enjoy to a better quality of life. Additionally, participation in this program brings residents together and creates a sense of civic pride, whether it's through volunteer engagement or public education."

If ever there was a time for trees, now is that time. Communities worldwide are facing issues with air quality, water resources, personal health and well-being, energy use, and extreme heat and flooding. Auburn is doing its part to address these challenges for residents both now and in the future.

More information on the program is available at arborday.org/TreeCityUSA.

About the Arbor Day Foundation
Founded in 1972, the Arbor Day Foundation has grown to become the largest nonprofit membership organization dedicated to planting trees, with more than one million members, supporters and valued partners. Since 1972, almost 500 million Arbor Day Foundation trees have been planted in neighborhoods, communities, cities and forests throughout the world. Our vision is to lead toward a world where trees are used to solve issues critical to survival.

As one of the world's largest operating conservation foundations, the Arbor Day Foundation, through its members, partners and programs, educates and engages stakeholders and communities across the globe to involve themselves in its mission of planting, nurturing and celebrating trees. More information is available at arborday.org.

RECYCLED PAPER
RECYCLABLE

DayOne

A better tomorrow starts **today.**

SUBSTANCE USE MENTAL HEALTH
OUTPATIENT RESIDENTIAL

P.O. Box 1360- 86 Tandberg Trl.
Windham, ME 04062

Auburn City Manager Phil Crowell
60 Court St.
Auburn, ME 04210

Re: Budget Request

Dear Phil Crowell,

Day One One's mission is to improve the health of Maine by providing substance use, mental health, and wellness services to youth and families. For over 50 years we have provided substance use and mental health services designed to reconnect individuals, youth, and families to paths of healing and recovery.

Day One operates the only adolescent residential substance use program(s) in Maine. Because our Youth Residential Treatment Centers are the only of its kind in Maine, referrals come from all over the State for these programs.

We would like to kindly request $1,000 to help support Day One's Youth Substance Use and Mental Health programs.

Thank you for your consideration.

With appreciation,

Becky Humphrey
Chief Executive Officer

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024 **Ordinance:** 09-05062024

Author: Jay Brenchick, Director of Economic Development and Eric J. Cousens, Director of Planning and Permitting

Subject: General Business Zone text amendment to allow Maine bioproducts manufacturing in parts of the GB zone.

Information: In October 2023, the Governor's Office announced that the Economic Development Administration (EDA) designated Maine's Forest Bioproducts Advanced Manufacturing Tech Hub as a Federal "Tech Hub." The designation acknowledges that Maine's forest bioproducts sector has the potential for rapid growth and opens the door for significant Federal investment. The Technology Hub overlay will allow the City of Auburn to compete for prospects and incentives related to the new federal Tech Hub designation. The text amendment adds flexibility to a certain area of the city zoned as General Business by adding such manufacturing use to the General Business District.

This change will define and declare the City's desire to attract investment related to Maine's Forest Bioproducts Advanced Manufacturing Technologies in the mapped area to promote related uses and expand uses in the General Business zoned portions of the Technology Hub Overlay to include manufacturing uses using Maine Forest Bioproducts. This change will create significant opportunities for manufacturing in the City of Auburn and leverage outside investment.

City Budgetary Impacts: None known.

Staff Recommended Action: Staff recommends that the Council take the Planning Board's recommendations to adopt the text amendment.

Previous Meetings and History: During the February 20, 2024, City Council Meeting, staff informed City Council of the Economic Development Administration (EDA) designation of Maine as a Forest Bioproducts Advanced Manufacturing Tech Hub. The Economic Development Department; Planning, Permitting & Code Department; and Business and Community Development Department will work together to create an Innovation/Tech Hub Designation in the area surrounding Exit 75 and the Auburn-Lewiston Municipal Airport. This designation aims to align the City of Auburn's zoning, business resources, marketing, and economic development partnerships with the efforts made at the state and federal levels. On April 9, 2024, Planning Board voted to recommend that the City Council adopt this text amendment.

This item passed first reading at public hearing on May 6, 2024 (5-2, Milks & Walker opposed).

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments:

Tech Hub Overlay Map, General Business Zone ordinance text, Planning Board motion, staff report.

DIVISION 12. GENERAL BUSINESS DISTRICT

Sec. 60-498. Purpose.

This district is intended to include commercial uses serving both the city and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area.

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. Use regulation.

(a) *Permitted uses.* The following uses are permitted:

(1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).

(2) Grocery stores and supermarkets.

(3) Clothing stores.

(4) Furniture stores.

(5) Department stores.

(6) Specialty shops.

(7) Hotels and motels.

(8) Funeral homes and mortuaries.

(9) Child day care centers.

(10) Medical and dental clinics.

(11) Wholesale bakeries.

(12) Retail laundries and dry cleaners, but not plants.

(13) Banks, business and professional offices.

(14) Public transportation passenger offices.

(15) Governmental offices.

(16) Municipal, civic or public service buildings and other utility facilities.

(17) Warehouses, wholesale offices, salesrooms and showrooms.

(18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.

(19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.

(20) Animal hospitals and pet shops, but no kennels.

(21) Business equipment repair and business services.

(22) Radio and television studios.

(23) Printing shops, but not publishing plants.

(24) Retail, service, office and commercial uses similar to the foregoing.

(25) Carwashes.

(26) Accessory uses, building and structures.

(27) Shelters for abused persons.

(28) Greenhouses and lawn maintenance services.

(29) Temporary outdoor places of amusement.

(30) Churches and temples.

(31) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.

(32) Marijuana cultivation accessory to a licensed retail store on the same property.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

(1) Automobile filling stations.

(2) Automobile repair and service stations.

(3) Automobile and marine sales lots and sales and service agencies.

(4) Automobile and marine paint and body repair shops.

(5) Hospitals, care homes, boardinghouses and lodginghouses.

(6) Research or philanthropic institutions.

(7) Outdoor theaters.

(8) Drive-in or carry-out restaurants.

(9) Commercial parks.

(10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.

(11) Light industrial plants which will not create a nuisance by noise, vibration, smoke, odor or appearance.

(12) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.

(13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.

(14) Convenience stores.

(15) Research, experimental and testing laboratories.

(16) Landscape services.

(17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.

(18) Automotive towing and storage.

(19) Major retail development provided that it meets the conditions noted in section 60-45(g).

(20) Outpatient addiction treatment clinics.

(21) Adaptive reuse of structures of community significance.

(22) Public safety services.

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(23) Government services.

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(24) Manufacture, compounding or assembling of articles using Maine derived forest products, agricultural products or other natural resource inputs.

a. The property is located in the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District.

(Ord. of 9-21-2009, § 3.62B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 05-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 30, 31, 3-15-2021; Ord. No. 02-02132023, 2-17-2023)

Formatted: Normal

Secs. 60-501—60-523. Reserved.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: April 9th, 2024

To: Auburn Planning Board

From: The City of Auburn Office of Planning & Permitting

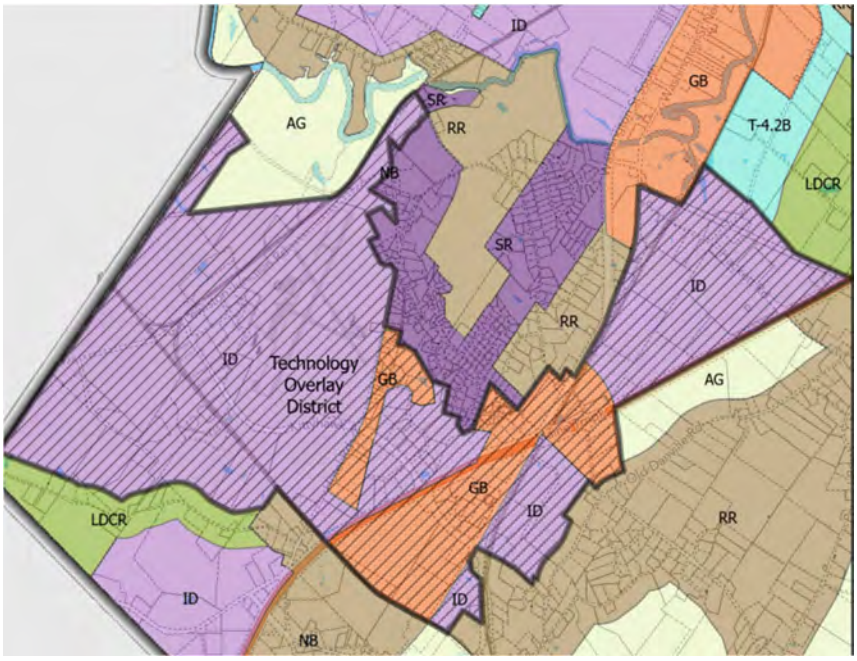
Re: Staff Report on Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District Text and Map Amendments

I. **Proposal 1 Public Hearing/ Text Amendment:** City Council initiated text amendment to Chapter 60 Article IV, Division 12 General Business District by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District.

II. **Proposal 2 Public Hearing/ Map Amendment:** City Council initiated zoning map amendment to create the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. This zoning map overlay is generally located near Lewiston Junction Road, Kittyhawk Ave, and the southerly half of Washington Street.

III. Background: This proposal is to implement more flexibility in the General Business Zoning District in the area near exit 75 on the Maine Turnpike that is not available in other areas of the City that are also zoned as General Business, like Center Street and the surrounding neighborhoods.

The Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District is represented on the sketch map as cross-hatched over the existing General Business District (represented in orange) and the existing Industrial District (represented in light purple). The extent of this zoning change is to add language allowing manufacturing of Maine-derived natural products, resembling what is already allowed in the Industrial Zoning District, in one area of the General Business District. As such, this overlay is presented as both a text amendment to the General Business Zone, and a Map amendment creating the overlay represented visually on the City's Official Zoning Map.



The City of Auburn's Economic Development Director, Jay Brenchick, gives the following introduction on the origins of these two proposals:

In October 2023, the Governor's Office announced that the Economic Development Administration (EDA) designated Maine's Forest Bioproducts Advanced Manufacturing Tech Hub as a Federal "Tech Hub." The designation acknowledges that Maine's forest bioproducts sector has the potential for rapid growth and opens the door for significant Federal investment. The Maine Technology Institute (MTI) and the Governor's Office partnered with a consortium that included the University of Maine, the Roux Institute, the Maine Community College System, the Maine Venture Fund, and others during the application process.

Maine's Forest Bioproducts Tech Hub will accelerate research and development of natural polymers and other plant-based and wood fiber bioproducts that sequester carbon and replace plastics and toxic chemicals while bolstering "Made in America" supply chain goals.

The City of Auburn Economic Development has been in regular communication with the University of Maine, the Roux Institute, the Maine Composites Alliance, the Manufacturers Association of Maine, the Maine Manufacturers Extension Partnership, and the Maine Department of Economic and Community Development to position Auburn for participation in the Tech Hub designation and other state and federal innovation initiatives.

The Economic Development Department, Planning, Permitting & Code Department, and Business and Community Development Department are collaborating to create an Innovation/Tech Hub Designation surrounding Exit 75 and the Auburn-Lewiston Municipal Airport. This designation aims to align the City of Auburn's zoning, business resources, marketing, and economic development partnerships with efforts made at the state and federal levels.

In short, the Technology Hub overlay will allow the City of Auburn to compete for prospects and incentives related to the new state and federal Tech Hub designation.

IV. **Planning Board Recommended Action:** Review the Text and Map proposals, hold a public hearing on both the proposed text amendment and the proposed map amendment. Make two separate motions to provide a favorable recommendation to City Council on the Zoning Map and Text Amendments.

V. **Suggested Motion:**

a. **Proposal 1 (Text Amendment):** I make a motion to recommend that the City Council amend Chapter 60 Article IV, Division 12 General Business District by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District.

b. **Proposal 2 (Map Amendment):** I make a motion to recommend that the City Council amend the Official Zoning Map of the City of Auburn to create the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. This zoning map overlay is generally located near Lewiston Junction Road, Kittyhawk Ave, and the southerly half of Washington Street.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 05/06/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Tech Hub Overlay Text Amendment

The following is the report from the Planning Board regarding Adding language to support a Maine bioproducts manufacturing tech hub within the General Business District pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on April 9th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT: Consider adding Chapter 60 Article IV, Division 12 General Business District be amended by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District.

Motion: Dave Trask makes a motion to recommend that the City Council amend Chapter 60 Article IV, Division 12 General Business District by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District; **Second:** Tim DeRoche Seconds.
Vote: 7-0-0 Motion passes.

LEGAL NOTICE
City of Auburn

Notice is hereby given that the Auburn City Council will hold Public Hearings on **Monday, May 6 2024, at 7:00 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to consider the following topics:

1. **PUBLIC HEARING/ TEXT AMENDMENT:** City Council initiated text amendment to Chapter 60 Article IV, Division 12 General Business District by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District.
2. **PUBLIC HEARING/ MAP AMENDMENT:** City Council initiated zoning map amendment to create the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. This zoning map overlay is generally located near Lewiston Junction Road, Kittyhawk Ave, and the southerly half of Washington Street.

Both proposals were initiated by the city pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Additional information and copies of the official map and text amendments listed above are available in the Auburn Planning & Permitting Department, by contacting Katherine Cook at (207) 333-6601 ext. 1155 or kcook@auburnmaine.gov, and will be made available online no later than the Friday before the meeting at https://www.auburnmaine.gov/pages/government/planning-board-agendas.

Ordinance 09-05062024

City Council Ordinance

IN CITY COUNCIL

Creating the Maine Bioproducts Advanced Manufacturing Tech Hub Overlay District Map

Be it ordained, by the Auburn City Council, that Chapter 60 Article IV, Division 12 General Business District be amended by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. The text shall appear under Sec. 60-499(b)(24) as follows:

DIVISION 12. GENERAL BUSINESS DISTRICT

Sec. 60-499. Use regulation.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

(24) Manufacture, compounding or assembling of articles using Maine derived forest products, agricultural products or other natural resource inputs.

a. The property is located in the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024 **Ordinance:** 10-05062024

Author: Jay Brenchick, Director of Economic Development and Eric J. Cousens, Director of Planning and Permitting

Subject: Ordinance to amend Official City of Auburn Zoning Map to include the Maine Forest Bioproducts Advanced Manufacturing Overlay District

---

Information: In October 2023, the Governor's Office announced that the Economic Development Administration (EDA) designated Maine's Forest Bioproducts Advanced Manufacturing Tech Hub as a Federal "Tech Hub." The designation acknowledges that Maine's forest bioproducts sector has the potential for rapid growth and opens the door for significant Federal investment. The Technology Hub overlay will allow the City of Auburn to compete for prospects and incentives related to the new federal Tech Hub designation. The attached map identifies the area staff recommends for the Technology Hub Overlay.

This change will define and declare the City's desire to attract investment related to Maine's Forest Bioproducts Advanced Manufacturing Technologies in the mapped area to promote related uses and expand uses in the General Business zoned portions of the Technology Hub Overlay to include manufacturing uses using Maine Forest Bioproducts. The proposed Maine Forest Bioproducts Advanced Overlay District overlays the existing General Business and Industrial Zoning Districts in the southern part of the City of Auburn near Washington Street and the Maine Turnpike. All district regulations in the Industrial District and the General Business District, as amended, will be upheld and maintained. This change will create significant opportunities for manufacturing in the City of Auburn and leverage outside investment.

City Budgetary Impacts: None known.

Staff Recommended Action: Staff recommends that the Council vote to adopt the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District attached to this information sheet.

Previous Meetings and History: During the February 20, 2024, City Council Meeting, staff informed City Council of the Economic Development Administration (EDA) designation of Maine as a Forest Bioproducts Advanced Manufacturing Tech Hub. The Economic Development Department; Planning, Permitting & Code Department; and Business and Community Development Department will work together to create an Innovation/Tech Hub Designation in the area surrounding Exit 75 and the Auburn-Lewiston Municipal Airport. The Planning Board voted to recommend that the City Council adopt this Map amendment at their April 9, 2024, meeting. This designation aims to align the City of Auburn's zoning, business resources, marketing, and economic development partnerships with the efforts made at the state and federal levels.

This item passed first reading at public hearing on May 6, 2024 (5-2, Milks & Walker opposed).

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments: Planning Board Motion, Tech Hub Overlay Map, Ordinance

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

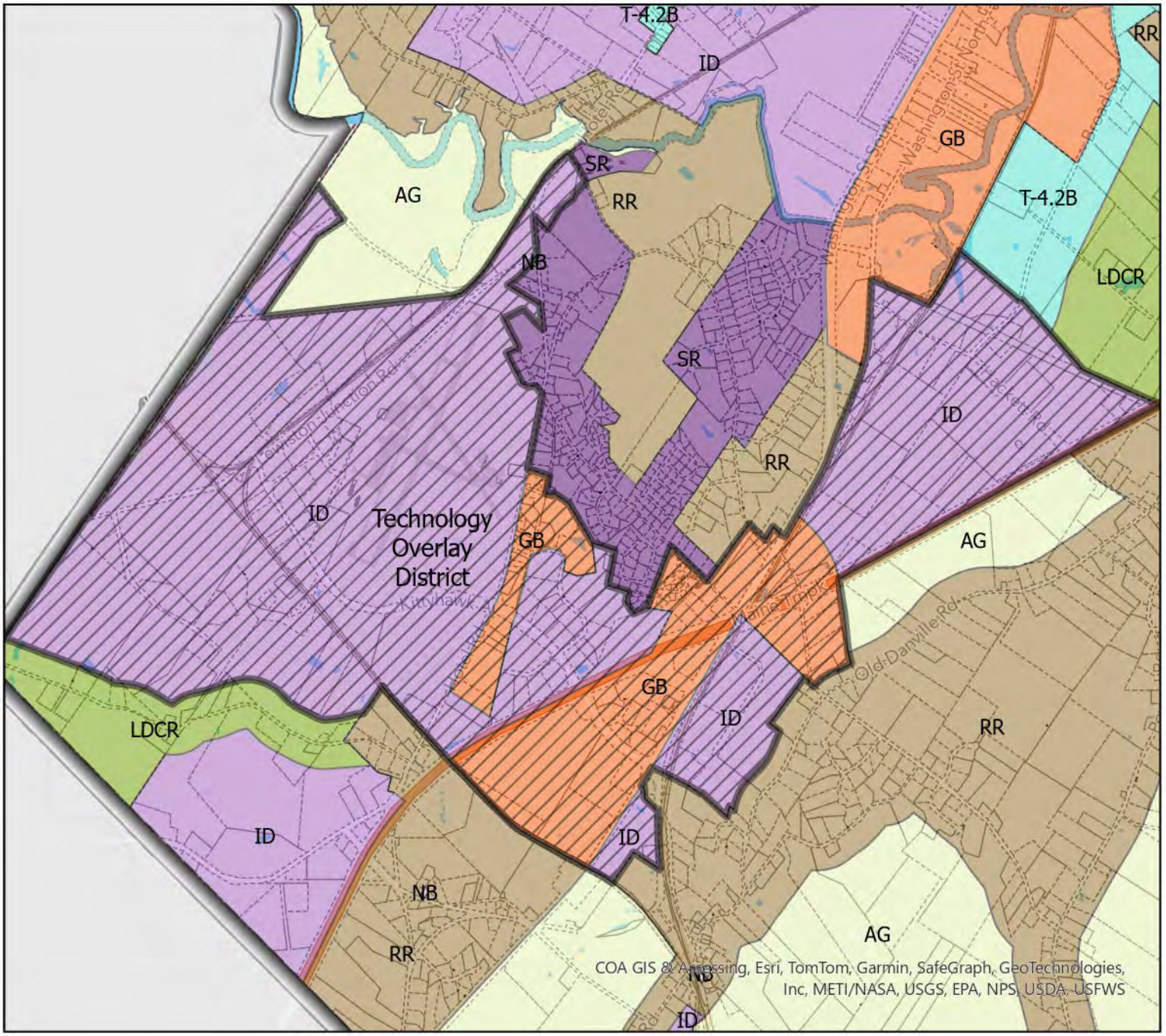
Date: 05/06/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Tech Hub Overlay Map Amendment

The following is the report from the Planning Board regarding Adding language to support a Maine bioproducts manufacturing tech hub map overlay as part of the City of Auburn's official zoning map. After notice and Public Hearings held on April 9th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT: City Council initiated zoning map amendment to create the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. This zoning map overlay is generally located near Lewiston Junction Road, Kittyhawk Ave, and the southerly half of Washington Street.

Motion: Tim DeRoche makes a motion to recommend that the City Council amend the Official Zoning Map of the City of Auburn to create the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. This zoning map overlay is generally located near Lewiston Junction Road, Kittyhawk Ave, and the southerly half of Washington Street; **Second**: Bob Hayes seconds that motion.
Vote: 7-0-0; Motion Passes.

Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District



Ordinance 10-05062024

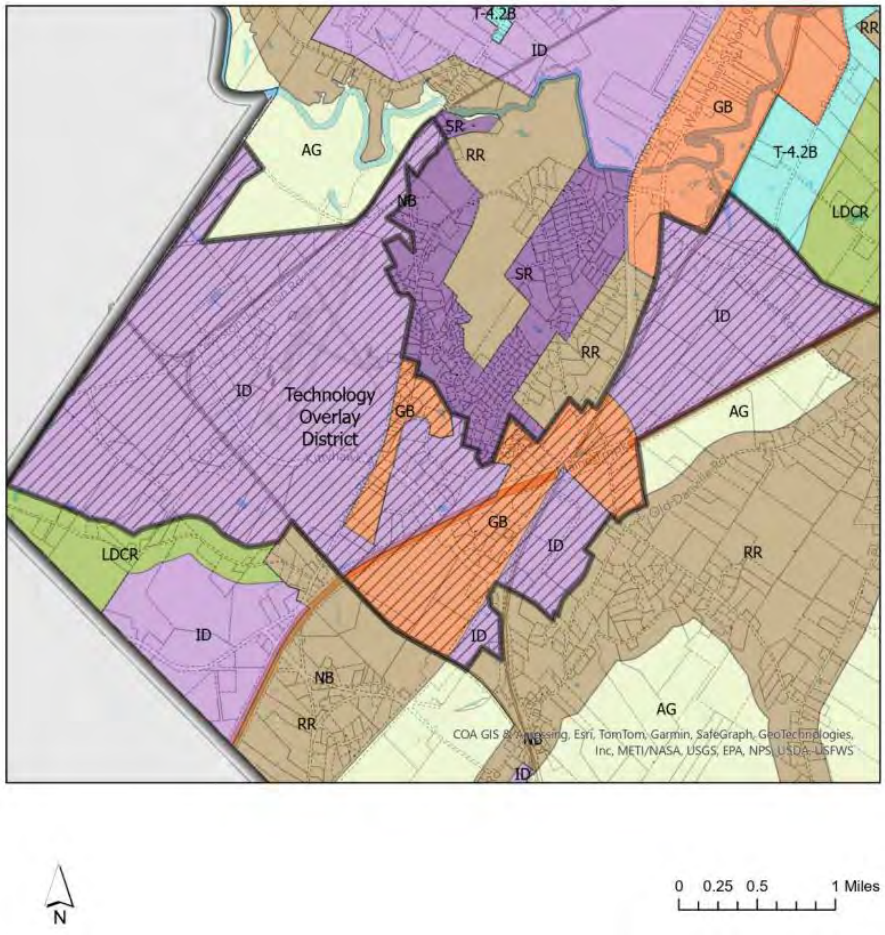
City Council Ordinance

IN CITY COUNCIL

Creating the Maine Bioproducts Advanced Manufacturing Tech Hub Overlay District Map

Be it ordained, by the Auburn City Council, that the Official Zoning Map of the City of Auburn to be amended to create the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. This zoning map overlay is generally located near Lewiston Junction Road, Kittyhawk Ave, and the southerly half of Washington Street and appears as follows:

Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District



Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024 **Resolve**: 04-05062024

Author: Kelsey Earle, Finance Director

Subject: Resolve Adopting the 2024-2025 Annual Appropriation and Revenue Resolve (Second Reading)

Information: In accordance with the City Charter, Article 8, Section 8.6, prior to the fiscal year the City Council shall adopt an annual appropriation resolve making appropriations by department, fund, services, strategy or other organizational unit and authorizing an allocation for each program or activity.

The Council has been supplied with a resolve to adopt the annual appropriations for the City of Auburn, which includes final figures for revenue, total appropriation and municipal budget.

The school appropriation has been incorporated into this annual appropriation resolve for the City of Auburn.

This is the second reading of the Appropriation Resolve for FY 24-25.

City Budgetary Impacts: With this FY 25 Proposed Budget the tax levy increase is 5.96%, which is above CPIU at 4.1% . At this time, the estimated proposed mil rate increase is 5.96%.

Staff Recommended Action: Staff recommends passage of the budget on the second reading.

Previous Meetings and History: Preliminary City budget presentation March 4, 2024 and final Manager's Budget presentation April 16, 2024, Budget workshop April 22, 2024.
The School Committee has held many budget meetings and workshops to develop the proposed budget beginning November, 2023. The School Committee encouraged public comment at each budget meeting. A joint meeting to discuss the FY 2025 school budget was held with the City Council in a workshop on April 1, 2024. This item passed first reading at public hearing on May 6, 2024 (5-2, Gerry & Weisner opposed)

City Manager Comments: I concur with the recommendation.

Signature: Phillip Crowell J.

Attachments:
Resolve for the 2024-2025 Annual Appropriation and Revenue including School Department Articles.

RESOLVE 04-05062024

City Council Resolve

IN CITY COUNCIL

Resolved, that the following be, and hereby is the Annual Appropriation and Revenue Resolve of the City of Auburn for the fiscal year 2024-2025, which includes the amounts appropriated herein and revenues from all sources beginning July 1, 2024, and ending June 30, 2025.

The estimated aggregate amount of non-property tax revenue is $67,511,381 with a municipal revenue budget of $26,142,646 and a School Department revenue budget of $41,368,735.

The aggregate appropriation for the City of Auburn is $121,825,948, with a municipal budget of $54,256,734 County budget of $3,117,240 and a School Department budget of $62,123,472 which received School Committee approval on April 24, 2024, and school budget approved at the May 6, 2024 Council Meeting pursuant to the School Budget Validation vote on June 11, 2024, in accordance with Maine Revised Statues, Title 20-A § 1486 and based on the budget submitted to the Auburn City Council on April 16, 2024, by the City Manager, and notification was posted on the City of Auburn website on May 2, 2024 that a public hearing would be held on May 6, 2024 at 7:00 p.m. and said hearing having been held on that date, and as amended by the City Council, the same is hereby appropriated for the fiscal year 2024-2025 beginning July 1, 2025 for the lawful expenditures of the City of Auburn and the County of Androscoggin taxes, and said amounts are declared not to be in excess of the estimated revenue from taxation and sources other than taxation for the fiscal year of 2024-2025.

SCHOOL BUDGET ARTICLES

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2024-2025.

1. That $ 20,414,118 be authorized to be expended for Regular Instruction;

2. That $ 13,903,945 be authorized to be expended for Special Education;

3. That $-0- be authorized to be expended for Career and Technical Education;

4. That $ 958,221 be authorized to be expended for Other Instruction;

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Resolve

5. That $ 4,210,854 be authorized to be expended for Student and Staff Support;

6. That $ 1,491,243 be authorized to be expended for System Administration;

7. That $ 2,693,273 be authorized to be expended for School Administration;

8. That $ 2,441,816 be authorized to be expended for Transportation and Buses;

9. That $ 5,293,437 be authorized to be expended for Facilities Maintenance;

10. That $ 10,299,164 be authorized to be expended for Debt Service and Other Commitments;

11. That $ 41,685 be authorized to be expended for All Other Expenditures;,

12. That $ 53,702,850.90 be appropriated for the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that $ 15,589,989.66 be raised as the municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

    Explanation: *The city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding*

    Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

13. That $1,155,649 be raised and appropriated for the annual payments on debt service previously approved by the city's legislative body for non-state-funded school construction projects or non-state-funded portions of school construction projects, in addition to the funds appropriated as the local share of the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with Maine Revised Statues, Title 20-A, Section 15690 (2A);

    Explanation: *Non-state-funded debt service is the amount of money needed for the annual payments on the city's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

14. That $3,795,455 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by $3,795,455, as required to fund the budget recommended by the School Committee.

City Council Resolve

The School Committee recommends $3,795,455, which exceeds the State's Essential Programs and Services allocation model by $3,795,455. The School Committee gives the following reasons for exceeding the State's Essential Programs and Services funding model:

The Essential Programs and Services funding model does not recognize all of the costs of special education services, transportation services, instructional services, co-curricular services and other services that the School Department provides.

> ***Explanation:*** *The additional local funds are those locally raised funds over and above the city's local contribution to the total cost of funding public education from Pre- kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the school department budget for educational programs.*

15. That the school committee be authorized to expend $61,747,757 for the fiscal year beginning July 1, 2024 and ending June 30, 2025 from the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, fund balances, state subsidy and other receipts for the support of schools;

16. That the City of Auburn appropriate $375,716 for Adult Education and raise $213,644 as the local share, with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

17. That in addition to amounts approved in the preceding articles, the School Committee be authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

18. That in addition to amount approved in the preceding articles, the School Committee be authorized to transfer up to $150,000 from the School Department's unexpended balances at the end of the 2023-2024 fiscal year to the Edward Little High School Capital Reserve Fund for the purpose of funding capital improvement projects, facility upgrades, and plant maintenance at the new Edward Little High School and adjacent athletic facilities.

19. That in addition to amount approved in the preceding articles, the School Committee be authorized to transfer up to $150,000 from the School Department's unexpended balances at the end of the 2023-2024 fiscal year to the School Technology Equipment Reserve Fund for the purpose of funding purchase and maintenance of computers, tablets, audiovisual equipment, and related technology for the School

City Council Resolve

Department.

20. That in addition to the amount approved in the preceding articles, the School Committee transfer $268,000 from Excess Fund Balance Funds to the Curriculum Development Reserve Fund for the purpose of funding curriculum development materials, equipment, software, and professional development.

RESOLVED, The City is authorized to accept grants and forfeitures and to expend sums that may be received from grants and forfeitures for municipal purposes during the fiscal year beginning July 1, 2024, and ending June 30, 2025, provided that such grants and forfeitures do not require the expenditure of other funds not previously appropriated.

RESOLVED, that fifty percent (50%) of all real estate taxes assessed as in the annual commitment, committed to the Tax Collector, shall be due proportionately from each taxpayer on September 16, 2024, and the remaining fifty percent (50%) shall be due on March 17, 2025.

Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any real estate taxes remaining uncollected on September 17, 2024, and March 18, 2025, respectively shall bear interest at a rate of 6% per annum from and after such dates.

Personal property taxes shall be due and payable on or before September 16, 2024. Any personal property taxes remaining unpaid on September 17, 2024, shall bear an interest rate of 6% per annum from and after such date. Interest on all delinquent taxes shall be computed on a daily basis and shall be collected by the Tax Collector. The Tax Collector is authorized to accept tax prepayments.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024 **Order:** 74-05202024

Author: Glen E. Holmes, Director of Business & Community Development

Subject: CDBG/HOME Consortium Action Plan for Program Year 2024

Information:
Each year the Business & Community Development Department presents the Annual Action Plan, detailing the use of Auburn's CDBG funds & the Auburn-Lewiston Consortium's HOME funds. This plan is designed to address community needs as detailed in the 5 year Consolidated Plan which was adopted in 2020.

City Budgetary Impacts:
Auburn's expected CDBG allocation is $508,342, with an additional $482,287 of unspent allocations from previous years and an expectation of $100,000 in program income. The Auburn-Lewiston HOME Consortium annual allocation is $510,521, with an additional $2,168,362 of unspent allocations from previous years and an expectation of $50,000 in program income. Auburn's share of the consortium dollars is $2,024,123. These federal grant dollars cover staff salary/benefits as well as program activities for the Business and Community Development program.

Auburn CDBG & Auburn-Lewiston Consortium				
PY2024 Budget				
ACTIVITIES	**Budget Totals**	**Auburn CDBG**	**Auburn Home**	**Lewiston Home**
Administration	$172,098.81	$111,618.13	$43,711.47	$16,769.21
Economic Development	$0.00	$0.00		
Public Service	$100,000.00	$100,000.00		
Public Improvements (Infrastructure)	$636,315.42	$636,315.42		
Tenant Based Rental Assistance	$15,000.00			$15,000.00
Affordable Housing	$2,824,219.68	$242,695.94	$1,980,412.00	$601,111.74
TOTAL EXPENDITURES	**$3,747,633.91**	**$1,090,629.49**	**$2,024,123.47**	**$632,880.95**

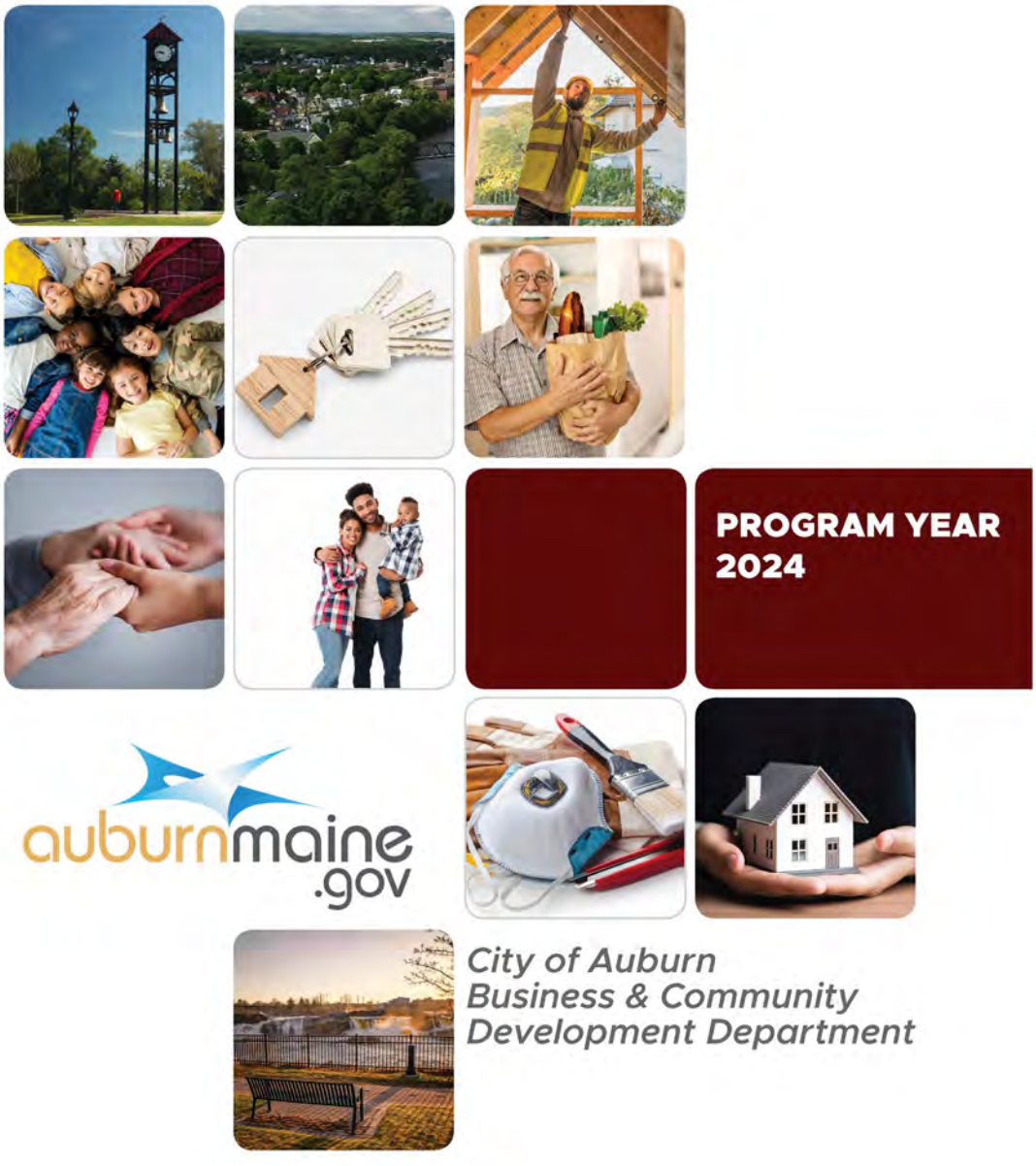
Staff Recommended Action:
Adopt the 2024 CDBG & HOME Consortium Action Plan

Previous Meetings and History:
Public Hearing February 20, 2024
Public Comment Period April 26 - May 30th, 2024

City Manager Comments:
I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
PY24 CDBG & HOME Action Plan

COMMUNITY DEVELOPMENT ACTION PLAN



PROGRAM YEAR 2024

auburnmaine.gov

City of Auburn
Business & Community
Development Department

Photo of falls: Richard Rourke Photography
Grant photo: Falco Foors Drones

OMB Control No: 2506-0117 (exp. 09/30/2021)

Executive Summary

AP-05 Executive Summary - 91.200(c), 91.220(b)

1. Introduction

The City of Auburn Community Development Office (ACDO) presents its Plan Year 24 Action Plan (AP) to the U.S. Department of Housing and Urban Development (HUD). Embracing the core mission of the Community Development Block Grant (CDBG) program, we endeavor to cultivate vibrant urban communities by facilitating conducive living environments, affordable housing options, and economic prospects for individuals of low and moderate income. With a dedicated focus on Auburn and the Auburn-Lewiston consortium jurisdiction, the ACDO remains steadfast in its commitment to effect substantial positive change.

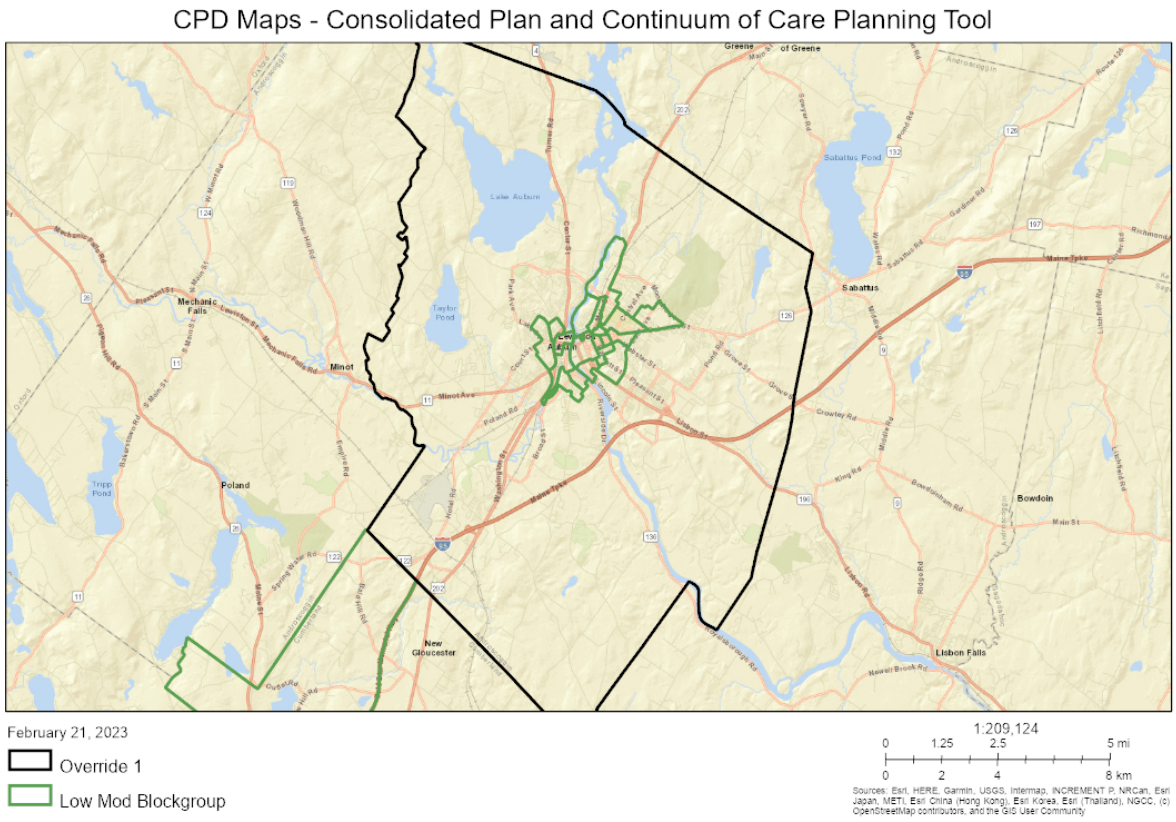
Furthermore, the HOME Investment Partnership (HOME) program provides for new housing options for low-income households, reinforcing the ACDO's unwavering dedication to uplifting the lives of those in need.

The ACDO, in alignment with its 2020-2024 Consolidated Plan (PLAN), meticulously crafted strategies for the utilization of CDBG and HOME programs in Auburn and Lewiston. By identifying prevalent community challenges and addressing unmet needs, the ACDO has set forth clear priorities and delineated how federal resources will be deployed to tackle these issues. This comprehensive PLAN establishes precise goals, delineates measurable objectives, and defines performance metrics to evaluate progress effectively. It serves as a robust framework for prioritizing funding requests and shaping individual program guidelines.

With a focus on aiding low and moderate-income individuals and families, CDBG funds are channeled into areas necessitating improvement, particularly those with a pronounced concentration of such demographics. The ACDO remains steadfast in its commitment to utilizing these funds for housing and infrastructure enhancements, as well as vital social services. While maintaining flexibility in fund allocation, the ACDO remains resolute in ensuring adherence to the national objective and the prudent utilization of CDBG-funded social service expenditures within the 15% annual allocation cap.

This AP delineates proposed activities and a fifth-year budget aimed at advancing the goals and objectives outlined in the PLAN. The utilization of Comprehensive Housing Affordability Strategy (CHAS) data, updated with the latest available information (2016-2020 ACS) for this AP, underscores the pressing need for assistance. Nearly half of households in Auburn and Lewiston qualify for support, with approximately 4,760 households in Auburn and 8,695 households in Lewiston falling within or below

80% of the HUD Area Median Family Income (HAMFI), rendering them eligible for low-to-moderate-income status under the CDBG or HOME programs. By embarking on decisive actions to address these critical issues, as delineated in this AP, the ACDO assumes a pivotal role in positively impacting the lives of those in need within the Auburn and Lewiston communities.



Low-Mod Block Group - ESRI

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The ACDO remains steadfast in its commitment to achieving the measurable outcomes outlined during the adoption of the 2020-2024 Consolidated Plan. This comprehensive PLAN delineated four overarching goals and their expected outcomes, detailed below. The data provided illustrates the cumulative impact realized thus far for program years 2020, 2021, and 2022, alongside the progress achieved in program year 2023 to date. These outcomes solely reflect the impact generated by activities funded through the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs. It's noteworthy that this assessment excludes the impacts facilitated by the Lead Hazard Mitigation grant,

American Rescue Plan Act (ARP) funds, or other local or federal funding sources leveraged by the ACDO over the preceding year.

	PLAN Objectives	PY 20, PY 21, and PY 22	PY 23 YTD	Total	Total % of Plan
Goal #1	Provide Safe & Affordable Housing				
Rental Units Rehabilitated	100	7	0	7	7%
Homeowner Units Rehabilitated	50	17	2	19	38%
Tenant Based Rental Assistance	125	24	1	25	20%
Goal #2	Improved Infrastructure & Reduced Blight				
Persons Assisted	3,000	3,590	1,240	4,830	161%
Goal #3	Promote Economic Opportunities				
Jobs Created/Retained	10	11	0	11	110%
Businesses Assisted	10	7	0	7	70%
Goal #4	Provide Essential Services				
Persons Assisted	1,200	2,265	1,173	3,438	287%
Homeless person/overnight shelter	0	5	14	19	

Table 1 - GOALS OF THE 2020-2024 CONSOLIDATED PLAN

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Within the Plan's four established objectives, only Goal #1 is behind on its 80% target. COVID-19 caused delays in Rental and Homeowner rehab projects for program year (PY) 2020. Additionally, skyrocketing prices for construction materials and a shortage of contractors in program years 2021 and 2022 further hindered project progress.

In PY 2023, the ACDO faced challenges in identifying qualified projects. The primary reasons for projects failing to meet eligibility criteria were applicants and tenants exceeding income limits, along with incomplete submission of required documentation. Of the 70 homeowner rehab project applications submitted to the ACDO since January 2023, only 9 have received approval for CDBG rehab. Five projects are still under review. Among the 43 rental rehab projects, 2 were approved for CDBG rehab and 2 for Lead rehab using OLHCHH funds. Nine are undergoing the review process.

Given the anticipated continuation of these conditions, the ACDO will shift its focus to new unit development in PY 2024.

The ACDO also fell short of its Tenant-Based Rental Assistance goal. A significant rise in average rental rates made finding eligible units challenging. Using Fair Market Rent (FMR) as the maximum rate for assisted rental units, the ACDO found many units overpriced, surpassing the HUD-required cap for rental rates and disqualifying them from assistance. The ACDO will not continue TBRA for PY 2024; however, HOME-ARP funds will be allocated to provide direct services and emergency support to Auburn residents experiencing homelessness.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The formulation of the Action Plan for the City of Auburn and the Auburn-Lewiston Consortium adheres meticulously to the pertinent HUD guidelines and the Auburn Citizen Participation Plan. A comprehensive community needs survey, distributed through both digital channels and traditional paper formats, was conducted to ensure broad outreach. The survey remained accessible for responses from December 29, 2023, to March 1, 2024, and witnessed an impressive turnout of nearly 730 households, representing over 1,500 residents. This marked a notable increase of 424% from the previous year. Moreover, the ACDO engaged in direct consultations with local service providers to glean deeper insights into the community's diverse needs.

Preceding the formulation of this Plan, the Auburn City Council convened a pre-plan Public Hearing, providing residents with a platform to voice their concerns and articulate their priorities for the community. Subsequently, a 30-day public comment period ensued prior to the adoption of the CDBG and HOME Action Plans and associated budgets. The final Action Plan was made available for public scrutiny on April 26, 2024, including a Public Hearing hosted by the City Council on May 20, 2024. The public comment period ended on May 30, 2024. Public Notices for these hearings, along with invitations for community input, were disseminated through prominent local channels such as the Sun Journal newspaper, the city’s official website, and various social media platforms to ensure extensive community engagement. Additionally, the Action Plan and supplementary materials were readily accessible on the City's website, promoting transparency and accessibility to all stakeholders.

Additional documentation of notices will be added here as they are completed.

City of Auburn, Maine (Official)
December 29, 2023 ·

Shape Auburn's future - your opinion counts! We're on a mission to elevate Auburn's services and amenities, and we need YOUR valuable input to guide our budgeting decisions. Your participation in our quick community survey is instrumental in shaping the destiny of our city.

Why participate? Your insights will directly influence the allocation of CDBG & HOME funds provided by the U.S. Department of Housing and Urban Development (HUD) for the program year 2024. This is your chance to highlight unmet community needs and contribute to the development of our Annual Action Plan. Your feedback matters, and together, we can ensure federal funds are directed where they are needed most.

Complete our Community Development Survey (deadline for input is 3/1/24): https://www.surveymonkey.com/r/communitysurvey24

For printed copies, translations, or other accommodations, contact the Community Development Office at: CDBG@auburnmaine.gov or (207) 333-6601 X1332.



Facebook Post 12-29-23

NATIONAL BASKETBALL ASSOCIATION

Pacers: MRI shows Haliburton has strained hamstring

INDIANAPOLIS (AP) — Indiana Pacers All-Star guard Tyrese Haliburton strained his left hamstring during a victory over Boston and will begin receiving treatment immediately, the team said Tuesday.

Team officials did not provide a timetable for Haliburton's return in the announcement and said updates would be provided as warranted.

The 23-year-old point guard was injured in the first half against the Celtics on Monday when he slipped while driving toward the basket. He immediately reached for his hamstring and teammates carried him from the court to the locker room. An MRI confirmed the injury.

He is Indiana's top scorer at 23.6 points per game, the NBA leader in assists at 12.5 per game and the catalyst of the league's highest-scoring offense (127.0). Haliburton also would have won last year's league assists title had he played in enough games to qualify and appeared to be a lock to play in his second straight All-Star Game, this one in Indianapolis on Feb. 18.

Indiana (21-15) is currently tied for fourth in the Eastern Conference and is 6-3 against the conference's top two teams, Boston and Milwaukee.



MAJOR LEAGUE BASEBALL

MIAMI MARLINS IN AGREEMENT TO HIRE RACHEL BALKOVEC

MIAMI (AP) — The Miami Marlins are in agreement with Yankees minor league manager Rachel Balkovec to become their director of player development, according to a person familiar with the deal.

The person confirmed an MLB.com report of Balkovec's hiring to The Associated Press on Tuesday on condition of anonymity because the team had not announced the deal.

Balkovec finished her second season as manager at Class A Tampa in September. She debuted with the team in April 2022 with a win as the first woman to manage a Major League Baseball affiliate.

Before that, Balkovec was the first woman to serve as a full-time minor league strength and conditioning coach, then the first to be a full-time hitting coach in the minors with the Yankees.

A former softball catcher at Creighton and New Mexico, Balkovec got her first job in professional baseball with the St. Louis Cardinals as a minor league strength and conditioning coach in 2012.

In 2016, Balkovec joined the Houston Astros, hired as the Latin American strength and conditioning coordinator and later was the strength and conditioning coach at Double-A Corpus Christi.

She joined the Yankees organization as a minor league hitting coach in 2019.

PUBLIC NOTICE

Dear Auburn Resident,
Shape Auburn's Future - Your Opinion Counts!

We're on a mission to elevate Auburn's services and amenities, and we need YOUR valuable input to guide our budgeting decisions. Your participation in our quick community survey is instrumental in shaping the destiny of our city.

Why Participate?

Your insights will directly influence the allocation of CDBG & HOME funds provided by the U.S. Department of Housing & Urban Development (HUD) for the program year 2024. This is your chance to highlight unmet community needs and contribute to the development of our Annual Action Plan. Your feedback matters, and together, we can ensure federal funds are directed where they are needed most.

How You Can Make a Difference:

Complete the Community Development Survey by scanning the QR Code below.
Share your thoughts on unmet needs and desired priorities for federal funds.
Deadline for input: March 1st, 2024

Need Assistance or Have Questions?

For additional comments, printed copies, translations, or other accommodations, contact the Community Development Office at:
Email: CDBG@auburnmaine.gov
Phone: (207) 333-6601 Ext. 1332

Thank you for being an active participant in Auburn's future!

Sincerely,
The Auburn Business & Community Development Team

NOTICE OF STATE RULEMAKING

January 10, 2024

Survey Public Notice 1-10-24

Kershaw says he's staying with Dodgers for 17th season

Could pitch in 2nd half of '24

By David Brandt
AP BASEBALL WRITER

GLENDALE, Ariz. — Clayton Kershaw says he will return for his 17th season with the Los Angeles Dodgers.

Kershaw said Thursday he will be back with the team as part of an agreement that includes a player option for 2025. The three-time Cy Young Award winner spoke as the big-spending Dodgers became the first of the 30 teams to start spring training, opening on a dreary, wet and chilly Thursday morning at Camelback Ranch ahead of their opener against San Diego on March 20 in Seoul, South Korea.

The 216-game winner, who turns 36 on March 19, had a nameplate and a locker in the clubhouse even though his contract had not been announced by the team.

"I'm on a good path right now," Kershaw said. "I'm excited about getting ready to pitch again at Dodger Stadium. That sounds fun."

Kershaw had surgery Nov. 3 to repair his left shoulder capsule and glenohumeral ligaments, which reinforce the joint capsule. He expects to be available to pitch this summer.

Kershaw said he didn't throw a baseball for three months following his surgery but is now in the second week of a throwing program. He said he'll split time between his home in Texas and Arizona during spring training as he continues to recover.

"Summer is about as good as I can do," Kershaw said of his return. "It's probably not early summer ... I would say July-ish, August-ish, somewhere in there."

Kershaw's navigated several health issues over the past few seasons, but continues to be productive when he's on the mound. The lefty finished with a 13-5 record and 2.46 ERA in 131 2/3 innings over 24 starts last season.

In his final outing, he gave up six runs and got one out in the NL Division Series opener, starting Arizona to a three-game sweep of the Dodgers.

"Didn't want to go out that way," Kershaw said.

Dodgers pitchers and catchers and players coming off injuries reported on a day with steady rain and temperatures in the 50s. Shortstop Gavin Lux, who hopes to return from a torn right ACL sustained last Feb. 27, was among many in a rain-speckled shirts following a batting session.

Kershaw's return adds to a busy and expensive offseason for the Dodgers, who have allocated more than $1 billion to free agents. Los Angeles made its biggest move by signing two-way star Shohei Ohtani to a $700 million, 10-year deal in December. Days later, they landed right-handed pitcher Yoshinobu Yamamoto with a $325 million, 12-year deal.



ROSS D. FRANKLIN/ASSOCIATED PRESS

Los Angeles Dodgers pitcher Clayton Kershaw gestures in the dugout in October 2023 before Game 3 of the NL Division Series against the Arizona Diamondbacks, in Phoenix.

Manfred would be disappointed if A's Las Vegas ballpark not open by 2028, skeptical of Olympics

ORLANDO, Fla. (AP) — MLB commissioner Rob Manfred said he would be disappointed if the Oakland Athletics don't open their proposed Las Vegas ballpark at the start of the 2028 season and expressed skepticism about big leaguers appearing in that year's Olympics.

The A's announced an agreement on May 15 to build a ballpark on the Tropicana hotel site along the Las Vegas Strip, obtained $380 million in Nevada government financing on June 15 and received approval to move from Major League Baseball on Nov. 16 but have yet to release plans for the stadium. The team has said it hopes to move into a new stadium in 2028.

Manfred said that if a stadium doesn't open by then, he would be "disappointed just in the sense I think it's the best for the A's and the best for the game."

The team's lease at the Oakland Coliseum extends through the 2024 season. It's unclear whether the A's will play 2025 home games in Oakland, Sacramento or a minor league stadium in Las Vegas.

"I'm comfortable with where they are in the process," Manfred said. "They have options and you know, I think they're doing a good job of exploring them and making sure we find the best possible opportunity."

Manfred said a location does need to be known in the next few months.

"It's hard, even scheduling, although it's clearly going to be someplace in the West," Manfred said. "You know, there's a difference between some places in the West and other places in the West. So we need to get it."

Manfred held a news conference following an owners meeting. A day earlier, owners were given a presentation by LA 2028 chairman Casey Wasserman on how major leaguers could appear in that year's Olympics.

"I think the pros are just the potential for association between two great brands," Manfred said. "The con' are just you know, it's the logistics. Everyday games are tough. They're tough. And, you know, if you look at the calendar, I think it's so complicated by the proximity to what would ordinarily be the All-Star Game."

Rays extend contracts of manager Kevin Cash, president of baseball operations Erik Neander

ST. PETERSBURG, Fla. (AP) — The Tampa Bay Rays have extended the contracts of manager Kevin Cash and president of baseball operations Erik Neander.

The team announced the moves Thursday but did not specify the length of the agreements.

Cash, 46, has led the Rays to the playoffs each of the past five seasons and reached the World Series in 2020 before losing to the Los Angeles Dodgers. The two-time AL Manager of the Year replaced Joe Maddon in 2015 and has a 739-617 record over nine seasons.

Cash was entering the final guaranteed season of his previous agreement, which included a 2025 club option.

STATE OF MAINE
ANDROSCOGGIN COUNTY PROBATE COURT
PROBATE NOTICES

TO ALL PERSONS INTERESTED IN ANY OF THE ESTATES LISTED BELOW

Notice is hereby given by the respective Petitioners that they have filed Petitions for appointment of Personal Representatives in the following Estates. These matters will be heard at 9:00 AM or as soon thereafter as they may be, on the 27th day of February, 2024. The requested appointments may be made on or after the hearing date, if no sufficient objection be heard. This notice complies with the requirements of 18-C M.R.S. § 3-403 and Maine Probate Rule 4. (1st) shall show name of Petitioner and address and telephone number at which Petitioner or his attorney may be reached).

2023-113 JOSEPH VACHON, late of Lisbon, deceased. Petition for Formal Adjudication, presented by David R. Dubord, Esq., Skelton, Taintor & Abbott, 500 Canal St., Lewiston, ME 04240- (241)-3300-4307, on behalf of Lisbon Community Credit Union, that they be appointed Personal Representative.

2023-545 RICHARD L. GAGNE, late of Lewiston, deceased. Petition for Formal Adjudication, presented by Sandra L. Varga, 13 Fenny Ln., Jefferson, ME 04348-(207)-557-8562, that she be appointed Personal Representative.

2023-566 ROBERT WRIGHT, III., late of Greensboro, VT, deceased. Petition for Formal Probate of Will and Appointment of Personal Representative, presented by Attorney Jed Davis, 86 Winthrop St., Ste 1, Augusta, ME 04330, (207)622-6199, on behalf of Robert J.C. Wright, that he be appointed Personal Representative.

2023-567 JACOB LEE WILSON, late of Auburn, deceased. Petition for Formal Adjudication, presented by Kerrie Ann Cribby, 927 Hotel Rd., Auburn, ME 04210, (207)740-7917, that she be appointed Personal Representative.

2023-604 DIANE LOUISE LONGTIN, late of Lewiston, deceased. Petition for Formal Adjudication and Appointment of Personal Representative, presented by Claire Dorothy Bailey, 41 Martin Dr., Lewiston, ME 04240, (207)713-9716, that she be appointed Personal Representative.

Dated: February 9, 2024 /s/ Thomas Reynolds
Register of Probate

STATE OF MAINE
ANDROSCOGGIN COUNTY PROBATE COURT
NOTICE TO CREDITORS
18-C M.R.S. §3-801(1)

The following Personal Representatives have been appointed in the Estates listed. The first publication date of this notice is February 9, 2024. If you are a creditor of an Estate listed below, you must present your claim within four months of the first publication date of this Notice to Creditors or be forever barred. You may present your claim by filing a written statement of your claim on a proper form with the Register of Probate of this Court or by delivering or mailing to the Personal Representative listed below at the address published by the Personal Representative's name a written statement of the claim indicating the basis therefore, the name and address of the claimant and the amount claimed or in such other manner as the law may provide. See 18-C M.R.S. §3-804.

2023-563 LENDALL H. PARSONS, late of Mechanic Falls, deceased. Timothy A. Howard, 28 Elmwood Rd., Auburn, ME 04210, Personal Representative.

2023-576 GARY W. [illegible], late of Caswell, deceased. Joy D. Buzzell, P. O. Box 143, Greene, ME 04236, Personal Representative.

2023-585 DANIEL S. LOTHROP, late of Auburn, deceased. Jeremy S. Lothrop, 77 West Shore Dr., Poland, ME 04274, Personal Representative.

2023-607 LUSHIA JOSEPHINE SMITH, late of Lisbon, deceased. Julie Marie Chandler, 150 Verrill Rd, Poland, ME 04969, Personal Representative.

2023-608 JOAN ESTHER BERGERON, late of Auburn, deceased. Steven M. Bergeron, 1 Hoffman Dr., Camden, ME 04843, Personal Representative.

2023-610 TREVOR M. SAUNDERS, late of Auburn, deceased. Pamela J. Ashby, 21 Sampa St, Lewiston, ME 04240, Personal Representative.

2023-611 LUCILE MARIE VIOLETTE, late of Lewiston, deceased. John Violette, 11 Wildwood Dr. Lewiston, ME 04240-3850 and Cassandra Violette, 11 Wildwood Dr. Lewiston, ME 04240-3850, Co-Personal Representatives.

2023-612 ROBERT L. VIOLETTE, late of Lewiston, deceased. John Violette, 11 Wildwood Dr, Lewiston, ME 04240-3850 and Cassandra Violette, 11 Wildwood Dr. Lewiston, ME 04240-3850, Co-Personal Representatives.

2023-619 KENNETH F. KINCER, late of Auburn, deceased. Charles I. Kincer, 14 Church St., Richmond, ME 04357, Personal Representative.

2023-621 BRENDA SHARON CLOUTIER, late of Auburn, deceased. Deborah Ann Goodreau, 60 Meadow Ln., Auburn, ME 04210, Personal Representative.

2023-622 IRENE L. DEDITCH, late of Lewiston, deceased. Aaron C. Dedtich, 30 Wilson Ave., East Harwich, NJ 07936, Alyson P. Sullivan, 1601 Ardsley Pl, Logan, MN 55322 and Alan J. Dedtich, 19 Main Point Rd, Wales, ME 04280, Co-Personal Representatives.

2023-623 WALTER TURNER, late of Auburn, deceased. Kristy Murphy, 798 Somerset St., Rumford, ME 04276, Personal Representative.

2023-624 MARY L. PARSONS, late of Auburn, deceased. Jolene P. Campbell, 1 Fairview Ct, Auburn, ME 04210, Personal Representative.

2023-625 RUTH LOY GUAY, late of Poland, deceased. Beth Ann Pikulal, 4 Oxford Rd, Norwood, MA 02062, Personal Representative.

2023-628 BARBARA D. CAME, late of Lisbon Falls, deceased. Joseph D. Camp Jr., 52 Oak St., Lisbon Falls, ME 04252, Personal Representative.

2023-629 EDWIN ALFRED SIAL, late of Lisbon, deceased. Elizabeth Ann Sial, 4 High St, Lisbon Falls, ME 04252, Personal Representative.

2023-630 LORRAINE RITA BROWN, late of Minot, deceased. Donna J. Boutin, 773 Main St., Hartford, ME 04220, Personal Representative.

2023-633 MARGARET E. THEBARGE, late of Auburn, deceased. Kathy A. Talpey, 51 Lakeview Dr., Dahlonega, GA 30533, Personal Representative.

2023-634 EDWARD WENDELL WHITE, late of Minot, deceased. Jeffrey Marvue White, 25 Cranbrook Dr, Cape Elizabeth, ME 04107, Personal Representative.

2023-635 KENNETH C. CARLIN, late of Mechanic Falls, deceased. Connie J. Moore, 12 Bates St., Mechanic Falls, ME 04256, Personal Representative.

2024-001 BARBARA B. GALANTI, late of Auburn, deceased. Sheila Hoet, PO Box 823, Bethel, ME 04217, Personal Representative.

2024-002 JOYCE S. HAMEL, late of Turner, deceased. Diane H. Smith, 106 Harlow Hill Rd., Turner, ME 04282, Personal Representative.

2024-003 ELEANOR W. HANSEN, late of Auburn, deceased. Kristin Elizabeth Smith, 1422 Bell's Way, Warren, ME 04864, Personal Representative.

2024-006 ROBERT G. OLSBERG, late of Sabattus, deceased. Pauline J. Desjarlais, 109 Sutherland Pond Road, Sabattus, ME 04280, Personal Representative.

2024-007 LORRAINE L. PACKARD, late of Sabattus, deceased. Crystal Armistead, 1716 Jasmine Ave., Medford, OR 97501, Personal Representative.

2024-010 DARCY J. AMES, late of Auburn, deceased. Scott Ames, 42 Fortgate Ave., Auburn, ME 04210, Personal Representative.

2024-012 GORDON A. JONES, late of Livermore, deceased. Kathryn A. Jones, 818 N. Logan St., Apt. 1107, Denver, CO 80203, Personal Representative.

2024-013 REGIS FRANCOIS LEPAGE, late of Auburn, deceased. Carolyn A. Lepage, PO Box 1195, Auburn, ME 04211, Personal Representative.

2024-014 GREGORY WAYNE TELLIETER, late of Minot, deceased. Tyrieon Vire and Pelletier, 41 Country Acres, Monmouth, ME 04259, Personal Representative.

2024-015 BERNARD MOSS LANGELIER, late of Durham, deceased. Sylvia Rachel Belanger, 25 Heritage Dr., Auburn, ME 04210, Personal Representative.

2024-018 PHYLLIS MARGARET DOW, late of Auburn, deceased. Gary Alan Dow, 409 4th Ave, Bradley Beach, NJ 07720 and Janice Lynn Packard, 1776 Perkins Ridge Rd, Auburn, ME 04210, Co-Personal Representatives.

2024-022 RONALD G. MORIN, late of Lewiston, deceased. Lynn Marie Morin, 3 Marguerite St., Lewiston, ME 04240, Personal Representative.

2024-024 BEVERLY DORIS HANRAHAN, late of Auburn, deceased. Kathleen M. Brown, 47 Pride Rd, Auburn, ME 04210 and Christina L. Spagnardi, 207 Calder Rd, Lewiston, ME 04240, Co-Personal Representatives.

2024-029 EDITH B. SAVAGE, late of Greene, deceased. Shawn S. Savage, 1350 River Rd, Livermore, ME 04253 and Scott D. Savage, 250 West St, Pittsfield, ME 04967, Co-Personal Representatives.

2024-033 ARTHUR J. HARRIS, late of Minot, deceased. Andrew J. Gray, 14105 Kinston Court, Apt. 202, Woodbridge, VA 22191, Personal Representative.

2024-035 MICHAEL ROBERT DESJARDINS II, late of Sabattus, deceased. Stacy Cyr, PO Box 84, Sabattus, ME 04280, Personal Representative.

2024-041 THOMAS WILFRED MCKOY, late of Durham, deceased. Donna Morgan, 46 Hilldale St, Auburn, ME 04210, Personal Representative.

Dated: February 9, 2024 /s/ Tom Reynolds
Register of Probate

CENTRAL MAINE COMMUNITY COLLEGE (CMCC)

is seeking bids for an Ignite Fusion Pro 36 60 watt CO2 Laser Tube Engraver.

Proposals must be submitted by Monday, February 26, 2024 at 1:00pm. If interested in receiving a copy of the RFP, please visit www.cmcc.edu/bids. To inquire further, please contact Jane Roberts-Sherman at jroberts@cmcc.edu or call (207) 755-5376.

NOTICE OF HEARING

ANDROSCOGGIN County
Register of Probate Court
Filing: 2023-Aug-87
DOCKET NUMBER: 2023-187
STATE OF MAINE Androscoggin ss. IN RE: John C. Robbins
Hearing is the 26th day of January 2024 at 9:15am at the Androscoggin County Probate Court, 2 Turner St. Auburn, ME 04210.
MOTION FOR SERVICE BY PUBLICATION Pursuant to M.R. PROB. P. 4(d)(1)(E) & 4 (m).
Now comes the Maine Department of Health and Human Services (hereinafter "the department"), the Petitioner in the case, and requests that this court permit the Department to serve Lisa Rollins by publication, pursuant to M.R. PROB. P. 4(d)(1)(E) & 4 (m), in support thereof, the Department states as follows:
1. The Maine Department of Health and Human Services filed a Petition for Appointment of Guardian for Adult on John C. Robbins to with this Court on 08/07/2023.
2. Lisa Rollins is a person who requires notice of the Petition under the Maine Probate Code.
3. The Department has completed a diligent search, as required in the Affidavit of Diligent Search attached hereto, and after such diligent search has not been able to ascertain Lisa Rollins' address or current whereabouts. The Department is therefore unaware of any method available to serve Lisa Rollins except via publication.
4. Pursuant to M.R. PROB. P.4(d)(1)(E) & 4 (m) and in the interests of justice, the Court may order that Lisa Rollins be served notice via publication in a designated newspaper of general circulation.
WHEREFORE, the Department requests that Lisa Rollins be served via public notice in a designated newspaper of general circulation, pursuant to M.R. PROB. P.4(d)(1)(E) & 4 (m).
Dated: 01/31/2024
Judge, Androscoggin County Probate Court

THE BEST OF THE SUN JOURNAL, SENT RIGHT TO YOUR EMAIL.
Sign up for newsletters and alerts at SUNJOURNAL.COM/NEWSLETTERS

LEGAL NOTICE AND NOTICE OF HEARING
Maine Department of Health & Human Services
MAINE DISTRICT COURT
IN RE: MADDYLYN HERRICK
Docket No.: LEWDC-PC-2022-0078

NOTICE IS HEREBY GIVEN TO unknown father **whereabouts unknown**: Pursuant to 22 M.R.S. §4001 *et seq.*, the Maine Department of Health & Human Services (hereafter "DHHS") has petitioned the Court for a Child Protection Order, concerning the child: Maddylyn H. D/O/B: 08/27/2022 born at County of Androscoggin, Maine. The mother is Sierra H., and the father is unknown. DHHS has met the requirements of M.R. Civ. P. Rule 4(g)(1)(A)-(C). Hearing on the pending Petition will be held at **Maine District Court, 71 Lisbon Street, Lewiston, Maine on 3/29/2024, at 8:00 a.m. Failure to appear at this hearing may result in the issuance of a child protection order, the termination of your parental rights, and/or any other order permissible under 22 M.R.S. §4001 et seq.** You may be entitled to legal counsel in these proceedings. Contact the court at the above address or (207) 795-4800. To obtain a copy of the Petitions, contact the court or DHHS at 200 Main Street, Lewiston, Maine 04240 (207) 795-4343. DHHS is represented by the Maine Office of the Attorney General, 6 State House Station, Augusta, ME 04333.

Dated: 1/18/2024

T. Ham Thompson
Judge, Maine District Court

Cara Thibodeau
A True Attested Copy
Assoc. Clerk, Maine District Court

LEGAL NOTICE AND NOTICE OF HEARING
Maine Department of Health & Human Services
MAINE DISTRICT COURT
IN RE: Grace J.
Docket No: LEWDC-PC-23-016

NOTICE IS HEREBY GIVEN TO King Unknown, and Unknown father's **whereabouts unknown**: Pursuant to 22 M.R.S. §4001 *et seq.*, the Maine Department of Health & Human Services (hereafter "DHHS") has petitioned the Court for a Termination of Parental Rights, concerning the child: Grace J. D.O.B. 01/31/2023 born at County of Androscoggin, Lewiston, Maine. The mother is Sharlyna J., and the father is King last name Unknown or other unknown persons. DHHS has met the requirements of M.R. Civ. P. Rule 4(g)(1)(A)-(C). Hearing on the pending Petition will be held at **Maine District Court, 71 Lisbon Street, Lewiston, Maine on 4/3/2024, at 8:00 a.m. Failure to appear at this hearing may result in the issuance of a child protection order, the termination of your parental rights, and/or any other order permissible under 22 M.R.S. §4001 et seq.** You may be entitled to legal counsel in these proceedings. Contact the court at the above address or (207) 795-4800. To obtain a copy of the Petitions, contact the court or DHHS at 200 Main Street, Lewiston, ME 04240, (207) 795-4343. DHHS is represented by the Maine Office of the Attorney General, 6 State House Station, Augusta, ME 04333.

Dated: 1/18/2024

T. Ham Thompson
Judge, Maine District Court

Cara Thibodeau
A True Attested Copy
Asst. Clerk, Maine District Court

PUBLIC NOTICE

The Auburn Community Development Office announces a public hearing to be held by the City Council on February 20, 2024 for the purpose of receiving public input from residents regarding housing and community needs, including priority nonhousing community development needs and affirmatively furthering fair housing. Input received will influence how CDBG & HOME funds, as provided by the U.S. Department of Housing & Urban Development (HUD), will be expended during program year 2024. Prior to developing the Annual Action Plan the city of Auburn, and the Auburn-Lewiston HOME Consortium seeks to provide reasonable notice and opportunity for the public to provide input

Public comments will be accepted during the public hearing. Comments can also be submitted to CDBG@auburnmaine.gov or delivered in person to the Business & Community Development Office until April 15, 2024.

Additionally, the public may provide input by completing the Community Development Survey by scanning the QR Code below. To request printed copies, translations, or other accommodations email CDBG@auburnmaine.gov or call the Community Development Office at (207) 333-6601

PrePlan Public Notice 2-9-24

NFL GOING DOWN UNDER

League to open academy in Australia to ID, develop young prospects

By Ken Maguire
AP Sports Writer

The NFL will expand its international search for talent by opening an academy in rugby-mad Australia to develop promising teenagers in the Asia-Pacific region into college and pro prospects.

The NFL Academy will open in September for student athletes aged 12 to 18, following recruitment camps taking place this summer in Australia and New Zealand, the league announced on Thursday.

Ahead of the NFL Draft, the announcement says the region is full of talent such as Philadelphia Eagles offensive tackle Jordan Mailata, a 6-foot-8 (2.08-meter) Australian who was deemed too big for rugby league.

"Football has changed my life, and opening an NFL Academy in Australia will no doubt help many more young people change theirs," Mailata said in the league announcement.

The academy will be housed at A.B. Paterson College on the Gold Coast and the plans include construction of a high-performance facility on the college grounds — to be completed in 2026 — also available for community use.

Mailata, who came through the league's International Player Pathway program, will be on the Gold Coast to announce the Eagles' first-round draft pick.

"The Asia-Pacific region is rich in sporting talent, and I look forward to seeing the next generation of football players out there craft their own pathway to playing in the NFL in the years to come," he said.

The move is another step in the league's global expansion. NFL owners voted in December to authorize the league to hold eight games internationally each season.

The Green Bay Packers will play the Eagles when the NFL holds its first regular-season game in Brazil on Sept. 6. For the 2024 season, the NFL will also have three games in London along with one in Germany. And Spain is on tap in 2025 for its first game, to be played at Real Madrid's newly renovated Santiago Bernabeu Stadium.

The league already has an academy in the UK, and Europe has become a reliable source of Division I recruits.

The Asia-Pacific region



ASSOCIATED PRESS

Philadelphia Eagles offensive tackle Jordan Mailata (68) after a Jan. 8 game against the New York Giants, in East Rutherford, N.J.

"We look forward to bringing the program to the Gold Coast, Australia, and continuing to build authentic player pathways for international talent, giving more young people from across the Asia-Pacific region the opportunity to play the game in the years ahead."

Commanders will retire Hall of Famer Darrell Green's No. 28 next season

ASHBURN, Va. (AP) — The Washington Commanders are retiring Hall of Fame cornerback Darrell Green's No. 28 next season, the latest step in the organization's efforts to honor players of the past since new ownership took over last summer.

The team announced Thursday that Green will become the fifth player in franchise history to receive that honor after Sonny Jurgensen's No. 9, Bobby Mitchell's No. 49, Sammy Baugh's No. 33 and Sean Taylor's No. 21. No one has worn 28 since Green retired in 2002, but it was not officially retired under previous owner Dan Snyder.

"I am beyond grateful for this honor and to new ownership, who embraced my wife and me from day one," Green said. "I am humbled to have my jersey retired here. The team means everything to this community, and I am encouraged not only for us to win a Super Bowl but to win the community back."

Green played all 20 of his NFL seasons with Washington, winning the Super Bowl twice and being name first-team All-Pro in 1991. He holds the record for the most consecutive seasons with an interception at 19 and played until he was nearly 43 years old.

"For 20 years, Darrell Green gave everything he had to this organization and fanbase," said controlling owner Josh Harris, who grew up a fan of the team. "No one on our team will ever again wear No. 28. Thank you, Darrell, for embodying what it means to be a Washington football player, both on and off the field."

Green, a first-round pick in 1983 out of Texas A&I, now called Texas A&M-Kingsville, was inducted into the Pro Football Hall of Fame in 2008.

PUBLIC NOTICE

The Auburn Business & Community Development Department announces a public hearing to be held by the Auburn City Council on May 20, 2024 for the purpose of receiving public input from residents regarding the Auburn CDBG & Auburn-Lewiston Home Consortium Annual Action Plan. This plan, which can be found on the city of Auburn website or by scanning the QR Code below, details how CDBG & HOME funds, as provided by the U.S. Department of Housing & Urban Development (HUD), will be expended during program year 2024.

Public comments will be accepted during the public hearing. Comments can also be submitted to CDBG@auburnmaine.gov or email CDBG@auburnmaine.gov accommodations other or translations, copies, printed request To 2024. 30, May until Office Development Community & Business the to person in delivered or call the Community Development Office at (207) 333-6601.

SCAN ME

Public Hearing Notice
The Town of Oxford

The Town of Oxford will hold a Public Hearing on May 16, at 6PM, at the Oxford Town Office located at 127 Pottle Road to discuss an application being submitted to the State of Maine CDBG program for a Housing Assistance grant. The purpose of the grant application is to support demolition efforts needed on the Robinson Mill site to enable the construction of affordable housing in the following phase.

Public comments will be solicited at this Hearing and will be submitted as part of the application. All persons wishing to make comments or ask questions about the grant application are invited to attend this Public Hearing.

Comments may be submitted in writing to: Adam Garland, Town Manager, 127 Pottle Road, Oxford ME at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the City's/Town's programs or services, please call the Town office at 207-539-443, so that accommodations can be made.

TOWN OF WILTON
PUBLIC HEARING

DISPOSAL OF TAX ACQUIRED PROPERTY AS AUTHORIZED BY WARRANT ARTICLE 57 FOR THE TOWN OF WILTON, MAY 7, 2024 6:00PM 156 WELD RD, TOWN MEETING ROOM TAX MAP 26 LOT 024 200 POND RD, WILTON

CENTRAL MAINE COMMUNITY COLLEGE (CMCC)

is seeking bids for a 3/4 Ton(min), Standard cab, 4-Wheel Drive Pickup Truck with optional plow. Proposals must be submitted by Tuesday, April 30, 2024 at 1:00pm. If interested in receiving a copy of the RFB, please visit www.cmcc.edu/jobs. To inquire further, please contact Dan Graham at dgraham@cmcc.edu or call (207) 755-5245.

CENTRAL MAINE COMMUNITY COLLEGE (CMCC)

is seeking bids for a Rooftop Solar Photovoltaic System As-Built Purchase, Installation & Maintenance Service. Proposals must be submitted by Thursday, May 30, 2024 by 2:00pm. If interested in receiving a copy of the RFP, please visit www.cmcc.edu/jobs. To inquire further, please contact Catherine Nisbet at cnisbet@competitive-energy.com or call (971) 678-8384.

CENTRAL MAINE COMMUNITY COLLEGE (CMCC)

is seeking bids for Counseling Services for Students. Proposals must be submitted by Friday, May 3, 2024 at 3:00pm. If interested in receiving a copy of the RFP, please visit www.cmcc.edu/jobs. To inquire further, please contact Grimes Williams at gwilliams@cmcc.edu or call (207) 755-5290.

LEGAL NOTICE AND NOTICE OF HEARING
Maine Department of Health & Human Services
MAINE DISTRICT COURT

IN RE: *DARIEN KELLEY*
Docket No.: RUMDC-PC-2022-00009
PETITION FOR CHILD PROTECTION ORDER and PETITION FOR TERMINATION OF PARENTAL RIGHTS

NOTICE IS HEREBY GIVEN TO Unknown father, whereabouts unknown: Pursuant to 22 M.R.S. §4001 *et seq.*, the Maine Department of Health & Human Services (hereafter "DHHS") has petitioned the Court for a Petition for Child Protection Order and Petition for Termination of Parental Rights, concerning the child: **Darien Kelley** (d/o/b. January 12, 2022). The mother is Tiesha Viens, and the father is or may be **Unknown Father.**

DHHS has met the requirements of M.R. Civ. P. Rule 4(g)(1)(A)-(C). Hearing on the pending Petitions will be held at **Rumford District Court, 145 Congress Street, Rumford, Maine 04276, on June 4, 2024 at 8:00 a.m. Failure to appear at this hearing may result in the issuance of a child protection order, the termination of your parental rights, and/or any other order permissible under 22 M.R.S. §4001 *et seq.***

You may be entitled to legal counsel in these proceedings. Contact the court at the above address or (207) 364-7171. To obtain a copy of the Petitions, contact the court or DHHS at 200 Main Street, Lewiston, ME 04240 [telephone: (207)795-4620]. DHHS is represented by the Maine Office of the Attorney General, 125 Presumpscot Street, Ste 26, Portland, Maine 04103.

Dated: 4/18/2024

Andrew Robinson
Hon. Judge,
Maine District Court

Jennifer Merrill
A True Attested Copy
Clerk, Maine District Court

STATE OF MAINE
ANDROSCOGGIN COUNTY PROBATE COURT
PROBATE NOTICES
TO ALL PERSONS INTERESTED IN ANY OF THE ESTATES

2023-406 DANIEL F. CONROD, SR., late of Lewiston, deceased. Lynda M. Conrod, 64 Spring St., Lewiston, ME 04240, Personal Representative.
2024-125 LUCILLE L. LAVOIE, late of Lewiston,

Sun Journal Public Hearing Notice



Facebook Public Hearing Notice

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

As part of the community survey process, the city requested general unmet needs letters be submitted to the consortium contact information provided herein.

On February 20, 2024, the Auburn City Council held a pre-action Plan public hearing. This Public Hearing can be seen at timestamp 1h:58min by following the link below. During this meeting, no residents spoke.
https://www.youtube.com/watch?v=XSSWv3mAijw&list=PL8ustjJZ3Nvgf5BewLIePuiT_TICZy3i9&index=4

Additional public comments will be added as they are received.

6. Summary of comments or views not accepted and the reasons for not accepting them

No comments have been made that were not accepted. Comments will be added as they are received.

7. Summary

STRATEGY #1: PROVIDE SAFE & AFFORDABLE HOUSING

59% of respondents to the City of Auburn Community Survey identified affordable housing as a top need. To address this concern, the ACDO and the Auburn-Lewiston Consortium will direct most of their HOME funds in PY 2024 toward developing new affordable housing units. Additionally, the ACDO plans to allocate CDBG funds to support the creation of a mixed-income residential complex comprising 100 units, including 56 new homeowner units, 44 new rental units, and childcare and community service facilities. CDBG funds will also bolster the Lead Hazard Control program, aiming to reduce the number of hazardous housing units occupied by vulnerable populations.

STRATEGY #2: IMPROVE INFRASTRUCTURE & REDUCE BLIGHT

In PY 2023, the ACDO undertook four projects related to infrastructure and blight. In PY 2024, CDBG funds are earmarked for tackling blight and erecting an expanded community center for youths in qualified LMI census tracts (Downtown, Union St & New Auburn). A youth center initiative that kicked off in PY 2023 will extend into PY 2024. Additionally, the city will demolish two blighted buildings and relocate the affected families to decent, safe, and sanitary homes. These initiatives underscore a steadfast commitment to community improvement, fostering a more vibrant and inviting city for residents and visitors.

STRATEGY #3: PROMOTE JOBS AND ECONOMIC OPPORTUNITY

In PY 2023, the city utilized ARPA funds to drive business development initiatives, including two programs aimed at ensuring equitable access to fresh, local food for all residents, regardless of income or location. As part of these efforts, forgivable loans were provided to four neighborhood grocery stores to enhance their ability to offer fresh produce. Additionally, ARPA funds were allocated to support two commercial farming operations with the goal of boosting food production.

Two startup ventures received loans through the ARPA Business Loan Program for working capital or the acquisition of equipment and inventory.

The city initiated the establishment of six new Tax Increment Finance (TIF) districts to stimulate economic growth and development in targeted areas. These districts have yielded significant results, including generating $2,715,200 in TIF revenue, creating 24 full-time and 30 part-time jobs, and preventing the loss of 36 jobs.

Looking ahead to PY 2024, the city plans to concentrate its efforts on creating jobs and economic opportunities within the TIFs.

STRATEGY #4: PROVIDE ESSENTIAL SERVICES

The ACDO is strategically allocating funds to address identified community needs, especially those related to homelessness and youth services. Affordable housing and youth services emerged as the top concerns from the ACDO Community Survey.

Utilizing the CDBG Public Service cap on homeless and youth services aligns with the community's expressed needs. Moreover, the availability of HOME-ARP funds presents an opportunity to expand services for individuals experiencing homelessness or at risk of homelessness, as well as other qualified populations.

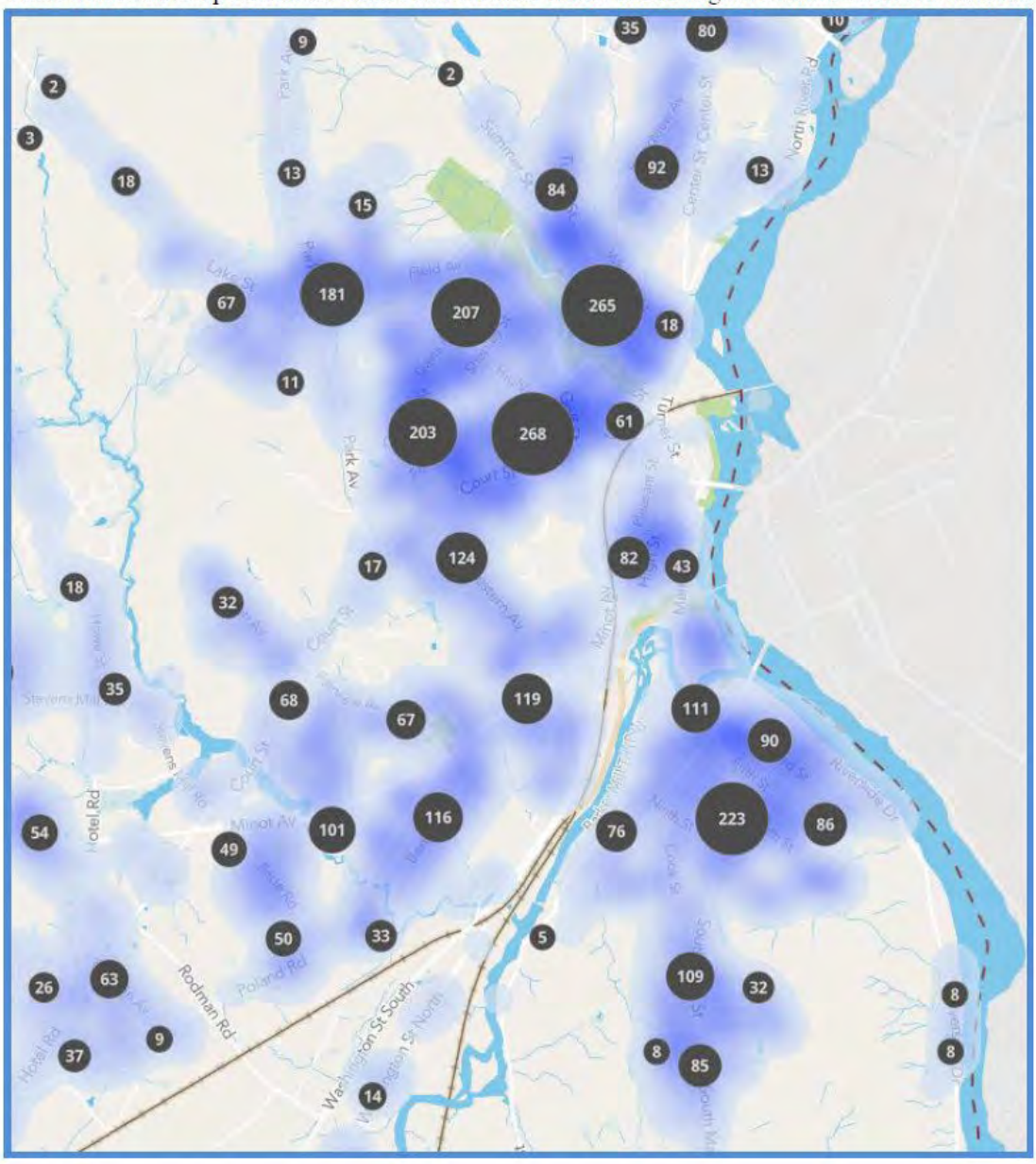
The ACDO will spend the remaining CDBG-CV funds on a food program, demonstrating a commitment to maximizing resources to address pressing issues within the community. By leveraging various funding sources and targeting them toward identified needs, the city can make significant strides in improving the well-being of its residents, particularly those most vulnerable.

Continued collaboration and coordination among stakeholders, including local government, community organizations, and service providers, is crucial for effectively deploying these funds and implementing programs that meaningfully impact homelessness and youth support in the community.

City of Auburn, Maine
Business & Community Development
60 Court Street | Auburn, Maine 04210 www.auburnmaine.gov
207.333.6601

Identified: Auburn Neighborhoods with high concentration of homes built prior to 1978.

These homes have a potential for Lead Paint Hazards which causes negative health effects in children.



Lead Concentration Map

PR-05 Lead & Responsible Agencies - 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	AUBURN	
CDBG Administrator	AUBURN	City of Auburn Business & Community Development
HOPWA Administrator		
HOME Administrator	AUBURN	City of Auburn Business & Community Development
HOPWA-C Administrator		

Table 2 – Responsible Agencies

Narrative

In 2001, Auburn and Lewiston formed a consortium to secure funding through the HOME Investment Partnerships Program. The consortium agreement between Auburn and Lewiston regarding HOME Investment Partnerships Program funds is designed to meet the funding threshold for HOME funds. Auburn acts as the program sponsor and allocates 5% of the available HOME funds to cover the overall administration of the program for the consortium, while the remaining 5% of admin funds are evenly distributed between both cities. The current year's program fund allocations are split equally between the two cities, with each city responsible for conducting programs and ensuring compliance with HUD regulations. The City of Auburn, as the Representative Member, is responsible for managing and monitoring another member's programs if they do not meet HUD standards. There is currently no notice that such action is required.

Consolidated Plan Public Contact Information

The PY 2024 Action Plan is the 5th year of the 2020-24 Consolidated plan. Comments may be submitted at any time to the Auburn Community Development Office, 60 Court Street, Auburn, ME 04210, tel. 207-333-6601 or via e-mail at CDBG@auburnmaine.gov.

AP-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

In addition to conducting a public survey and hosting public hearings by the City Council, the ACDO has been engaged in ongoing discussions with Maine State Housing, the Auburn & Lewiston Housing Authorities, private developers, and community service providers in a collaborative effort to gather new needs assessment data and enhance communication channels among service providers. These efforts are substantially focused on activities that address the needs of individuals who are homeless, at risk of homelessness, or otherwise identified as a Qualified Population (QP) under the HOME-ARP program requirements.

This Annual Action Plan can and should recognize the effect the HOME-ARP plan had in the creation of this PLAN. As outlined below, the creation of these two plans involved actively reaching out to organizations and partners to solicit needs assessment data. Furthermore, the activities outlined in the HOME-ARP plan will be documented in the CAPER without altering the expected 5-year impact goals of the PLAN.

The city has continued its heightened direct consultation and resiliency planning with the local Emergency Management Agency, state and local health agencies, and first responders, including Police, Fire, and Sheriff departments. These partnerships were established in response to emerging climate changes and civil emergencies, such as homelessness, food insecurity, and substance use/mental health concerns within the community.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The ACDO collaborates with homeless service providers and other organizations to prevent and eliminate homelessness in Maine. An excellent example of this collaboration is the Continuum of Care (COC), whereby service providers serving a particular geographic area work together to create programs addressing housing and homelessness.

The ACDO has established its own "hub" for homelessness and housing services within its physical office. Staff from three partner organizations, including two housing navigators and a homeless outreach coordinator, hold office hours at the ACDO offices each week. Additionally, the General Assistance (GA) program and Public Health Manager work closely with the ACDO on housing, substance use, and mental health issues. To meet the growing need, one new GA position was created in PY 2023, in addition to a new position paid in part with CDBG-CV funds in PY 2022. Another community service provider will join the ACDO office in PY 2024.

The Region II Homeless Council and Lewiston-Auburn Area Recovery Collaborative (LAARC) are examples of two local collaborative efforts to improve access to housing and substance use resources. The GA Manager will take over the membership in the Homeless Council from the Community Development Manager in PY 2024, while the Public Health Manager will continue to oversee the LAARC membership.

The ACDO's partnerships with mental health and service agencies are noteworthy as well. One exemplary initiative is the city's contracted position for Project Support You (PSY), staffed by a certified mental health and crisis intervention specialist from Tri-County Mental Health Services. This program co-responds to police and medical calls involving individuals suffering from substance or mental health issues. In calendar year 2023, the PSY program co-responded to 1,124 calls with the police and fire departments, engaging with 785 contacts from 373 unique client and, generating more than 174 referrals. The program also connected with 301 individuals experiencing homelessness. The program will be adding an additional position in 2024, with additional funding secured following the October 7, 2023 tragedy in Lewiston.

Two contracted non-profit service providers have taken responsibility for contributing data to the Homeless Management Information System (HMIS), ensuring a fuller, more accurate understanding of the need in the community.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The HOME-ARP program has partnered with three local nonprofit organizations to create three positions aimed at addressing the needs of people experiencing homelessness. Each of these positions holds office hours in the ACDO at least once a week. The ACDO intends to work with a new service provider in PY 2024 to add an additional position.

One of these roles, a housing navigator, works with chronically homeless individuals and families of all ages to find and secure affordable housing. They collaborate with GA to provide ongoing financial support to eligible clients.

Another housing navigator works exclusively with unaccompanied youth experiencing homelessness. Their responsibilities include matching these youth with host families, who offer housing and stability. They work closely with the Auburn McKinney-Vento Liaison, who reported 178 students as homeless or living in substandard housing as of March 6, 2024, including 38 unaccompanied youth. These numbers remain consistent with those from March 2023.

The third position serves as a homeless outreach coordinator, engaging in direct outreach to people living on the streets or in encampments. Their primary focus is on establishing initial contact with clients and providing them with appropriate referrals and resources.

In the first six months of PY 2023, these three organizations assisted 97 individuals experiencing homelessness and 13 individuals at risk of homelessness. Collaboration among these roles extends to various stakeholders, such as other homeless service providers, community advocates, and mental healthcare providers, to ensure comprehensive support for those in need.

Furthermore, the City of Auburn has continued its efforts to integrate the Community Development, General Assistance, and Public Health Offices, aiming to enhance its impact. These offices share resources and coordinate services and referrals to offer more holistic assistance to the homeless and at-risk populations.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The Auburn Community Development Office (ACDO) has successfully collaborated with Rumford Group Homes and Community Concepts, Inc. to collect and enter client data from Coordinated Entry assessments into the Homeless Management Information System (HMIS), perform data analysis, and report out the data to ACDO.

2. Agencies, groups, organizations and others who participated in the process and consultations

Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	MAINE STATE HOUSING AUTHORITY
	Agency/Group/Organization Type	Housing PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Agency was consulted as a data source for Point in Time reporting and continued coordination of the Continuum of Care. Consultation and coordination of activities are ongoing. ACDO staff consulted with the MSHA HUB Coordinator to ensure that the plans being developed will be complementary in nature. The city integrated data from MSHA Outlook 2023 into its plan development.
2	**Agency/Group/Organization**	AUBURN HOUSING AUTHORITY
	Agency/Group/Organization Type	Housing PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO and AHA staff work regularly to coordinate affordable housing needs.

3	**Agency/Group/Organization**	Androscoggin Council of Governments
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consults with AVCOG on Environmental Reviews and transportation issues.
4	**Agency/Group/Organization**	Androscoggin Emergency Management Agency
	Agency/Group/Organization Type	Agency - Managing Flood Prone Areas Agency - Emergency Management Other government - County
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The ACDO staff consults with EMA staff regarding emergency housing resources and coordinates responses to the housing crisis.
5	**Agency/Group/Organization**	Auburn Fire Department
	Agency/Group/Organization Type	Agency - Emergency Management Other government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	City Public Health and ACDO team meets semi-annually with Fire Department leadership to coordinate services and referrals provided.

6	**Agency/Group/Organization**	Auburn Police Department
	Agency/Group/Organization Type	Agency - Emergency Management Other government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	City Public Health and ACDO team meets semi-annually with Police Department leadership to coordinate services and referrals provided.
7	**Agency/Group/Organization**	CATHOLIC CHARITIES OF MAINE (SEARCH)
	Agency/Group/Organization Type	Services - Housing Services-homeless Services-Health Services-Education
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff consults with the agency to assess the needs of homeless persons and asylum seekers.
8	**Agency/Group/Organization**	COMMUNITY CONCEPTS FINANCE CORPORATION
	Agency/Group/Organization Type	Services - Housing Services-Health Services-Education Services-Employment Services - Broadband Internet Service Providers

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Non-Homeless Special Needs Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff worked with CCFC team members regarding financial literacy and homebuyer education needs within the community.
9	**Agency/Group/Organization**	Community Concepts, Inc.
	Agency/Group/Organization Type	Services-Health Services-Education Services-Employment Child Welfare Agency
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The ACDO staff have consulted regularly with CCI executive leadership about homelessness and financial capability services.
10	**Agency/Group/Organization**	City of Lewiston - General Assistance
	Agency/Group/Organization Type	Services - Housing Services-homeless Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homelessness Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	General Assistance departments from both cities communicate regularly regarding presenting needs and available resources that can be shared between cities and residents.
11	**Agency/Group/Organization**	City of Auburn Recreation Dept
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The city of Auburn solicits information from Recreation program directors regarding the unmet needs of their clients.
12	**Agency/Group/Organization**	LEWISTON-AUBURN TRANSIT COMMITTEE
	Agency/Group/Organization Type	Other government - Local Regional organization Planning organization
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO works with the Director of Transportation to gain valuable input on plans for new affordable housing developments and access via public transportation feasibility and improvement studies.

13	**Agency/Group/Organization**	Safe Voices
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Victims of Domestic Violence Services-homeless Child Welfare Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consults with agency leadership to assess unmet needs of the DV population.
14	**Agency/Group/Organization**	Seniors Plus
	Agency/Group/Organization Type	Services-Elderly Persons Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consulted with the agency leadership to assess unmet needs of the Senior and Disabled populations.
15	**Agency/Group/Organization**	LA Metro Chamber of Commerce
	Agency/Group/Organization Type	Services-Education
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Economic Development

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consulted with the agency to assess unmet needs of the job-seeking population.
16	**Agency/Group/Organization**	Maine Center for Disease Control and Prevention
	Agency/Group/Organization Type	Other government - State
	What section of the Plan was addressed by Consultation?	Lead-based Paint Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consults with CDC regularly through collaborative work on Lead Abatement and EBLL child poisoning cases.
17	**Agency/Group/Organization**	Rumford Group Homes Inc.
	Agency/Group/Organization Type	Services - Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consults with agency leadership to assess the unmet needs of the local homeless population.
18	**Agency/Group/Organization**	An Angel's Wing Inc.
	Agency/Group/Organization Type	Services - Housing Services-Persons with Disabilities Services-homeless Services-Health

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consulted with the agency regarding unmet needs related to substance abuse and mental health disorders in the jurisdiction.
19	**Agency/Group/Organization**	COMMUNITY CREDIT UNION
	Agency/Group/Organization Type	Services - Narrowing the Digital Divide Business Leaders
	What section of the Plan was addressed by Consultation?	Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consulted with the agency regarding unmet needs within the jurisdiction related to housing, transportation, workforce development, and financial capability assistance needs within the community.
20	**Agency/Group/Organization**	Goodwill Northern New England
	Agency/Group/Organization Type	Services-Children Services-homeless Services-Health Services-Employment
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff consulted with the agency regarding unmet needs within the jurisdiction related to job training needs within the community.

21	**Agency/Group/Organization**	Pleasant St Drop-in Center
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consulted with the agency regarding unmet needs within the jurisdiction related to homeless assistance needs within the community.
22	**Agency/Group/Organization**	NUTRITION CENTER OF MAINE, ST. MARY'S HEALTH SYSTEMS
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consulted with the agency regarding unmet needs in the jurisdiction related to housing, homelessness, and access to healthy foods within the community.
23	**Agency/Group/Organization**	AUBURN SCHOOL DEPARTMENT
	Agency/Group/Organization Type	Services-Education Child Welfare Agency
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff consulted the McKinney-Vento Liaison within the school department regarding homeless and unaccompanied youth being serviced under the McKinney-Vento Act.

24	**Agency/Group/Organization**	Camp Susan Curtis
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff consulted with the agency regarding unmet needs of youth in the community.
25	**Agency/Group/Organization**	YMCA of Auburn-Lewiston
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-Health
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff consulted with the agency regarding unmet needs in the community for affordable housing, safety, youth and childcare services, mental health and substance use disorders, and financial security.
26	**Agency/Group/Organization**	Kaydenz Kitchen Food Pantry Inc.
	Agency/Group/Organization Type	Services-homeless Services-Health
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO and city staff consulted with the agency on unmet needs for the unhoused population.
27	**Agency/Group/Organization**	Auburn Public Library
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff consulted with agency staff on unmet needs in the community, such as homelessness, affordable housing, and job training.
28	**Agency/Group/Organization**	Elmina B Sewall Foundation
	Agency/Group/Organization Type	Non-profit Foundation
	What section of the Plan was addressed by Consultation?	Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff consulted with agency staff and board members on unmet housing needs.
29	**Agency/Group/Organization**	Auburn Adult Education
	Agency/Group/Organization Type	Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Economic Development Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consulted with agency program staff to determine unmet needs within the community, specifically around access barriers to education, including transportation.
30	**Agency/Group/Organization**	Healthy Androscoggin
	Agency/Group/Organization Type	Services-Health Services-Education
	What section of the Plan was addressed by Consultation?	Lead-based Paint Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consulted with agency staff on the need for education about lead poisoning prevention, such as how to clean up lead dust.
31	**Agency/Group/Organization**	Maine Immigrant & Resource Services (MEIRS)
	Agency/Group/Organization Type	Services - Housing Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff consulted with agency staff on unmet needs in the city related to housing and homelessness.
32	**Agency/Group/Organization**	Immigrant Resource Center of Maine
	Agency/Group/Organization Type	Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homelessness Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff consulted with agency staff on unmet needs in the city related to housing and homelessness.
33	**Agency/Group/Organization**	Housing Resources for Youth
	Agency/Group/Organization Type	Services - Housing Services-Children
	What section of the Plan was addressed by Consultation?	Homelessness Needs - Unaccompanied youth
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff consulted with agency program staff on unmet needs for unaccompanied homeless youth.
34	**Agency/Group/Organization**	SHARECenter
	Agency/Group/Organization Type	Services - Housing
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff consulted with agency staff on need for donations of household goods for recently unhoused households.

Identify any Agency Types not consulted and provide rationale for not consulting

No agency types were intentionally not consulted.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Maine State Housing Authority	The cities of Auburn and Lewiston formed a consortium to be eligible for HOME Investment Partnerships Program funds, with both cities sharing the grant funds. The three-year HOME Consortium plan involves consulting with the Maine State Housing Authority for recertification. During the 2020-2024 Consolidated Plan development, Auburn and Lewiston Community Development staff collaborated closely on its creation and execution. Both cities have persistently pursued the construction of new, affordable rental units. The General Assistance and Public Health offices also collaborate with the Coordinated Entry system and emergency shelters.
Analysis of Impediments to Fair Housing Choice	Maine State Housing Authority	Published in October 2019, this plan recognizes similar impediments at the state level as are seen locally, including a Lack of Affordable Housing unit development, Racial and Ethnic barriers, and zoning difficulties posed by NIMBYism efforts (discrimination by communities and neighbors).
Hope & Opportunity for ME	Coordinated Community Plan (CCP) Planning Committee	This HUD-funded Youth Homelessness Demonstration Program (YHDP) results from a $3.3 million planning and Technical Assistance grant to assess and respond to the needs of Maine's homeless youth and young adults. The plan identifies additional partners, including the Department of Education and DHHS, and identifies coordinated entry positions. This initiative aims to enhance data collection and analysis within the HMIS system and improve coordination among service providers.
Comprehensive Plan 2021	City of Auburn	This plan focuses on established priorities that provide for the quality of life for Auburn's current and future residents. It outlines specific zoning and services to be equitably provided across the diverse types of neighborhoods, from rural to high-density urban and everything in between.
Strategic Plan 2019	City of Auburn	The city Strategic Plan establishes 3 committees that oversee the implementation and progress of the city Comprehensive Plan.
MaineHousing Outlook 2023	Maine State Housing Authority	Published in January 19, 2023, this plan assesses the health and development of affordable housing and housing assistance programs state-wide.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
State of Maine Housing Production Needs Study	Maine State Housing Authority	Published in October 2023, this joint effort by MaineHousing, the Governor's Office of Policy Innovation and the Future, and Maine Department of Economic and Community Development aims to assess the number homes needed in Maine now and in the future.
Natural Hazard Mitigation Plan	Androscoggin EMA	This plan addresses the potential impacts of climate change and social emergencies utilizing the HAZUS method, a model for estimating the risk of damage from earthquakes, floods, solar flares, hurricanes, and other known hazards. This plan identifies a potential 866 households (1,225 individuals) that would need sheltering in response to flood impacts. Additionally, this plan estimates that 2,323 individuals would require emergency shelter options in response to a potential increase in hurricane damage.

Table 3 – Other local / regional / federal planning efforts

Narrative

The City of Auburn is adopting a proactive strategy in its service delivery by integrating the General Assistance office and Public Health officer into regular meetings with Community Development staff. Simultaneously, they introduced a new position, the General Assistance Eligibility Coordinator, aimed at enhancing direct care and service provided for residents. This approach promotes a more comprehensive service delivery model, facilitating the identification and resolution of issues, as well as more efficient coordination of responses.

Broadband access is a crucial concern, particularly for rural and low/moderate-income households. The Affordable Connectivity Program (ACP) program began on December 31, 2021, and helped many low to moderate-income households obtain broadband and cell phone service. Ninety-seven percent (97%) of respondents to the 2024 community survey reported adequate internet access at home, up from 90% in 2023. The ACP is winding down. No new applications or enrollments are being processed after February 7, 2024. ACP funds are projected to run out in April. The percentage of Auburn residents with access to adequate internet access is expected to decrease following this change.

The consortium works with the Androscoggin County Emergency Management Agency (EMA) to assess and prepare for natural disasters. Given the escalating climatic changes and civil needs in the region, readiness for emergencies is paramount. Concerns loom over the potential escalation of flooding in the 100-year floodplain due to climate change, underscored by Auburn's experience of two flood events in 2023. The city is working with partners at EMA to develop responses to potential floods and environmental events.

Overall, the City of Auburn is proactively and comprehensively addressing diverse community issues. The partnerships forged with various organizations and agencies are promising, fostering preparedness for emergencies and enabling effective service delivery to residents.

AP-12 Participation - 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting

The annual Action Plan for PY 2024 builds upon the initiatives of the previous year by enhancing citizen engagement through a combination of in-person feedback sessions and the annual housing and community needs survey, which was available both online and in hard copy format. Collaborating with students from Bates College, the ACDO refined the survey to focus on crucial data points.

To promote participation, a direct mailer postcard regarding the survey was distributed to all households in Auburn, providing instructions for completing the survey online or requesting a paper version. Additionally, paper copies of the survey were disseminated by service providers and non-profit organizations.

This year, there was a notable increase in survey engagement, with almost 730 responses received, representing more than 5% of Auburn's population. This is a significant rise compared to the 130 responses received in 2023, which accounted for approximately 1% of the population. The surge in responses enabled the ACDO to better understand residents' needs.

Furthermore, eight area nonprofits submitted letters outlining unmet community needs. The primary focus remains on encouraging greater participation in identifying local needs annually. Notably, homeowners comprised 85% of respondents, highlighting the necessity of increasing participation from renters and individuals experiencing homelessness.

The ACDO maintained dialogue with various homeless service providers, first responders, educational institutions, and other service providers to continuously gather feedback. Additionally, representatives attended numerous community meetings to solicit input from residents and service providers.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Non-targeted/ broad community	On February 20, 2024, the Auburn City Council held a pre-action Plan public hearing. This Public Hearing can be seen at timestamp 1h:58min by following the link in the table.	During this meeting, no residents spoke.	N/A	https://www.youtube.com/watch?v=XSSWv3mAijw&list=PL8ustjJZ3Nvgf5BewLIePuiT_TICZy3i9&index=4
2	Community Survey	Non-targeted/ broad community	The survey concluded on March 1, 2024. By that time, 697 Auburn households and 30 non-Auburn households completed the survey. Among these participants, 85% were homeowners, 14% were renters, and less than 1% were either unhoused or chose not to disclose their housing status. Out of the 727 households surveyed, 385 included at least one resident aged 62 or above, while 140 households had at least one resident under 18.	Notable responses include 5% of households had someone not in their direct household living with them; 25% had at least one household member who was unemployed or underemployed. Disability was the top reason stated as an impediment to employment with 50 responses, with retirement at number 2 with 42 responses, and childcare at a distant third with 15 responses. One percent of respondents had a	N/A	

				household member experience homelessness within the last 12 months. 54% reported paying more than 30% of their monthly income on housing-related expenses, with almost 13% paying more than 50%. The top 3 services respondents want the city to prioritize are roads and sidewalks (45), lowering taxes(28), and homelessness (20). The top 3 priorities they want the city to prioritize are affordable housing (59%), and parks and trails (32%), and youth services 30%.		
3	Public Meeting	Auburn Senior Center	On February 21, 2024, Community Development staff attended a meeting at the Senior Center and distributed print surveys to around 60 attendees, both Auburn residents and non-Auburn residents. Councilor Leroy Walker announced ACDO staff and distributed	Comments are included in #2, Community Survey.	N/A	

			surveys to attendees. Councilor Belinda Gerry collected completed surveys and returned to ACDO offices.			
5	Public Meeting	Auburn Senior Center	On May 13, 2024, Community Development staff attended a meeting of the Senior Center to present the Annual Action Plan. 75 people attended.	No comments were received.	N/A	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

Introduction

Funding for the Community Development Program originates from allocations from the Community Development Block Grant and HOME Investment Partnerships Program allocations for Auburn and Lewiston. These annual allocations are supplemented by program income generated from current loan principal repayments expected within the program year, as well as unspent funds carried over from previous years. The allocations for PY 2024 are projections based on HUD's final CDBG and HOME budgets and internal reports detailing available program income and prior year funds. Prior year resources include unspent funds from both CDBG and HOME funds.

Unspent CDBG funds from program years 2022 and 2023 are included. Unspent funds from the HOME program include program years 2020, 2021, 2022, and 2023. These unspent funds stem from projects that were canceled or delayed in previous years, as well as balances from funds initially set aside for expenditures that fell short of budget expectations. In this Action Plan, these funds are allocated to new projects in accordance with HUD-established guidelines.

One outstanding Voluntary Grant Reduction (VGR) stemming from the disqualification of several projects during the 2020 HUD monitoring will affect the anticipated resources for this Plan. This reduction will result in a decrease of $81,788.01 for HOME funds.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	508,342	100,000	482,287	1,090,629	508,342	Available resources include the anticipated allocation, program income, and unspent CDBG funds from prior years. Funds anticipated for the remainder of the ConPlan include the annual allocation and projected program income.
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	510,521	50,000	2,178,263	2,738,784	510,521	Available resources include the anticipated allocation, program income, and unspent HOME funds from prior years. Funds anticipated for the remainder of the ConPlan include the annual allocation and projected program income. Auburn's VGR has been deducted from the annual allocation. This will only affect funds available to the City of Auburn and will not affect the City of Lewiston's funds.

Table 3 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

CDBG funds will be utilized to leverage additional resources, including public services, new unit development, and infrastructure projects. Public services and new unit development leverage private funds, while infrastructure projects tap into local tax revenues.

Federal HOME funds predominantly leverage private resources by focusing on rental development projects. Both Auburn and Lewiston are currently involved in rental development projects or have plans for them. Moreover, the City of Lewiston is progressing with Choice Neighborhood developments, aiming to leverage private capital contributions. These funds will supplement the carry forward of matching funds from the previous year to meet the requirement.

Additional federal funding sources include Lead Hazard and Healthy Homes, ARPA, EDI CPF, and LIHTC.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Auburn's Economic Development Office has multiple city-owned properties currently under contract to sell to private commercial developers.

Discussion

Funding from prior year resources is notable within this budget, yet these numbers are not included in the amount expected for the remainder of the Con Plan. This number is the sum of new allocations and program income for the next program year.

Should there be a decrease in the yearly allocation from HUD or an unexpected shortfall in program income, a proportional reduction will be applied to the budget, with adjustments drawn from the Affordable Housing budget. Should the VGR be deferred to FY 2025, a proportional increase may be applied to the budget, with adjustments moved to the Affordable Housing budget.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Provide Safe and Affordable Housing	2020	2024	Affordable Housing Public Housing Homeless Non-Homeless Special Needs		Provide Safe and Affordable Housing	CDBG: $242,696 HOME: $2,581,524	Rental units constructed: 13 Household Housing Unit Rental units rehabilitated: 5 Household Housing Unit Homeowner Housing Rehabilitated: 5 Household Housing Unit
2	Promote Economic Opportunities	2020	2024	Non-Housing Community Development		Promote Economic Opportunities	CDBG: $0 HOME: $0	Jobs created/retained: 0 Jobs Businesses assisted: 0 Businesses Assisted
3	Provide Essential Services	2020	2024	Homeless Non-Homeless Special Needs		Provide Essential Services	CDBG: $100,000	Public service activities other than Low/Moderate Income Housing Benefit: 100 Persons Assisted
4	Improve Infrastructure and reduce blight	2020	2024	Non-Housing Community Development		Improve Public Infrastructure and remove blight	CDBG: $636,315	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 100 Persons Assisted

Table 4 – Goals Summary

Goal Descriptions

1	**Goal Name**	Provide Safe and Affordable Housing
	Goal Description	Rental Units Rehabilitated: 5 Homeowner Housing Rehabilitated: 5 Rental Units Constructed: 13
2	**Goal Name**	Promote Economic Opportunities
	Goal Description	Businesses Assisted: 0
3	**Goal Name**	Provide Essential Services
	Goal Description	Public Service Activities other than Low/Mod Housing benefit: 100 Persons assisted
4	**Goal Name**	Improve Infrastructure and reduce blight
	Goal Description	Public infrastructure improvements: 100 persons assisted

AP-35 Projects - 91.420, 91.220(d)

Introduction

The following tables list the activities and programs that will be supported using HUD program funds during the 2024-25 program year. The objectives are to:

1. Provide Safe and Affordable Housing
2. Improve Public Infrastructure and Eliminate Blight
3. Promote Economic Opportunities
4. Provide Essential Services

The difference between the totals in the AP-35 & the AP-20 is due to administrative expenses.

#	Project Name
1	2024 Housing Rehab
2	2024 Housing Construction
3	2024 Public Service
4	2024 Public Infrastructure
5	2024 Administration
6	2024 Lewiston Admin
7	2024 Lewiston Security Deposits
8	2024 Lewiston HOME Construction

Table 5 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Allocation priorities for Auburn focus are geared towards two main objectives: the creation of new affordable housing and enhancing the quality and safety of existing housing stock, as outlined in the city's strategic plan. According to the community survey results, 58.9% of respondents emphasized the importance of affordable housing. The development of new, affordable units is aimed at assisting low to moderate-income residents attain housing that meets the city's standards while remaining affordable.

Furthermore, the survey revealed that 54% of respondents reported that they were paying more than 30% of their monthly income toward housing, with 13% paying over 50%. This indicates that a significant proportion of the city's population is rent burdened, according to HUD standards.

Public Services will be administered by city staff and local non-profit organizations, with a focus on youth and homelessness services. These priorities were established in the community survey responses, with 59% of respondents stating housing services should be the city's top priority and 30% choosing youth services.

Public infrastructure improvements will focus on blight remediation by demolishing a blighted apartment building and relocating residents into decent, safe, and sanitary housing.

Meanwhile, Lewiston's priorities for HOME funds are driven by the necessity to increase the availability of affordable housing units while continuing to provide TBRA services to income-qualifying residents.

AP-38 Project Summary

Project Summary Information

1	**Project Name**	2024 Housing Rehab
	Target Area	
	Goals Supported	Provide Safe and Affordable Housing
	Needs Addressed	Provide Safe and Affordable Housing
	Funding	CDBG: $92,696
	Description	Rehabilitation of existing single and multi-unit residential buildings
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	5 Rental Units Rehabilitated, 5 Homeowner Units Rehabilitated
	Location Description	Within Auburn
	Planned Activities	ALHHP Critical Repair LOAN PROGRAM - $50,000 LEAD TESTING/CLEARANCE - $5,000 Project Delivery Cost - $37,695.94
2	**Project Name**	2024 Housing Construction
	Target Area	
	Goals Supported	Provide Safe and Affordable Housing
	Needs Addressed	Provide Safe and Affordable Housing
	Funding	CDBG: $150,000 HOME: $1,980,412
	Description	Construction of 13 new rental units.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	13 qualifying LMI households.
	Location Description	Within Auburn
	Planned Activities	Creation of 13 new rental units.
3	**Project Name**	2024 Public Service
	Target Area	
	Goals Supported	Provide Essential Services

	Needs Addressed	Provide Essential Services
	Funding	CDBG: $100,000
	Description	Providing essential services to Auburn residents
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	100 income-qualified residents/households
	Location Description	Within Auburn
	Planned Activities	The city is responding to the community's identified needs by allocating funds to services that have effectively assisted youth and people facing homelessness in recent times. A community survey highlighted these services as crucial and reflects the increasing demands observed by local service providers. Homeless Services: $80,000 Recreation Youth Scholarships: $20,000
4	**Project Name**	2024 Public Infrastructure
	Target Area	
	Goals Supported	Improve Infrastructure and reduce blight
	Needs Addressed	Improve Public Infrastructure and remove blight
	Funding	CDBG: $636,315

	Description	CDBG funds will be used to address blight remediation within LMI-qualified census tracts (Downtown, Union St, and New Auburn). These initiatives can significantly improve residents' quality of life and increase community pride. Additionally, the development of publicly owned infrastructure and amenities within targeted neighborhoods can enhance the attractiveness of these areas to potential residents and businesses. Our commitment to improving the overall appearance and safety of the community includes addressing distressed buildings and code violations. These projects involve removing hazardous and/or dangerous buildings within qualified LMI census tracts, ensuring a safer and more appealing environment for all. Overall, these efforts demonstrate a commitment to improving the community and creating a more livable and attractive city for residents and visitors alike.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	100 residents
	Location Description	Within Census Tract 103.
	Planned Activities	Demolition of a distressed apartment building in census tract 103, as a component of the PAL Community Center expansion initiative, alongside the relocation of families residing in the said complex.
5	**Project Name**	2024 Administration
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: $111,618 HOME: $43,711
	Description	Personnel and administrative costs for delivering services
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	Within Auburn
	Planned Activities	Administrative expenses for planning and delivering program activities.

6	**Project Name**	2024 Lewiston Admin
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	HOME: $16,769
	Description	Administration expenses for the Lewiston HOME program
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	Within Lewiston
	Planned Activities	Administrative expenses for operation of Lewiston HOME program activities
7	**Project Name**	2024 Lewiston Security Deposits
	Target Area	
	Goals Supported	Provide Safe and Affordable Housing
	Needs Addressed	Provide Safe and Affordable Housing
	Funding	HOME: $15,000
	Description	Tenant-based rental assistance in the form of Security Deposits for income-qualified residents
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	15 income-qualifying households.
	Location Description	Within Lewiston
	Planned Activities	Providing Security Deposit assistance for income-qualified households.
8	**Project Name**	2024 Lewiston HOME Construction
	Target Area	
	Goals Supported	Provide Safe and Affordable Housing
	Needs Addressed	Provide Safe and Affordable Housing

	Funding	HOME: $601,111
	Description	Creation of 4 new HOME rental units.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	4 income-qualified households
	Location Description	Within Lewiston
	Planned Activities	Construction of new affordable rental units.

AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

In Auburn, priority will be given to the Downtown (Census Tract # 101), the Union St. Neighborhood (Census Tract # 103), and the New Auburn Area (Census Tract #105). The most recent HUD CHAS data shows that these tracts are primarily residential and qualify as 51% LMI by population. 88% of residents in Tract 101, 56% in Tract 103, and 62% in Tract 105 earn less than 80% of the Area Median Income (AMI).

Geographic Distribution

Target Area	Percentage of Funds

Table 6 - Geographic Distribution

OMB Control No: 2506-0117 (exp. 09/30/2021)

Rationale for the priorities for allocating investments geographically

The 2016-2020 American Community Census identified three census tracts in Auburn where the majority of households fall within low to moderate-income brackets. Consequently, the city will give these tracts heightened attention in terms of affirmative marketing, outreach, and translation services.

The city utilizes the Environmental Justice Index (EJI) data provided by the Center for Disease Control (CDC). This data qualifies the Downtown (Census Tract # 101) as having an overall EJI rank of 0.84, the Union St. Neighborhood (Census Tract # 103) as having a rank of 0.57, and the New Auburn Area (Census Tract #105) with a rank of 0.81. These rankings stem from factors such as CDC Social Vulnerability rank, Housing Built Pre-180, and Toxic Release Inventory Sites, all of which exhibit high levels of impact. Lead abatement projects within these tracts are prioritized in response to these observed conditions.

Additionally, all three tracts have a housing-burdened, lower income rank exceeding 0.80 (0.83 for 101, 0.90 for 103, and 0.93 for 105). The CHAS data identifies the three tracts as having the highest percentage of households in Auburn with at least one serious housing unit problem (e.g., lack of complete kitchen facilities, lack of complete plumbing facilities, overcrowding, or cost-burdened).

Discussion

Recently compiled GIS heat map data has also highlighted these 3 census tracts containing most of the city's homes at high risk for containing lead paint hazards. Additional outreach, education, and abatement resources will be provided to these designated census tracts and funded through the recently acquired Lead Hazard Control & Healthy Homes grant.

The creation of new affordable units will be focused in this area due to the high number of low to moderate-income households who are housing cost burdened. An additional focus of Public Infrastructure funds will be used to eliminate toxic and blighted buildings.

Affordable Housing

AP-55 Affordable Housing - 91.420, 91.220(g)

Introduction

The Annual Action plan targets creating new, affordable housing units and rehabbing housing rented or owned by low to moderate-income tenants.

Auburn intends to fund the plan development of a proposed mixed-income and mixed-use housing project comprising 100 units. This project will include 56 new homeowner units and 44 rental units. Units created in part with funding from HOME funds will be subject to a 20-year affordability period during which rents will be limited according to the HIGH HOME Rents guidelines outlined in the Community Development Operations Manual and any relevant HUD notices.

The October 2023 State of Maine Housing Production Needs Study revealed a concerning trend: housing affordability is decreasing while availability is diminishing across the state. Factors contributing to this include a surge in population during the peak of the COVID-19 pandemic and a shrinking workforce due to aging households. Additionally, the aging housing inventory and insufficient housing construction are exacerbating the issue. According to the study, a minimum of 5% availability of vacant units is necessary for a robust housing market in any given area.

In 2023, Lewiston's Housing Committee found that Lewiston-Auburn had an effective availability of 0%. To catch up to the current and future need, Central Western Maine (comprised of Androscoggin, Franklin, Kennebec, Oxford, Piscataquis, and Somerset counties) needs a total of 22,700-24,700 more homes or a total annual production need of 2,500-2,700.

The rehab of rental units outlined in this plan will leverage the Lead Hazard Control and Healthy Homes grant funds to achieve its objectives. This program requires a minimum of a 3-year affordability period for all units. Therefore, as the impact of this program grows, ACDO personnel will oversee an increasing number of affordable units.

Units funded with CDBG dollars must adhere to the city's Affordable Rent Standard. Under to this plan, an affordable unit is defined as one whose rent does not surpass the HUD-published Fair Market Rents (FMRs) for the current year. A unit is determined to fall within the FMR of a specific area by adding the contracted rent and the applicable utility allowance for the unit. For CDBG-funded projects, the sum of these numbers cannot exceed the FMR for a unit of the corresponding bedroom size as published by HUD each year. However, if the local housing authorities have been granted a community-wide exception, then the affordable rent standard may increase to a maximum of 120% of the FMR for the local jurisdiction.

The one-year goals established below pertain exclusively to targets funded by HOME funds and do not

encompass activities financed by CDBG or other city initiatives.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	23
Special-Needs	0
Total	23

Table 7 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	13
Rehab of Existing Units	10
Acquisition of Existing Units	0
Total	23

Table 8 - One Year Goals for Affordable Housing by Support Type

Discussion

Due to inflated construction costs and lack of contractors, the new-unit developments scheduled in the previous year were not carried out for projects in either city. New projects will be carried out in the current action plan. Additional funding, as provided by the HOME-ARP allocation, will add to the impact of rental assistance services and the related services required to help families struggling with challenges other than the scarcity of affordable units.

The 2023 Environmental Justice Index has flagged all 3 income-qualifying census tracts as having a high prevalence of chronic poverty. Therefore, additional steps will be made within this Action Plan to address a lack of racial equity in affordable housing programming as outlined and referenced in the city's 5-year Comprehensive Plan. This will be achieved by providing more direct outreach to residents within the Union St., Downtown, and New Auburn census tracts. Translated materials will aid this outreach. These census tracts are qualified as comprising 51% or more low-to-moderate income households and have the highest concentration of residential units built before 1978. Pre-78 homes have a higher potential for containing Lead-based paint hazards, which cause adverse health effects in children.

AP-60 Public Housing - 91.420, 91.220(h)

Introduction

Auburn and Lewiston have added multiple large affordable housing projects in the past few years. According to statistics maintained by Maine Housing Authority, between 2019 and 2022, 243 new affordable housing units were created with MSHA funding (including Auburn & Lewiston Consortium funds). These buildings offer modern, affordable amenities to public housing residents. Auburn Housing Authority has been transitioning to a voucher-based system, allowing more aid to residents using privately owned units.

According to MSHA Affordable Housing Options published in March 2023, there are currently 813 Affordable Housing units in Auburn (not including rehab units within their affordability periods). Additionally, Auburn Housing Authority manages 595 Housing Choice Vouchers for Auburn residents. The Housing Choice Vouchers combined with the affordable housing units equates to 32% of the 4,385 rental units available within Auburn.

Actions planned during the next year to address the needs to public housing

The City of Auburn collaborates closely with the Auburn Housing Authority (AHA) to promote and advance affordable housing initiatives. In PY 2023, AHA increased its payment standards within the Section 8 voucher program to 110% of Fair Market Rent. This adjustment aided eligible renters in securing affordable housing, particularly amidst escalating rental costs and limited available units.

MaineHousing's Family Self-Sufficiency (FSS) team continues to spearhead statewide endeavors aimed at enhancing program processes and evaluations among Public Housing Authorities (PHAs) responsible for its administration. They also work in partnership with FSS teams from other PHAs to address emerging HUD program regulations. MaineHousing, alongside Compass Working Capital, is a member of the National FSS Network, alongside the Portland Housing Authority.

Additionally, the Auburn Housing Authority has bolstered its efforts to transition its operations towards voucher-based assistance. These endeavors seek to facilitate the development of privately constructed housing units eligible for housing vouchers, thus broadening the spectrum of affordable housing options. The city has a notable amount of previous year HOME funds to invest in new unit developments, which are creating units with a 20-year affordability period.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The city currently refers low-income residents, including public housing residents, to Community Credit Union (CCU) and Community Concepts (CCI). Both organizations offer programs to assist with obtaining mortgages and down payment support.

The city is allocating a substantial amount of its HOME dollars and $150,000 in CDBG funds to create new affordable units in PY 2024. Public housing residents will be informed about any homeowner unit creation projects and encouraged to prepare for homeownership by utilizing resources like Maine Housing's First Home Loan Program or other resources provided by CCU and CCI.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Neither Lewiston Housing Authority nor Auburn Housing Authority are troubled.

Discussion

The city of Auburn created an online fair housing resource center after COVID-19 forced the cancellation of the traditional joint landlord-tenant summit. This resource center provides opportunities for tenants to access new tools to address tenant topics of interest and other resources that assist them in becoming homeowners. It can be found at https://www.auburnmaine.gov/pages/neighborhood/housing-summit.

AP-65 Homeless and Other Special Needs Activities - 91.420, 91.220(i)

Introduction

The Maine Balance of State Continuum of Care has traditionally addressed the homeless needs in Auburn and Lewiston. Both cities actively participate in various committees addressing homelessness, including the Region II Homeless Council, Sewall Foundation's Housing Steering Committee, and the HUB 3 Inner Group meetings.

In PY 2023, Auburn collaborated with three non-profit organizations to establish three positions primarily focused on assisting individuals experiencing homelessness. Funding from HOME-ARP has supported Rumford Group Homes (RGH), Housing Resources for Youth (HRY), and Community Concepts (CCI).

RGH has appointed a new Auburn Housing Navigator dedicated to helping people secure affordable housing. In the first half of PY 2023, the housing navigator assisted 59 households in Auburn and Lewiston experiencing homelessness and 11 households at risk of homelessness. Eleven households were successfully housed during this period, with RGH maintaining accurate client data in HMIS to track homelessness numbers effectively.

HRY operates a program that pairs unaccompanied homeless youth with host families outside of the foster care system. Their Program Director works directly with the McKinney-Vento Liaison to identify the most vulnerable youth. In the first half of PY 2023, their new Program Director worked directly with nine youth experiencing homelessness and two at-risk youth.

CCI's recent hire focuses on street-level outreach to individuals experiencing homelessness. The Homeless Outreach Coordinator began in November, working with 29 people experiencing homelessness between November and December.

The City of Lewiston has also partnered with three additional non-profits using HOME-ARP funds: Safe Voices, Trinity Jubilee, and New Beginnings.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The ACDO has expanded its direct outreach efforts by continuing to partially fund an in-house position within the General Assistance (GA) office, the Public Service Coordinator, alongside funding for the aforementioned positions. In response to growing demand, the city established a third GA staff position in Program Year (PY) 2023.

Many of the partnerships outlined above in HOME-ARP primarily serve unsheltered homeless individuals.

RGH meets with numerous clients at local daytime warming centers, such as Trinity Jubilee and the Drop-In Center, and through referrals from various service providers in the area. HRY prioritizes assisting unsheltered youth, while CCI actively engages with encampments to link individuals with resources prior to their closure.

New Beginnings operates a 24-hour youth shelter with the aim of achieving specific three-year goals for program years 2023-2025, including providing 40 unduplicated stays and 8,500 bed nights at their shelter, along with serving 10,000 meals.

Safe Voices has recruited personnel dedicated to addressing human trafficking and advocating for survivors of domestic violence, offering services to both sheltered and unsheltered clients.

Trinity Jubilee operates a daytime warming center in Lewiston, striving to provide direct housing services and case management to 100 households. During a March 2024 visit, staff expressed concerns about the shelter's nearing full capacity and the potential need to turn individuals away to comply with fire code occupancy limits.

Addressing the emergency shelter and transitional housing needs of homeless persons

The Auburn-Lewiston Home Consortium includes the entirety of both cities. Much of the data provided at the state level is for Androscoggin County or the Lewiston-Auburn Metropolitan Statistical Area (which includes 12 surrounding municipalities). Both Auburn & Lewiston serve as a regional service HUB for the area, meaning that even though HOME-ARP funds are designated for residents of the two cities, the needs of these cities are impacted by the spillover or centralization of needs from the surrounding rural populations.

For example, data collected from the two emergency shelters operated at the Lewiston Ramada Inn or the Lewiston Armory in 2020 clearly demonstrate this catch-basin effect. The combined totals of the two emergency shelters (whose numbers are not included in MSHA PIT counts) regularly operated at capacity. Of the 213 individuals sheltered, 60% claimed Lewiston as their residence, 20% claimed Auburn, and the remaining 20% came from outside the consortium’s jurisdiction.

Additionally, the city of Auburn has recently processed cases for 342 additional asylum-seeking families of various origins. From July 1, 2023, to April 1, 2024, the city of Lewiston’s General Assistance has processed 464 cases. The city General Assistance office addresses these needs, with wrap-around services and coordination provided by the city Public Health manager. This coordination includes private charities, educational facilities, and local hotel operators.

Helping homeless persons (especially chronically homeless individuals and families, families

with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Two of ACDO's latest partners are committed to helping individuals experiencing homelessness transition to more sustainable housing situations.

RGH offers comprehensive case management services, assists clients in securing BRAP and Housing Choice Vouchers, provides job skills training and support, offers renter's education, teaches budgeting and money management skills, delivers life skills training, and makes referrals to other programs that assist with rental application fees, security deposits, utility costs, and moving expenses.

HRY provides case management and maintains communication with host families and participating youth throughout their involvement in the program. Their network of host families provides stable housing options for unaccompanied youth clients.

These endeavors are funded through the consortium's HOME-ARP allocation and will continue throughout Program Year (PY) 2024.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The General Assistance offices in both cities take proactive measures to prevent low and moderate-income families from becoming homeless. These initiatives not only rely on General Assistance funds but also incorporate wrap-around support services, emphasizing their proactive community roles. Similarly, the Auburn Public Health office collaborates with residential institutions to address housing needs amidst decreasing community resources.

Partial funding from the Community Development Office supports the Public Service Coordinator position, aiding at-risk households in accessing resources beyond traditional General Assistance and HOME-ARP programs.

Additionally, the Maine COC's HUB coordinator, stationed at the Lewiston Housing Authority, facilitates communication among service providers within the COC system, enabling the Community Development and Public Health teams to concentrate on crisis response and early intervention. Recently, the HUB

Coordinator began a regular meeting between case managers to track mutual clients more effectively as they move throughout the COC. The meetings are attended by Lewiston Housing, Androscoggin Home Health, PATH, IRCM, Community Concepts, RCAM, and Rumford Group Homes.

The termination of the Emergency Rental Assistance program in early 2023 exacerbated the housing crisis in Auburn. This program, administered locally by Community Concepts Inc., assisted over 1,000 unique households during its 18-month duration. MaineHousing helped 8,262 people statewide with ERA funds in 2023, compared to 28,344 in 2022. In calendar year 2023, the GA department saw a 432% surge in applications, a 2,400% increase in utility assistance cases, and a 1,200% rise in housing assistance cases.

Discussion

As previously mentioned, homelessness is not confined to specific locations. For many individuals, the absence of adequate and permanent housing is a temporary situation as they continually seek out new resources to meet their evolving needs. Therefore, responses cannot be limited to isolated neighborhoods or cities.

The data collected for this Action Plan underscores the fact that this consortium serves as a central hub for addressing homelessness and special needs across the region.

To tackle this issue effectively, improved assessments of causal factors and enhanced collaboration among regional service providers are needed. A robust relationship with the State's Continuum of Care and the local HUB Coordinator is crucial for accurately quantifying needs and coordinating resources. These efforts will be enhanced through a localized approach to measuring and designing systematic responses tailored to the specific needs of the community.

In response to these challenges, the city of Auburn has taken proactive steps by forging three new partnerships. Each partnership is dedicated to maximizing the effectiveness of diverse funding sources and addressing particular needs, such as youth services, support for unsheltered individuals, and housing navigation.

AP-75 Barriers to affordable housing -91.420, 91.220(j)

Introduction

The biggest barrier to affordable housing in Auburn and Lewiston is the lack of available housing. The only way to fix the issue is to create more housing. For this reason, both Auburn and Lewiston are focusing on multi-unit development in PY 2024.

Private development of multi-unit housing projects is on the rise across Auburn. According to the Auburn Planning and Permitting Monthly report, they issued six permits to build 59 new commercial rental units between July 2023 – March 2023. Additionally, 4 permits were issued to build 4 new duplexes.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Over the past four years, the City of Auburn has demonstrated proactive efforts in eliminating barriers to housing development. Notable achievements include the adoption of new ordinances that permit accessory dwelling units, enhance density standards, and reduce road frontage requirements for residential lots. Complemented by a newly established form-based code, these changes are expected to encourage infill development of new housing, facilitate multi-unit housing projects in residential zones, and potentially waive or decrease permit fees for specific target demographics.

In PY 2023, the Auburn City Council removed an income requirement for building homes on rural land. The previous ordinance mandated that 30% of a household's income be derived from farming in rural zones. The revised ordinance now requires landowners to maintain a connection to the land and possess a minimum of 10 acres to construct homes.

In PY 2024, the City of Auburn will take advantage of some of these changes to focus on creating new affordable housing units.

Discussion

The recent alterations in zoning regulations, alongside past project proposals, have sparked significant discussions within the community. Numerous residents have voiced their opinions at various public hearings and through letters to the local newspaper, expressing both support and opposition to these zoning adjustments and development plans.

Opponents of these developments call into question potential adverse impacts on neighborhoods traditionally comprised of single-family residences, which would be affected by the extensive zoning

modifications throughout the city. This defensive stance, often termed "Zone Defense," reflects a reactive approach to proposed developments and underscores the challenges highlighted by MSHA in their analysis of Impediments to Fair Housing Choice.

AP-85 Other Actions - 91.420, 91.220(k)

Introduction

As mentioned earlier, respondents to the city's community survey highlighted Affordable Housing (59%) and Youth Services (30%) as the top priorities for entitlement allocations. This feedback, coupled with a significant rise in General Assistance requests, has prompted the city of Auburn to establish a new position of Eligibility Coordinator within the General Assistance department. Additionally, the focus for PY 2024 will be on initiatives related to housing creation, homeless services, and youth services.

Over the past few years, both the city of Auburn and the Auburn-Lewiston Consortium have undergone substantial restructuring and staffing adjustments to better align with the evolving needs of the community. With these changes now in effect, the city is well-positioned to address the dynamic needs of its residents and allocate CDBG and HOME funds in a manner that maximizes their impact per dollar spent.

Actions planned to address obstacles to meeting underserved needs

The city will continue partnering with proven third-party community service providers to address homelessness and youth services while maintaining a three-person General Assistance department. Additional contracts will be awarded to increase the capacity of homeless services.

The city of Auburn has also contracted with Tri-County Mental Health to employ a second position to co-respond to police and rescue calls involving individuals experiencing mental health or substance abuse issues. In calendar year 2023, one mental health worker assisted 301 homeless individuals, responded to 1,124 calls alongside the police and fire departments, conducted 83 well-being checks, and addressed 14 psychiatric incidents, resulting in over 174 referrals.

Funding will be allocated for summer recreation scholarships to ensure fair access to enriching opportunities for low- and moderate-income (LMI) youth while also serving as structured childcare for working parents during the summer months. This dual-purpose initiative has demonstrated its effectiveness in offering services that cater to a broad demographic range within the city's historical public service funding framework.

Actions planned to foster and maintain affordable housing

The cities of Auburn and Lewiston actively support the construction of affordable housing through their housing development programs. These efforts allocate federal funding to developers to cover qualifying expenses, with the condition that the resulting units remain affordable. The affordability standards are determined based on HUD guidelines, with rent thresholds set at either Fair Market Rent (FMR), Low HOME Rent, or High HOME Rent levels.

Additional programs will continue to provide access to funding for lead testing and abatement to improve the health and safety of homes with young children.

Actions planned to reduce lead-based paint hazards

Both cities currently manage their own grants from the Office of Lead Hazard Control and Healthy Homes, with which residential units containing children or being marketed to families with children can be tested for lead paint hazards. Where hazards are present, funds will be made available in the form of grants to mitigate and abate these lead paint hazards. The separate budget and work plan for the Lead Hazard Control grant established a goal of 110 units abated for lead hazards over 3 years. Included within this Action Plan are matching CDBG grants for LMI households to further increase the impact of the Lead Hazard Control grant funds.

Actions planned to reduce the number of poverty-level families

The Community Development team is dedicated to forging and nurturing relationships with various organizations and institutions to strengthen the overall institutional framework. In collaboration with Clarity Property Services, the ACDO is continuing one workforce empowerment initiative by providing Lead Renovation Repair and Painting (RRP) training to up to 74 individuals, funded by a grant from the Office of Lead Hazard Control and Healthy Homes.

Additionally, the city has an ongoing partnership with Community Concepts Finance Corporation, a certified HUD homeownership and financial counseling agency, offering complimentary financial education sessions to families engaged in homebuyer or rehabilitation programs. By prioritizing educational services, the city aims to equip low-to-moderate income residents with the knowledge and tools needed for effective financial planning, thereby empowering them to safeguard their assets and enhance their financial well-being.

Furthermore, the City of Auburn has two programs aimed at directly assisting individuals and families experiencing poverty: General Assistance (GA) and Project Support You (GA). GA provides emergency and ongoing support to low-income families, including food vouchers, temporary lodging, and rent aid, with a third staff member added in PY 2023 due to increasing demand. PSY, funded through ARPA, collaborates closely with the police and fire departments to offer immediate assistance to individuals in crisis, with an additional staff person added in PY 2023 to meet growing needs.

Partner organizations Housing Resources for Youth (HRY), Rumford Group Homes (RGH), and Community Concepts (CCI) are dedicated to serving people experiencing homelessness or at risk of homelessness. HRY specializes in youth support, offering case management, reunification services, and matching unhoused youth with host families. RGH's Housing Navigator assists clients in securing and maintaining stable housing. CCI's Homeless Outreach Coordinator concentrates on initiating primary contact with individuals experiencing homelessness and offering referrals or resources tailored to their requirements.

Actions planned to develop institutional structure

The city of Auburn has revamped its internal structure to more effectively address the diverse range of community needs currently prevailing. By integrating Public Health, General Assistance, and Community Development, a culture of collaboration has been fostered, enabling a unified response to emergent health, housing, and refugee-related issues. This collaborative approach removed inter-departmental barriers and established a cohesive mission centered on service and crisis management. The addition of new roles, such as the Public Service Coordinator and Eligibility Coordinator, has helped bridge service gaps within the department.

Furthermore, the Auburn-Lewiston Consortium has entered a new phase of development, wherein the Community Development and General Assistance offices of both cities are collaborating more closely on planning and response endeavors. This synergy is particularly evident in the coordination of initiatives funded under the HOME-ARP plan, as shared needs and homelessness crises transcend municipal boundaries. Through enhanced inter-city cooperation and data sharing, redundant services have been eliminated, leading to increased efficiency in service delivery and efficacy.

Actions planned to enhance coordination between public and private housing and social service agencies

The Auburn Community Development Department, Auburn Housing Authority, Lewiston Community Development Department, Lewiston Housing Authority, Community Concepts, Healthy Androscoggin, and various other local and regional nonprofit organizations work closely to plan and provide housing services. Despite this collaboration, insufficient resources among these partners hinder their ability to meet identified needs, resulting in long waiting lists for housing authority services. By engaging private developers to build more affordable units and partnering with the Section 8 voucher program, these agencies could enhance efficiency and better serve low-to-moderate income residents on the Section 8 waitlist.

Furthermore, the Community Development Department has actively participated in a local Healthy Homes initiative to improve the coordination of housing enhancements and attract new resources to the community. Through collaboration with Healthy Androscoggin and other service delivery partners, the City of Auburn secured a Lead Hazard Control and Healthy Homes Grant. This initiative involves significant coordination among multiple health agencies, nonprofit service providers, and the state Center for Disease Control. This integrated approach enables more efficient sharing of information, referrals, and response services, particularly for children with elevated blood-lead levels (EBLLs).

Discussion

Over the past few years, significant changes have occurred both locally and globally. International conflicts and the breakdown of the global consumer economy have created unexpected challenges for residents in Auburn and Lewiston. Grocery prices and fuel costs have increased significantly, and

manufacturing and resource acquisition breakdowns in other parts of the world have made essential foods scarce. Lumber prices and construction materials have also become scarce and unaffordable for many. Our community has grown with the addition of new members who have fled famine and conflict in their home countries. Inflation and unemployment have made housing and daily resources unattainable for average residents, making it difficult to maintain a positive outlook on life.

This is where we need to focus our efforts, energy, and collaborations. Despite all these challenges, we must not lose sight of our essential optimism, which is necessary for our growth, development, and prosperity. In conclusion, it is crucial to prioritize interdepartmental, institutional, and interpersonal development while keeping this key element in mind.

Program Specific Requirements

AP-90 Program Specific Requirements - 91.420, 91.220(l)(1,2,4)

Introduction

The ACDO is guided by the requirement that a minimum of 75% of allocated funds must be used for activities that benefit persons of low and moderate income. The sole program in this Action Plan that does not directly benefit low and moderate-income individuals (apart from administrative funding) is Spot/Blight remediation. However, the ACDO has chosen to prioritize this non-beneficiary activity within census tracts that qualify as low and moderate income.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**0**

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	75.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

   Auburn/Lewiston will not utilize other forms of investment beyond those in section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

For HOME assistance provided as a direct subsidy to the homebuyer, such as downpayment/closing cost assistance or subordinate mortgage assistance, the Auburn-Lewiston Consortium will use a recapture provision to recover HOME funds from projects that are transferred or sold during the HOME period of affordability.

Recapture Provision:
The HOME recapture provision permits the original homebuyer to sell the property to any willing buyer during the period of affordability, while the Auburn-Lewiston Consortium can recapture all or a portion of the HOME assistance provided to the original homebuyer. The recaptured funds allow the Auburn-Lewiston Consortium to assist other eligible homebuyers.

If the HOME-assisted property is sold, conveyed, assigned, or otherwise transferred, or if a senior lender forecloses on any senior mortgage prior to the end of the minimum federally-required affordability period as above, the HOME assistance shall be returned to the City of Auburn, Business and Community Development Department, on a shared net proceeds basis according to the following formula:

• Net Sales Proceeds = Sales price minus municipal liens, minus principal owed to senior lenders, minus selling costs
• Homeowner Investment = Down payment plus any verifiable Capital Improvement investment made from the date of purchase
• Auburn-Lewiston Consortium's Investment = Direct HOME Program assistance. Amount subject to recapture.
• Total Investment = Homeowner Investment plus Auburn-Lewiston Consortium's investment
• Amount of Net Proceeds to be returned to Auburn-Lewiston Consortium upon sale prior to the end of the minimum federally required affordability period = (Auburn-Lewiston Consortium's Investment / Total Investment) * Net Sales Proceeds.

Under no circumstances can the Auburn-Lewiston Consortium seek to recapture more than is available from the net proceeds of a sale.

Examples of recapture formula:

Recapture Provision (Net Sales Proceeds):
$140,000 original sales price; $170,000 new sales price
Mortgage payoffs:
1st position balance: $72,000
2nd position balance: $35,000

Closing costs: $7,500; Homeowner investment: $3,500
Direct HOME subsidy: $25,000

Net Sales Proceeds: $170,000 - $72,000 - $35,000 - $7,500 = $55,500
Homeowner Investment = $3,500 in capital improvements
Auburn-Lewiston Consortium Investment = $25,000 HOME downpayment assistance
Total Investment = $28,500
Amount of Shared Net Proceeds to be returned to Auburn-Lewiston Consortium upon sale:
($25,000/$28,500) * $55,500 = $48,684.21
Amount of Shared Proceeds to Homeowner: $6,815.79

Recapture Provision (Insufficient Proceeds):
$140,000 original sales price; $130,000 new sales price
Mortgage payoffs:
1st position balance: $72,000
2nd position balance: $35,000

Closing costs: $7,500 Homeowner investment: $3,500
Direct HOME subsidy: $25,000

Net Sales Proceeds: $130,000 - $72,000 - $35,000 - $7,500 = $15,500
Homeowner Investment = $3,500 in capital improvements
Auburn-Lewiston Consortium Investment = $25,000 HOME downpayment assistance
Total Investment = $28,500
Amount of Shared Net Proceeds to be returned to Auburn-Lewiston Consortium upon sale:
($25,000/$28,500) * $15,500 = $13,596.50
Amount of Shared Proceeds to Homeowner: $1,903.50

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Period of Affordability:
HOME-assisted homeownership projects are subject to the minimum period of affordability requirements listed below. Throughout the period of affordability, income-eligible households must occupy the assisted units. Restrictions are disclosed to the homebuyer through the execution of legal documents, including a deed restriction, a HOME written agreement between the Consortium and the homebuyer, and a Homebuyer Disclosure form.

Total Home investment and affordability period
Less than $15,000 – 5 years
$15,000-$40,000 – 10 years

More than $40,000 – 15 years

Resale Provision:
The Auburn/Lewiston Consortium employs a Resale Provision when there is no direct subsidy to the homebuyer. The HOME resale provision requires that if the owner of a HOME-assisted property sells, conveys, or transfers his/her ownership interest in the property prior to the end of the HOME period of affordability, the sale, conveyance, or transfer shall only be to an eligible, low-income-qualified purchaser who will use the property as their principal residence. It is also required that the price at resale provides a fair return on investment to the original owner (as defined below) and that the property be sold at a price that is affordable to a reasonable range of low-income buyers.

The Consortium will calculate the resale price based on the fair return on investment plus the original purchase price to ensure that the property will be affordable to a reasonable range of households earning between 70-80% of AMI. If the resale price that ensures fair return is not affordable to the next buyer, then the Consortium may provide HOME assistance to the subsequent buyer to make it affordable.

Resale Formula:
Step 1: (Homebuyer's original investment + principal paydowns + value of capital improvements) x appreciation standard = Fair Return on Investment
Step 2: Homebuyer's original investment + principal paydowns + value of capital improvements + Fair Return on Investment = Total Return to Original Homebuyer at Sale

Example of Resale Formula:
Single-family home was purchased for $140,000 in 2010. Since the purchase, the homeowner invested $3,500 in capital improvements in Jan. 2012 (HPI = 174.64). No downpayment was provided from owner funds. Most recent HPI = 354.03.

Mortgage payoffs:
1st position balance: $72,000
2nd position balance: $35,000

Homeowner's original investment: $0

Principal paydowns: $140,000 – 107,000 mortgage balance = $33,000

Capital improvements: $3,500
Step 1: $0 + $33,000 + $3,500 x 102% = $3,723
Step 2: $0 + $33,000 + $3,500 + $3,723 = $40,223
Total Return to the Homebuyer - $40,223.

Transfer of Title

The City shall collect the net proceeds from the sale of the property up to the outstanding balance of the HOME assistance when the HOME Borrower relinquishes the property voluntarily or due to a foreclosure, bankruptcy, appointment of a receiver or liquidation, or assignment for the benefit of the HOME Borrower's creditors, or a financial hardship resulting in a short sale. In the event that the net proceeds are insufficient to repay the HOME loan(s), the City will then forgive part or all of the HOME loans(s).

Noncompliance and Repayment Requirements:
Noncompliance is triggered when the HOME-assisted property is no longer the principal residence (i.e., rented or vacant) of the homeowner or for failure to enforce the resale or recapture provisions. Noncompliance requires repayment of the entire HOME investment. The HOME Land Use Restrictive Covenant and written agreement define conditions that will constitute a default by the homeowner and trigger repayment in full.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

   HOME funds will not be used to refinance existing debt.

5. If applicable to a planned HOME TBRA activity, a description of the preference for persons with special needs or disabilities. (See 24 CFR 92.209(c)(2)(i) and CFR 91.220(l)(2)(vii)).

   N/A

6. If applicable to a planned HOME TBRA activity, a description of how the preference for a specific category of individuals with disabilities (e.g. persons with HIV/AIDS or chronic mental illness) will narrow the gap in benefits and the preference is needed to narrow the gap in benefits and services received by such persons. (See 24 CFR 92.209(c)(2)(ii) and 91.220(l)(2)(vii)).

   N/A

7. If applicable, a description of any preference or limitation for rental housing projects. (See 24 CFR 92.253(d)(3) and CFR 91.220(l)(2)(vii)). Note: Preferences cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).

   N/A

Discussion

Eligible applicants for Homeowner rehab will be approved on a first-come, first-served basis, determined by the date on their completed applications. Approval will be contingent upon the project meeting Auburn Housing Standards upon project completion, utilizing the provided resources. Recapture and resale guidelines mirror those outlined for Homebuyer activities.

Rental unit development will be overseen by a CHDO or developer, with funding opportunities announced through a standing Notice Of Funding Opportunity when available. Projects meeting qualifications will be accepted and funded based on the completion date of their applications, with additional consideration given to the proposed project completion date and other conditions specified in the notice of funding.

All Tenant-Based Rental Assistance (TBRA) programming will be on a first-come, first-served basis based on the date of a completed application. Units will be required to pass Housing Quality Standards (HQS) inspections and leases approved by program staff to comply with HUD requirements.

Applications can be found on the city website, at the Business & Community Development Office, or by contacting the Community Development team at cdbg@auburnmaine.gov.

Attachments

Citizen Participation Comments



An Angel's Wing, Inc.

My name is Debra York, and I am the Executive Director for An Angel's Wing Inc based out of Lewiston, Maine.

We are a 501c3 Non-profit and have been fighting the opioid epidemic since 2017. We have support services that aid individuals, couples, and families when needed. We have aided several hundred people with support in detox, inpatient rehab, recovery homes, counseling, with household items, furniture, clothing, medications, phones for telehealth, funerals when necessary. Over the years we have seen an uptick in requests and a lack of services in the following areas:

1. We have spent countless hours in search of open detox & rehabilitation beds for underinsured, uninsured and people who have Maine care for insurance. Quality, not-for-profit community-based detoxification and inpatient recovery centers are so needed. We lose people when we cannot find open beds in a prompt fashion. Time is always of the essence when dealing with addiction. Once these individuals start to feel the effect of the withdrawal symptoms, it is easier to go back to using them than to wait for a bed to open. Sometimes it is life or death. The hospitals are overwhelmed with people seeking detox and true emergencies are affected.

2. We run 3 structured, holistic, Marr certified recovery residences and we stay consistently full with a waiting list. Because we offer more than just a sober living bed, we have become sought after. We need more non-profit, structured, certified/licensed recovery residences. Homes that offer the things that we do. To be effective in these recovery residences, they should be MARR certified, or Maine State licensed. Funding to aid with staffing to allow for a holistic treatment approach that includes case management type services, transportation to and from appointments, support meetings and events, rental payments to allow the individuals to complete treatment and IOP, funding for activities, and self-care activities (yoga etc.).

Over the years, we have either offered these services free of charge, negotiated scholarships, paid for for-profit beds or located free empty beds but that challenge has only grown for us. Because of the lack of structure and accountability in the for-profit sector, we have opened our own homes and they have had an 80% success rate so far. The challenge now is 1. Lack of funding to allow individuals the opportunity to heal in these homes without the burden of paying rent. 2. Lack of funding to open more of these homes. 3. Lack of funding to pay for licensing and staffing to make for a more healing environment. 4. Lack of funding to include more holistic, evidence-based treatment and activities, healthy meals etc.

1807 LISBON STREET SUITE 1A, LEWISTON, ME 04240
T: (207) 241-0824 OR (888) 309-8073 E: ANANGELSWING@YAHOO.COM @ WWW.ANANGELSWING.ORG



An Angel's Wing, Inc.

3. Lewiston Maine as well as many other towns/cities lack social activities and recovery-based community centers. We need locations where people in recovery or learning how to be can co-mingle because the opposite of addiction is connection. A place that offers not only connections but training opportunities, case management services, individual and family support meetings, technology, etc. for those in need. We need more support and resource centers that accommodate the individuals looking for services as well as their family. Family needs to be incorporated in the treatment because addiction is a family disease. *We have secured a property in Lewiston, Maine for a support/resource center and are working diligently on grant proposals to make this successful. We also need more recovery friendly activities.

4. Mental health counseling has wait lists a mile long. Substance use counseling is also becoming more of an issue. 1% of everyone we work with has a co-occurring mental health condition. We have been successful placing them in SUD counseling so far, but mental health counseling has been one of our biggest challenges.

5. Lastly, we need more structured, certified/licensed family homes for reunification purposes. We have been successful in reunifying 3 families since February 2023 and with funding for a family home, that number will grow. With more opportunities, foster care services, CPS services will not have to carry such a burden. More funding would allow us to secure a much bigger location, create and expand existing programs. Ideally, we would add staff to make this more secure and structured. A holistic healing environment for the individual in recovery and their children.

*I have realized that I left out an important need in the state of Maine. Over the last couple of months, we have had 4 situations where 4 resident referrals (coming from the DOC & Maine hospitals) were for people with dual diagnosis/Co-occurring disorders. Their mental health diagnosis needed more than our recovery residence was equipped for. We take pride in the services that we offer but, in these cases, more staffing and more clinical were needed and we were unable to accommodate. After spending hours on the phone, it became clear that there was a lack of facilities to address this need. If we cannot locate housing for these people, the alternative is crisis. If we had more staffing and more clinical, the outcome would have been so much better. We need more staffing in our organization and recovery residence. We need more co-occurring facilities to meet the need.

[illegible]



An Angel's Wing, Inc.

6. Housing, housing and more housing. The housing situation is dire in Androscoggin County. We take in people who are unhoused and in active addiction. We first help them to sign up for treatment, reunification, healthy lifestyles, employment/education, housing support (i.e.: section 8 and braap). Once the treatment is completed, we attempt to help to find housing for independent living. This is one of the biggest challenges overall. They do not have funds for the first, last and security deposit and if or when they do, there is no housing available.

7. Case management is also a growing need. The unhoused come to us without any assistance. They have either lost their assistance due to housing or lost their card. Another situation is someone else has their card and they are using it. I don't have answers to this because, how do you keep up with someone who cannot be located but there has to be an answer.

Sincerely,

Debra York, Executive Director

207-513-6051

www.anangelswing.org

1167 LISBON STREET, SUITE 1A, LEWISTON, ME 04240
T: (207) 241-0824 OR (888) 939-8673 E: ANANGELSWING@AOL.COM @ WWW.ANANGELSWING.ORG

November 29, 2023

City of Auburn
ATTN: Zakk Maher, Deputy Director of Business and Community Development
Auburn Hall, 60 Court Street
Auburn, ME 04210

Dear Zakk:

On behalf of our staff, board of directors, and the children we serve in Auburn, I would like to thank you for your consideration of the enclosed request for $3,000 in social welfare funding.

Our mission at Camp Susan Curtis (CSC) is to provide a transformative camp experience that nurtures self-confidence and a sense of belonging in Maine children facing economic hardship. The children we serve face many struggles in their daily lives. All of our campers are experiencing economic hardship. Many of our campers have experienced food insecurity, not knowing when they'll get their next nutritious meal. Some campers are in the foster care system, or have a parent who is incarcerated, or live with a caregiver struggling with addiction. Some campers have parents working two or three jobs, leaving them with the responsibility of cooking and caring for their younger siblings.

But all of our campers have this in common: for 10 days every summer they get to come to camp and just be kids in a safe and supportive environment. They get to take swim lessons, learn how to ride a bike, try kayaking, or hike a mountain for the very first time. They get to experience the unique beauty of the Maine outdoors on 100-acres of conservation land. Through supportive relationships with mentors and peers, campers gain the self-confidence needed to believe in themselves.

Our campers learn that they can dream big and hope for something beyond the struggles of their day-to-day lives. As they get older, they are exposed to college and career opportunities they may not have access to otherwise. Most importantly, our campers get to be a part of a lifelong community that will support them on the journey to becoming healthy, thriving people.

We are truly grateful for your consideration and encourage you to reach out if you have any questions. I can be reached at 207-774-1552 or ebonner@susancurtis.org.

Sincerely,

Emily Bonner
Development and Communications Manager

Request to City of Auburn

Request for FY2025

Date of Application: November 29, 2023

Organization name: Camp Susan Curtis
Business Mailing Address: 1321 Washington Avenue, #104, Portland, ME 04103

Contact: Emily Bonner, Development and Communications Manager
Telephone number: (207) 774-1552
E-mail address: ebonner@susancurtis.org

Tax exempt status: 01-0324705
Year organization was founded: 1971

Amount of grant request: $3,000

City of Auburn Statistics:

- **Camp Susan Curtis Fiscal Year:** January 1, 2023 to December 31, 2023
- **Unduplicated youth served from the City of Auburn:** 23
- **Cumulative number of nights in the care of Camp Susan Curtis:** 230
- **Area Partners:** Fairview Elementary, Sherwood Heights Elementary, Walton Elementary, Washburn School, Park Avenue Elementary, Auburn School Department

Organization Mission and Overview: The mission of Camp Susan Curtis (CSC) is to provide a transformative camp experience that nurtures self-confidence and a sense of belonging in Maine children facing economic hardship. Since its inception in 1971, more than 19,000 Maine children between the ages of 8 and 18 have benefited from CSC's signature summer camp.

It is important to highlight that many traditional summer camps are cost-prohibitive to CSC's constituency. CSC is the only Maine camp that exclusively serves Maine children facing financial hardship. While some Maine camps offer partial scholarships, CSC fully subsidizes program costs for all participants, eliminating barriers to access. This includes the provision of items such as rain gear, sleeping bags, sneakers, swimsuits, bug spray, and sunscreen. CSC also removes barriers to access by offering free transportation to and from camp, or gas cards to families that transport their child(ren).

Program Description: In 2024, CSC will offer 4 sessions of its 10-day co-ed residential camp at its 100-acre campus on pristine conservation land in Stoneham, Maine. Here at this campus, CSC provides traditional camp experiences for 4th through 7th graders; a variety of special interest programs for early teens; and a leadership development program for older teens. CSC works with a network of 100+ school and community partners across the State of Maine who refer students to the CSC program and who serve as liaisons between camp staff and families.

During their time at CSC, campers will benefit from experiential and physically active outdoor programming; a complete disconnect from screens and technology; extended time spent immersed in nature, which helps reduce depression and anxiety while increasing self-confidence; a reliable schedule and clear expectations, providing a sense of stability; three balanced meals a day and a healthy, energizing snack; an abundance of opportunities to try new activities; a sense of community and belonging among understanding peers and caring camp staff; and a safe, supportive environment to take risks, make mistakes, and learn new skills.

Some of CSC's experiential camp programs include challenge ropes courses; waterfront activities such as kayaking and paddleboarding; arts and crafts projects like nature art and ceramics; hiking, yoga, and meditation; and a wide array of sports.

Older campers benefit from college tours, introductions to scholarship resources, leadership reflection projects, life and workforce development workshops, conversations with Mitchell Scholars and USM Promise Scholars, and opportunities to advance into roles as camp counselors providing them with leadership training in a paid position.

Community Need: In addition to facing economic hardship, many campers arrive at camp having also experienced housing instability, violence or bullying, the incarceration or death of a caregiver, caregivers who are struggling with active addictions or mental illness, and/or engagement in the foster care system. As a result of their severely compromised resources and difficult life circumstances, this vulnerable segment of Maine's population is at a significant disadvantage for healthy childhood development and long term wellbeing. Unlike their peers from more-resourced families, most CSC campers cannot afford the extracurricular activities or access the systems of familial and community networks that would positively support their health; and social, emotional, and educational development.

Evaluation Tools: CSC utilizes surveys as its primary tool to assess program impact. These surveys are disseminated to campers, caregivers, and referral partners. CSC also conducts "exit interviews" with campers to get feedback about how the camp experience impacted them. These interviews serve the dual purpose of letting each camper know that they have gained a supportive adult in their life and is an opportunity to share contact information and encourage the camper to reach out during the year if they need a listening ear, a champion, or a reference for post-secondary pursuits.

Budget: CSC maintains detailed fiscal records meeting all requirements set out by funders and the American Institute of Certified Public Accountants. CSC's current operating budget and audited financial statements are available upon request.

Internal Revenue Service
P.O. Box 2508
Cincinnati, OH 45201

Department of the Treasury

Date: June 4, 2015

Person to Contact:
Ms Singleton – ID# 0203345
Toll Free Telephone Number:
877-829-5500
Employer Identification Number:
01-0324705

SUSAN L CURTIS CHARITABLE FOUNDATION
1321 WASHINGTON AVE - STE 104
PORTLAND ME 04103-3636

Dear Sir or Madam:

This is in response to your August 28, 2014, request for information regarding your tax-exempt status.

Our records indicate you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in May 1971.

Our records also indicate you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/charities for information regarding filing requirements. Specifically, note that section 6033(j) of the Code automatically revokes the tax-exemption of any organization that fails to satisfy its filing requirement for three consecutive years. The automatic revocation of exemption is effective as of the due date of the third required annual filing or notice. The IRS maintains a list of organizations whose tax-exempt status was automatically revoked at IRS.gov.

If you have any questions, please call the phone number in the heading of this letter.

Sincerely,

Tamera Ripperda

Tamera Ripperda
Director, Exempt Organizations

[External]UNMET NEEDS

Betsy Sibley <BSibley@communitycreditunion.com>

Thu 2/22/2024 10:07 AM

To:CDBG <cdbg@auburnmaine.gov>
Cc:Amy Hatter <ahatter@auburnmaine.gov>

Some people who received this message don't often get email from bsibley@communitycreditunion.com. Learn why this is important

To Whom It May Concern,
Community Credit Union has been serving the Auburn community for many years. Since 2020, when Community Credit Union received its designation as a Community Development Financial Institution from the U.S. Treasury Department our team has been even more intentional in serving the underserved throughout Androscoggin County. With the assistance from a series of CDFI Fund Grants we launched several loan programs that support underserved groups such as transportation loans for those with no credit, damaged credit or limited credit history, emergency loans, rental security deposit loans and more. Another loan developed was career advancement loans in partnership with New England School of Metalworks to help more individuals get trained in welding, this comes with two hours of financial education for all those enrolled in the Welding cohorts. The grants received in the past few years have also assisted the Credit Union in taking the lead with the Bridges Out of Poverty Steering Committee that had gone dormant throughout the pandemic and lost its momentum. Funds were used to offer free quarterly trainings for community members wanting to learn the Bridges Out of Poverty constructs, sponsor tuition costs for additional Facilitators and launch initiatives such as Getting Ahead in a Just Gettin' By World here in Androscoggin County. The community has benefited from these efforts but the funding will be exhausted by year end. The Credit Union also launched a workforce stability initiative in October 2022 called the Community Cornerstone Program. This program assists employees of designated Champion Partners in building resources and finding more stability. The Financial & Life Navigator is embedded within 6 area employers and also maintains a strong network of community partners to provide resources.

The consistent unmet need our team hears about in our branches and in our community work is the lack of affordable housing. Rental units and homes are not affordable to low and middle income households and the number of housing units is significantly less than the number of families seeking safe housing options. I think dedicating resources to navigating this housing crisis would be helpful to those on the brink of homelessness and those that are currently without housing.

As the funding for Bridges Out of Poverty and related programming like Getting Ahead winds down I think it's important that municipalities and community partners see the importance of keeping these programs alive and continuing to train/educate individuals and organizations on the Bridges constructs so that we can see real social change and more equitable systems in our community in the future. It is nearly $1,000 per Investigator (participant) to complete the 16 week Getting Ahead in a Just Gettin' By World program. This includes a stipend, meals, workbook, supports for daycare & transportation in many cases as well as shared cost for a Facilitator. Community Credit Union has sponsored the first 16 graduates to the program and have 10 Investigators enrolled currently with a May graduation timeline. That is $26,000+/- invested in our community members who are looking to find stability and write a future story for themselves and their family. These individuals have navigated challenges in life and their voices could be valuable resources to municipalities and other community organizations. If our community lets this program die out again due to lack of funding support it will perpetuate the negative narrative of this region that so many of us are fighting so hard against. This is a valuable program for local employers to help their most vulnerable employees establish better resources and gain stability.

These are some of the unmet needs I think are relevant to your community discussions with local, state and federal funders. If you have any questions please don't hesitate to reach out for more information.

Sincerely,



Betsy Sibley (she/her/hers)
Chief Marketing Officer, CCUFC, CUDE

Community Credit Union

144 Pine Street, Lewiston ME 04240
BSibley@communitycreditunion.com
Phone: 207.783.2096 ext. 2020
Fax: 207.783.2093
www.communitycreditunion.com

Connect with us: Facebook | Twitter | YouTube | LinkedIn
How Did We Do? Providing you with the best member service possible is our number 1 priority and we are always looking for ways to better serve your needs. Please take our survey and let us know how we did: www.surveymonkey.com/s/CCUMemberSurvey

Confidentiality Notice
This document contains confidential information belonging to the sender, which is legally privileged. This information is intended only for the use of the individual or entity named above. If you have received this email and/or attachments in error, please notify the sender immediately.

[External]Unmet Needs

Patricia Weidler <peweidler@yahoo.com>

Thu 2/15/2024 9:49 AM

To:CDBG <cdbg@auburnmaine.gov>

Hi,

I've been volunteering at the Drop-In Center located in the vestry of the First Universalist Church of Auburn since it opened (I'm also a resident of Auburn). The Drop-In Center has been open over two years, and over the years I've seen much community and city support. Food seems to be more available, and case managers have worked hard to get people on SNAP and health insurance. Opening Calvary as a nighttime warming center is a huge step, but there continues to be a large need for unhoused people to have shelter from adverse weather year round even if it is just on an emergency basis.

I continue to see the following basic human needs being largely unmet for our unhoused community members:

(1) Regular access to safe drinking and washing water.
(2) 24/7 access to safe bathrooms with handwashing within a short walking distance.
(3) A secure, safe, heated/cooled, and clean space in which one can sleep for seven to eight uninterrupted hours each day (sleep is as important as water and food for ones health, especially if one has mental health challenges).
(4) A safe and secure place to sleep outdoors, especially when there are not enough shelter beds or apartments available.
(5) A safe and secure and weatherproof place to store documents, communication devices, and possessions (so that a person can provide appropriate ID upon request of authorities and can go to appointments and into libraries and buildings without bringing much or all of ones possessions).
(6) Trash pick-up and/or disposal.

Thank you for listening.
Sincerely,
Patty Weidler
402-4763

[External]Re: Fw: Reminder: Auburn Community Survey and Unmet Needs - Have Your Voice Heard

Sasha Anastasoff <sanastasoff@auburnschl.edu>

Wed 3/6/2024 4:38 PM

To:Amy Hatter <ahatter@auburnmaine.gov>

HI Amy,
Are you still taking unmet needs letters? If so, I'm happy to submit one. I was not on the original email list and an email from Jennifer Morin prompted me to look in my email for any emails from you. I see the deadline was March 1st in the second email you sent to Pam and I. Current numbers are at 178 as compared to 185 at this same time last year. Unaccompanied youth numbers are at 38 compared to 39 at this time last year. They are included in the larger number. We are basically keeping pace with last year.

Thank you,
Sasha

On Wed, Feb 21, 2024 at 4:23 PM Amy Hatter <ahatter@auburnmaine.gov> wrote:

I think I may have left the two of you off my email list. If so, I'm very sorry. I've added you now. We're looking for letters about unmet needs in our community and doing our community survey. If either of you are interested in writing a letter, you can send it to me or cdbg@auburnmaine.gov.

Amy Hatter | Community Development Manager
City of Auburn, Maine | 207-333-6601 ext. 1332

The City of Auburn is subject to statutes relating to public records.
Email sent or received by City employees is subject to these laws.
Senders and receivers of City e-mail should presume that messages are subject to release.

From: Amy Hatter <ahatter@auburnmaine.gov>
Sent: Wednesday, February 21, 2024 2:32 PM
To: Zachary Maher <zmaher@auburnmaine.gov>
Subject: Reminder: Auburn Community Survey and Unmet Needs - Have Your Voice Heard

Thank you to everyone who has sent in unmet needs letters or completed the survey.

If you'd like to submit a letter but haven't had a chance, we are still accepting letters until next Friday, March 1. The survey is running until then, as well.

Amy Hatter | Community Development Manager
City of Auburn, Maine | 207-333-6601 ext. 1332

The City of Auburn is subject to statutes relating to public records.
Email sent or received by City employees is subject to these laws.
Senders and receivers of City e-mail should presume that messages are subject to release.

Seniors Plus

6 Falcon Road • Lewiston, Maine 04240
1-800-427-1241 • 207-795-4010
Fax: 207-795-4009 • www.seniorsplus.org

February 12, 2024

Mr. Zakk Maher
Community Development Manager, City of Auburn
60 Court Street
Auburn, ME 04210

Dear Zakk:
Since 1972, through its Meals on Wheels (MOW) program, SeniorsPlus has helped thousands of individuals fight hunger – including thousands in the city of Auburn. MOW coordinates resources and assets providing wraparound support. In tandem with its nutrition services, SeniorsPlus has enabled older people and adults with disabilities to remain at home, working to ensure their health and wellness, to fight isolation, and to provide a trusted resource for their questions and concerns through our Information and Assistance programs. Last year, in total, SeniorsPlus served 8,000 individuals and fielded 170,000 phone inquiries in our tri-county area.

The years have seen our aging population continue to grow and, with it, demand and costs. SeniorsPlus again looks to the City of Auburn for support of the important services it provides in our community. We request $20,000 in CDBG funds to help support our Meals on Wheels in Auburn, and $5,000 for our Information and Assistance work. We are grateful for the past support of the Auburn community through Community Development Block Grants.

Community Needs and Gaps Addressed: Food Insecurity
Nutritional status, food insecurity, emotional wellbeing, socialization, and self-care capacity are highly inter-connected and play an important role in the lives of older adults. The majority of the older adults and adults with disabilities served by SeniorsPlus live on a fixed income or are low income or both, rely on Medicare/Medicaid, or Social Security benefits. Many clients are homebound, unable to prepare their own meals, and don't have available assistance to help with meals. Many of those served are socially isolated and rely on the social interaction that a meal delivery and wellness check provides to them on a regular basis.

Recognizing these needs, SeniorsPlus requests funding to help address the basic human needs of food attainment and social interaction for older adults and adults with disabilities in Auburn. These services will help to strengthen the independence and overall wellness of individuals by helping them to live better and healthier lives. The funding being sought will assist in the coverage of staffing costs for our Meals on Wheels (MOW) program. The MOW kitchen is in Lewiston and serves Auburn community members.

MOW provides essential public services to improve quality of life for individuals with low-moderate incomes, particularly older people and people with disabilities. The overall goal of SeniorsPlus is to assist people to age well so that they are able to stay at home independently as long as possible. MOW, and the wellness check MOW provides, support basic human needs while creating a connection to community. MOW can make the difference between people staying at home or going to a nursing home or other facility. Helping to assist people to stay in their homes also helps to reduce tax payers' dollars while keeping these clients happy, healthy, and feeling less isolated. SeniorsPlus is the only provider of the MOW program in Auburn.

During FY 2023, SeniorsPlus assisted 176 unduplicated Auburn residents through MOW by providing a total of 22,765 MOW meals. (The total number of meal deliveries in Auburn were the second highest of any other city in our tri-county region.) SeniorsPlus staff track and maintain wellness assessments on MOW clients. MOW clients are assessed annually and also complete an annual survey.

Community Needs and Gaps Addressed: Information and Assistance
While MOW provides food, an essential human need, our Information and Assistance program provides the support older people and people with disabilities need: a trusted nonprofit resource for their questions and concerns. This essential service improves the quality of life for these individuals. Older people are often the victims of fraud, and/or have no one in their lives to lean on for support. Our Information and Assistance program enables our dedicated and highly trained staff to respond to the myriad of inquiries we receive: from housing questions, to caregiver and veterans support, to Medicare counseling, to scam concerns. Our vast educational programming provides other options. Sometimes, we are just a reassuring voice at the end of the phone. In FY2023, 594 Auburn residents benefited from our Information and Assistance services. Many of these client questions regard financial difficulties, and when our Community Services team respond, they often determine underlying issues that qualify these individuals for benefits for which they were not aware they qualified, including MOW. They also may refer them to services such as transportation that are provided by other nonprofits in the community. In so doing, the client finances shift to a more positive position, which can help them to remain at home securely or allow them to purchase medicines on which they'd scrimped. Clients with complex concerns may choose to meet in person, online, or a phone consultation.

Please contact me with any questions you may have. Thank you for considering this request.

Sincerely,



Betsy Sawyer-Manter
President and CEO

Mission: The mission of SeniorsPlus is to enrich the lives of older people and adults with disabilities, their families and communities, and to support them to make informed choices.



Letter of Intent to Apply

City of Auburn

Strengthen LA (as supported by The Lewiston Auburn Metropolitan Chamber of Commerce Foundation) intends to apply for $20,000 of CDBG funding from the City of Auburn to continue to support Strengthen LA's workforce development efforts for Auburn residents.

Since 2022, the City of Auburn has supported Strengthen LA through its CDBG program. In that time, we have been able to address challenges that continue to face our community today. Issues such as transportation, food insecurity, housing, childcare, can be improved with a career that pays a livable wage. Strengthen LA is a group of community and business leaders who come together to help identify and remove barriers to employment. We share information, resources, and expertise in a very intentional way to create positive change in an ever-changing workforce environment.

Workforce development and training is not an unmet need but a persistent one. While programs like Strengthen LA have begun to move the needle in a positive direction, the work is far from over. By continuing to fund workforce efforts, the City is working toward addressing those other vital issues noted above by increasing wealth among its residents.

An investment in Strengthen LA is an investment in the community. Not only does Strengthen LA position career seekers for success with local employers, but it is also a community collaboration with over 35 partners in various sectors, including social services, economic service providers, education, employers, and philanthropic partners that are committed to working in unison for the betterment of all. An investment in Strengthen LA is an investment in communication among partners, it is an investment in a strategic vision for our workforce, it is an investment in an inclusive partnership that is open to all because workforce development is an issue that impacts us all.

Unlike other programs being offered, Strengthen LA has a laser focus on our community. Strengthen LA was designed to serve this community and this community only. It was created to identify unique challenges and to build a network for creative solutions that can be executed in our own backyard. Strengthen LA is tailor made for Auburn and its neighbors.

As such, Strengthen LA focuses on our three largest industries: construction/manufacturing, healthcare/mental health, childcare and early education. In addition to being strong career opportunities for our local career seekers, each of these industries provides much needed resources to our community that not only provides stability but economic growth. As our local businesses grow, so does our community, making for a strong future.

STRENGTHEN LA

415 Lisbon Street, Suite 100, Lewiston, ME 04240 Phone: (207) 783-2249

For our career seekers, Strengthen LA provides three key opportunities:

- We offer integration among our partners, making access to resources easier and less cumbersome but cutting down on some of the administrative burden that comes with accessing services.
- We provide information on the various resources available. Our community is rich with resources but keeping them all straight and knowing how to access them can be a challenge.
- We help by offering inspiration. All our interactions are person to person, and we break down the steps necessary for success making even the most challenging road feel attainable. Our career seekers have told us our Employment Opportunity Coaches are our number one asset!

For our local employers, Strengthen LA offers:

- A recruitment pipeline of willing career seekers that we have screened in advance, only sending candidates that we feel would fit the needs of an organization.
- Access to resources. Just like our career seekers, accessing resources can be a challenge for employers. We make the connections, so they don't have to. We also offer opportunities to explore new solutions through pilot programs and focus groups starting in 2024.
- Provide retention services. Our ability to remove barriers doesn't end with employment. We can help your existing workforce with the same challenges facing our career seekers.

We appreciate the opportunity to request funding from the City of Auburn again, to support our local workforce efforts. It is so important to have local support behind our local workforce initiative and we thank you for once again, considering supporting StrengThen LA for CDBG funding.

Sincerely,

Brian Pickard
Vice President of Finance + Operations
Strengthen LA
Lewiston Auburn Metropolitan Chamber of Commerce

22 Colonial Way
Auburn, Maine
04210

Dear Amy,

Just a thought; after reading back my letter I remembered in Lewiston when community development were taking place and big changes were being made. I participated in a community gathering called "Charette" or "Shanelle" (not sure of the spelling.)

Anyways, the community members and stakeholders were called to gather at a meeting at a community center. The outcome was positive and a open mic was showed up. -PV-

OMB Control No: 2506-0117 (exp. 09/30/2021)

Annual Action Plan
2024

OMB Control No: 2506-0117 (exp. 09/30/2021)

City of Auburn Annual Unmet Needs Action Plan Team,

It is my distinct pleasure, on behalf of the YMCA of Auburn-Lewiston, to submit a letter outlining a list of unmet needs that we have identified from our organization's members, participants, front line and administrative staff, as well as our collective community work. I will do my best to articulate all of the varied perspectives and ideas. If you require follow up, please feel free to contact me directly at tjennings@alymca.org.

Housing

The housing crisis is not unique to the Auburn area, but it is affecting the residents. The lack of affordable rental properties and the high cost of homes is a burden on not only the low-income population but the middle class as well. We have heard complaints of rent being increased to a level that is no longer feasible with very short notice, inability to pay for home repairs, home weatherization, and the lack of available properties both for rent and to purchase. Yes, there are programs to assist in home related issues but if you are over the income threshold, you cannot access that avenue of services.

Heat

The rising cost of heat is a continuing issue. Coupled with the current economy some residents are fearful that they will not be able to heat their homes effectively, if at all. Again, if you are over the income threshold for assistance, you are left to make those hard choices of which bill you are going to pay first.

Unhoused Community

The unhoused community needs more than what they are receiving. While efforts in both Auburn and Lewiston are making strides, more needs to be done. These individuals need adequate shelter from the elements, showers, and safe spaces to keep their belongings. The warming centers are wonderful but are lacking showering stations.

Safe Streets

We have received complaints and concerns about unsafe sidewalks, inadequate lighting, unsafe traffic patterns/motorists, crosswalks etc.

Playgrounds

Caregivers are looking for safe, clean, accessible and natural outdoor spaces for children to learn and play.

We are looking to include a safe play space for youth in our Outdoor Learning & Education Pavilion Expansion Plan.

Aquatic Accessibility

We have heard from the community that there needs to be access to pools and safety classes for children and caregivers.

We have a seasonal pool at our Outdoor Learning & Education center which we hope to renovate in the afore mention Expansion Plan to allow for longer seasonal use and a larger pool space to increase capacity.

Food Insecurity

This is an ongoing issue and one that is now affecting more people than ever before. We are seeing needs arise among low- and middle-income participants and members. In addition, many have complained that lack of transportation, physical mobility and the hours of food pantries are just a few of the barriers that people face. There is also a great stigma and pride surrounding access to food.

Basic Needs

We receive countless inquiries about basic needs to include clothing, winter gear, diapers, baby wipes, baby formula, heat, food, gas, and utilities. We have heard some residents express fear that their electricity may get shut off in the spring because they are behind on their electric bills. CMP cannot disconnect your power during the winter months, so some residents have put this bill on the back burner to try to cover other expenses.

Childcare

After the covid pandemic and the closure of MANY childcare providers across the state, residents are in need of quality childcare and out of school time programming. Particularly infant, older infant and toddler care. Many providers provide preschool/pre-k programming as it is more cost efficient, but due to state ratios for the 3 younger age brackets they are not a "money maker", and therefore not a priority.

We have made some adjustments in some of our childcare programming to accommodate the needs of the community by opening a new older infant/toddler classroom at our Temple Garden Bradman Street location.

Financial Assistance

We have had inquiries about help with a myriad of financial assistance needs but relative to our programs we have increased inquiries around childcare assistance, camp scholarships and memberships.

Community Connectedness

Residents from youth to the elderly have expressed a need and longing to feel a part of their community and to feel connected to their neighbors and peers. Social emotional health has been a continuous issue but has been exacerbated by the covid pandemic and continues to elicit feelings of loneliness, disconnect and anxiety. This has led to statewide increases in depression rates and suicidal ideology.

Suggestions from the public have included more in-person connection events, Community spaces for youth and the elderly to gather safely, transportation assistance to reach these events/spaces, community training, family friendly opportunities (some suggested broken down by age demographic).

Our Expansion Plan would enable us to be a community hub for events and trainings and would be able to cater to all age brackets in our community!

Transportation

Residents require more transportation options with better availability and accessibility.

Cultural Sensitivity

Our communities need cultural sensitivity education. Some participants have expressed frustration that the community does not understand them as a people/person, as a community member, a co-worker, a refugee or their culture and customs. On the flip side of that, we have heard others report a lack of understanding about their immigrant community members and a desire for education.

Mental Health & Healthcare

We have heard that participants are having trouble accessing resources, availability of appointments, wait times for services, cost of services and high prescription costs and lack of providers.

Substance Use Disorder, Treatment and Recovery

Our community members have expressed concerns over the state of the substance use epidemic in the Auburn-Lewiston area. Concerns range from community impact, family impact, stigmas associated, recovery friendly workplaces, treatment services, community reentry services, prevention education efforts and availability of Narcan/Narcan administration training.

In closing, I hope that I have captured even a fraction of the needs we have heard expressed by all of the people that we serve, our front-line staff and the needs seen or heard by our administration.

The YMCA of Auburn-Lewiston hopes to continue being a valued partner in assisting the City of Auburn in addressing the needs of our community and we look forward to collaborating with you for years to come.

Respectfully,

Tina Jennings

Association Director of Community & Youth Engagement

Voicemail received by Amy Hatter, Community Development Manager, from Phillip Holt on 3/28/24.

"Amy, my name is Phillip Holt, H-O-L-T. I live at 34 Davis Avenue in New Auburn, and I have a card here, inviting people to let you know what sorts of improvements you'd like to see within the city. What I would like to see would be for the public works department to install a speed bump about in the middle of Davis Avenue, between Spring Road and the bottom of the hill. This section of the road was much improved some time ago with curbs the full length and nice sidewalks. The road is nice and smooth.

"People drive much too fast, and I'd like them to slow down. They go as fast as 45 or 50 MPH. Some drive at a reasonable speed, so a reasonable speedbump would do the job."

April 30, 2024

New Auburn Association Meeting

Action Plan presentation

Public Comments

1. From Annete Ozier, New Auburn resident
    a. "They're not even in your area because you find places for people to live. Auburn Housing – I'm under Section 8 in this apartment, but then I thought, "Well, they sold the house, so we have a new landlord. But he didn't raise the rent." I was thinking maybe I could move out of here and go to elderly housing. They have a lot of papers to fill out. They have a hundred units over there in Great Falls Esplanade. I thought there must be some people that die or go to nursing homes, so they have to have vacancies. But then the Roak Block (interruption, woman in background, unnamed "Roak Block"), they have almost 100. The thing is (interruption, woman in background, unnamed, "I think there's a waiting list"). Yeah, there is a waiting list (interruption, man in background, unnamed "Barker Arms right here") and everything. (Interruption, woman in background, unnamed "And the Barker over here.") Yup."
2. Larry Pelletier, 2nd Street, New Auburn
    a. "I'm wondering if you have any info about the newly formed group that the mayor and – one councilor, maybe two councilors – and folks that are involved in both communities pertaining to the homeless. Have you heard anything?"
    b. Second comment, "I just ask, there's a new group formed since a new mayor was elected, and he's on a board with a lot of folks that have been working with the homeless for years now. They're working with a group, AVCOG. I don't know what that stands for (interruption, man in background, unnamed "Androscoggin Valley Council of Government.") They've been having a couple meetings a month or one meeting a month. (interruption, man in background, unnamed, "Belinda's on that. Let Belinda answer a couple of your questions.")"
3. Leroy Walker, City Council Ward 5
    a. "For quite a few years now, St. Louis Church has been either up for sale or up for the taking or maybe even free if somebody wants to do something with it. With all the different money that's going through your department, through the ARPA, and whatever else that's coming down from the feds, if we can't sell that building to somebody or give it away, maybe there's a place there for a plan to turn that into some kind of homes or home overall for more than 10 people or whatever. Because I know this community doesn't want to see it torn down. So maybe there's a way of saving it if somebody would think – and that somebody would probably be Jay – but you would have to put that bug in his ear. If they can't sell it off or get someone to do something with it, then we ought to look at developing the building ourself."
4. Chris Rioux, 7th Street, New Auburn

a. "I guess questions are – it looks like there's a potential for some of the funds to go into potential, like what we were just talking about with cemetery work. A lot of these cemeteries are parks in the city, and they're drastically underfunded and under-repaired and under-maintained. Oak Hill, specifically, has some pretty significant drainage and other issues with the property. Graves falling over, things like that that go years unmaintained and uncorrected. Which is unacceptable for our loved ones that are buried there. The other one is regarding the funding that goes to apartment owners, making sure that there are safeguards in place to make sure people that aren't doing their due diligence to maintain their properties – regardless of the funds that they're getting for those units – aren't just being able to not maintain the property they're making premiums on, in order to use these funds moving forward, by just not investing in their investment property. They don't need to own the building. They're doing it as an investment, regardless of how much they're making in rent. Being able to get city or state or federal funds in order to supplement somebody who is using it as an investment – we're giving them money for their investment properties. It seems like it's probably not the best course of action, as long as they're doing their due diligence and there's extenuating circumstances, that would be different. I feel like those funds could be better allocated."

Grantee Unique Appendices



City of Auburn, Maine
Business & Community Development
[illegible]

Housing Market Assessment

For

Auburn, Maine

Scattered Site

Date of Report

March 6, 2023

Prepared by:

Auburn-Lewiston Consortium
HOME Investment Partnership Program

Contents

Executive Summary 3
Subject Property 3
Primary Market Area (PMA) 3
Economic Conditions 4
Market Rent 4
Market Occupancy 5
Market Analysis 6
Population and Household Characteristics 6
Affordable Housing Stock 7
Unmet Need 7
Cost-Burdened Renters 7

Executive Summary

Subject Property

This study relates to a new, scattered site Notice of Funding Opportunity (NOFO) for the primary purpose of developing affordable, HOME-assisted housing units within Auburn, ME. The scope of this analysis consists of a comprehensive market needs assessment and absorption capabilities for new housing developments within the city.

This NOFO makes available funding for up to 10 newly constructed, modest residential units. These units will adhere to the HOME High Rents for a period of 20 years after first occupancy. Developers will submit project proposals on a rolling basis until all budgeted funds are committed. Complete HOME underwriting and Environmental Reviews will be conducted for each proposed project.

Most data sources recognize either Androscoggin County or the Lewiston-Auburn Metro Statistical Area (MSA) as a common delineation. Therefore, data utilized for this analysis will primarily reference Auburn, or the Auburn-Lewiston HOME Consortium, a qualified participating jurisdiction (PJ) recognized by the U.S. Department of Housing & Urban Development (HUD). This PJ comprises the cities of Auburn & Lewiston and has a combined population of 60,650, as estimated by the July 2021 American Community Survey (ACS).



Primary Market Area (PMA)

While the project can expect to draw residents throughout Androscoggin County and beyond, we have determined that new units will draw the majority of its residents from Auburn and Lewiston. The City of Lewiston's General Assistance saw 154 new asylum cases, with 34 pending intake, between July 2022 & February 2023. At the same time, the City of Auburn's General Assistance saw over 50 new asylum cases. Additionally, City of Portland's General Assistance department has been placing new residents in Auburn by the. These new residents are primarily refugees being placed in permanent housing. There is no slowdown in the flow from Portland's shelters on the horizon.

New efforts by city staff working with targeted homeless & at-risk populations under the HOME-ARP program have

opened over 20 new cases within the last 2 months. These are existing homeless individuals and families within the jurisdiction that the development of new market-rate housing will not serve.

Economic Conditions

Unemployment for Lewiston Auburn MSA has averaged 5.47%, similar to the state's average of 5.43% and below the country's at 6.37%. In 2021 unemployment declined to 4.80% for the MSA, relative to the state's unemployment rate of 4.6%. The general economic conditions in the PMA are considered favorable and believed to improve as increased housing serves the growing labor market.

Market Rent

Maine Fair Market Rent for 2023, as prepared by Rentdata.org, indicates Maine has the 24th highest rates in the country. The current statewide average rental rate for a 2 bedroom in Maine is $1,045. The below table breaks down average rates as estimated by Rentdata.org. Compared to HUD-published Fair Market Rent (FMR) or High HOME Rents, this table makes the case that current market rents are unaffordable for renters below 80% AMI.

County	0 BR	1 BR	2 BR	3 BR	4 BR
City of Auburn	$747	$834	$1,060	$1,393	$1,576

*https://www.rentdata.org/states/maine/2023

Figure 24 below, as compiled by Towncharts.com, demonstrates median rents by unit size for the City of Auburn. Compared to current High HOME rents, this data indicates that 10% of studio apartments, 5+% of one-bedroom units, 20% of two-bedroom units, and 9+% of three bedrooms exceed the required affordability thresholds established by HUD.

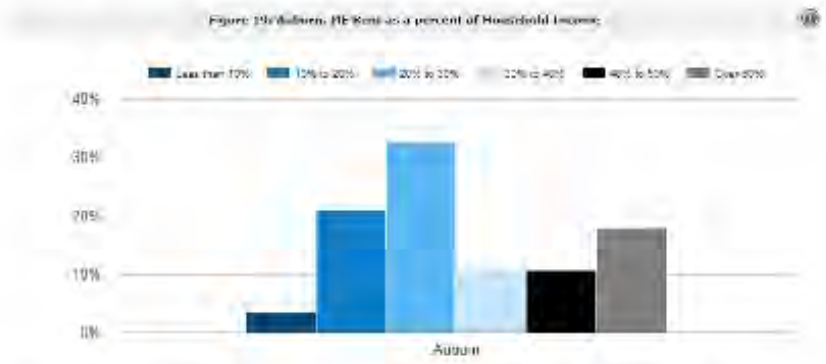
Figure 24: Auburn, ME Monthly Median Rent Rates by Size of Rental in Bedrooms

Rental Rates	Studio-No Bedroom	One Bedroom	Two Bedroom	Three Bedroom
$1,500 or more	4%	2%	0%	9.3%
$1,000 to $1,499	0%	3%	20%	52.5%
$750 to $999	6%	41%	54%	19.5%
$500 to $749	37%	29%	15%	9.6%
$300 to $499	48%	12%	4%	5.2%
Less than $300	6%	14%	5%	0%
No cash rent	0%	0%	2%	3.8%

https://www.towncharts.com/Maine/Housing/Auburn-city-ME-Housing-data.html

Another method to demonstrate rent affordability in Auburn, as compiled in Figure 19 by Towncharts.com, shows that 20% of Auburn renters are paying more between 30-50% of their monthly

household income to rent. This threshold qualifies these tenants as "rent burdened." Additionally, the nearly 20% paying over 50% of their monthly income towards rent are considered "severely rent burdened" by HUD.



https://www.towncharts.com/Maine/Housing/Auburn-city-ME-Housing-data.html

Market Occupancy

Vacancy Rates

Figure 35: Occupied and Vacant Housing units in Auburn, ME

Occupied Housing Units Percent Vacant

Place	Occupied Housing Units Pct	Vacant Housing Units Pct
Auburn	93%	8%
Lewiston	95%	5%
Mechanic Falls CDP	88%	12%
Lisbon Falls CDP	93%	7%
Gray CDP	87%	13%
Oxford CDP	82%	18%
Casco CDP	86%	14%
United States	89%	11%
Maine	77%	23%

Figure 35: Occupied and Vacant Housing units in Auburn, ME

Portland-Lewiston-South Portland	84%	16%

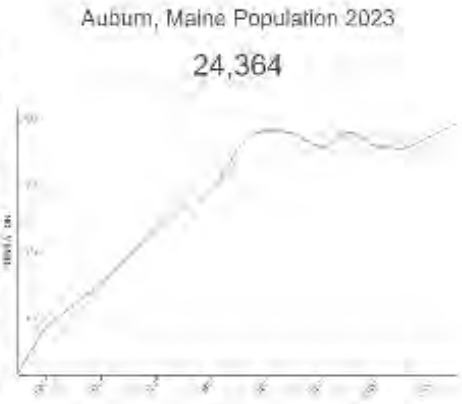
https://www.towncharts.com/Maine/Housing/Auburn-city-ME-Housing-data.html
Totals for each city may not add to 100% due to rounding.

Market Analysis

Population and Household Characteristics

U.S. Department of Housing & Urban Development (HUD) defines cost-burdened families as those who pay more than 30 percent of their income for housing and may have difficulty affording necessities such as food, clothing, transportation, and medical care. Severe rent burden is defined as paying more than 50 percent of one's income on rent.

The World Population Review estimates that Auburn is growing at a rate of 0.42% per year and has increased by 1.26% (or 303 people) since 2020. During the same period census data from the American Community Survey (ACS) established Auburn had a poverty rate of 12.1% in 2020 (a 6.6% 1-year increase).



The increase in inflation rates and Auburn's population between 2019 & 2022, resulted in a severe housing shortage. As new efforts have been made to house the previously un-counted homeless population and the increase in asylum seekers, the availability of affordable housing options has been depleted. The City of Auburn has recently taken in 50 additional asylum-seeking families of various origins, while the City of Lewiston's General Assistance has processed over 160 within the current Program year. Additionally, local data collected from the 2 emergency shelters that operated during the pandemic include the Lewiston Ramada Inn and the Lewiston Armory. This data demonstrates the catch-basin effect of homeless services within the Lewiston-Auburn MSA. The combined totals of the two emergency shelters totaled 213 individuals sheltered, with 60% claiming Lewiston as their residence, 20% claiming Auburn, and the remaining 20% coming from outside of the jurisdiction.

Lastly, the McKinney-Vento Liaison within the Auburn school system has demonstrated a dramatic increase in McKinney-Vento qualified youth within the Auburn school system. As of March 2023, 199 students have been reported as homeless or living in substandard housing (39 of which are unaccompanied youth). This rate represents 11.5% of the total enrolled population and is a notable uptick from the 69 reported students at the same time last year.

Affordable Housing Stock

According to MSHA Affordable Housing Options published in March 2023, there are currently 813 Affordable Housing units in Auburn (not including rehab units within their affordability periods). Auburn Housing Authority is currently providing an additional 400 Housing Choice Vouchers to Auburn residents. Combined with the most recent CHAS data demonstrating a total of 4,605 rental units within the city, this figure represents over 26.4% of all rental units in Auburn as affordable defined by HUD.

Unmet Need

Cost-Burdened Renters

As demonstrated in the table below, the most recent CHAS data shows a total of 3,475 renting households below 80 HAMFI. Given the current average market rental rates provided by the 2022 Auburn Housing Authority Rent Rate survey on the next page, families under 80% HAMFI are more likely to be cost-burdened by the current market rates. Therefore, the current availability of 1,213 affordable units leaves an unmet need of 2,262 affordable housing units.

FY2022 Income Limit Summary						
Household Size:	1	2	3	4	5	6
80% Area Median Income (AMI)*	$44,600	$51,000	$57,350	$63,700	$68,800	$73,900
30% Cost-Burdened Threshold	$1,115	$1,275	$1,434	$1,593	$1,720	$1,848
50% Severe Rent Burden Threshold	$1,858	$2,125	$2,390	$2,654	$2,867	$3,079
	*HUD limits for Lewiston-Auburn Metro Statistical Area					

Auburn Income Distribution by Tenancy*						
	Owners	Owners %	Renters	Renters %	Total	% of Pop
Household Income Less than 30% HAMFI	260	4.5%	1140	24.8%	1400	13.4%
Household Income 30-50% HAMFI	525	9.0%	1070	23.2%	1595	15.3%
Household Income 50-80% HAMFI	795	13.6%	1265	27.5%	2060	19.7%
Sub total under 80% HAMFI	**1580**	**27.1%**	**3475**	**75.5%**	**5055**	**48.4%**
Household Income Over 80% HAMFI	4255	72.9%	1130	24.5%	5385	51.6%
Total	**5835**		**4605**		**10440**	
Housing Cost Burden (as a percentage of income)*						
Cost Burden greater than 50%	540	9.3%	905	19.7%	1445	13.8%
Cost Burden 30-50%	665	11.4%	955	20.7%	1620	15.5%
Sub total Cost-Burden	**1205**	**20.7%**	**1860**	**40.4%**	**3065**	**29.4%**
Cost Burden less than 30%	4630	79.3%	2745	59.6%	7375	70.6%
Total	**5835**		**4605**		**10440**	
*Comprehensive Housing Affordability Strategy (CHAS) data date :2015-2019 ACS						

Fair Market Rents (FMR) for Existing Housing						
	SRO	0BR	1BR	2BR	3BR	4BR
Lewiston-Auburn MSA*	$560	$747	$834	$1,060	$1,393	$1,567
Auburn Housing Authority 2022 Rent Rate Survey		$860	$1,000	$1,496	$1,643	$2,182
Delta		**-$113**	**-$166**	**-$436**	**-$250**	**-$615**
	*Maine State Housing Authority (MSHA) effective: 10/2/2022					

Auburn Affordable Housing Options				
	Units	% of Units		
MSHA income-based & Rent restricted	813	17.7%	Total Renters under 80% HAMFI	3475
AHA Housing Choice Vouchers (HCV)	400	8.7%	Total Affordable Rental Units	1213
Sub Total of Affordable	**1213**	**26.3%**	**Unmet Needs=**	**2262**

ORDER 74-05202024

City Council Order

IN CITY COUNCIL

ORDERED, that City Council hereby adopts the CDBG/HOME Consortium Annual Action Plan for Program Year 2024 as presented by the Business & Community Development Department.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024 **Order: 75-05202024**

Author: Glen E. Holmes, Director of Business & Community Development

Subject: CDBG-CV Budget Amendment

Information:
The Business & Community Development Department is revising the budget for the CDBG-CV program. CDBG-CV was a one-time allocation of funds for responding to and mitigating the impacts of Covid-19. This revision re-allocates previous unspent funds.

This proposal reallocates unspent funds from the shared food kitchen project & previous year warming center operation (hosted at Auburn Housing Authority) and creates a new Food Accessibility Program.

City Budgetary Impacts:
None

Staff Recommended Action:
Adopt the revised CDBG-CV Budget as presented.

Previous Meetings and History:
Council approval on December 21, 2020
Amendment approval on January 18, 2022

City Manager Comments:

I concur with the recommendation.

Signature: Phillip Crowell Jr.

Attachments:
CDBG-CV Budget Amendment, Order

City of Auburn, Maine

Business & Community Development

60 Court Street | Auburn, Maine 04210 www.auburnmaine.gov | 207.333.6601

CDBG- CV REVISED Budget												May-24		
			CDBG-CV Round 1	CDBG-CV Round 3	Total CARES ACT Funding	Major Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Proposed Amendment	Total budget Revisions	Drawn to Date	
Project	**IDIS**	**Activity**	**12.21.2020**	**1.4.2021**	**Total Budget**	**1.18.2022**	**9.15.2022**	**12.15.2022**	**1.31.2023**	**3.20.2023**	**PY2024**		**May-24**	Remaining
Food Security	1796	Refrigeration Infrastructure	$ 90,000.00	$ 65,000.00	$ 155,000.00	48,309.99						48,309.99	48,309.99	0.00
	1799	PAL Walk-in and generator				94212.69						94,212.69	94,212.69	0.00
Food Security	1793	Grocery Distribution Program	$ 25,000.00	$ -	$ 25,000.00	109,903.06	10,000.00				-305.73	119,597.33	119,597.33	0.00
Food Security		Food Accessibility Program									35,000.00	35,000.00	0.00	35,000.00
Food Security	1771	Farmer Market Tickets	$ 19,985.00	$ -	$ 19,985.00	1,310.00						1,310.00	1,310.00	0.00
		Food Security Total	**$134,985.00**	**$ 65,000.00**	**$ 199,985.00**	**253,735.74**						**298,430.01**	**263,430.01**	**35,000.00**
Econ Dev	1837	Shared Food Facilities				45,000.00	-10,000.00	-6,000.00		-29,000.00		0.00	0.00	0.00
Econ Dev	1782	Stepladder Enterprises				7,500.00						7,500.00	7,500.00	0.00
Econ Dev	1777	Auburn Cleaning				20,000.00						20,000.00	20,000.00	0.00
Econ Dev	1783	A-! Cleaning Loan				7,500.00						7,500.00	7,500.00	0.00
Econ Dev	1841	Small Business/Microenterpris	$ 100,000.00		$ 100,000.00	35,000.00					-27,500.00	7,500.00	7,500.00	0.00
		Econ Dev Total	**$100,000.00**	**$ -**	**$ 100,000.00**	**115,000.00**						**42,500.00**	**42,500.00**	**0.00**
Public Service	1818	Summer Camp Scholarship	$ 30,000.00		$ 30,000.00	30,850.00						30,850.00	30,850.00	0.00
Public Service		Summer Camp Equip	$ 15,000.00	$ -	$ 15,000.00	0.00						0.00	0.00	0.00
Public Service	1795	Senior Care Kits	$ 5,000.00	$ -	$ 5,000.00	9,820.55					-0.17	9,820.38	9,820.38	0.00
Public Service		Work with ME Transportation		$ 2,000.00	$ 2,000.00	0.00						0.00	0.00	0.00
Public Service	1838	Legal aid - Housing Advocate				15,000.00			-15,000.00			0.00	0.00	0.00
Public Service	1839	Adult Ed Transportation				6,000.00		6,000.00			-1,903.75	10,096.25	10,096.25	0.00
Public Service	1840	Strengthen LA				20,000.00						20,000.00	20,000.00	0.00
Public Service		Public Service Grants		$ 40,000.00	$ 40,000.00							0.00		
Public Service	1871	GA Public Service Coordinator								29,000.00	0.00	29,000.00	24,241.67	4,758.33
Public Service	1870	Warming Shelter							15,000.00		-10,781.10	4,218.90	4,218.90	0.00
		Public Service Total	**$ 50,000.00**	**$ 42,000.00**	**$ 92,000.00**	**81,670.55**						**103,985.53**	**99,227.20**	**4,758.33**
Admin	1798	Salaries/Wages	$ 50,000.00	$ 30,932.00	$ 80,932.00	22,510.71					5,490.75	28,001.46	22,471.73	5,529.73
		Totals	**$334,985.00**	**$ 137,932.00**	**$ 472,917.00**	**$ 472,917.00**						472,917.00	427,628.94	45,288.06

ORDER 75-05202024

City Council Order

IN CITY COUNCIL

ORDERED, that City Council hereby adopts the revised CDBG-CV budget as presented by the Business & Community Development Department.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024 **Order:** 76-05202024

Author: Alison F. Pepin, Deputy City Clerk

Subject: Waiver of Business License Fee – Phoenix No Limits Karate

---

Information: Phoenix No Limits Karate, a 501 (c)3 non-profit organization, submitted a request for waiver of a Temporary Food License fee of $60.00 for their annual Kicks Anti-Bullying fundraising event. The event will be held on June 8th at Central Maine Community College.

City Budgetary Impacts: $60

Staff Recommended Action: Consider waiving the fee

Previous Meetings and History: Annual request

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Request to waive fees, Application, Order

Phoenix No Limits Karate, Inc

945 Center St. Ste 2

Auburn, Me 04210

Tax Id: 87-1995450

Board members:

Donna Harris, CEO; Justin Moriarty

Harry Harris, COO; Tony Scherrer

Jeff Chandler, CFO; Gwen Scherrer

Mohammed Hassan, Treasurer,

Cynthia Morgan, Secretary; Jackie Flynn

Emily Berry; Penny Redmond

April 30, 2024

Dear Auburn City Council Members,

Attached please find a temporary food license application for our fundraising event to be held on June 8th at Central Maine Community College. As a non-profit organization fundraising events like these go a long way in supporting our programs. The funds raised at this event in part from the sale of concessions will be used for our K.I.C.K.S. Kids In Control Keep Safe youth leadership training programs.

These programs run after school and during the summer months with a focus on developing leadership skills and qualities through traditional training as well as community service to others. Our goal this year is to secure enough funding to provide this program free to students in our community who are homeless and/or financially disadvantaged.

I am writing this letter to request that the licensing fee be waived due to our non-profit status and commitment to our community.

I personally have a Food Service Manager's certificate and will ensure that food is properly handled at the event. We will be serving grilled burgers and hot dogs with potato chips and other store-bought snacks.

Thank you in advance for your consideration.

Sincerely,

Donna Harris, CEO

BL000001-052024

CITY OF AUBURN

BUSINESS LICENSE APPLICATION

Business Name: Phoenix No Limits

Office of the City Clerk
60 Court St, Auburn,
ME 04210
207.333.6600
www.auburnmaine.gov

Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

☒ NEW ☐ RENEWAL Expires: _____

Please check the boxes for all licenses you are applying for:

There is a late fee of $50.00 for renewals that are 30-45 days late, $100.00 for more than 46 days late, and $200.00 for reoccurring

Food Service Establishments:

☐ ***FSE Mobile Food distribution Unit** (12 mths) ...$100
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use of location.

☐ ***FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I)** $500

Public hearing required for new license- $100 fee
Background check must also be included.

☐ ***FSE Serving Malt and/or Vinous (FSE Class III & IV)**..... $400

Public hearing required for new license- $100 fee
Background check must also be included.

☐ ***Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X)** $1000
(Plus, actual cost of advertising hearing)

Public hearing required for new license - $100 fee.
Background check must also be included.

☐ ***FSE (On/Off), no Alcohol**.....$200
Includes Prepackaged Foods

☐ ***Bottle Club/BYOB**..... $200

Public hearing required for new license- $100 fee
Background check must also be included.

☒ ***Temp FSE** (Per event max 30 days).....$60

June 8, 2024

***All above licenses**: include copy of floor plan, menu/ draft menu, certified food handler certificate and a copy of all State licenses applicable.

☐ **FSE Off Premise/Retailer-Malt Liquor/Table Wine**..... $200

Other Business Licenses Applying for:

☐ ***Special Amusement** $125
Public hearing required for new license- $100 fee
Please fill out supplemental questionnaire (pg. 4).

☐ ***Pawnshop/Pawn Broker** $100

☐ ***Secondhand Dealer**..... $100

☐ ***Massage Establishment/Therapist**..... $150
State license #: _____

Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

☐ ***Tattoo Artist**..... $100

***Above licenses**: *Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application.* **You can do it yourself on-line here:** http://www5.informe.org/online/pcr/

☐ **Bowling Alley (fee per lane)** .....
$85
Of lanes: _____

☐ **Roller Skating Rinks with Part/Full Kitchen**...$90

☐ **Coin-op Devices (fee per device)**.....
Up to 10 devices..... $50 Ea
10 or more devices.... $30 Ea
of devices: _____ **Total Amt** _____

☐ **Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc**..... $100

Seating:_____ **Occupancy load:**_____

LICENSING FEE(S) TOTAL DUE: $ _____

NAME OF BUSINESS: Phoenix NO Limits Karate BUSINESS ADDRESS: 945 Center ST, STE 2

BUSINESS MAILING ADDRESS: Same

OWNER'S NAME (LOCAL/ONSITE): Donna Harris CEO DOB: 2/21/70 PHONE: 207 577 1046

OWNER'S ADDRESS: 56 Pride Rd Aub MAILING ADDRESS: Same

PREFERRED EMAIL: phoenixnl karate@gmail.com

MANAGER'S NAME: Donna Harris PHONE #: See Above DOB: _____

PREFERRED CONTACT NAME: _____ PHONE #: _____

EMAIL ADDRESS: _____

DESCRIPTION OF BUSINESS: _____

_____

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): _____

FORM OF BUSINESS ORGANIZATION: ☐ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ LLC ☒ Other Non Profit

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	*Print Clearly* Address Previous 5 years	Birth Date	% of Stock	Title

OWNER OF BUILDING/UNIT: Jim Pittman PHONE # _____

OWNER'S ADDRESS: 1097 Center St Auburn Me

HOURS OF OPERATION: Mon: 9 - 7 Tues: 4 - 7 Wed: 2 - 7 Thurs: 2 - 7

Fri: 4 - 7 Sat: 8am - Noon Sun: Closed

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? ☐ Yes ☒ No (If yes, complete the following)

Name: _____ Date of conviction: _____

Offense: _____ Location: _____

Disposition: _____

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

****READ CAREFULLY BEFORE SIGNING****

I, Danna Harris (Print name), Owner/Operator of the business, hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature: _____ **Date:** 4/30/2024

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

✓ Approved	_ Denied	FIRE INSPECTOR	5/2/24 DO
✓ Approved	_ Denied	CODE ENFORCEMENT OFFICER	5/3/24 KB
✓ Approved	_ Denied	POLICE	5/01/24 BS
✓ Approved	_ Denied	FINANCE	5/01/24 TN

Comments:

Application date: 4-30-24 License issued on: _____

Fees paid: License fee(s) — Public hearing fee — Background fee — Late fee —

Total amount paid = $ —

Special Amusement Questionnaire:

Exact entertainment to be provided at establishment:
Karate Tournament

(Specify hours of entertainment) Mon: _____ Tues: _____ Wed: _____ Thurs: _____
Fri: _____ Sat: 9 am - 2 pm Sun: _____

Describe in detail the room(s) to be used under the permit:
Concession Stand @ CMCC

Include a diagram or floor plan of your business. On the diagram please list the following:

Main Entrance, Secondary Entrances, Fire Escapes, Fire Extinguishers, Location of Stationary Security Personnel, Food Serving or preparation areas, the direction of any speakers, Dancing Area, Locations where alcohol will be sold.

Have any of the applicants, including the corporation ever had a special amusement license denied or revoked?

☐ Yes ☒ No If yes, Please explain (Including location and timeframe):

_____

_____

PLEASE PROVIDE THE FOLLOWING, IF APPLICABLE:

CURRENT LIQUOR LICENSE #_____EXPIRATION DATE:_____

PLEASE BE ADVISED THAT THE APPLICANT MAY BE REQUIRED TO COMPLY WITH THE FOLLOWING CONDITIONS:

Applicant agrees to have two counters or clickers at each entrance. One will be used to document the patrons that have entered the establishment. The second will be used to document the patrons that have exited the establishment. This will give the staff and public safety personnel an accurate count of patrons in the establishment.

Applicant agrees to have the maximum seating and or occupancy capacity clearly listed in each room that is open to the public, and to have security and or staff stationed at all times at all entrances and exits used by the public.

Applicant agrees to, if so ordered by the Chief of Police, to hire sworn members of the Auburn Police Department for security. The rate will be at the current City of Auburn detail rate. These officers will supplement the existing staff or security.

The below chart will be used as a guide in determining the numbers of officers required.

Number of Attendees	Number of Police
1 - 200	2
201 - 400	4
401 - 600	6
601+	One supervisor and one additional officer for each 200 attendees or portion thereof in excess of 601

All requests for modification(s) of the approved Special Amusement license must be submitted in writing to the City of Auburn. Any changes made without approval from the City of Auburn may result in an immediate suspension of the license. Signature on application releases the Auburn Police Department, its agents and representatives from any and all liability of every nature and kind arising out of the furnishing, inspection or collection of such documents, records and other information or the investigation made by the Auburn Police Department.

I do hereby authorize Auburn Police Department and its agents to receive copies of records and/or any information concerning my background, character, bank accounts, businesses, places of employment, schools and any other source necessary for the purpose of obtaining a Special Amusement License.

I have read and understand section 14-600 to 14-609, Special Amusement Permits, of the City of Auburn's business license ordinance. DH **(Initial)**

ORDER 76-05202024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Clerk to waive the $60 Temporary Food Service license fee for Phoenix No Limits Karate for a fundraising event to be held on June 08, 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024 **Order:** 77-05202024

Author: Alison F. Pepin, Deputy City Clerk

Subject: Waiver of Business License Fee – Auburn Suburban Baseball/Softball

---

Information: An application for a waiver of business license fee of $200 was submitted by the Auburn Suburban Baseball/Softball, located at 4 Mount Apatite Road. Auburn Suburban Baseball/Softball is a non-profit organization that operates a concession stand during the 2024 season.

City Budgetary Impacts: $200

Staff Recommended Action: Consider waiving the fee

Previous Meetings and History: Annual request.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: letter of request for waiver, application, order.

April 18, 2024

City of Auburn
60 Court St.
Auburn, ME 04210

Honorable Mayor & City Council Members:

On behalf of Auburn Suburban Baseball & Softball (ASBS), I respectfully request a waiver of the $200.00 licensing fee for operation of our concession stand (snack shack) during the 2024 season (April 2024 - July 2024).

ASBS is a non-profit organization serving over 400 youth through competitive baseball & softball teams. Funds raised by the snack shack, staffed by volunteers, are vital to the success of our organization. Funds raised throughout the season support facility maintenance, new equipment, program expansion (Buddy Ball), uniform purchase and items/services to ensure the safety of our families and players.

I invite you to join us for a game this season, appreciate your support of ASBS and hope you will consider waiving our licensing fee this season.

Sincerely,

Mark Porter
ASBS Treasurer
207-577-1211

BL003901

CITY OF AUBURN
BUSINESS LICENSE APPLICATION

☐ NEW ☐ RENEWAL exp date _____

If new business, please provide proposed opening date. _____

Please check the boxes for all licenses you are applying for:

Business Name: Auburn Suburban Little League

Office of the City Clerk
60 Court St, Auburn,
ME 04210
207.333.6600
www.auburnmaine.gov

Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

There is a late fee of $50.00 for renewals that are 30-45 days late, $100.00 for more than 46 days late, and $200.00 for reoccurring

Food Service Establishments:

☐ ***FSE Mobile Food distribution Unit** (12 mths) ...**$100**
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use oflocation.

☐ **FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I)** $500
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***FSE Serving Malt and/or Vinous (FSE Class III & IV)**..... $400
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X)** **$1300**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☑ ***FSE(On/Off), no Alcohol**.....**$200**
Includes Prepackaged Foods

☐ ***Bottle Club/BYOB**..... $200
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***Temp FSE** (Per event max 30 days).....**$60**

Event Name _____

Event Date _____

*__All above licenses__: include copy of floor plan, menu/ draft menu, certified food handler certificate and a copy of all State licenses applicable.

☐ **FSE Off Premise/Retailer-Malt Liquor/Table Wine**..... $200

Other Business Licenses Applying for:

☐ ***Special Amusement** **$125**
Plus actual cost of advertising hearing required for new license. Please fill out supplemental questionaire (pg. 4)

☐ ***Pawnshop/Pawn Broker** **$100**

☐ ***Secondhand Dealer**..... **$100**

☐ ***Massage Establishment/Therapist**..... **$150**
State license #: _____
Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

☐ ***Tattoo Artist**..... $100
Please also include photo ID, Blood Pathogen Cert, and state license.

*__Above licenses:__ *Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application.* **You can do it yourself on-line here: http://www5.informe.org/online/pcr/**

☐ **Roller Skating Rinks with Part/Full Kitchen.**.....**$90**

☐ **Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc**..... **$100**

☐ **Motion Picture Theaters # of screens** _____ **No Fee**

☐ **Coin-Op Devices # of devices** _____ **No Fee**

☐ **Pool Hall # of tables**_____ **No Fee**

☐ **Juke Box # of boxes**_____ **No Fee**

LICENSING FEE(S) TOTAL DUE: $ Fee Waiver Request

NAME OF BUSINESS: Auburn Suburban Baseball & Softball BUSINESS ADDRESS: PO Box 1615 Auburn

BUSINESS MAILING ADDRESS: PO Box 1615 Auburn 04211-1615

OWNER'S NAME (LOCAL/ONSITE): Mark Porter DOB: _____ PHONE: 577-1211

OWNER'S ADDRESS: 11 Hillcrest St, Auburn MAILING ADDRESS: _____

PREFERRED EMAIL: _____

MANAGER'S NAME: N/A PHONE #: _____ DOB: _____

PREFERRED CONTACT NAME: Mark Porter PHONE #: 577-1211

EMAIL ADDRESS: _____

DESCRIPTION OF BUSINESS: Youth Sports 501c3 Non-Profit

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): _____

FORM OF BUSINESS ORGANIZATION: ☐ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ LLC ☐ Other

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	*Print Clearly* Address Previous 5 years	Birth Date	% of Stock	Title

OWNER OF BUILDING/UNIT: _____ PHONE # _____

OWNER'S ADDRESS: _____

HOURS OF OPERATION: Mon: _____ Tues: _____ Wed: _____ Thurs: _____

Fri: _____ Sat: _____ Sun: _____

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? ☐ Yes ☐ No (If yes, complete the following)

Name: _____ Date of conviction: _____

Offense: _____ Location: _____

Disposition: _____

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

****READ CAREFULLY BEFORE SIGNING****

I, Mark Porter (Print name), Owner/Operator of the business, hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature: [signature] **Date:** 4/19/24

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

✓ Approved	_ Denied	FIRE INSPECTOR	BO 5-01-24
✓ Approved	_ Denied	CODE ENFORCEMENT OFFICER	KB 4/30/24
✓ Approved	_ Denied	POLICE	BS 4/30/24
✓ Approved	_ Denied	FINANCE	TN 05/01/24

Comments:

Application date: 4-19-24 License issued on: _____

Fees paid: License fee(s) — Public hearing fee _____ Background fee _____ Late fee _____

Total amount paid = $ —

ORDER 77-05202024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Clerk to waive the $200 business license fee for Auburn Suburban Baseball/Softball, located at 4 Mount Apatite Road.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024 **Resolve:** 05-05202024

Author: Michael Broadbent, Auburn Water District Superintendent

Subject: Request for Authorization of Bond Approval

Information: At the monthly Auburn Water District Trustee meeting on July 19, 2023, the Trustees voted to authorize pursuit of a $650,000 Drinking Water State Revolving Loan through the Maine Municipal Bond Bank for the purchase of a Vactor Truck. This equipment is essential for the District to comply with the EPAs Lead and Copper Rule Revisions. The Maine Department of Health and Human Services has agreed to forgive $344,816.00 (55%). The remaining loan will be issued through the Maine Municipal Bond Bank for the amount of $282,123 for a term of 10 years at 0%.

The District is required to submit a service line inventory of every water service connected to our system. At this time the District has over 900 incomplete service records that will require the excavation of services to determine material type. Utilization of this new truck will greatly reduce excavation costs and the impact to our customers.

In accordance with the Auburn Water District Charter, Auburn City Council approval is required for the issuance of bonds.

City Budgetary Impacts: None

Staff Recommended Action: Recommend passage

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Resolve

RESOLVE 05-05202024

City Council Resolve

IN CITY COUNCIL

RESOLVED, that the Auburn City Council, in accordance with section 13 of the Auburn Water District Charter, hereby grants permission to the Auburn Water (the "Water District") District to issue its bonds and notes in anticipation thereof, referred to herein as the "Water District Bonds" in the aggregate principal amount not to exceed $626,939 to purchase a Vactor Truck for compliance with EPAs Lead and Copper Rule Revision.

BE IT FURTHER RESOLVED, by the Auburn City Council, that the Water District bonds shall not constitute any debt or liability of the City or a pledge of the faith and credit of the City, but shall be payable solely by the Water District, and the issuance of the Water District Bonds shall not directly or indirectly or contingently obligate the City to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Monthly Financial Report
February 2024

Authored by: Kelsey Earle

To: Honorable Mayor, Members of the City Council and City Manager
Subject: Financial Report for the Month Ending February 29, 2024

I respectfully submit the financial summaries of the revenue and expenditure activities for the City during the month ending February 29, 2024.

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 seventh month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 58.3% 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.

General Fund Highlights

Revenues

• Total revenues collected through February 2024 were **$71.1M** or **62.88%** of budgeted general fund revenue, as compared to **$68.6M** of actual revenues through January 2023.

•Year-to-date tax revenues of **$35.9M** were **3.09% higher** than the prior year.

• Permitting revenues increased by **$66,713** YTD, **30.92% higher** than FY2.

Expenditures

• Expenditures through February 2024 were **$64,077,420M** or **56.21%** of the budget, as compared to **$64,482,714M** of actual expenditures through February 2023.

•Utilities saw a **$109,108 decrease** due to energy efficient changes and a net energy billing credits agreement through the Facilities and Energy Department.

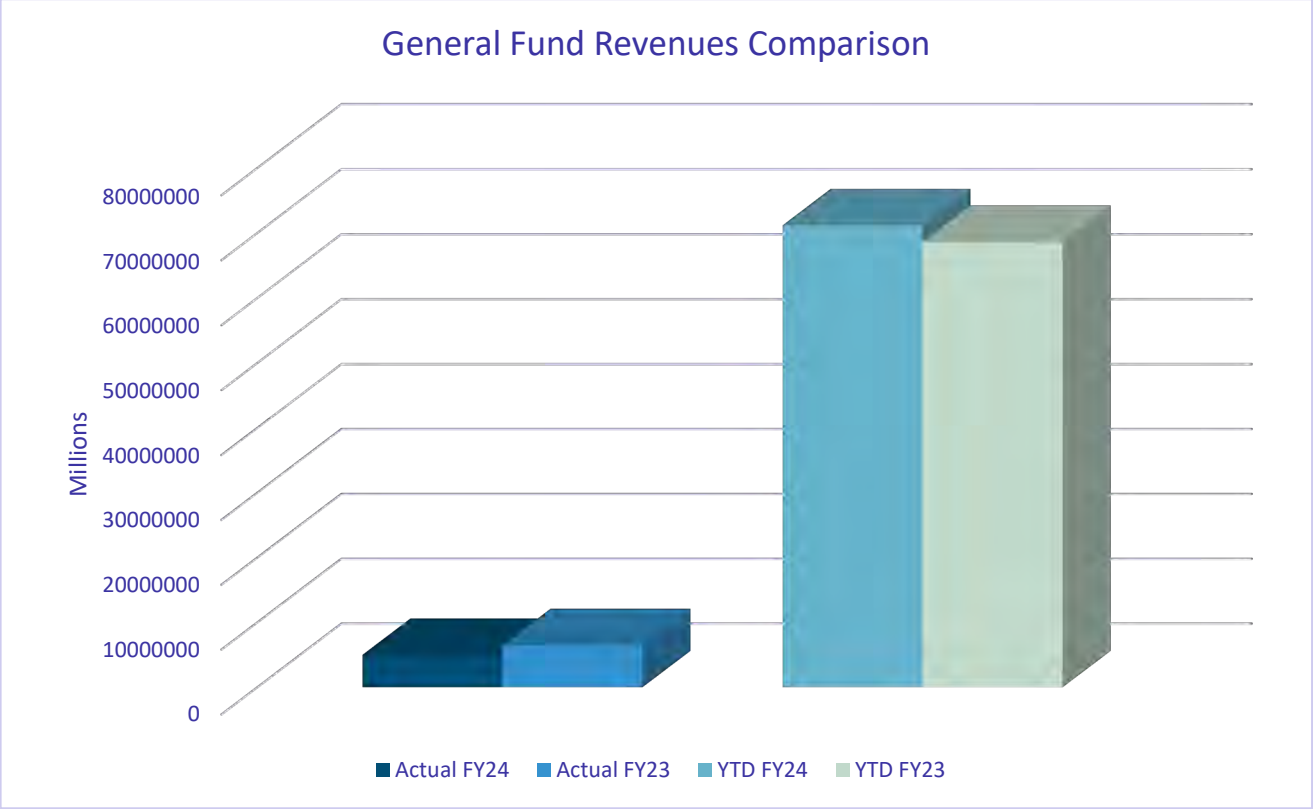
Respectfully submitted,

Kelsey L. D. Earle

Kelsey L. D. Earle
Finance Director

General Fund

for the Period Ended February 29, 2024

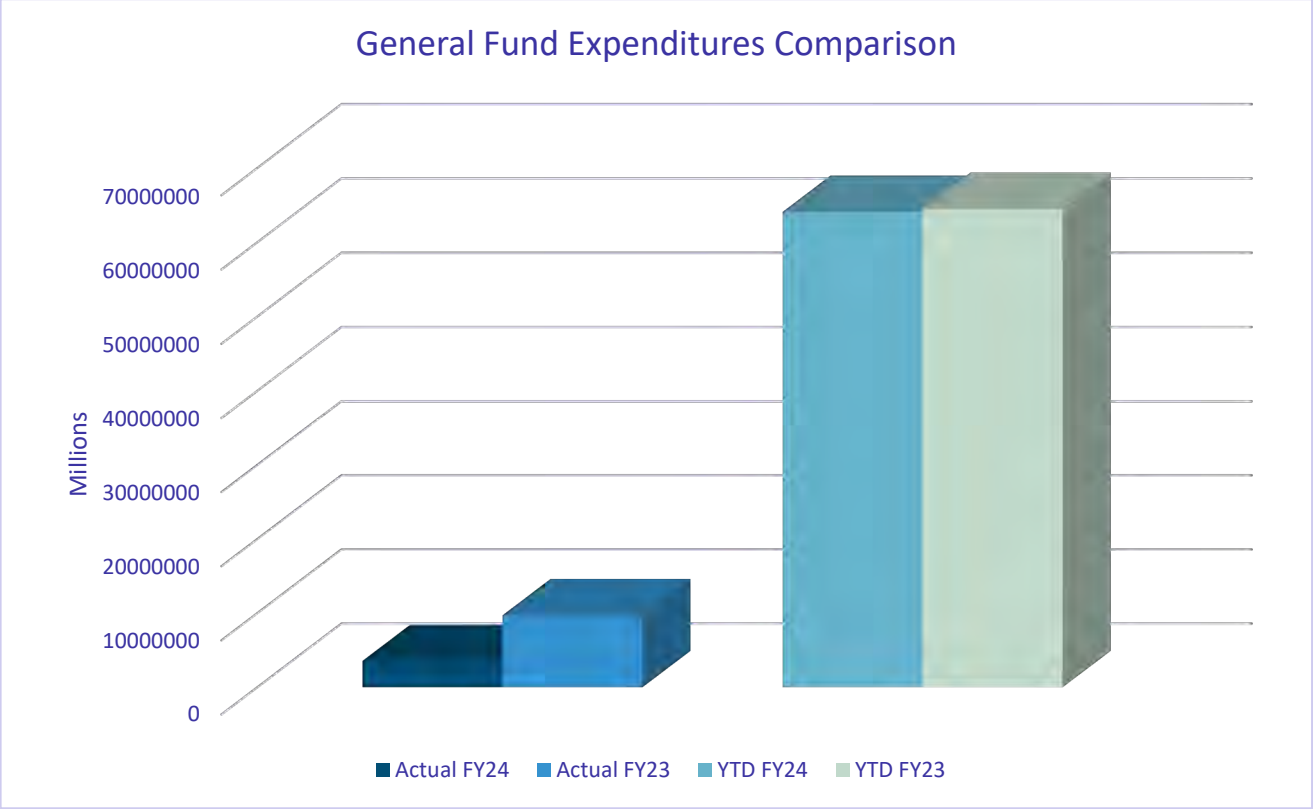


Monthly Budget Report-Revenues- February

Account Number	Account Desc	FEB 2024 Budget	FEB 2024 Actual	FEB 2024 % Used	FEB 2023 Actual	FEB 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	2023 YTD % Used	Variance
1000 General Fund		0.00	(5,000,302.91)	100.00%	(6,494,875.36)	100.00%	(113,170,192.00)	(71,166,166.76)	62.88%	(68,624,443.47)	64.11%	2,541,723.29
0006 Communications & Technology		0.00	0.00	0.00%	0.00	0.00%	(40,000.00)	0.00	0.00%	0.00	0.00%	0.00
0007 City Clerk		0.00	(16,459.29)	100.00%	(31,537.04)	100.00%	(273,300.00)	(202,942.09)	74.26%	(235,821.23)	104.95%	(32,879.14)
0008 Finance		0.00	(4,801,717.31)	100.00%	(4,027,458.01)	100.00%	(71,208,002.00)	(44,633,304.23)	62.68%	(42,780,029.98)	63.02%	1,853,274.25
0011 Economic Development		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	(35,145.00)	100.00%	(35,145.00)
0012 Planning & Permitting		0.00	(6,688.50)	100.00%	(6,194.00)	100.00%	(211,000.00)	(188,635.75)	89.40%	(121,922.83)	58.48%	66,712.92
0042 Public Works		0.00	(350.00)	100.00%	(65.00)	100.00%	(430,450.00)	(516,807.00)	120.06%	(437,109.00)	101.31%	79,698.00
0015 Facilities		0.00	(650.00)	100.00%	(6,791.95)	100.00%	(95,000.00)	(9,997.46)	10.52%	(15,222.61)	16.02%	(5,225.15)
0021 Fire & EMS Transport		0.00	0.00	0.00%	(50.00)	100.00%	(100.00)	(55.00)	55.00%	(90.00)	90.00%	(35.00)
0022 Police		0.00	(8,440.00)	100.00%	(8,027.00)	100.00%	(48,200.00)	(40,971.20)	85.00%	(85,607.55)	42.23%	(44,636.35)
0023 Fire EMS Transport		0.00	(165,997.81)	100.00%	(129,493.90)	100.00%	(1,465,000.00)	(1,110,305.29)	75.79%	(1,037,527.82)	76.85%	72,777.47
0025 Information Technology		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	(150.76)	100.00%	(150.76)
0031 Health and Social Services		0.00	0.00	0.00%	(235.00)	100.00%	(125,000.00)	(201,660.21)	161.33%	(47,098.06)	56.13%	154,562.15
0043 Solid Waste Disposal		0.00	0.00	0.00%	147.00	100.00%	0.00	(37,266.67)	100.00%	(39,229.50)	100.00%	(1,962.83)
0046 PW School Maint & Custodial		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0056 LA Transit Committee		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0070 Education		0.00	0.00	0.00%	(2,285,170.46)	100.00%	(39,274,140.00)	(24,224,221.86)	61.68%	(23,789,489.13)	65.06%	434,732.73
	Grand Total:	0.00	(5,000,302.91)	100.00%	(6,494,875.36)	100.00%	(113,170,192.00)	(71,166,166.76)	62.88%	(68,624,443.47)	64.11%	2,541,723.29

General Fund

for the Period Ended February 29, 2024



Monthly Budget Report-Expenditures-February

Account Number	Account Desc	FEB 2024 Budget	FEB 2024 Actual	FEB 2024 % Used	FEB 2023 Actual	FEB 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	2023 YTD % Used	Variance
1000 General Fund		0.00	3,554,363.52	100.00%	9,701,812.06	100.00%	113,999,794.66	64,077,420.50	56.21%	64,482,714.28	59.93%	(405,293.78)
0000 Unassigned		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0004 Mayor and Council		0.00	77,186.43	100.00%	62,067.74	100.00%	174,696.33	166,647.56	95.39%	142,609.21	80.65%	24,038.35
0005 City Manager		0.00	64,872.67	100.00%	31,318.88	100.00%	719,509.00	435,449.93	60.52%	292,777.50	55.44%	142,672.43
0006 Communications & Technology		0.00	17,508.14	100.00%	12,255.91	100.00%	361,522.00	234,533.62	64.87%	109,863.65	47.27%	124,669.97
0007 City Clerk		0.00	24,671.82	100.00%	18,243.33	100.00%	299,253.76	192,968.25	64.48%	176,545.08	63.16%	16,423.17
0008 Finance		0.00	137,736.77	100.00%	71,428.69	100.00%	1,228,278.00	988,684.55	80.49%	803,629.43	70.30%	185,055.12
0009 Human Resources		0.00	23,464.05	100.00%	17,289.04	100.00%	246,260.00	164,249.63	66.70%	138,764.22	62.48%	25,485.41
0010 Planning & Permitting		0.00	69,260.91	100.00%	53,944.13	100.00%	717,461.00	481,732.32	67.14%	476,560.18	63.93%	5,172.14
0003 Economic Development		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0011 Economic Development		0.00	17,519.03	100.00%	15,795.74	100.00%	123,893.00	128,105.57	103.40%	190,734.51	66.55%	(62,628.94)
0012 Planning & Permitting		0.00	625.00	100.00%	0.00	0.00%	0.00	1,000.00	100.00%	0.00	0.00%	1,000.00
0013 Business & Community Developme		0.00	30,700.15	100.00%	25,273.31	100.00%	710,692.00	237,009.71	33.35%	185,956.71	27.70%	51,053.00
0042 Public Works		0.00	679,850.79	100.00%	515,992.05	100.00%	6,511,956.04	4,162,246.84	63.92%	3,416,447.75	58.25%	745,799.09
0015 Facilities		0.00	(2.35)	100.00%	(2.28)	100.00%	0.00	78.64	100.00%	21,585.82	90.80%	(21,507.18)
0016 Worker's Compensation		0.00	0.00	0.00%	0.00	0.00%	715,400.00	715,400.00	100.00%	698,000.00	100.00%	17,400.00
0017 Fringe Benefits & Salary Incre		0.00	655,280.70	100.00%	516,216.35	100.00%	8,377,629.00	4,590,072.25	54.79%	4,355,623.75	54.85%	234,448.50
0018 Emergency Reserve		0.00	0.00	0.00%	0.00	0.00%	550,000.00	0.00	0.00%	0.00	0.00%	0.00
0019 Debt Service		0.00	0.00	0.00%	0.00	0.00%	8,334,544.00	7,404,677.29	88.84%	7,549,963.19	90.30%	(145,285.90)
0020 Capital Investment & Purchasin		0.00	39,227.32	100.00%	43,998.80	100.00%	834,613.18	488,040.70	58.48%	375,078.89	55.78%	112,961.81
0021 Fire & EMS Transport		0.00	564,235.57	100.00%	382,193.68	100.00%	6,367,748.65	4,249,800.52	66.74%	3,677,162.62	64.23%	572,637.90
0022 Police		0.00	494,131.70	100.00%	314,467.69	100.00%	5,228,357.94	3,517,921.07	67.29%	3,104,437.53	62.54%	413,483.54
0023 Fire EMS Transport		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0025 Information Technology		0.00	31,902.26	100.00%	32,119.74	100.00%	985,540.76	721,797.96	73.24%	566,702.93	68.53%	155,095.03
0030 Recreation		0.00	57,567.49	100.00%	47,951.72	100.00%	723,631.00	455,548.66	62.95%	426,764.00	55.61%	28,784.66
0031 Health and Social Services		0.00	82,421.44	100.00%	23,767.04	100.00%	180,825.00	530,263.29	293.25%	117,822.11	98.29%	412,441.18
0043 Solid Waste Disposal		0.00	216,539.09	100.00%	107,202.29	100.00%	1,411,000.00	871,755.44	61.78%	752,768.79	57.03%	118,986.65
0044 Transportation		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0040 Public Works		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0045 County Tax		0.00	0.00	0.00%	0.00	0.00%	2,972,037.00	2,972,037.00	100.00%	2,761,220.00	100.00%	210,817.00
0046 PW School Maint & Custodial		0.00	77,388.54	100.00%	0.00	0.00%	0.00	133,550.09	100.00%	0.00	0.00%	133,550.09
0049 Auburn Arts in the Park		0.00	2,500.00	100.00%	0.00	0.00%	20,000.00	17,500.00	87.50%	22,500.00	75.00%	(5,000.00)
0050 Public Library		0.00	189,776.00	100.00%	0.00	0.00%	1,138,659.00	854,053.76	75.01%	632,590.00	58.33%	221,463.76
0051 Transfer to TIF		0.00	0.00	0.00%	0.00	0.00%	3,049,803.00	2,951,315.15	96.77%	2,479,087.54	81.29%	472,227.61
0052 Water & Sewer		0.00	0.00	0.00%	0.00	0.00%	792,716.00	585,902.46	73.91%	585,902.46	73.91%	0.00
0053 Tax Sharing		0.00	0.00	0.00%	0.00	0.00%	260,000.00	0.00	0.00%	0.00	0.00%	0.00
0054 Auburn-Lewiston Airport		0.00	0.00	0.00%	0.00	0.00%	205,000.00	210,337.32	102.60%	206,298.68	100.63%	4,038.64
0056 LA Transit Committee		0.00	0.00	0.00%	431,811.00	100.00%	400,079.00	0.00	0.00%	431,811.00	100.00%	(431,811.00)
0057 LA-911		0.00	0.00	0.00%	0.00	0.00%	1,287,401.00	965,550.27	75.00%	913,284.63	75.00%	52,265.64
0070 Education		0.00	0.00	0.00%	6,978,477.21	100.00%	59,071,289.00	24,649,190.65	41.73%	28,870,222.10	51.80%	(4,221,031.45)
	Grand Total:	0.00	3,554,363.52	100.00%	9,701,812.06	100.00%	113,999,794.66	64,077,420.50	56.21%	64,482,714.28	59.93%	(405,293.78)

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2023 - June 30, 2024
Report as of February 29, 2024

	Beginning Balance 2/1/2024	February 2024 New Charges	Payments	Refunds	Adjustments	Write-Offs	Ending Balance 2/29/2024
Attorney/In care of	**$ (16.75)**	$ -	$ -	$ -	$ -	$ -	$ (16.75)
Bluecross	**$ 55,295.01**	$ 24,744.00	$ (9,926.52)	$ 1,491.32	$ (4,270.39)	$ -	$ 67,333.42
Intercept	**$ (1,469.40)**	$ -	$ (300.00)	$ -	$ -	$ -	$ (1,769.40)
Medicare	**$ 343,851.47**	$ 267,972.40	$ (71,356.36)	$ -	$ (122,323.34)	$ -	$ 418,144.17
Medicaid	**$ (60,156.69)**	$ 90,891.55	$ (60,478.61)	$ -	$ (57,249.55)	$ -	$ (86,993.30)
Other/Commercial	**$ 124,605.33**	$ 37,690.00	$ (19,317.41)	$ -	$ (4,145.15)	$ -	$ 138,832.77
Patient	**$ 39,335.14**	$ 28,498.00	$ (17,251.39)	$ 109.32	$ 22.47	$ (8,696.59)	$ 42,016.95
Worker's Comp	**$ (11,674.62)**	$ 1,778.00	$ -	$ -	$ -	$ -	$ (9,896.62)
TOTAL	**$ 489,769.49**	**$ 451,573.95**	**$ (178,630.29)**	**$ 1,600.64**	**$ (187,965.96)**	**$ (8,696.59)**	**$ 567,651.24**

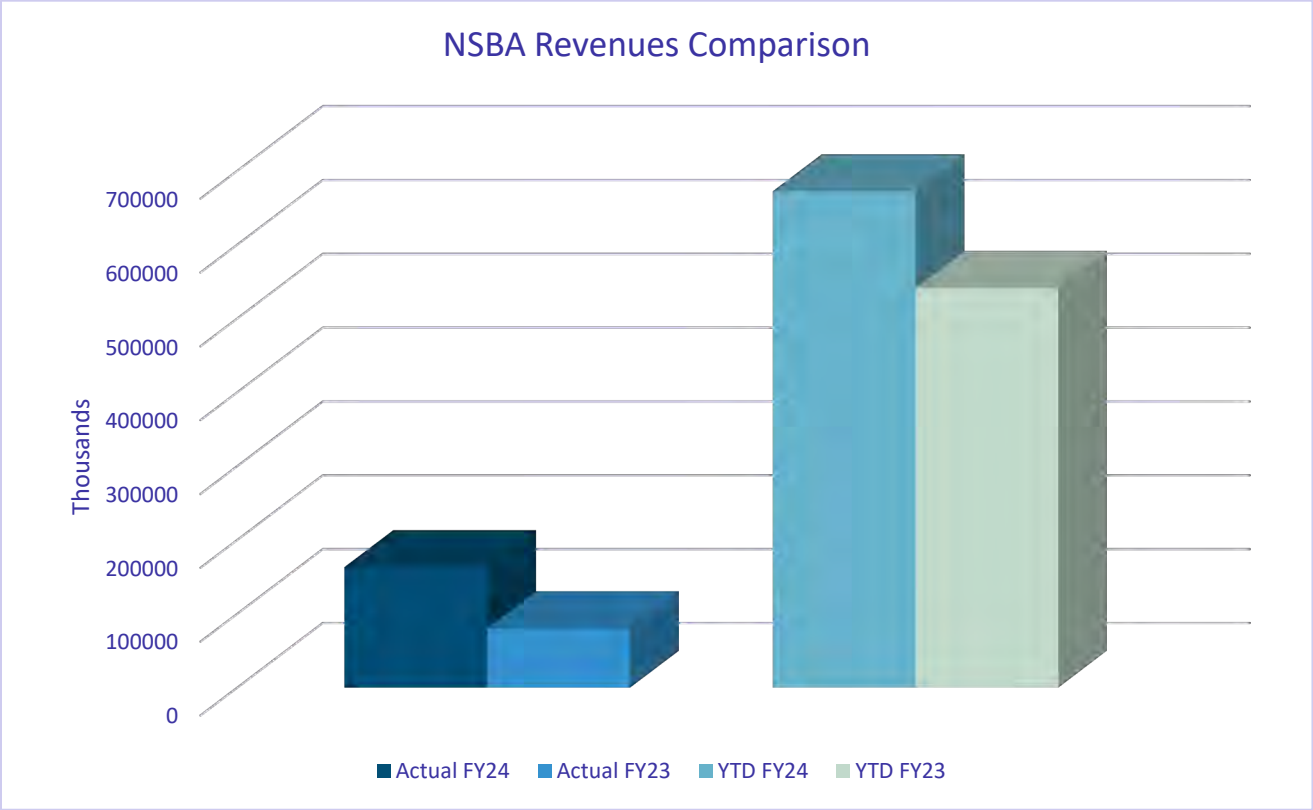
Norway Savings Bank Arena

for the Period Ended February 29, 2024

As of February 2024, Norway Arena had an operating gain YTD of $81,636, representing a $66,878 decrease from the same period in January.

Revenues:

The operating revenues for Norway Arena through February 2024 are $672,517. This revenue comes from concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals. Table 1 reflects revenues collected for the current year with comparison for the same period a year ago. Total revenues represent a 49.36% increase over February FY23, resulting primarily from Gladiators Ice Rentals.

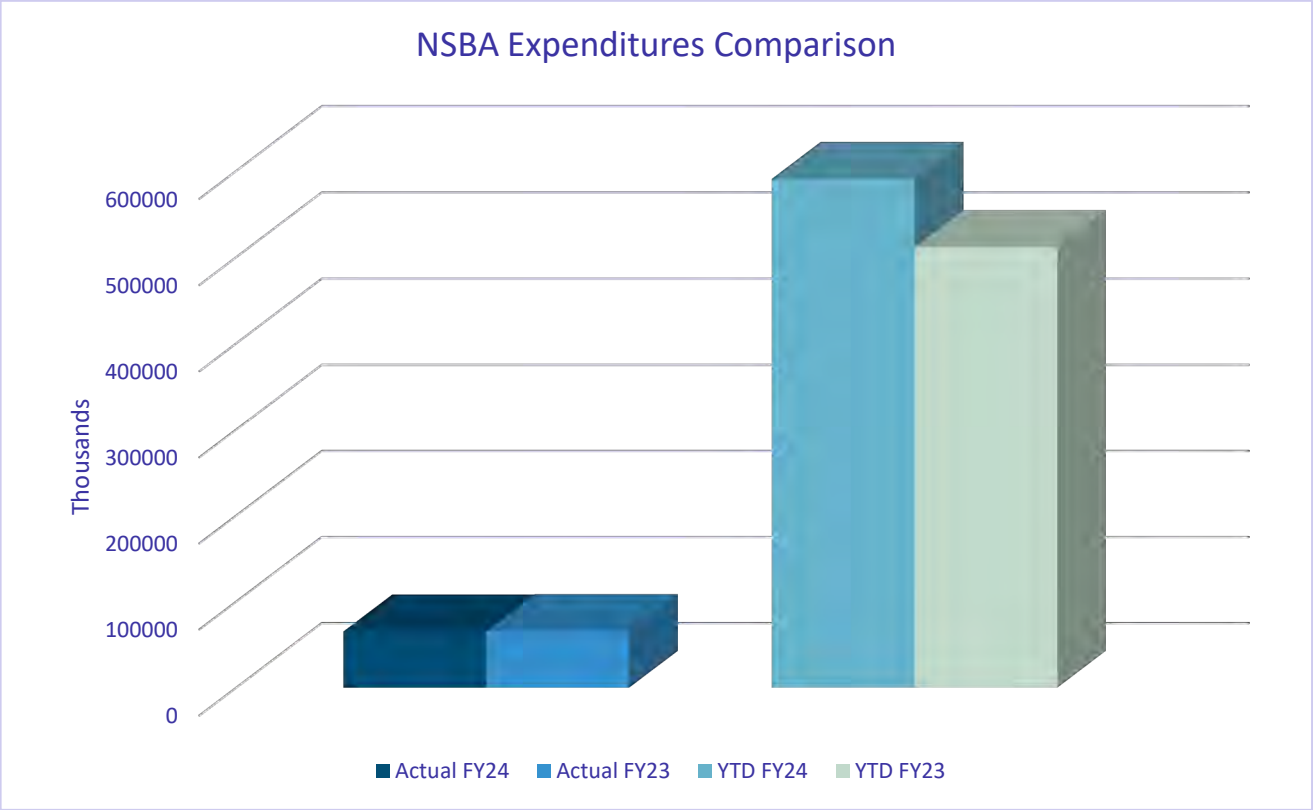


Monthly Budget Report-Revenues- February

Account Number	Account Desc	FEB 2024 Budget	FEB 2024 Actual	FEB 2024 % Used	FEB 2023 Actual	FEB 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6200 Norway Savings Bank Arena		**0.00**	**(163,289.33)**	**100.00%**	**(80,602.13)**	**100.00%**	**(1,088,500.00)**	**(672,516.67)**	**61.78%**	**(541,572.70)**	**$ 130,943.97**
0065 Norway Savings Bank Arena		**0.00**	**(163,289.33)**	**100.00%**	**(80,602.13)**	**100.00%**	**(1,088,500.00)**	**(672,516.67)**	**61.78%**	**(541,572.70)**	**130,943.97**
		0.00	**(163,289.33)**	**100.00%**	**(80,602.13)**	**100.00%**	**(1,088,500.00)**	**(672,516.67)**	**61.78%**	**(541,572.70)**	**130,943.97**
6200 4201	Gladiators	0.00	(83,463.42)	100.00%	(9,044.59)	100.00%	(260,000.00)	(230,657.71)	88.71%	(131,728.25)	**98,929.46**
6200 4202	EL Ice	0.00	(6,125.00)	100.00%	0.00	0.00%	(22,500.00)	(15,190.00)	67.51%	(1,225.00)	**13,965.00**
6200 4203	Red Hornet	0.00	(4,900.00)	100.00%	(4,655.00)	100.00%	(18,500.00)	(15,802.50)	85.42%	(4,655.00)	**11,147.50**
6200 4204	Leavitt	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 4205	St Doms	0.00	(12,005.00)	100.00%	(4,165.00)	100.00%	(47,000.00)	(36,321.20)	77.28%	(16,006.65)	**20,314.55**
6200 4206	Poland/Gra	0.00	(4,253.84)	100.00%	(6,530.00)	100.00%	(19,500.00)	(11,808.00)	60.55%	(6,530.00)	**5,278.00**
6200 4207	CMCC	0.00	0.00	0.00%	0.00	0.00%	(22,500.00)	0.00	0.00%	0.00	**0.00**
6200 4208	SMMHL	0.00	0.00	0.00%	0.00	0.00%	(2,500.00)	0.00	0.00%	0.00	**0.00**
6200 4209	Adult Leag	0.00	(12,220.00)	100.00%	(13,182.50)	100.00%	(130,000.00)	(76,895.00)	59.15%	(94,281.88)	**(17,386.88)**
6200 4210	YouthOther	0.00	0.00	0.00%	(7,750.00)	100.00%	(1,500.00)	(4,238.00)	282.53%	(9,492.00)	**(5,254.00)**
6200 4211	HS/MS Othe	0.00	(250.00)	100.00%	0.00	0.00%	(15,000.00)	(3,785.00)	25.23%	(1,960.00)	**1,825.00**
6200 4212	Ice R-Twin	0.00	(10,406.00)	100.00%	0.00	0.00%	(60,000.00)	(18,743.00)	31.24%	(1,720.48)	**17,022.52**
6200 4215	Freestyl	0.00	(100.00)	100.00%	(250.00)	100.00%	(7,500.00)	(2,185.00)	29.13%	(4,755.00)	**(2,570.00)**
6200 4220	Camps/Clin	0.00	0.00	0.00%	0.00	0.00%	(50,000.00)	(11,560.00)	23.12%	(21,010.00)	**(9,450.00)**
6200 4221	Tournament	0.00	(6,737.50)	100.00%	(12,250.04)	100.00%	(50,000.00)	(18,904.13)	37.81%	(49,232.56)	**(30,328.43)**
6200 4222	BirthdayPa	0.00	0.00	0.00%	0.00	0.00%	(500.00)	0.00	0.00%	0.00	**0.00**
6200 4223	Private Re	0.00	(2,415.00)	100.00%	(1,950.00)	100.00%	(60,000.00)	(22,031.67)	36.72%	(15,940.00)	**6,091.67**
6200 4224	Public Ska	0.00	(1,290.00)	100.00%	(2,590.00)	100.00%	(20,000.00)	(9,082.50)	45.41%	(18,945.00)	**(9,862.50)**
6200 4225	ShinnyHock	0.00	(840.00)	100.00%	(200.00)	100.00%	(4,000.00)	(4,155.00)	103.88%	(890.00)	**3,265.00**
6200 4240	Programs	0.00	0.00	0.00%	0.00	0.00%	(20,000.00)	0.00	0.00%	0.00	**0.00**
6200 4241	FundRaise	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 4250	NonIceFac	0.00	(6,250.00)	100.00%	0.00	0.00%	(55,000.00)	(30,850.00)	56.09%	(25,597.48)	**5,252.52**
6200 4252	Skates	0.00	(885.00)	100.00%	(950.00)	100.00%	(6,000.00)	(3,590.00)	59.83%	(1,715.00)	**1,875.00**
6200 4260	Concession	0.00	(4,000.00)	100.00%	0.00	0.00%	(16,500.00)	(13,000.00)	78.79%	0.00	**13,000.00**
6200 4261	PepsiMachi	0.00	(563.57)	100.00%	0.00	0.00%	(3,000.00)	(978.62)	32.63%	(1,348.45)	**(369.83)**
6200 4262	GameMachin	0.00	0.00	0.00%	0.00	0.00%	(2,000.00)	0.00	0.00%	0.00	**0.00**
6200 4263	Food Vendi	0.00	0.00	0.00%	0.00	0.00%	(2,000.00)	(475.20)	23.75%	(733.25)	**(258.05)**
6200 4265	Pro Shop	0.00	(585.00)	100.00%	(585.00)	100.00%	(7,000.00)	(5,187.00)	74.10%	(2,925.00)	**2,262.00**
6200 4270	Sponsors	0.00	(6,000.00)	100.00%	(16,500.00)	100.00%	(186,000.00)	(137,077.14)	73.70%	(130,881.70)	0.00%
6200 4271	SignAds	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%
6200 429000	EVENTS	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%

Expenditures:

The operating expenses for Norway Arena through February 2024 were $590,881. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance. Table 2 reflects expenditures for the current year with comparison for the same period a year ago. Total expenditures represent a 15.48% increase over YTD FY23, consistent with the increased cost of services and goods.



Monthly Budget Report-Expenditures - February

Account Number	Account Desc	FEB 2024 Budget	FEB 2024 Actual	FEB 2024 % Used	FEB 2023 Actual	FEB 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6200 Norway Savings Bank Arena		**0.00**	**65,369.71**	**100.00%**	**65,793.36**	**100.00%**	**881,871.55**	**590,881.05**	**67.00%**	**511,677.72**	**$ 79,203.33**
0065 Norway Savings Bank Arena		**0.00**	**65,369.71**	**100.00%**	**65,793.36**	**100.00%**	**881,871.55**	**590,881.05**	**67.00%**	**511,677.72**	**79,203.33**
		0.00	**65,369.71**	**100.00%**	**65,793.36**	**100.00%**	**881,871.55**	**590,881.05**	**67.00%**	**511,677.72**	**79,203.33**
6200 611000	Salaries	0.00	34,369.82	100.00%	25,464.17	100.00%	231,095.00	219,938.48	95.17%	200,995.55	**18,942.93**
6200 612000	Part Time	0.00	9,745.54	100.00%	6,475.55	100.00%	60,000.00	48,106.89	80.18%	43,690.76	**4,416.13**
6200 612008	Programs	0.00	0.00	0.00%	0.00	0.00%	10,000.00	0.00	0.00%	2,243.00	**(2,243.00)**
6200 613030	Police Tim	0.00	3,217.50	100.00%	747.50	100.00%	0.00	7,312.50	100.00%	1,690.00	**5,622.50**
6200 614015	EarnedPdLv	0.00	0.00	0.00%	0.00	0.00%	0.00	152.01	100.00%	0.00	**152.01**
6200 615000	Uniform Al	0.00	0.00	0.00%	0.00	0.00%	0.00	260.02	100.00%	286.96	**(26.94)**
6200 617000	Health Ins	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 617001	FICA/Medic	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 617004	MSRS Retir	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 617008	Cafeteria	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 617050	PensionExp	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 617051	OPEB Exp	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 620000	Advertisin	0.00	0.00	0.00%	0.00	0.00%	2,000.00	0.00	0.00%	0.00	**0.00**
6200 628000	PS - Gen/P	0.00	1,919.00	100.00%	0.00	0.00%	14,000.00	4,162.97	29.74%	957.73	**3,205.24**
6200 628003	PS - Drug	0.00	0.00	0.00%	0.00	0.00%	400.00	68.00	17.00%	0.00	**68.00**
6200 628014	PS - Solid	0.00	130.90	100.00%	59.89	100.00%	600.00	446.69	74.50%	483.63	**(36.94)**
6200 628019	Repairs -	0.00	5,319.59	100.00%	1,623.76	100.00%	50,000.00	31,496.84	62.99%	39,657.18	**(8,160.34)**
6200 628020	Repairs -	0.00	1,269.07	100.00%	0.00	0.00%	4,000.00	1,871.70	46.80%	2,479.66	**(607.96)**
6200 628021	Repairs -	0.00	0.00	0.00%	0.00	0.00%	4,000.00	1,665.42	41.63%	2,201.44	**(536.02)**
6200 628026	Repairs -	0.00	0.00	0.00%	0.00	0.00%	0.00	8,424.00	100.00%	0.00	**8,424.00**
6200 628033	Rent	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 628051	PSCleaning	0.00	2,185.00	100.00%	1,780.00	100.00%	19,235.00	13,490.00	70.13%	13,455.00	**35.00**
6200 628065	COVID19	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 628070	PS-Securit	0.00	1,740.94	100.00%	1,709.16	100.00%	4,900.00	5,248.18	107.10%	4,926.84	**321.34**
6200 629000	Training &	0.00	0.00	0.00%	1,390.00	100.00%	5,000.00	1,450.00	29.00%	2,015.00	**(565.00)**
6200 632000	Dues & Sub	0.00	0.00	0.00%	3,497.50	100.00%	7,412.00	4,699.80	63.41%	4,546.50	**153.30**
6200 633000	Office Sup	0.00	0.00	0.00%	0.00	0.00%	2,000.00	275.32	13.75%	0.00	**275.32**
6200 633001	Other Sup	0.00	3,461.40	100.00%	6,049.88	100.00%	71,800.00	58,462.22	81.42%	24,633.95	**33,828.27**
6200 633002	ADV SIG	0.00	8.00	100.00%	110.31	100.00%	3,000.00	425.70	14.20%	1,539.71	**(1,114.01)**
6200 633021	Other Sup	0.00	0.00	0.00%	164.26	100.00%	4,000.00	1,531.22	38.28%	2,000.29	**(469.07)**
6200 633030	MV Sup - G	0.00	115.50	100.00%	0.00	0.00%	0.00	123.45	100.00%	17.93	**105.52**
6200 640000	Comm - Tel	0.00	305.12	100.00%	41.40	100.00%	5,000.00	2,399.54	48.00%	2,366.77	**32.77**
6200 640001	Comm-Cable	0.00	247.68	100.00%	460.14	100.00%	2,500.00	1,744.51	69.80%	1,963.19	**(218.68)**
6200 641000	Utilities	0.00	0.00	0.00%	2,458.99	100.00%	46,000.00	6,530.78	14.20%	19,528.37	**(12,997.59)**
6200 641001	Utilities	0.00	0.00	0.00%	0.00	0.00%	34,500.00	19,883.13	57.63%	21,154.06	**(1,270.93)**
6200 641002	Utilities	0.00	0.00	0.00%	13,424.62	100.00%	176,000.00	0.00	0.00%	54,221.81	**(54,221.81)**

6200 641003	Utilities	0.00	1,334.65	100.00%	336.23	100.00%	3,000.00	5,888.68	196.30%	2,028.70	**3,859.98**
6200 642000	Comm - Pos	0.00	0.00	0.00%	0.00	0.00%	150.00	0.00	0.00%	0.00	**0.00**
6200 645000	Insurance	0.00	0.00	0.00%	0.00	0.00%	31,000.00	43,223.00	139.43%	33,538.00	**9,685.00**
6200 650000	CAPITAL OU	0.00	0.00	0.00%	0.00	0.00%	90,279.55	101,600.00	112.54%	29,055.69	**72,544.31**
6200 659000	Depreciati	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 900001	TRANSFER O	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**

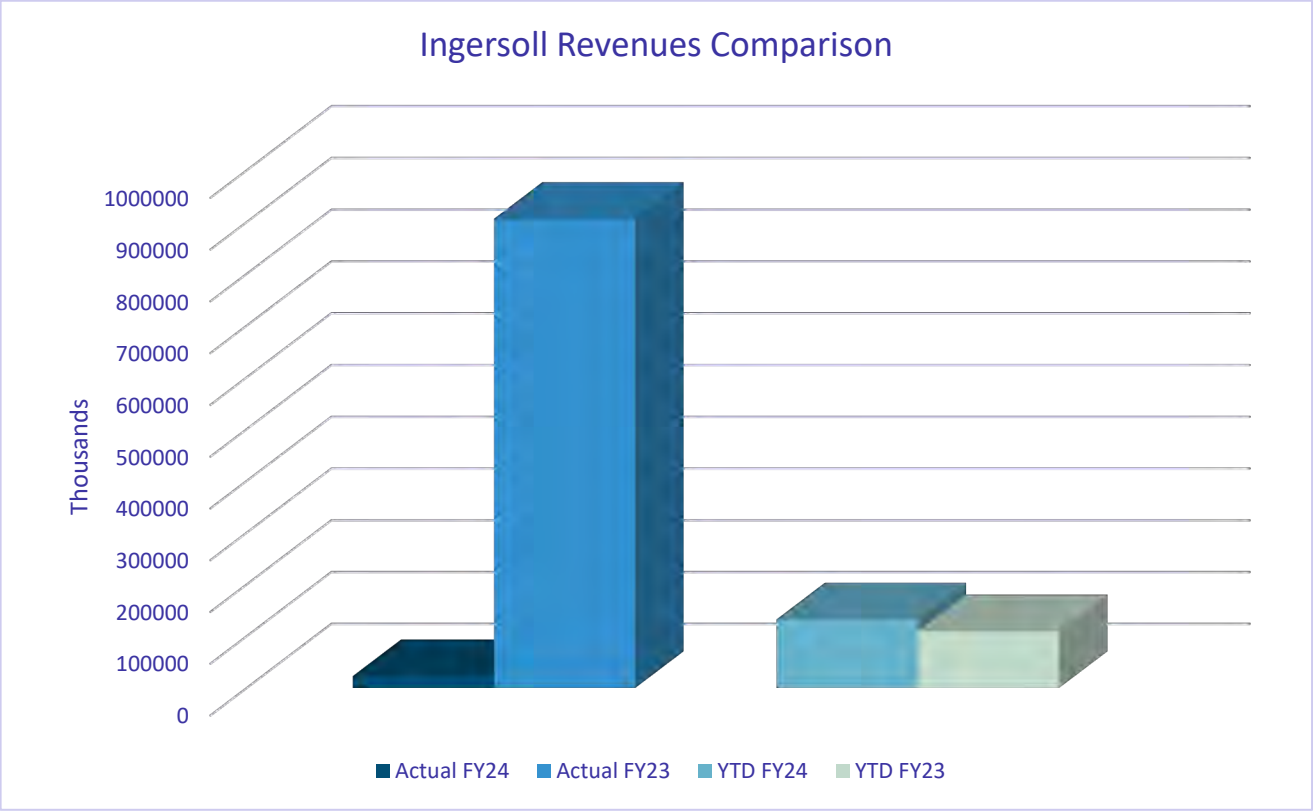
Ingersoll Turf Facility

for the Period Ended February 29, 2024

As of February 2024, Ingersoll Turf Facility had an operating gain YTD of $115,849.

Revenues:

The operating revenues for Ingersoll through February 2024 are $132,479. This revenue comes from sponsorships, programs, rental income, and batting cages. Table 1 reflects revenues collected for the current year with comparison for the same period a year ago. Total revenues represent an 82.8% increase over FY23.

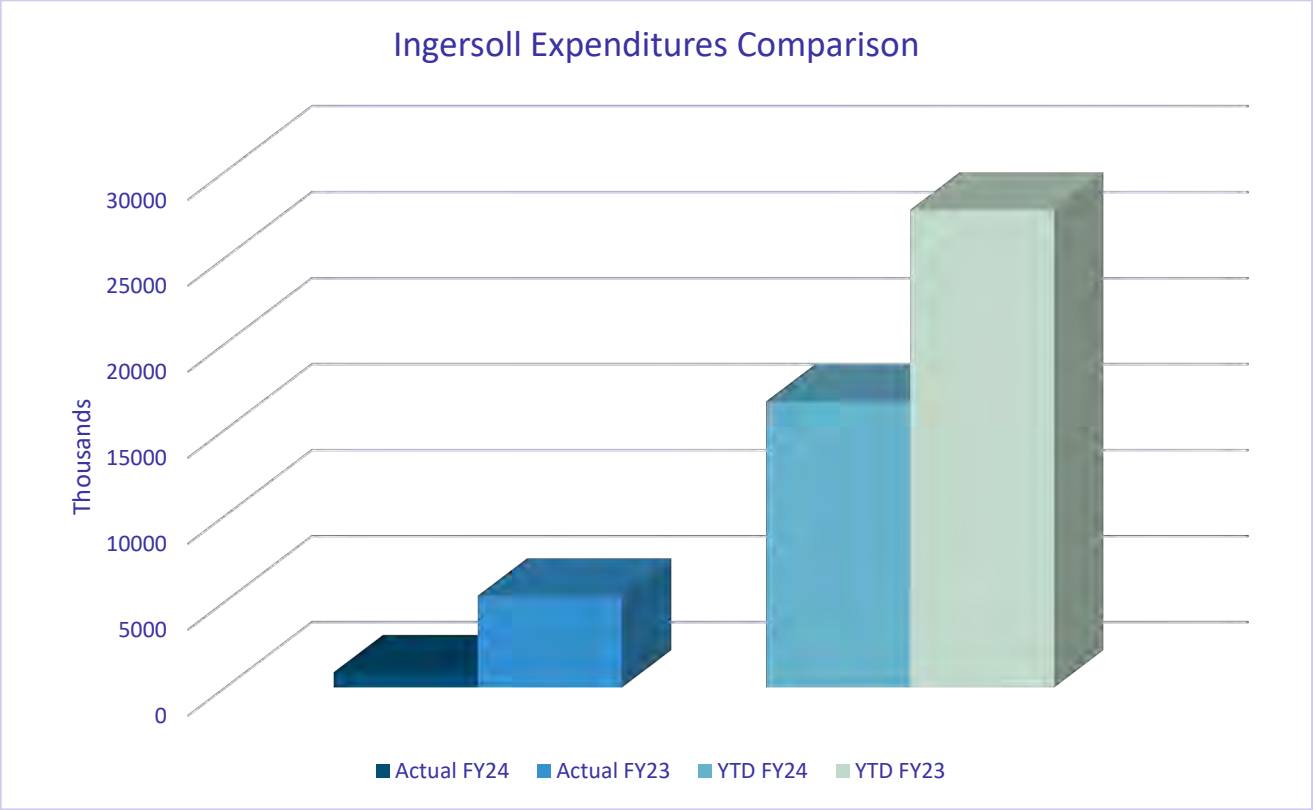


Monthly Budget Report- Revenues - February

Account Number	Account Desc	FEB 2024 Budget	FEB 2024 Actual	FEB 2024 % Used	FEB 2023 Actual	FEB 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6100 Ingersoll Turf Facility		0.00	(22,932.43)	100.00%	(9,064.34)	100.00%	0.00	(132,478.64)	100.00%	(109,705.79)	$ (22,772.85)
0030 Recreation		0.00	(22,932.43)	100.00%	(9,064.34)	100.00%	0.00	(132,478.64)	100.00%	(109,705.79)	22,772.85
		0.00	(22,932.43)	100.00%	(9,064.34)	100.00%	0.00	(132,478.64)	100.00%	(109,705.79)	22,772.85
6100 420070	Sponsorshi	0.00	(1,000.00)	100.00%	(500.00)	100.00%	0.00	(8,525.00)	100.00%	(2,500.00)	**6,025.00**
6100 420800	CAGES	0.00	(2,565.00)	100.00%	(1,545.00)	100.00%	0.00	(16,517.50)	100.00%	(9,330.00)	**7,187.50**
6100 420903 TF01	Programs	0.00	(1,850.00)	100.00%	(1,184.00)	100.00%	0.00	(12,349.00)	100.00%	(14,635.00)	**(2,286.00)**
6100 420903 TF02	Youth Soft	0.00	75.00	100.00%	0.00	0.00%	0.00	(1,457.50)	100.00%	(7,632.50)	**(6,175.00)**
6100 420903 TF04	Programs	0.00	(485.00)	100.00%	(290.00)	100.00%	0.00	(1,505.00)	100.00%	(2,110.00)	**(605.00)**
6100 420903 TF06	Programs	0.00	(80.00)	100.00%	0.00	0.00%	0.00	(5,220.00)	100.00%	(3,575.00)	**1,645.00**
6100 422000	Investment	0.00	(859.93)	100.00%	(184.34)	100.00%	0.00	(3,477.24)	100.00%	(815.29)	**2,661.95**
6100 429010	Rental Inc	0.00	(16,167.50)	100.00%	(5,361.00)	100.00%	0.00	(83,427.40)	100.00%	(69,108.00)	**14,319.40**
	Grand Total:	0.00	(22,932.43)	100.00%	(9,064.34)	100.00%	0.00	(132,478.64)	100.00%	(109,705.79)	22,772.85

Expenditures:

The operating expenses for Ingersoll through February 2024 were $16,629. These expenses include supplies, repairs, capital purchases and maintenance. Table 2 reflects expenditures for the current year with comparison for the same period a year ago. Total expenditures represent a 59.87% increase over FY23, consistent with increased cost of services and goods.



Monthly Budget Report- Expenditures - February

Account Number	Account Desc	FEB 2024 Budget	FEB 2024 Actual	FEB 2024 % Used	FEB 2023 Actual	FEB 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6100 Ingersoll Turf Facility		0.00	882.51	100.00%	5,335.72	100.00%	18,802.39	16,629.47	88.44%	27,775.51	$ (11,146.04)
0030 Recreation		0.00	882.51	100.00%	5,335.72	100.00%	18,802.39	16,629.47	88.44%	27,775.51	(11,146.04)
		0.00	882.51	100.00%	5,335.72	100.00%	18,802.39	16,629.47	88.44%	27,775.51	(11,146.04)
6100 611000	Salaries	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	172.50	(172.50)
6100 612000 TF02	Part Time	0.00	0.00	0.00%	317.40	100.00%	0.00	0.00	0.00%	317.40	(317.40)
6100 633033	PROGRAM	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	1,915.00	(1,915.00)
6100 633033 TF01	COEDSoccer	0.00	824.00	100.00%	806.00	100.00%	0.00	3,628.00	100.00%	3,092.00	536.00
6100 633033 TF02	Youth Soft	0.00	0.00	0.00%	4,212.32	100.00%	0.00	244.41	100.00%	4,731.46	(4,487.05)
6100 633033 TF04	BDay	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	450.00	(450.00)
6100 633033 TF06	MISC EXP	0.00	0.00	0.00%	0.00	0.00%	0.00	3,733.98	100.00%	1,320.00	2,413.98
6100 640000	Comm - Tel	0.00	58.51	100.00%	0.00	0.00%	0.00	468.08	100.00%	0.00	468.08
6100 650000	CAPITAL OU	0.00	0.00	0.00%	0.00	0.00%	0.00	8,555.00	100.00%	14,135.75	(5,580.75)
6100 651069	RecStudy	0.00	0.00	0.00%	0.00	0.00%	18,802.39	0.00	0.00%	1,641.40	(1,641.40)
	Grand Total:	0.00	882.51	100.00%	5,335.72	100.00%	18,802.39	16,629.47	88.44%	27,775.51	(11,146.04)

City Council Workshop & Meeting
Agenda
June 3, 2024
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Executive Session pursuant to Title 1 M.R.S.A. Section 405(6)(C) for discussion of an economic development matter. *Passage requires 3/5 majority vote to enter Executive Session.*
B. Update on ARPA Funding - Rita Beaudry, Grant Manager
C. Riverwalk Rail Trail Project Overview, Planning and Regional Context - Jonathan LaBonte and Eric Cousens

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Gerry

Pledge of Allegiance & Roll Call

I. Consent Items – *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.*

1. ORDER 78-06032024* - Appointing Donna Wallace to the Age Friendly Community Committee for a term that expires June 1, 2027, as recommended by the Appointment Committee.

2. ORDER 79-06032024* - Appointing Lawrence Pelletier to the Age Friendly Community Committee for a term that expires June 1, 2027, as recommended by the Appointment Committee.

3. ORDER 80-06032024* - Appointing Dana Morrell to the Age Friendly Community Committee for a term that expires June 1, 2027, as recommended by the Appointment Committee.

4. ORDER 81-06032024* - Appointing Cynthia Larrabee to the Age Friendly Community Committee for a term that expires June 1, 2027, as recommended by the Appointment Committee.

II. Minutes – May 20, 2024, Regular Council Meeting

III. Communications, Presentations and Recognitions

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

VI. New Business

1. ORDER 82-06032024 - Authorizing the City's general obligation bonds in the amount of $16,615,750 to finance the City's FY25 Capital Improvement Program. *First reading. ROLL CALL VOTE. Passage requires an affirmative vote of 5 Councilors at the second reading.*

2. ORDER 83-06032024 – Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the IAMAW AFL-CIO Union for Custodians and Maintenance covering 07/01/2024 to 06/30/2027. *Passage requires majority vote.*

5. ORDER 84-06032024 – Initiating Zoning Map amendment in the area of 550 Minot Avenue from T4.2B to General Business. *Passage requires majority vote.*

6. ORDER 85-06032024 – Initiating Zoning Map amendment in the Gracelawn Road/Pit Area from General Business to Multi-Family Suburban. *Passage requires majority vote.*

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports
   a. Mayor's Report
   b. City Councilors' Reports
   c. City Manager Report
   d. March 2024 Finance Report – Kelsey Earle, Finance Director
   e. Student Representative Report

IX. Executive Session pursuant to Title 1 M.R.S.A. Section 405(6)(A) for a personnel matter. *Passage requires 3/5 majority vote to enter Executive Session.*

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 3, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter.

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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 3, 2024

Author: Rita Beaudry, Grant Manager

Subject: American Rescue Plan Act (ARPA) Fund Update

Information:
In May 2021 and May 2022, the City of Auburn received two American Rescue Plan Act (ARPA) fund allocations for a total award of $13,545,799.00. As of March 4, 2024, the City Council has appropriated a total of 50 individual projects. To date, we have expended $7,328,640.17 and encumbered $5,627,856.00 for total obligations of $12,956,496.17. A balance of $589,302.83 remains.

Per ARPA Final Rule, all funds must be obligated by December 31, 2024 and expended by December 31, 2026. **Additionally, for the quarterly report due July 31, 2024, we will need to provide an "estimate" of how we will utilize all remaining funds.** *Any unused funds will need to be returned.*

Currently, there are 12 projects where funds were not fully utilized and need to be reallocated. Balance needing reappropriation is $589,302.83.

PROJECT	TITLE		BALANCE REMAINING
6	Lake Grove Municipal Beach	$	61,048.91
18	Planning & Permitting - SmartGov	$	55,445.02
20	Fire Truck	$	1,425.00
26	Property Tax Relief	$	6,722.58
27	Accessory Dwelling Unit Development	$	13.73
29	Downtown Curb Appeal	$	214,635.64
31	Neighborhood Corner Store	$	17,656.59
32	Heating Assistance	$	35,000.00
33	Engine 2 - Land Purchase	$	25,000.00
36	Auburn Commercial Agriculture Incentive Program	$	38,419.65
38	NSBA - HVAC/Exhaust	$	68,000.00
39	Third Space	$	65,935.71
	TOTAL TO BE RE-ALLOCATED	**$**	**589,302.83**

City Budgetary Impacts: None.

Staff Recommended Action: Council to consider additional projects and reappropriate a total of $589,302.83.

Previous Meetings and History: October 17, 2022, April 3, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 3, 2024

Author: Eric J. Cousens, Planning and Permitting Director and Jonthan LaBonte, Transportation Director

Subject: Riverwalk Trail Extension Overview

Information: This project would extend the Auburn Riverwalk from Bonney Park along the Little Androscoggin River to Washington Street. The corridor for the trail would be the former Lewiston and Auburn Railroad line that was recently donated to the City of Auburn by the railroad company. At a point just south of the Lower Barker Dam (upstream side), a bridge would connect the "rail trail" to the Barker Mill Trail in New Auburn.

City plans have recommended this connection be made for improved access to the city's rivers, to links its neighborhoods to each other and to the downtown redevelopment efforts for decades. The City of Auburn has been awarded Congressionally directed funding in the amount of $3.9 million to support the extension of the ADA Accessible Auburn Riverwalk along the Androscoggin & Little Androscoggin Rivers and to connect it to the Barker Mill Trail in New Auburn and to continue to Washington Street. Additional details and correspondence are attached. This workshop will provide an overview and discuss next steps for design and construction of the trail and bridge connection Over the Little Androscoggin River.

City Budgetary Impacts: 20% Match will be required.

Staff Recommended Action: Discussion, Questions and Feedback

Previous Meetings and History: See attached Information

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Summary

Riverwalk Extension along Little Androscoggin River/New Auburn Connections

Background:

This project would extend the Auburn Riverwalk from Bonney Park along the Androscoggin River west and then south along the Little Androscoggin River to Washington Street. The corridor for the trail would be the former Lewiston and Auburn Railroad line that was recently donated to the city of Auburn by the railroad company. At a point just south of the Lower Barker Dam (upstream side), a bridge would connect the "rail trail" to the Barker Mill Trail in New Auburn.

As noted in the plans section, for a quarter of a century, city plans have recommended this connection be made for improved access to the city's rivers, to links its neighborhoods to each other and to the downtown redevelopment efforts. Federal involvement, through the National Park Service Rivers and Trails Conservation Assistance Program, has been a mainstay to supporting the community engagement in the planning efforts noted below.

Studies/Plans Supporting Project

- 1998 - Androscoggin Greenway Plan (City of Auburn, National Park Service, Androscoggin Land Trust)
- 2000 – Auburn Trails Feasibility Study (City of Auburn, Maine DOT, Rizzo Associates)
- 2010 – New Auburn Master Plan (City of Auburn, Planning Decisions)
- 2013 – Androscoggin River Greenway Plan (City of Auburn, National Park Service, Androscoggin Land Trust, Wright-Pierce
- 2021 – FERC License Section 409/Recreation Plan for Lower Barker Dam
- 2022 – East Coast Greenway Recommended New Inland Route
- 2022 – Casco Bay Trail Alliance Trail Plan (Portland to Auburn to Brunswick proposal)
- 2022 – Maine Active Transportation Arterials Plan (Maine Trails Coalition)

Trail Cost Estimate (Main Street to Washington Street)

Nearly 5,000 feet of 8-foot-wide paved trail Riverwalk extension. Estimate includes all design and engineering costs, contingencies, etc.

Total Planning Level Estimate: $2,000,000

Source – Estimate received from Woodard and Curran based on a planning level cost estimate provided to the Planning and Permitting Department

Bridge to Barker Mill Trail Cost Estimate (upstream of Lower Barker Mill Dam)

An approximately 12 foot wide, 200-foot-long bridge connecting the Rail Trail off Hutchins Street to the Barker Mill Trail off Mill Street - $650,000

Installation estimate - $250,000

Source – Estimate received from a pre-fabricated bridge designer and builder (with Maine PE stamped design) based on concept plans from 2000 Rizzo Associates Study

Project Summary for Funding Request

The Riverwalk Extension project has been recommended in several city plans over the years, including the Androscoggin Greenway Plan (1998), Auburn Trails Feasibility Study (2000), New Auburn Master Plan (2010), Androscoggin River Greenway Plan (2013), and the FERC License Section 409/Recreation Plan for Lower Barker Dam (2021). These plans recognize the importance of the project in improving access to the city's rivers and linking neighborhoods to each other and to downtown redevelopment efforts.

Moreover, the project has received support from federal and local organizations, including the National Park Service Rivers and Trails Conservation Assistance Program, Androscoggin Land Trust, Wright-Pierce, Maine DOT, Rizzo Associates, and the Maine Trails Coalition. This support highlights the significance of the project to the community and its potential to enhance the quality of life for residents and visitors alike.

One significant benefit of the project to taxpayers is its potential to promote active transportation, such as walking and biking, which can improve public health by reducing sedentary behavior and increasing physical activity. According to the Maine Trails Coalition, active transportation can also provide economic benefits by attracting tourism and encouraging investment in communities.

Additionally, the Riverwalk Extension project would provide increased opportunities for recreation and outdoor activities along the Androscoggin River and Little Androscoggin River, such as fishing, kayaking, and birdwatching. These activities can enhance the quality of life for residents and visitors, promote environmental stewardship, and create a sense of community.

Furthermore, the project would help to connect neighborhoods to each other and to downtown redevelopment efforts, promoting a more cohesive and accessible community. This can provide economic benefits by attracting new businesses and residents, improving property values, and promoting sustainable development.

In conclusion, the Riverwalk Extension project is a significant investment in the community that has the potential to provide numerous benefits to taxpayers, including improved access to recreational opportunities, promotion of active transportation, increased economic activity, and enhanced quality of life for residents and visitors alike. Its inclusion in several city plans, and the support of federal and local organizations demonstrates its importance to the community and its potential to create a more vibrant and sustainable city.

Support Letter Text

The City of Auburn is seeking Congressionally directed funding of $3.9 million to support the extension of the ADA Accessible Auburn Riverwalk along the

Androscoggin & Little Androscoggin Rivers and to connect it to the Barker Mill Trail in New Auburn and to continue to Washington Street. The project will utilize the former Lewiston and Auburn Railroad line, which was recently donated to the city by the railroad company, to create a three quarter-mile trail extending from Bonney Park to Washington Street.

For the past 25 years, city plans have called for this connection to be made to enhance access to the city's rivers and link its neighborhoods to each other and to downtown redevelopment efforts. Federal support has been instrumental in helping to engage the community and complete the planning process, with the National Park Service Rivers and Trails Conservation Assistance Program providing key assistance.

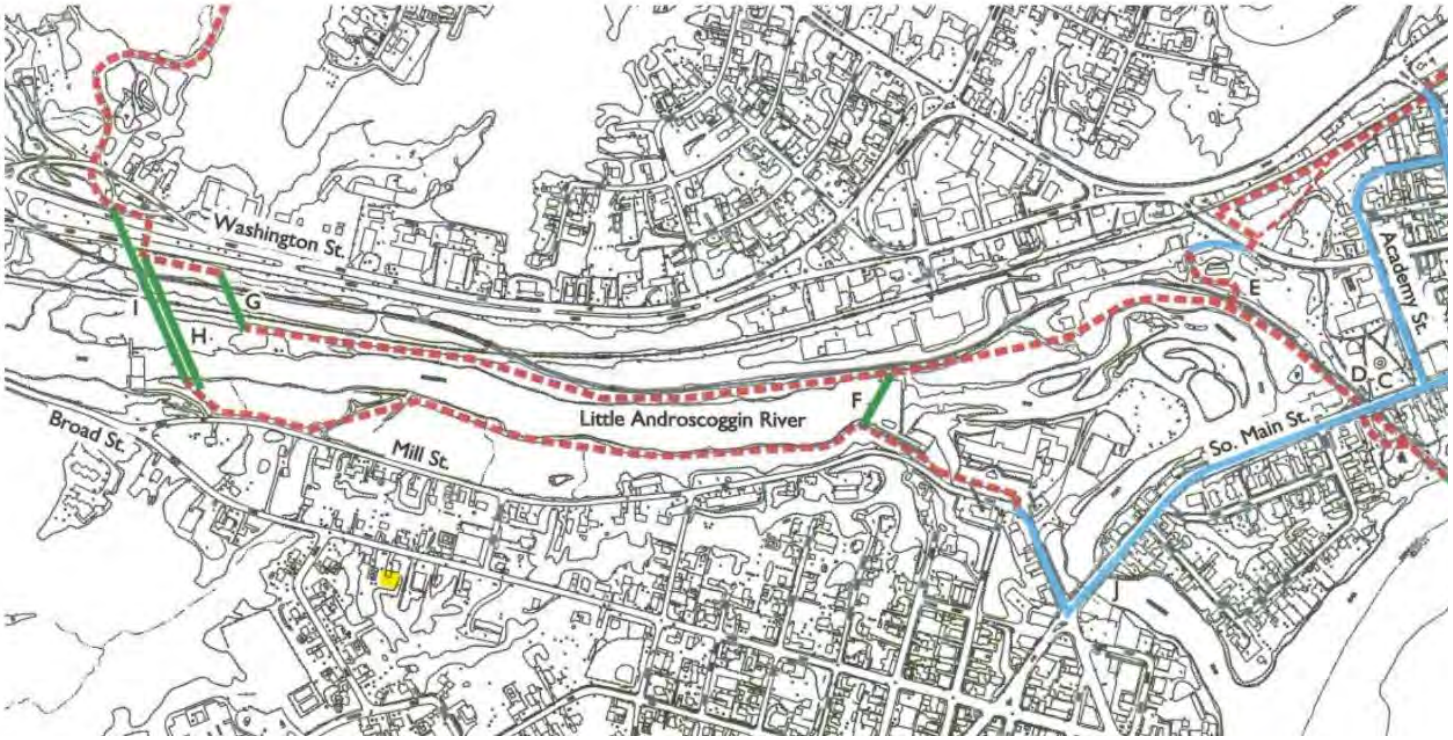
The project has the backing of multiple studies and plans, including the Androscoggin Greenway Plan, Auburn Trails Feasibility Study, New Auburn Master Plan, Androscoggin River Greenway Plan, and more. The estimated cost of the project, which includes design and engineering costs, contingencies, and installation expenses, is $2 million for the Riverwalk extension and $1,900,000 for the two bridges connecting the Rail Trail to the Barker Mill Trail and back to the Auburn Riverwalk.

This project has the potential to transform the Little Androscoggin River and New Auburn areas, creating new recreational opportunities and spurring economic growth. It will also improve transportation connectivity and provide numerous health benefits to residents and visitors. We strongly urge Congress to support this project and help make this vision a reality.

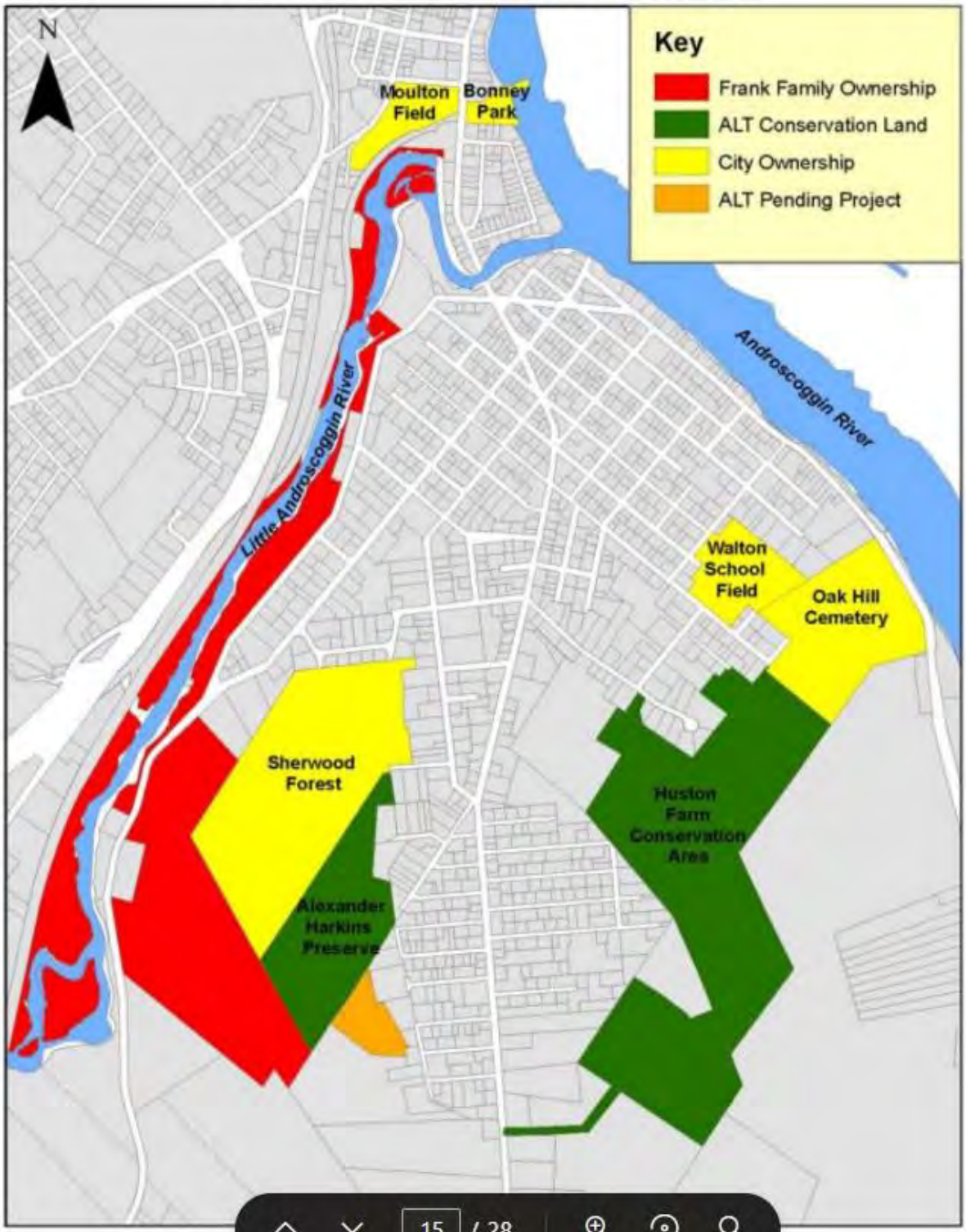
Previous Plans/Maps



LARC Right-of-way
Washington St to Barker Trail/Riverwalk



New Auburn Open Space Corridors



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 3, 2024 **Order:** 78 through 81-06032024*

Author: Emily F. Carrington, City Clerk

Subject: Appointing members to the Age Friendly Community Committee

---

Information: On May 23, the Appointment Committee met to consider applications received for four vacancies on the Age Friendly Community Committee for terms expiring on June 1st, 2024. All four current committee members submitted applications and no other applications were received. The Appointment Committee voted to nominate all four members for new three year terms.

Orders 78 through 81 request the appointment of Donna Wallace, Lawrence Pelletier, Dana Morrell and Cynthia Larrabee to the City of Auburn's Age Friendly Community Committee for terms expiring 6/1/2027.

City Budgetary Impacts: N/A

Staff Recommended Action: Appointment of the nominated members to the Age Friendly Community Committee.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Draft minutes from the 5/23/24 Appointment Committee, applications of those nominated, order

Appointment Committee Meeting Minutes
Tuesday, May 23, 2024
4:00 P.M.
Auburn Hall – Conference Room 204

Present: Councilors Adam Platz, Belinda Gerry, Richard Whiting, and City Clerk, Emily Carrington

The meeting was called to order at 4:00 PM.

Motion was made by Councilor Gerry, seconded by Councilor Whiting to appoint Councilor Platz to Chair the meeting. Passage 3-0.

1. Acceptance of Minutes – April 23, 2024, Appointment Committee Meeting

   Motion was made by Councilor Whiting, seconded by Councilor Gerry to approve the April 23, 2024, Appointment Committee minutes. Passage 3-0.

2. Open Session – No one from the public was present.

3. Review of Applications and Nominations

   Motion was made by Councilor Gerry, seconded by Councilor Whiting to enter Executive Session, pursuant to 1 M.R.S.A. §405(6)(A). Passage 3-0, time in 4:03pm.

   Councilor Platz declared the Appointment Committee out of Executive Session at 4:05pm.

   Motion was made by Councilor Whiting, seconded by Councilor Gerry to nominate Lawrence Pelletier to serve on the Age Friendly Community Committee with a term expiration of 6/1/2027. Passage 3-0.

   Motion was made by Councilor Gerry, seconded by Councilor Whiting to nominate Cynthia Larrabee to serve on the Age Friendly Community Committee with a term expiration of 6/1/2027. Passage 3-0.

   Motion was made by Councilor Whiting, seconded by Councilor Gerry to nominate Dana Morrell to serve on the Age Friendly Community Committee with a term expiration of 6/1/2027. Passage 3-0.

Motion was made by Councilor Platz, seconded by Councilor Whiting to nominate Donna Wallace to serve on the Age Friendly Community Committee with a term expiration of 6/1/2027. Passage 3-0.

4. Adjournment

Motion was made by Councilor Gerry and seconded by Councilor Whiting to adjourn. Passage 3-0. The meeting adjourned at 4:10pm.

Respectfully submitted,

Emily Carrington, City Clerk

Appointment Committee Meeting Agenda

Thursday, May 23, 2024
4:00 P.M.
Auburn Hall – Community Room

1. Appointing a Committee Chair
2. Acceptance of Minutes of the 04/23/2024 Meeting
3. Open Session
4. Review of Applications and Nominations - *The Committee may enter into Executive Session to discuss applications, pursuant to 1 M.R.S.A. §405(6)(A).*
5. Other Business
6. Adjournment

Upcoming Term Endings - Expiring June 1, 2024

Advertised on the City's website on May 7, 2024 with a deadline to submit applications by May 22.

Age Friendly Community Committee	Ordinance	3 Years	Cynthia	Larrabee	6/1/2024	*Seeking reappointment*
Age Friendly Community Committee	Ordinance	3 Years	Dana	Morrell	6/1/2024	*Seeking reappointment*
Age Friendly Community Committee	Ordinance	3 Years	Larry	Pelletier	6/1/2024	*Seeking reappointment*
Age Friendly Community Committee	Ordinance	3 Years	Donna	Wallace	6/1/2024	*Seeking reappointment*

Current Vacancies

Advertised on the City's website since April 2024.

Zoning Board of Appeals	Title 30-A Section 4353/City Chapter 60 60-1130	Statute/Ordinance	3 Years*	Member			* 3 Term limit
Zoning Board of Appeals	Title 30-A Section 4353/City Chapter 60 60-1130	Statute/Ordinance	3 Years*	Associate			* 3 Term limit
Zoning Board of Appeals	Title 30-A Section 4353/City Chapter 60 60-1130	Statute/Ordinance	3 Years*	Associate			* 3 Term limit
Board of Assessment Review	Code 2-430/Title 30-A 2526 (6)	Statute/Ordinance	5 years	Alternate			
Board of Assessment Review	Code 2-430/Title 30-A 2526 (6)	Statute/Ordinance	5 years	Alternate			
Board of Assessment Review	Code 2-430/Title 30-A 2526 (6)	Statute/Ordinance	5 years	Alternate			

From: donotreply@auburnmaine.gov
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, May 8, 2024 6:23:16 AM

[You don't often get email from donotreply@auburnmaine.gov. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Cynthia

Middle Initial:

Last Name: Larrabee

Residence Address: 11 West Chestnut St.

Ward: I am not an Auburn resident

City: Mechanic Falls

Home Phone: 2072405983

Cell Phone: 207-240-5983

E-mail Address: calarrabee2009@yahoo.com

Current Occupation: retired

Previous Occupation (if retired or no longer working): teacher

Education and/or experience: BS degree

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Age-Friendly Community Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have been on this committee since the beginning and feel the work they do is very important to the community

What do you hope to accomplish?: Plan activities such as the meals we serve at Thanksgiving and other times throughout the year. Help the city do more for the aging population.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Age friendly

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: senior centerMechanic Falls

Dates served (if known):

How did you learn of this vacancy?:

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Cynthia Larrabee

Date of Electronic Signature: 5/08/24

[External]A New Form Has Been Submitted - Board/Committee Application

donotreply@auburnmaine.gov <donotreply@auburnmaine.gov>

Tue 5/7/2024 2:48 PM

To:Susan Clements-Dallaire <sdallaire@auburnmaine.gov>

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Dana

Middle Initial: M

Last Name: Morrell

Residence Address: 8 Falcon Road

Ward: I am not an Auburn resident

City: Lewiston

Home Phone: 2075133740

Cell Phone: 207-312-2619

E-mail Address: dmorrell@seniorsplus.org

Current Occupation: Community Service Supervisor at SeniorsPlus

Previous Occupation (if retired or no longer working):

Education and/or experience: BA. Have worked at SeniorsPlus doing social work for 27 years

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Age-Friendly Community Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have a passion for helping older adults. I want to help them be safe, engaged, and involved in their communities to help foster independence.

What do you hope to accomplish?: Having engaged, knowledgeable individuals that are able to advocate for themselves and their needs.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: The Auburn Age Friendly Committee

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: same

Dates served (if known): Since 2021

How did you learn of this vacancy?: was e-mailed by Emily Carrington that my term was expiring.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Dana M Morrell, LSW

Date of Electronic Signature: 5/7/2024

From: Susan Clements-Dallaire
To: Emily Carrington
Subject: Fw: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, May 8, 2024 12:12:22 PM

From: donotreply@auburnmaine.gov <donotreply@auburnmaine.gov>
Sent: Tuesday, May 7, 2024 1:21 PM
To: Susan Clements-Dallaire <sdallaire@auburnmaine.gov>
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Donna

Middle Initial:

Last Name: Wallace

Residence Address: 108 Jackson Hill Road

Ward: I am not an Auburn resident

City: Minot

Home Phone: 3026900553

Cell Phone: 3026900553

E-mail Address: dwallace@auburnpubliclibrary.org

Current Occupation: Librarian

Previous Occupation (if retired or no longer working):

Education and/or experience: 23 years library experience

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Age-Friendly Community Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I started working as Adult Services Manager at the Auburn Public Library in 2020. Much of the work that I do at APL is with the seniors in our community. Working on behalf of the Age Friendly Committee allows me to be an important advocate for the seniors in our community and on behalf of the Auburn Public Library.

What do you hope to accomplish?: Continuing the strong relationship between APL and the Auburn Senior Community Center.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Yes, Auburn Age-Friendly Community Committee

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No.

Dates served (if known): 2021 to present

How did you learn of this vacancy?:

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Donna Wallace

Date of Electronic Signature: 5/7/2024

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 5/14/24

Last name: PELLETIER First name: LAWRENCE Middle initial: B

Residence address: 129 Second Street Ward: 5

City: Auburn State: ME Zip code: 04210

Home phone:_____ Work phone: _____ Cell phone: 207-319-3018

Email address: Concernedcitizen129@gmail.com

Current occupation: Retired

Previous occupation (if retired or no longer working): Store Mgr. @ Maine Oxy, Auburn

Educational and/or experience (or attach your resume): High School Graduate

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
✓ Age Friendly Committee
___ Agriculture Committee
___ Airport Board
___ Auburn Housing Authority
___ Audit Committee
___ Cable TV Advisory Board
___ CDBG Loan Committee
___ Citizen's Advisory Committee
___ Community Forest Board
___ Conservation Commission
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Parks & Recreation Advisory Board
___ Planning Board
___ Regulatory Advisory Board
___ Sewer District
___ Water District
___ Other _____

Is this application for a ___ new appointment or ✓ reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). Have been serving on this committee since its inception and enjoy serving our Senior Population

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). Continue service the residence of Auburn and the bordering communities & continue working with our Age Friendly Committee with the many events our Committee puts on! ex. meals at Xmas, Thanksgiving, New Years Day etc.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? Age Friendly

Dates served (if known)? Since its inception

Have you previously served on a City or Community Board or Committee? If so, which one(s)?

School Committee 2008-2014

Dates served (if known)? _____

How did you learn of this vacancy? N/A

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Larry Pelletier Date: 5/14/24

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: 5/14/24
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

ORDER 78-06032024

City Council Order

IN CITY COUNCIL

ORDERED, that Donna Wallace be and hereby is appointed to serve on the Age Friendly Community Committee for a term that expires 6/1/2027, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 79-06032024

City Council Order

IN CITY COUNCIL

ORDERED, that Lawrence Pelletier be and hereby is appointed to serve on the Age Friendly Community Committee for a term that expires 6/1/2027, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 80-06032024

City Council Order

IN CITY COUNCIL

ORDERED, that Dana Morrell be and hereby is appointed to serve on the Age Friendly Community Committee for a term that expires 6/1/2027, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 81-06032024

City Council Order

IN CITY COUNCIL

ORDERED, that Cynthia Larrabee be and hereby is appointed to serve on the Age Friendly Community Committee for a term that expires 6/1/2027, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

5:30 P.M. City Council Workshop

A. FY25 Capital Improvement Plan (CIP)
B. Amending "Appendix A Fees and Charges" regarding reimbursements, refunds & waivers
C. Executive Session – Pursuant to Title 1 M.R.S.A. Section 405(6)(D) regarding School Maintenance Union contract. *Passage requires 3/5 majority vote to enter executive session.* Moved to enter executive session by Councilor Platz, seconded by Councilor Milks. Motion passed 7-0. Entered Executive Session at 6:30PM. Council came out of Executive Session at 6:45pm.

7:00 P.M. City Council Meeting

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. **Consent Items**

None.

II. **Minutes –** Accepting the May 6, 2024 Regular Council Meeting minutes. Moved for passage by Councilor Walker, seconded by Councilor Platz. Motion passed 7-0.

III. **Communications, Presentations and Recognitions**

- City Clerk administered the Oath of Office to City Council Student Representative Anaya Egge
- Mayor Harmon read the PrMaine Arbor Week Dave Griswald of the Forestry Committee spoke on this item.
- Communication - Funding Request (Day One) - The Mayor noted if any Councilor would like to support this funding request, an amendment would need to be made to the budget resolve item later on the agenda.

IV. **Open Session –** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

None.

V. **Unfinished Business**

1. **Ordinance 09-05062024** -- Amending Chapter 60, Article IV, Division 12 General Business District be amended by including "manufacture, compounding and assembling of articles using Maine derived forest products, agricultural products, or other natural resource inputs" as a Special Exception use with a condition that the site must be located within the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District. *Passed public hearing/first reading on May 6, 2024. Second reading and final passage. ROLL CALL VOTE. Passage requires majority vote.*

Moved for passage by Councilor Walker, seconded by Councilor Whiting. No comment from public. Motion passed 7-0 on a roll call vote.

2. **Ordinance 10-05062024** - Creating the Maine Bioproducts Advanced Manufacturing Tech Hub Overlay District Map. *Passed public hearing/first reading on May 6, 2024. Second reading and final passage. ROLL CALL VOTE*. *Passage requires majority vote.*

   Moved for passage by Councilor Walker, seconded by Councilor Gerry. No public comment.

   Motion passed 7-0 on a roll call vote.

3. **Resolve 04-05062024** - Adopting the Appropriations Resolve for Fiscal Year 2025. Passed public hearing and first reading on May 6, 2024. *Second reading and final passage. Passage requires an affirmative vote of 5 Councilors.*

   Moved for passage by Councilor Walker, seconded by Councilor Milks.
   No public comment.
   Councilor Gerry spoke in opposition to the budget.
   Motion passed 5-2 (Gerry, Weisner opposed).

VI. New Business

1. **Order 74-05202024** - Adopting the annual CDBG/HOME Consortium Action Plan. *Public hearing. Passage requires majority vote.*
   Motion for passage by Councilor Cowan, seconded by Councilor Walker.
   There was no comment from the public.
   Motion passed 7-0.

2. **Order 75-05202024 –** Adopting the revised CDBG-CV Budget. *Public hearing. Passage requires majority vote.*
   Motion for passage by Councilor Walker, seconded by Councilor Platz.
   There was no comment from the public.
   Motion passed 7-0.

3. **Order 76-05202024 –** Authorizing the City Clerk to waive the $60 Temporary Food Service fee for Phoenix No Limits Karate for a fundraising event to be held on June 08, 2024. *Passage requires majority vote.*
   Motion for passage by Councilor Gerry, seconded by Councilor Walker. No public comment.
   Councilor Platz requested proof of registered non-profit status to be included in future waiver requests. Motion passed 7-0.

4. **Order 77-05202024 –** Authorizing the City Clerk to waive the $200 business license fee for Auburn Suburban Baseball and Softball. *Passage requires majority vote.*
   Motion for passage by Councilor Gerry, seconded by Councilor Walker. No public comment.
   Motion passed 7-0.

5. **Resolve 05-05202024** - Approving the Auburn Water District bond request in the amount of $626,939 to be used for the purchase of a Vactor Truck. *Passage requires majority vote.*
   Motion for passage by Councilor Walker, seconded by Councilor Milks. No comment from the public. Councilor Platz clarified this was a separate item from the CIP Vactor Truck request from Public Works.
   Motion passed 7-0.

VII. **Open Session** - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*
None.

VIII. Reports

a. Mayor's Report

Mayor Harmon represented Auburn at the Auburn Business Association annual meeting – Bob Brainerd was recognized as Citizen of the Year. Recognized businesses opening in the City. Attended Community Day in partnership with Public Works with Lewiston, welcomed members of the community who attended that event. Recognized the success of LobsterFest. Recognized Cynthia McFadden on her retirement. The Water District Board of Trustees meeting will be held this week.

b. City Councilors' Reports

Councilor Gerry thanked the City Manager for his response on staffing over the last 10 years. Councilor Whiting recognized Lief Walker as valedictorian of ELHS. Councilor Cowan spoke on public safety and substance abuse; there has been a 16% decrease in the number of deaths. Noted the next meeting of the homelessness committee. Councilor Milks stated an Auburn Sewer District trustee meeting will occur on Tuesday at 4pm. Councilor Walker thanked CDBG for a successful clothing give away event. Over 125 people showed up, over 3,000 pieces of clothing were given away. Thank you to the Senior Age Friendly Committee and Edward Little seniors for help. This event will also be held in the fall. Mentioned a few public meetings occurring in the community. Councilor Platz congratulated Anaya Egge; informed Council of the School Commitee's recent actions including vacating the lease at 1830 Lisbon St (previously the Sheriff's Center which is now a non-profit) and filing 7 $5,000 applications for DOE Construction Applications to assist in rehab of physical buildings and assets of the school department. The Mayor commented if this is in conjunction with another project; Councilor Platz would follow up. The Conservation Working group will be meeting this week.

c. City Manager Report

Welcomed Anaya Egge and spoke on the role of the Student Representatives. Recognized National Public Works week. On June 2, there will be a dedication of the ballfields at Pettengill Park.

d. **February 2024 Finance Report** – Kelsey Earle, Finance Director

The Finance Director spoke that there are no concerns; permitting revenues has a positive revenue year to date. There was a notable decrease in utilities due to the changes from the Energy and Facilities department.

IX. Executive Session

None.

X. Adjournment

Motion to adjourn at 7:50pm. Motion made by Councilor Platz, seconded by Milks. Motion passed 7-0. *Council re-entered Workshop to complete CIP item on Public Works and Engineering.*

A true copy attest **Emily Carrington, City Clerk**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 3, 2024 **Order:** 82-06032024

Author: Kelsey Earle, Finance Director

Subject: FY25 CIP First Reading

Information: First reading of the revised FY25 Capital Improvement Plan (CIP). Changes were made at the May 20th, 2024, workshop to add $3million for Merrow Road project. Second reading/public hearing and final action scheduled for the June 17th, 2024, meeting.

City Budgetary Impacts: None at this time.

Staff Recommended Action: Review the proposed FY25 CIP plan/projects.

Previous Meetings and History: The 5 Year CIP Plan was discussed at several workshops and adopted at the 4/1/2024 Council meeting. Final review was conducted at the 5/20/2024 workshop.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
FY25 CIP plan with 5/20/2024 revision, public hearing notice, order

BUDGET FY25
CITY OF AUBURN MUNICIPAL BUDGET

Fiscal Year 2025
Proposed 4.1.2024
Revised 5.20.2024
Adopted

CAPITAL IMPROVEMENT PLAN
FY 25 BONDS

Description			Total
Airport	Annual Pavement Management Program		$ 150,000
Airport	Congressionally Directed Spending (CDS) Hangar Project		$ 68,750
Clerk	Record Restoration		$ 100,000
Fire	Engine 2 Reconditioning		$ 250,000
IT	Security Camera Project		$ 90,000
LA 911	Server Infrastructure Replacement		$ 150,000
Planning & Permitting	Dangerous Buildings and Junkyard Cleanups		$ 150,000
Planning & Permitting	Comprehensive Plan Program		$ 220,000
Police	Mobile Data Terminal Replacement		$ 135,000
Engineering	Merrow Road Reconstruction		$ 3,000,000
Engineering	Whitman Spring Repair		$ 150,000
Engineering	Reconstruction		$ 1,800,000
Engineering	Reclamation		$ 1,500,000
Engineering	Major Drainage		$ 500,000
Engineering	MDOT Match		$ 1,500,000
Engineering	Resurfacing		$ 1,600,000
Engineering	Pavement/Retaining Wall Assessment		$ 125,000
Engineering	Sidewalk Repairs		$ 100,000
Engineering	Downtown Parking and Walkability-Grant Match		$ 400,000
Facilities & Energy	Auburn Hall Boiler/Mechanical Upgrades		$ 550,000
Facilities & Energy	Engine 2 Station Reconstruction		$ 2,000,000
Facilities & Energy	Public Library Building Envelope, Repairs & Design Cost Analysis		$ 75,000
Facilities & Energy	Public Library Boilers Replacement		$ 575,000
Public Works	Replace Vactor Truck		$ 590,000
Public Works	Replace Boom Lift School and Public Works		$ 77,000
Public Works	Annual Park & Walkway Light Replacement		$ 100,000
Public Works	Replace 7yd plow truck (plowing/sanding and roadway maintenance)		$ 325,000
Public Works	Recreation Mini Bus replacement/upgrade		$ 110,000
Transportation	Traffic Calming & Pedestrian Safety		$ 175,000
Transportation	LATC Bus Replacement		$ 50,000
		TOTAL BOND CIP	$ 16,615,750

FY 25 Other Funds

Description		Funds	Total
Airport	Fire Fighting Foam Trailer (Mobile)	Grant	$ 32,500
Finance	Revaluation	Special Financing	$ 400,000
Fire	Apparatus Replacement- Engine 5	Special Financing	$ 1,100,000
Fire	Fire Hose Replacement	Operating	$ 40,000
EMS	Ambulance Replacement	Grant	$ 50,000
EMS	Stretcher Replacement	EMS Reserve	$ 32,000
Police	10 Pole Mounted Radar Signs	Operating	$ 38,000
Facilities & Energy	Tot Lot Roof Replacement	Operating	$ 25,000
Public Works	Replace Car 93	Operating	$ 50,000
Public Works	Police Vehicle Replacement	Operating	$ 234,000
Public Works	Battalion Chief Command Vehicle Replacement	Operating	$ 80,000
		TOTAL OTHER CIP	$ 2,081,500

TOTAL FY 25 CAPITAL IMPROVEMENT PLAN	$ 18,697,250

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

On Monday, June 3, 2024, the Auburn City Council gave first reading on a proposed order authorizing the City's general obligation bonds in the principal amount not to exceed **$16,615,750** to finance the City's FY25 Capital Improvement Program (subject to change as described below). Pursuant to Section 8.13 of the City Charter, notice is hereby given that the City Council will hold a public hearing and second reading on the order on **Monday, June 17, 2024, at 7:00 p.m**. in the Council Chambers, Auburn Hall, 60 Court Street. A copy of the order is available for inspection on the City's website: **auburnmaine.gov/pages/government/budget-fy25.**

At or following said public hearing or second reading, and prior to final City Council action, the City Council may add, remove or otherwise revise the list of projects and may increase the foregoing amount of bonds by up to 10%. The City Council expects to take final action on the order following second reading at the said June 17, 2024 meeting.

Members of the public attend the meeting in person and offer public comment during the meeting. Comments may also be submitted via email sent to: **comments@auburnmaine.gov**. Any submitted comments will be included in the meeting minutes.

The meeting will also be broadcast on Great Falls TV (cable channel 1302) and on the City of Auburn YouTube channel.

MAINE TRUST
– for Local News –

Order Confirmation

Jill Eastman
Auburn, City Of
Finance Dept.
60 Court St., Suite 411
Auburn, ME 04210
(207) 333-6600
ap@auburnmaine.gov

Thank you for placing your advertisement.

Your order information is below. This is not a bill.

Thank you!

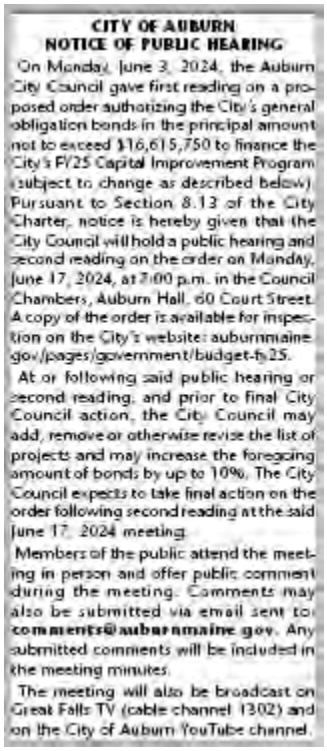
Bruce Marquis

Ad Information : CITY OF AUBURN NOTICE OF PUBLIC HEARING On Monday, June 3, 2
Planning Notes :

Order Number	**0499503**	Order Price	**$123.68**
Sales Rep.	**Bruce Marquis**	PO No.	**ecarrington@auburnmaine.gov**
Account	**S38471**	Payment Type	**Invoice**

Publication	**Sun Journal**	Number of dates	**1**
First Run Date	**05/28/2024**	Last Run Date	**05/28/2024**
Section	**Legal**	Classification	**Legal**
Size	**x1**	Color	**Black & White**

Publication	**Online Upsell SUN**	Number of dates	**1**
First Run Date	**05/28/2024**	Last Run Date	**05/28/2024**
Type	**Impressions**	Count	**1,000**
Size	**Not Applicable**	Color	



CITY OF AUBURN
NOTICE OF PUBLIC HEARING

On Monday, June 3, 2024, the Auburn City Council gave first reading on a proposed order authorizing the City's general obligation bonds in the principal amount not to exceed $16,615,750 to finance the City's FY25 Capital Improvement Program (subject to change as described below). Pursuant to Section 8.13 of the City Charter, notice is hereby given that the City Council will hold a public hearing and second reading on the order on Monday, June 17, 2024, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street. A copy of the order is available for inspection on the City's website: auburnmaine.gov/pages/government/budget-fy25.

At or following said public hearing or second reading, and prior to final City Council action, the City Council may add, remove or otherwise revise the list of projects and may increase the foregoing amount of bonds by up to 10%. The City Council expects to take final action on the order following second reading at the said June 17, 2024 meeting.

Members of the public attend the meeting in person and offer public comment during the meeting. Comments may also be submitted via email sent to: **comments@auburnmaine.gov**. Any submitted comments will be included in the meeting minutes.

The meeting will also be broadcast on Great Falls TV (cable channel 1302) and on the City of Auburn YouTube channel.

Published: Sun Journal, 5/28/2024

ORDER 82- 06032024

City Council Order

IN CITY COUNCIL

ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Following a public hearing duly called and held as required by Article 8, Section 8.13 of the City Charter, **by the Auburn City Council BE IT ORDERED:**

THAT, pursuant to Title 30-A, §5772 of the Maine Revised Statutes, as amended, the City Charter, as amended, and all other authority thereto enabling, there is hereby authorized the issue and sale of the City's general obligation bonds (the "Bonds") and notes in anticipation thereof (the "Notes"), in the principal amount not to exceed $16,615,750, the proceeds of which, including original issue premium, if any, and investment earnings thereon, are hereby appropriated to finance the capital equipment and capital improvements listed in Schedule 1 hereto (including costs of issuance for the Bonds)(the "Projects"), all constituting a part of the City's FY25 Capital Improvement Program.

THAT the Bonds and Notes shall be signed by the manual or facsimile signatures of the City's Finance Director and its Treasurer (provided that at least one of such signatures shall be a manual signature), attested by the City Clerk under the seal of the City.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the time of the sale, award and settlement of the Bonds and Notes, which may be issued at one time, or from time to time, through a public offering or a private placement, on a competitive or negotiated basis, in serial form or as term bonds, or some combination of any of the foregoing, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the date, form, denominations, interest rates, maturities (not to exceed the maximum term authorized by law), provisions for early redemption, and all other details of such Bonds and Notes, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT to the extent not payable from other funds, each year that any of the Bonds remain outstanding, the City shall levy a tax in an amount sufficient to pay the annual installment of principal and the annual interest on such Bonds.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things necessary and expedient in respect in connection with the financing of the Projects and the issuance the Bonds and Notes, and the investment of the proceeds thereof, including to select a financial advisor, underwriter, or paying agent/registrar with respects to the Bonds and Notes, and to execute, deliver and approve all agreements, investment agreements, bond purchase agreements, preliminary and final official statements or other offering documents, escrow agreements, continuing disclosure agreements, tax compliance agreements, or arbitrage certificates, and all other closing certificates and documents (collectively referred to as the "Bond Documents"), which Bond Documents

City Council Order

may be in such form and contain such terms, conditions and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, which waiver of sovereign or governmental immunity is hereby authorized, confirmed and approved, as the Finance Director shall establish, determine and approve, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT to the extent the Bonds or Notes are issues on a tax-exempt basis, the Finance Director is hereby authorized, in the name of and on behalf of the City:

- To covenant, agree and certify (A) that no part of the proceeds of such Bonds and Notes shall be used directly or indirectly to acquire any securities or obligations or property, the acquisition or use of which would cause the Bonds or Notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended, and (B) that the City will file any required reports and take any other action that may be necessary to insure that interest on the Bonds or Notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds and Notes to be subject to federal income taxation; and

- To designate the Bond or Notes, or a portion thereof, as qualified tax-exempt obligations under and as permitted by Section 265(b)(3) of the Code, to the extent such designation is available and permissible under said Section 265(b)(3).

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the Bonds, Notes or any related Bond Document, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, in an interim or acting capacity, is hereby authorized, in the name of and on behalf of the District, to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT if any authorized representative of the City who has signed or sealed the Bonds or Notes shall cease to be such officers or officials before the Bonds or Notes so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or Notes nevertheless may be issued, delivered and authenticated with the same force and effect as though the person or persons who signed or sealed such Bonds or Notes had not ceased to be such officer or official; and also any such Bonds or Notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or Notes, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or Notes any such person shall not have been such officer or official.

THAT if the actual cost of any Project differs from the estimated cost, whether due to completion, delay or abandonment of such Project or for any other reason, the Finance Director is hereby authorized, in the name of and on behalf of the City, in her discretion, to reallocate proceeds of the Bonds and Notes to any other listed Project, or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

ORDER 82- 06032024

City Council Order

THAT the authority to issue any Bonds or Notes not issued within 2 years of the date of approval of this Order shall automatically expire 2 years from the date of approval of this Order.

THAT notwithstanding the foregoing paragraph, during the term any of the Bonds issued pursuant to this Order remain outstanding, the Finance Director is hereby authorized, in the name of and on behalf of the City, to issue refunding bonds on either a current or advance refunding basis, to refund some or all of the Bonds then outstanding, and to establish, determine and approve the time of the sale, award and settlement of such refunding bonds, the date, form, denominations, interest rates, maturities (not to exceed the maximum term authorized by law), provisions for early redemption, and all other details of such refunding bonds, such establishment, determination and approval to be conclusively evidenced by the execution thereof, and to execute and deliver, in the name of and on behalf of the City, such additional Bond Documents as may be reasonable or necessary with respect to such refunding, and each refunding bond issued hereunder shall be signed in the same manner as the Bonds.

THAT prior to the issuance of the Bonds or Notes, the Finance Director is hereby authorized to expend available funds of the City to pay costs of the Projects (referred to as "original expenditures") which would be reimbursed from proceeds of the Bonds or Notes; to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such Bonds or Notes, and this Order shall constitute a Declaration of Official Intent pursuant to Treasury Regulation §1.150-2, and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

A notice describing the above borrowing and the general purpose of such borrowing was published on or before June 3, 2024, in the *Sun Journal*, a daily newspaper of general circulation published in the City of Auburn and in Androscoggin County.

NOTE: Must be approved by roll call vote.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Adam R. Platz, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffery D. Harmon, Mayor
Stephen G. Milks, Ward Three
Belinda A. Gerry, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 82- 06032024

City Council Order

Schedule 1

CAPITAL IMPROVEMENT PLAN
FY 25 BONDS

	Description		Total
Airport	Annual Pavement Management Program		$ 150,000
Airport	Congressionally Directed Spending (CDS) Hangar Project		$ 68,750
Clerk	Record Restoration		$ 100,000
Fire	Engine 2 Reconditioning		$ 250,000
IT	Security Camera Project		$ 90,000
LA 911	Server Infrastructure Replacement		$ 150,000
Planning & Permitting	Dangerous Buildings and Junkyard Cleanups		$ 150,000
Planning & Permitting	Comprehensive Plan Program		$ 220,000
Police	Mobile Data Terminal Replacement		$ 135,000
Engineering	Merrow Road Reconstruction		$ 3,000,000
Engineering	Whitman Spring Repair		$ 150,000
Engineering	Reconstruction		$ 1,800,000
Engineering	Reclamation		$ 1,500,000
Engineering	Major Drainage		$ 500,000
Engineering	MDOT Match		$ 1,500,000
Engineering	Resurfacing		$ 1,600,000
Engineering	Pavement/Retaining Wall Assessment		$ 125,000
Engineering	Sidewalk Repairs		$ 100,000
Engineering	Downtown Parking and Walkability-Grant Match		$ 400,000
Facilities & Energy	Auburn Hall Boiler/Mechanical Upgrades		$ 550,000
Facilities & Energy	Engine 2 Station Reconstruction		$ 2,000,000
Facilities & Energy	Public Library Building Envelope, Repairs & Design Cost Analysis		$ 75,000
Facilities & Energy	Public Library Boilers Replacement		$ 575,000
Public Works	Replace Vactor Truck		$ 590,000
Public Works	Replace Boom Lift School and Public Works		$ 77,000
Public Works	Annual Park & Walkway Light Replacement		$ 100,000
Public Works	Replace 7yd plow truck (plowing/sanding and roadway maintenance)		$ 325,000
Public Works	Recreation Mini Bus replacement/upgrade		$ 110,000
Transportation	Traffic Calming & Pedestrian Safety		$ 175,000
Transportation	LATC Bus Replacement		$ 50,000
		TOTAL BOND CIP	$ 16,615,750

Richard S. Whiting, Ward One
Timothy M. Cowan, Ward Two
Stephen G. Milks, Ward Three
Benjamin J. Weisner, Ward Four
Leroy G. Walker, Sr., Ward Five
Belinda A. Gerry, At Large
Adam R. Platz, At Large
Jeffery D. Harmon, Mayor
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 3, 2024 **Order:** 83-06032024

Author: Denis D'Auteuil, Executive Director of Public Services

Subject: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the IAMAW AFL-CIO Union for Custodians and Maintenance covering 07/01/2024 to 06/30/2027

Information:

The following is a summary of the changes:

- FY 25 Cola 3% on 7/1/24; FY 26 Cola 3% on 7/1/25 and 1.5% on 1/1/26; FY 27 Cola 3% on 7/1/26 and 1.5 on 1/1/27
- 2nd shift 3% pay differential effective 7/1/25
- Additional 3 Floaters in lieu of smaller holidays off
- Increase in vacation maximums
- Increase in sick time cash out amounts upon retirement
- Updated bereavement leave language
- Updated language on over time, lunch breaks, and custodian work hours
- Implementation of Health Promotion Program to help reduce premium costs

---

City Budgetary Impacts:

Staff Recommended Action: Staff recommends the City Council vote for passage of this order.

Previous Meetings and History: Executive Session held May 20, 2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: IAMAM AFL-CIO Collective Bargaining Agreement

COLLECTIVE BARGAINING AGREEMENT

BETWEEN THE

CITY OF AUBURN

AND THE

DISTRICT LODGE 4, LOCAL LODGE S-89

OF THE

INTERNATIONAL ASSOCIATION

OF

MACHINISTS AND AEROSPACE WORKERS (IAMAW), AFL-CIO

FOR THE

AUBURN SUPPORT PERSONNEL

2024-2027

Table of Contents

PREAMBLE 3
ARTICLE 1 - RECOGNITION 4
ARTICLE 2 – MANAGEMENT RIGHTS 5
ARTICLE 3 - GRIEVANCE PROCEDURE 6
ARTICLE 4 - NEGOTIATING PROCEDURE/LABOR-MANAGEMENT 8
ARTICLE 5 – UNION REPRESENTATION 9
ARTICLE 6 - EMPLOYMENT, WAGES AND BENEFITS 10
ARTICLE 7 - LEAVES 15
ARTICLE 8 - EMPLOYEES' RIGHTS 18
ARTICLE 9 – RETIREMENT 22
ARTICLE 10 - JOB CLASSIFICATION 22
ARTICLE 11 – INSURANCE 22
ARTICLE 12 – COURSE REIMBURSEMENT 25
ARTICLE 13 – MISCELLANEOUS 25
ARTICLE 14 - DURATION OF AGREEMENT 26
APPENDIX A – SALARY SCALES 27
APPENDIX B: CITY OF AUBURN HEALTH PROMOTION PROGRAM 28

PREAMBLE

This Agreement has been entered into this __st day of May 2024 by and between the City of Auburn, Auburn, Maine, hereinafter referred to as the "City" and the District Lodge 4, Local Lodge S-89 of the International Association of Machinists and Aerospace Workers (IAMAW), AFL-CIO, hereinafter referred to as the "Union".

The City of Auburn and the IAMAW Local S-89 agree that they share a joint interest and dedication to operate within their respective duties and powers to provide the best possible education system for the children of Auburn.

The rights and lawful administrative and executive powers of the City of Auburn are acknowledged.

It is hoped that the mutual respect held by each of the parties to this agreement will engender a spirit of cooperation, which will result in the finest quality education.

WHEREAS, the City and the Union both recognize that providing a quality education for the children of the Auburn public schools is a mutual aim, and that the character of such education depends in large measure upon the quality and morale of the members of the Union as well as upon policies and programs established by the City; and

WHEREAS, the City and the Union have a statutory obligation, pursuant to 26 M.R.S.A § 961, to negotiate and confer in good faith with respect to wages, hours, working conditions, and contract grievance arbitration; in accordance with 26 M.R.S.A § 965 (C); and

WHEREAS, the parties have reached certain understanding, which they desire to confirm in this Agreement; therefore,

RESOLVED: That it is agreed as follows:

ARTICLE 1 - RECOGNITION

A. Union Recognition
The City hereby recognizes the Union as the sole and exclusive bargaining representative as defined under 26 M.R.S.A. § 962, for the entire group of custodian/maintenance employees, and therefore shall not recognize nor negotiate with any employees' organization other than the I.A.M.A.W. for the duration of this Agreement except as provided for by statute.

B. Definitions

1. The term "school", as used in this Agreement, means any location or part thereof where instructional activity is carried on.

2. Unless otherwise indicated, the term "employees", when used hereinafter in this Agreement, shall refer to all positions listed in Appendix A, represented by the Union in the negotiating unit as above defined. Whenever the singular is used in the Agreement, it is to include the plural.

3. The term "workdays" shall refer to working days except for Saturday, Sunday, and holidays.

4. The term "week" shall refer to five (5) calendar days, normally Monday through Friday.

5. The term "City Manager/Designee" shall refer to the City Manager, the Assistant City Manager, and the Director of Public Works.

6. The term “Emergency Operation” shall mean any call-in by Public Works Director/Designee as necessitated to handle any inclement weather conditions or situation requiring city employees, which requires employees to report to duty.

C. Whenever the City creates a new position within the bargaining unit, it shall provide written notice to the Union. The Union may request a meeting to discuss whether the position should be included or excluded from this bargaining unit.

ARTICLE 2 – MANAGEMENT RIGHTS

A. Except as otherwise provided in this Agreement, the Union agrees, subject to its right to meet and consult regarding changes, that the City and its designees shall retain all rights and authority to manage and direct its employees. Such matters shall include, but are not limited to:

1. The executive management and administrative control of the school system and its functions and programs, including the development of budgets and actions as may be necessary to meet emergency situations;

2. To hire, promote, suspend or discharge for just cause, to layoff, to recall employees and to maintain discipline and efficiency;

3. Assign and direct the work of all employees, determine the number of shifts, hours, days of work, and start-times and scheduling of all employees;

4. To determine the policy affecting the selection, testing or training of employees;

5. To establish the work and school calendar;

6. To determine the services, supplies and equipment necessary to continue its operations and to determine the methods, schedules and standards of operation, the means, methods and processes of carrying on the work, including any changes, automation, or institution of new methods or processes;

7. To adopt rules and regulations;

8. To determine the location or relocation of its facilities, including the establishment or relocation of schools, buildings, departments, divisions or subdivisions and the relocation or closing of offices, departments, schools, programs, divisions or subdivisions, buildings or other facilities;

9. To determine the placement of operations, production, services, maintenance or distribution of work and the source of materials and supplies;

10. To determine the financial policies, including all accounting procedures and all matters pertaining to public relations;

11. To determine the size of the management organization, its functions, authority, amount of supervision and table of organization;

12. To select and utilize technology; and

13. To eliminate work or services, to establish, change, combine or discontinue classifications and the numbers of personnel required, and to permit non-bargaining unit members to perform bargaining unit work.

ARTICLE 3 - GRIEVANCE PROCEDURE

Section 1 - Definition

A grievance shall be defined as any dispute or disagreement raised by an Employee against the City involving interpretation or application of the specific provisions of this Agreement. If a grievance affects a group of employees from more than one school, the Union's appropriate committee may, with the consent of the employees involved, submit the grievance in writing to the City directly and the processing of such grievance shall commence at level two. Such procedures will include the names and locations of those individuals who are allegedly affected. The Union's appropriate committee may process such grievance through all levels of the grievance procedure.

Grievances filed under the terms of this Agreement shall be processed, up to and including arbitration, under the language in the Agreement at the time the grievance was filed even though a new Agreement has been negotiated subsequent to the grievance being filed, unless the parties have resolved the outstanding grievance(s) during the negotiations of the new Agreement.

The Unions Business Representative may be involved in any step of the grievance procedure at the Unions discretion. Failure on the part of the City or its agent to respond to a grievance in the time specified shall automatically give the grievant access to the next step of the procedure.

All grievances shall be settled in the following manner:

Step 1 - The aggrieved employee(s) and the Union steward shall notify the employee(s)' immediate supervisor of a grievance within ten (10) working days of the event which caused the grievance. In an effort to resolve the grievance, a meeting shall be arranged involving the aggrieved employee(s), a union steward, the employee(s)' supervisor and the Public Works Operations Manager or Deputy Public Works Director. The purpose of

the meeting will be to share information, to review the grievance and to attempt to resolve or settle the dispute. The meeting shall be held within ten (10) working days from the date of notification to the employee(s)' supervisor. Written documentation of the result(s) of the meeting will be given to the aggrieved employee and the union within five (5) working days.

Step 2 - If the results of Step 1 are not satisfactory to the employee, the employee and steward may appeal to the Public Works Director or his designee in writing within ten (10) working days of the date of the Step 1 meeting documentation. The Public Works Director or his designee shall attempt to resolve or settle the dispute promptly and shall submit a written report of his action to the employee within ten (10) working days of its presentation.

Step 3 - If the Public Works Director's action is not satisfactory to the employee, the employee and steward may appeal the case to the City Manager in writing within ten (10) working days of the decision of the Director. The Manager or his/her designee shall forthwith consider the appeal and may hold a meeting or hearing at his/her option. The City Manager shall reach a decision within ten (10) working days of receipt of the employee's appeal and submit his/her decision in writing to the employee.

Step 4 - If the grievance is not settled in accordance with the foregoing steps, then the City and/or the Union may refer the grievance to mediation within ten (10) working days after the receipt of the City Manager's decision. The parties shall utilize the Maine Labor Relations Board mediation procedures in accomplishing the purposes of this step.

Step 5 - If the grievance is not settled in accordance with the foregoing procedure, the Union may refer the grievance to binding arbitration within ten (10) calendar days after the completion of the mediation process prescribed in Step 5. The parties shall attempt to agree upon an arbitrator within five (5) calendar days after receipt of notice of referral and in the event the parties are unable to agree upon an arbitrator within said five (5) day period, the parties shall immediately jointly request the American Arbitration Association to submit a panel of five (5) arbitrators. Either party may reject the entire panel. Both the City and the Union shall have the right to strike two (2) names from the panel. One party shall strike the first name, the other party shall then strike a second name, the first party a third name, and other party a fourth name, and the remaining person shall be the arbitrator. The order of striking shall be determined by a coin toss.

1 - The arbitrator shall be notified jointly by the parties of his/her selection and shall be requested to set a time and place for the hearing, subject to the availability of Union and City representatives. The arbitrator shall submit his/her decision in writing

within thirty (30) calendar days following the close of the hearing or the submission of briefs by the parties, whichever is later. The fees and expenses of the arbitrator shall be divided equally between the City and the Union, provided, however, that each party shall be responsible for compensating its own representatives and witnesses. If the above selection procedure fails to produce an arbitrator, then a request for arbitration will be submitted to the Maine Labor Relations Board. The decision of the arbitrator shall be final and binding except the arbitrator shall be without power of authority to make any decision, which requires the commission of an act prohibited by law or which alters or modifies the terms of this Agreement.

2 - The Union or its authorized representative shall have the right to examine time sheets and any other records pertaining to the computation of compensation of any individual or individuals whose pay is in dispute or records pertaining to a specific grievance, provided such requests are first made in writing to the Director of Public Works.

3 - The time limits for the processing of grievances may be extended by consent of both parties, followed by written confirmation including a defined time period for the extension.

4 - All grievances shall be initiated not later than ten (10) working days after the occurrence of the event giving rise to the grievance.

ARTICLE 4 - NEGOTIATING PROCEDURE/LABOR-MANAGEMENT

CITY

A. Not later than October 1st, the City agrees to begin negotiating with the Union in executive session pursuant to 26 M.R.S.A §965, in accordance with the procedure set forth herein, to secure a successor agreement. Any agreement so negotiated shall apply to all employees in the unit, be reduced in writing, be adopted by both City and the Union, and be signed by the designated representatives of the City and of the Union. The parties hereto agree that the signed Agreement shall be accepted as written notice for collective bargaining for a successor agreement to this one, as stipulated under 26 M.R.S.A. §965.

Should a mutually acceptable amendment to the Agreement be negotiated by the parties, it shall be reduced to writing, be voted by the City Council and the Union, and signed by designated representatives of the City and the Union.

B. During negotiations, the City and the Union shall present relevant data and

exchange points of view. Other negotiation methods, with the mutual consent of the parties, may be followed.

C. Neither party in any negotiations shall have any control over the selection of the negotiating representatives of the other party.

D. Labor-Management Committee

A labor-management Committee shall meet monthly, or as needed, to address mutual concerns. This Committee shall be expanded to include appropriate membership qualified to address specific issues. Should a mutually acceptable clarification or interpretation of a provision to the Agreement be reached by the parties, it shall be reduced to writing as a memorandum of understanding and signed by the representative of the City and the Union and attached to this Agreement.

ARTICLE 5 – UNION REPRESENTATION

A. Whenever any representatives of the Union or any employee is mutually scheduled by the parties to this Agreement to participate during working hours in negotiations, grievance proceedings, conferences, or meetings, s/he shall suffer no loss of pay.

B. Representatives of the Union shall be permitted to transact official Union business on school property at all reasonable times, provided that the conduct of this business shall not interfere with or interrupt normal school operations or the responsibilities of the employee and shall be at no expense to the City. The right to use school buildings for meetings will be with the approval of the principal and Superintendent. All Union visitors shall register at the office of the building principal before conducting Union business on school property during normal working hours.

C. The Union shall be allowed to use school facilities and equipment, including typewriters, computers, duplicating equipment, calculating machines, and all types of audio-visual equipment at reasonable times, when such equipment is not otherwise in use and with the approval of the principal. The Union shall furnish its own materials and supplies and pay for repairs incident to such use.

D. The Union shall have the right to use the inter-school mail facilities and school mailboxes, as it deems necessary.

E. The Union shall have the right to post notices on one bulletin board per work area, provided that no such notice shall be posted in areas to which the public has

normal access. A copy of all notices shall be sent to the City.

F. The City will provide to the Union a list of new hires, with name, address, work location and position, within ten (10) working days from date of the City's approval.

G. Dues Deduction from Salary

1. The City agrees to deduct from employees' salaries along with other authorized deductions, Union dues for the local, state, and national association, as said employees individually and voluntarily authorize the City to deduct. Total dues deduction shall be transmitted to the Union.

2. The City agrees to recognize payroll deduction forms signed by individual members. The City shall deduct Union dues from the weekly paycheck of bargaining unit members.

3. The Union shall certify to the City in writing the current rate of local, state and national members' dues on or before June 1st for the following school year beginning July 1st.

4. Any change in deductions shall be processed monthly on a date designated by the Business Office. Deduction forms shall be available from the Union. The City will notify the Union, in a timely manner, of any member who notifies the business office of their termination of union membership. The City shall not be responsible for the enforcement of this provision.

5. The Union shall indemnify, defend including any legal costs, and hold the City harmless against any claim made and against any suits against the City on account of payroll deduction of dues

ARTICLE 6 - EMPLOYMENT, WAGES AND BENEFITS

A. Work Schedules

1. This Article defines the normal hours of work and establishes the basis for the calculation of overtime. It is not, however, a guarantee of hours of work per day, work period, month, or year. It is not intended to establish a right to compensation in any form for time not worked except as specifically provided for in this Article. An employee's scheduled work hours may be changed for bona fide economic or program changes to meet the needs of the Auburn School Department. To the extent possible and except for a temporary change, an employee shall be provided a two-week written notice.

2. Custodian Work Schedule
    a. The work schedule for first shift will be 6:15 a.m. to 2:15 p.m.
    b. The work schedule for second shift will be 3 p.m. to 11:00 p.m.
    c. The City of Auburn reserves the right to change work shifts temporarily due to unforeseen circumstances, special needs, or emergencies, and will provide as much prior notice as possible to employees in these instances.

3. Effective 7/1/2026, Employees who are assigned to work second shift will receive a 3% shift differential pay on to their base hourly wage rate.

B. Direct Deposit

The employee's wages shall be transmitted through direct deposit to any participating financial institution designated by the employee.

C. Overtime

The City shall pay time and one half after eight (8) hours in any single day. For the purposes of overtime, hours worked shall be counted including the time on paid holidays, paid vacations, and any prearranged doctor's appointments covered by sick time.

D. Custodian Overtime Distribution

1. The intent of both the employee and employer in this section is to distribute overtime in a fair and just manner by classification as follows:
    a. School custodian - Overtime will be by rotation starting with most senior employee,
    b. Overtime will then be offered to Custodian district-wide by the most senior rotation.

E. Maintenance Overtime Distribution

Will be distributed using a rotation overtime list, starting with the most senior.

F. Mandatory Overtime

Mandatory overtime will be assigned to the least senior employee by rotation.

G. Rest Periods

1. All employees' work schedules shall provide for a ten (10) minute rest period during each four-hour shift. Such rest period shall be set by the supervisor and shall be scheduled at the middle of the shift whenever feasible.
2. Employees may take their rest period at other than the scheduled time only

when the circumstances of a particular work assignment make it impractical to take their break at the regularly scheduled time.

H. Meal Periods

The Custodian regular workweek shall be five (5) consecutive workdays, Monday through Friday, consisting of eight consecutive hours of work inclusive of a twenty (20) minute lunch break within the twenty-four (24) hour period. The normal workday, except in emergencies, is 6:15 a.m. to 2:15 p.m. In some instances, an Employee(s)' hours of work may be altered on a seasonal or temporary basis.

I. Clean-Up Time

All employees shall be granted ten (10) minutes personal clean-up time prior to the end of each eight (8) hour work shift. Supervisors shall grant this benefit to other employees in emergency situations.

J. Call Time

Any employee called to return to work from his/her home, outside his/her regular work schedule and not annexed to, shall be paid a minimum of three (3) hours at the prevailing wage rate. The minimum shall be figured portal to portal.

K. Mileage Reimbursement

Mileage rates for employees using their own vehicle on authorized school business shall be reimbursed at the allowable IRS rate. The employee shall submit a monthly mileage reimbursement form as provided by the Finance Department and which is available from his/her supervisor.

L. Holidays

1. The following shall be recognized and observed as paid holidays for all employees:
   Thanksgiving Day
   Day following Thanksgiving
   Christmas Day
   New Years Day
   Memorial Day
   Veterans Day
   Martin Luther King Day
   Indigenous Peoples' Day
   Independence Day
   Labor Day

2. If any employee is required by the Employer to work on any of the above listed days that are considered to be paid holidays, he/she shall receive regular pay for that day plus additional pay computed at time and a half for any hours worked on said holiday.

3. Whenever any of the above days fall during an employee's vacation time, the employee shall be paid his regular pay for that day and such a day shall not be counted as a vacation day.

4. To be eligible for holiday pay, an employee must work his/her last scheduled day before and after the holiday or be on an approved leave.

5. In addition, all employees in the bargaining unit will be entitled to three (3) individual floating holidays per contract year. Floating holidays must be taken within each contract year and requested by the employee at least 48 hours in advance, unless unusual circumstances exist. Scheduling and/or approval of the floating holidays shall be the responsibility of the Director of Public Works or designee who shall ensure that the floating holidays do not significantly interfere with the work and efficiency of the Department. Provisions shall be made, however, so that no employee forfeits any floating holidays.

M. Vacation Days

1. Employees
   a. An employee shall earn vacation according to continuous years worked in the City of Auburn and School Department. Vacation may be taken as accrued.

Vacation Days - Days/Hours/Maximum Accumulation			
Years of Service	**Accrual in Days**	**Accrual in Hours**	**Max. Accumulation in Days**
Up to 5 years - 1.167 days per month	14	112	27 days (216 hours)
More than 5 years - 1.42 days per month	17	136	30 days (240 hours)
15 years or more - 1.83 days per month.	22	176	35 days (280 hours)

b. The maximum accumulation days will be carried over into the new year (beginning July 1st).
c. Employees shall be given vacations according to the seniority in the bargaining unit.
d. Vacation time may be requested and taken in one-hour increments.

e. Accumulated vacation leave, subject to the maximum accumulation allowed, shall be paid to an Employee upon separation after six months employment or upon death, with no minimum employment, to his or her beneficiary.

2. Vacation for Planned Purposes - Custodians
   a. Vacation for planned purposes shall be scheduled at least one (1) week in advance and be limited to five (5) working days, provided that no unreasonable disruption to the system exists.
   b. Requests for vacation during the week immediately prior to the start of the school year will require permission of the building principal. Denial of such permission shall not be subject to the grievance procedure. Planned purposes include any vacation or recreational-type activities that are not urgent in nature and can be planned in advance.

3. Vacation for Planned Purposes - Maintenance Personnel
   a. Vacation for planned purposes for maintenance personnel shall be scheduled at the request of the employee provided one (1) weeks' notice is given. In the event that the employee does not provide the required one (1) weeks' notice, any request for the use of vacation time shall be subject to approval by the employee's immediate supervisor, Public Works Director or designee. Up to two (2) employees only may be granted vacation leave on the same day. The week immediately prior to the start of the school year will require approval. Denial of such permission shall not be subject to the grievance procedure.
   b. Planned purposes include any vacation or recreational type activities that are not urgent in nature and can be planned in advance.

4. Vacation for Unplanned Emergency Purposes
   a. Vacation may be used for an emergency, illness or injury, or other sudden necessity for which the employee does not have advance notice; is beyond the employee's control to schedule; and is otherwise unforeseeable.
   b. The employee's supervisor will request appropriate documentation

demonstrating the necessity of using Vacation leave for unplanned purposes if an employee requests such leave for three (3) consecutive work days or more.

c. Vacation time usage meets the compliance standard set forth by the State of Maine Earned Paid Leave Law.

N. Uniforms

1. Maintenance personnel and custodians will receive five (5) sets of work uniforms annually.

2. Each set of work uniforms shall consist of one (1) work shirt and one (1) pair of work pants. Custodian and maintenance personnel shall be provided summer cloth overalls and winter insulated coveralls or bib and jacket of their choice as needed.

3. The Employer will procure proper fitting work uniforms in appropriate colors as determined by the Employer. Employees will be responsible for furnishing shirt and pants sizes.

4. Employees' uniforms ruined as the result of on-the-job accidents will be replaced on a one-for-one basis, with prior approval by the supervisor.

5. Employees will be required to wear appropriate uniforms as furnished by the Employer without exception.

ARTICLE 7 - LEAVES

A. Sick Leave

1. Sick leave must be accrued before being used. Employees shall begin to accumulate sick leave from their date of hire. Full-time employees shall accumulate 1.25 days per month to a maximum of 15 days per year, accumulative to a total of 120 days. All other employees shall accumulate 1.3 days per month to a maximum of 13 days per year, accumulative to a total maximum of 65 days. Sick leave shall be earned for any month in which the employee is compensated for twenty [20] or more hours per week. Under unusual circumstances, the Public Works Director may grant additional days. In case of a prolonged illness of an employee, said employee shall be entitled to his/her unused accumulated sick leave.

2. Up to five (5) accumulated sick leave days can be taken for illness in the immediate family (those relationships as defined in Family Medical Leave Act [spouse, parent, son, daughter] as well as adult child and parent-in-law) if such illness requires care by the employee. The Superintendent, in the event of illness that requires care by the employee, may grant additional days. However, only one employee per family may be absent at any one time for a family illness, except in the case of a grave or terminal illness.

3. Full-time employees who work fewer than eight (8) hours /day shall be docked 1/2 day sick leave, full-time employees who work fewer than 2 hours per day shall be docked 1 day sick leave. Part-time employees who work fewer than 3 hours per day shall be docked 1/2 day sick leave; part-time employees who work fewer than 2 hours per day shall be docked 1 day sick leave.

4. An employee, who after a long illness or injury returns to his/her duties, may have his/her hours adjusted to allow for a gradual reentry under medical direction.

5. Employees shall be entitled to exchange three (3) consecutive months of perfect attendance for one (1) vacation day to be scheduled at the discretion of the Director of Public Works or designee. For the purposes of this section the three (3) month periods are established as follows; 1 – (July, August, September), 2- (October, November, December), 3 – (January, February, March), 4 – (April, May, June). Use of sick leave for any reason (except as noted below) during any three (3) month period will deem the Employee ineligible for the incentive for that period. If an employee has a preannounced doctor appointment and uses sick time for that appointment it will not have it counted against perfect attendance. It shall be the Employee's responsibility to notify the Department of his/her eligibility for this incentive. Upon earning an attendance incentive day and any earned vacation days shall be scheduled at the discretion of the Director of Public Works or designee. It shall be the Employee's responsibility to notify the Department of his/her eligibility for this incentive.

6. No employee shall be entitled to sick leave in any case in which her/his disability arises from an injury out of and in the course of gainful employment outside the school department.

B. Workers Compensation

1. Any employee who suffers a work-related injury and qualifies for payments under the Workers Compensation Act shall be compensated in accordance with Maine State Workers Compensation Law.

C. Jury Duty

1. In the event an employee must perform jury duty, said employee shall receive full pay and benefits while serving and shall upon receipt of the jury stipend, reimburse the City the full amount paid said employee or amount received from courts, whichever is less. If such reimbursement is not made within two (2) payroll dates, the City may deduct said amount from member's paycheck.

2. An employee performing jury duty, who is scheduled to work and there remains at least 2 hours of their regular work shift, may report to work that same day after jury duty lets out. That employee will be paid for a full shift, plus retain any jury payment. The time spent performing jury duty will not be required of the employee as make-up time. Said employee will report or call his/her supervisor and report whether he/she intends to report to work after jury duty.

D. New Child Leave

1. In the event of the birth or adoption of a child, Sick Leave time may be used for up to eight (8) weeks for maternity/paternity and bonding leave. Such leave shall run concurrent with any applicable FMLA leave, but lack of eligibility for FMLA leave will not preclude an employee from being able to take New Child leave under this article.

2. A leave of absence without pay for the remainder of the work year in which the pregnancy terminated may be granted upon written request of the employee involved.

E. Bereavement Leave

1. Up to five (5) days of consecutive leave, which includes the day of the funeral, shall be granted for death of an immediate family member. Immediate family for bereavement leave is defined as those relationships identified in the Family Medical Leave Act (spouse, domestic partner, child, stepchild, parent). A maximum of 3 (Three) days of consecutive leave which includes the day of the funeral, shall be granted for the death of immediate family members

which include parent-in-law, sibling, sibling-in-law, grandparent, grandparent in law and grandchild and any other person living with the employee in the employees household. If a death occurs during the winter season and a burial is planned for milder weather, part or all bereavement time can be saved for the funeral date provided it is used within 9 months and approved by the director. Additional days or travel time may be granted by the Director or his designee, for specific circumstances.

ARTICLE 8 - EMPLOYEES' RIGHTS

A. Seniority

1. Seniority List
   a. The Director of Public Works shall establish a Seniority List, updated each September and available by October 31st to the Union. Seniority in the bargaining unit shall be based on the employee's most recent date of continuous hire. The Seniority List within classification will be based upon the employee's start date of first employment in the following job classifications: Custodian and Maintenance Personnel.
   b. If an employee has served in more than one classification, s/he shall be listed in each classification and retain his/her years of service.

B. Reduction in Force

1. In the event of a reduction in force, seniority will be the factor determining the employees retained, provided the employees' demonstrated skills and qualifications are equal as determined by the Director of Public Works. Probationary employees will have no rights under this provision.

2. In the event that two or more employees have the same start date, their relative seniority shall be based upon the number of years worked for the Auburn City of Auburn in the School Maintenance unit. If the employees remain tied after the consideration of the above factor(s), a random drawing which shall be witnessed by two members chosen by the Union will occur at the time of layoff.

C. Recall

1. Employees shall be recalled from layoff according to their inverse order of layoff. No new employees shall be hired to fill any bargaining unit positions until all employees on layoff status have either been recalled or determined

unqualified for the opening.

2. An employee reemployed within eighteen (18) months of the effective date of layoff shall retain his/her seniority and all benefits accumulated prior to layoff. After an 18 months lapse, there is no commitment by the employer either implied or inferred that rehiring will occur. Any employee who declines a position as a result of a recall shall be removed from the recall list.

D. Probationary Period

1. A new employee shall be considered probationary for a period of nine (9) working months in a bargaining unit position and as such, shall not have recourse through the Discipline and Discharge section. Workday means any day Monday through Friday; time worked on Saturday or Sunday does not count towards probationary time. The new employee's termination, within the nine (9) working months, will incorporate a one-week notification.

2. An employee voluntarily transferring to a different position shall be placed on twenty (20) working days' probation. The employee will be returned to his/her previous job classification, at the discretion of management or employee, during this twenty (20) working day probationary period.

E. Job Opening

1. Whenever a job opening occurs within the bargaining unit, it will be added to the Vacancy List and posted for employees' viewing at least ten (10) calendar days before filling the position, to allow interested employees an opportunity to apply for the position. Any employee in the bargaining unit, including anyone on lay-off, may apply for any position.

2. The job shall be awarded based on seniority if the employee is in "good standing" based on information provided in the personnel file and has demonstrated the ability to fulfill the duties of the position as determined by the Director of Public Works.

3. A permanent vacancy shall be interpreted to mean an opening in a bargaining unit position created by a severance of employment, such as a resignation, or the creation of a new position within the bargaining unit.

4. Whenever there is a permanent vacancy of a position within the bargaining unit, the Director of Public Works will decide within thirty (30) days of the

vacancy whether the position will be continued, eliminated, or modified.

F. Transfers to Another Job Classification

1. A job transfer to another job classification is a change of duties from one classification to another in the bargaining unit.

2. Upon transfer, an employee currently in Step One of the pay scale will be placed in Step One of the new pay scale until he/she completes six (6) months in the employment of Auburn, at which time the employee shall be placed on Step Two of the salary schedule.

3. Upon transfer, an employee currently in Step Two of the pay scale will be placed in Step Two of the new pay scale until he/she completes twelve (12) months in the employment of Auburn, at which time he/she will be upgraded to Step Three of the new pay scale.

4. Upon transfer, an employee currently in Step Three of the pay scale will be placed in Step Three of the new pay scale after a probationary period of twenty (20) working days.

5. An opportunity for transfer to another bargaining unit position shall be posted for five (5) working days.

G. Transfer Within Classification

A transfer within classification is a change of location or job assignment within the same job classification, such as an opportunity for a custodian to change building location or shift. An opportunity for a transfer to within the same job classification shall be posted for five (5) working days.

H. Personnel Files

1. The City shall maintain, for official purposes, one personnel file for each employee. This file shall be kept under conditions that ensure its integrity and safekeeping and shall contain copies of personnel forms, official correspondence to and/or from the employee, written evaluations and other appropriate material relating to the individual's employment.

2. Employees shall be sent a copy of all material henceforth placed in the file at the same time the material is placed in the file. Anonymous or unattributed material shall not be placed in the file. An employee shall have the right to submit a written response within ten (10) days to any material placed in the

personnel file. This written response shall then be filed and attached to the appropriate material. In a specific personnel action, no use may be made of any material which has not been properly and timely placed in the personnel file.

3. Employees, and designated Union representatives with written authorization from the employee(s), shall have the right to examine their file in the presence of the file's custodian, or that individual's designee, during the normal business hours of the office in which the file is kept.

4. No person other than the employee, the employee's representative, the City when acting as a collective body, the Director of Public Works or his/her designee, the Human Resources Department or the employee's current or future supervisor shall have access to the employee's personnel file unless specific written authorization is granted by the employee.

5. The employee and/or duly designated Union representatives with written authorization may obtain copies of any material in the personnel file without cost, during the normal business hours of the office in which the file is kept.

6. By mutual consent between the employee and the City of Auburn or its designee, any item contained in an employee's personnel file may be removed and destroyed.

I. Discipline and Discharge

1. No non-probationary employee may be disciplined or discharged without just cause, and except under unusual circumstances, the following procedure shall be used:
   a. Oral warning accompanied by a memo to the employee that an oral warning has been given.
   b. Written warning which specifies the guidelines and the schedule for improvement for the employee.
   c. Suspension (reason(s) in writing).
   d. Written discharge which states the reason.

2. Unusual circumstances shall include, but are not limited to, insubordination, drinking on the job, stealing, fighting, or immoral conduct which:
   a. Prevents the employee from performing his/her job; or
   b. Prevents other employees from performing their job; or
   c. Prevents the employer from carrying out its mission; or

d. Proof of falsifying timecards will result in the immediate dismissal of the employee responsible.

3. Any discipline will remain on record for one year from date of issuance.

ARTICLE 9 – RETIREMENT

A. Retirement

The Employer shall continue its existing policy of paying Maine Public Employees Retirement for the duration of this contract.

One-half (1/2) of the accumulated sick leave, to a maximum of 75 days, shall be paid to an Employee upon retirement with 25 years of service, or upon death, to his or her beneficiary. One-half of accumulated sick leave to a maximum of 45 days will be paid to any Employee separating with ten (10) years of service. Computation of the value of each day paid shall be determined by dividing the most recent weekly salary by five.

B. Death Benefits

In the event of an employee's death, said employee's accrued vacation days shall be paid in his/her last paycheck.

ARTICLE 10 - JOB CLASSIFICATION

A. All newly hired custodians shall receive one (1) shift of on-the-job orientation before being assigned on their own. Whenever possible, such orientation shall be conducted on the same shift that the new custodian will be assigned to.

B. Existing Job Descriptions will be in effect at the time of this Agreement signing.

ARTICLE 11 – INSURANCE

A. Coverage

The City will make available to all regular employees and their dependents (as defined by the Maine Municipal Employees Health Trust) medical insurance through the Maine Municipal Employees Health Trust.

The City reserves the right to change or offer alternative insurance carriers, health maintenance organizations, preferred provider organizations, or benefit levels or to self-insure as it deems appropriate, so long as the new or alternative coverage and benefit meets the basic health insurance needs of the employees.

B. Cost Share

Effective 1/1/14 employees participating in the City's Health Promotion Plan will pay 15% of the monthly insurance premiums based upon the PPO 500 Plan through Maine Municipal Employees Health Trust. Employees opting into the POS C Plan will pay the difference in the increased cost share between the POS C Plan and the PPO 500 Plan.

Part-time regular (non-seasonal) employees working a minimum of 20 hours per work are eligible for the single subscriber coverage offered by the City. Part-time employees may, at their own expense, elect to provide coverage for their dependents as defined by the insurance carrier.

Effective 7/1/14, the City will implement a Health Reimbursement Account (HRA) for use toward deductibles and co-insurance in the amount of $500/year for Single subscribers and $1,000 for Family and Employee plus Child(ren) subscribers for employees who participate in the PPO 500 Plan. Unused money in the HRA rolls over from year to year and each fiscal year the City will refund each account up to the $500 and $1,000 maximums.

C. Cost Containment

In order to provide a good as well as affordable health insurance plan, the City reserves the right to institute cost containment measures so long as the basic level of insurance benefits remains substantially similar. Such changes may include, but are not limited to, mandatory second opinions for certain surgeries, hospital pre-admission and continuing admission review, primary care physician's referral to specialists, and mandatory out-patient surgery for certain designated surgical procedures. In order to maintain the 15% Employee contribution, the members of the bargaining unit agree to participate in a health promotion program attached to this agreement as Appendix B.

D. Terms of Insurance

The extent of coverage under the insurance policies (including HMO, self-insured plans, group life insurance and disability plans) referred to in the Employee Handbook shall be governed by the terms and conditions set forth in said policies and plans. Any questions or disputes concerning insurance policies or terms and conditions set forth in these policies or plans shall not be subject to a grievance. The failure of any insurance carrier(s) or plan administrator(s) to provide any benefit for which it has contracted or is obligated shall result in no liability to the City, nor shall such failure be considered a breach by the City, of any obligation undertaken under this or any other agreement.

Complete details of plan benefits are provided to each employee in a booklet furnished by the Maine Municipal Employees Health Trust at the time the employee enrolls in the health

insurance plan.

E. Payments to Employees who Waive Health Insurance Coverage

The City offers an incentive to employees known as the "Health Insurance Waiver Program". This is available to regular employees who do not need coverage under the City's health insurance plan because they have coverage through a spouse, domestic partner, second employer or the military. The City provides monthly payments to employees who drop all or a portion of their health insurance with the City so they can be covered by other insurance available to them. This saves the City money, provides additional compensation to the employee, eliminates, or reduces the weekly health insurance cost share and ensures that the employee and his/her family continues to receive health insurance.

Any employee waiving full or partial coverage for which he/she would be otherwise eligible shall be paid according to the following conditions.

- Any employee eligible for full family coverage or single coverage and who elects to waive health insurance coverage shall receive an amount equal to four (4) months of health insurance premiums based upon the PPO 500 premiums. The health insurance waiver payment calculations are based upon at least six (6) members of the bargaining unit waiving full or partial coverage with the City. If the number of members waiving health insurance coverage falls below six (6), the formula will revert back to three (3) months of health insurance waiver payments.
- An employee who is eligible for a full family plan but opts to take either a "single parent plan" or a "single" plan shall receive an amount equal to four (4) months of the difference in premiums between the plan for which he/she is eligible and the plan he/she opts to take.
- Employees who are married to other City employees and are covered as dependents under their spouse's plan shall be eligible for an amount equal to four (4) months of insurance premiums at the single rate.
- The payments in lieu of health insurance shall be based on the premiums in effect the month the premiums are paid.
- The annual amount will be divided by twelve (12) and paid out each month.
- If the employee wishes to be reinstated on the health insurance policy or change his/her coverage from a single plan or a single parent plan (if he/she would otherwise be eligible for full coverage) he/she may do so as long as he/she follows the insurance carrier's requirements for annual open enrollment or portability of coverage.
- In order to receive payment for waiving health insurance coverage or to be reinstated on the health insurance plan, the employee must submit written notice to the Human Resources Director and provide proof that the employee and/or his/her family has health insurance coverage through another carrier. Discontinuance of health insurance or reinstatement of coverage will be effective the first day of the following month in which

written notice has been received.

ARTICLE 12 – COURSE REIMBURSEMENT

A. Employees may submit a request for course reimbursement to the Director of Public Works. The Director will consider those requests based on the suitability for the intended position, and approval is contingent on available funds. The Director's decision is final. Such reimbursement shall be requested within ninety (90) days of course completion. Requests submitted between October 1st and May 31st will be reimbursed within thirty (30) days of submission. Requests submitted between June 1st and September 30th will be reimbursed in October.

B. An employee must be employed at the time payment is made, except an employee who is eliminated by a reduction in force shall be reimbursed if the approval and commencement of course(s) has occurred. S/he shall not be reimbursed for approved courses that commence after the reduction in force notice.

ARTICLE 13 – MISCELLANEOUS

A. If any provision of the Agreement is held to be contrary to the law, then such provision or application shall not be deemed valid and subsisting, except to the extent permitted by law, but all other provisions or applications shall continue in full force and effect.

B. This Agreement represents the entire understanding of the parties. Any agreements, past practices, past grievances settlements, and/or other settlements and/or other understandings written or unwritten, or other terms not specifically included in this Agreement shall no longer be applicable, unless mutually agreed to by the signatories of this Agreement.

ARTICLE 14 - DURATION OF AGREEMENT

This Agreement shall be effective as of July 1, 2024 for members of the bargaining unit employed as of its signing date and shall continue in effect through June 30, 2027. This Agreement shall not be extended orally and it is expressly understood that it shall expire on the date indicated.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and attested by their respective parties.

IAMAW District 4, Local S-89

By _____
Its President , Carol Sanborn

By _____
Danny N Loudermilk Jr.
Business Representative, District Lodge 4

By _____
Terrence Simpson
Union Steward, Local Lodge S89

By _____
Brian Hess
Union Steward, Local Lodge S89

By _____
Mike Dumais
Negotiating Committee, Local Lodge S89

City of Auburn

By _____
Its City Manager, Phillip L. Crowell, Jr.

Dated this ___day of _____, 2024

APPENDIX A – SALARY SCALES
Auburn Public Works
School Maintenance Personnel

Positions	**2024-2025**	**2025-2026 Effective 7/1/25**	**2025-2026 Effective 1/1/2026**
Custodian			
Starting	$20.73	$21.36	$21.68
6 Months	$21.25	$21.89	$22.21
12 Months	$21.76	$22.42	$22.75
Maintenance			
Starting	$22.23	$22.89	$23.24
6 Months	$22.74	$23.42	$23.78
12 Months	$23.26	$23.96	$24.31

	2026-2027 Effective 7/1/26	**2026-2027 Effective 1/1/27**
Custodian		
Starting	$22.33	$22.66
6 Months	$22.88	$23.22
12 Months $	$23.44	$23.79
Maintenance		
Starting	$23.93	$24.29
6 Months	$24.49	$24.86
12 Months	$25.04	$25.42

APPENDIX B: CITY OF AUBURN HEALTH PROMOTION PROGRAM

In recognition of the changing environment in which we all live, the City is commencing a long-term health promotion and health care management program to benefit all employees. The goals of the program are:

- Will prevent disease by rewarding employees for healthy behaviors.
- To over time, positively affect the rate of health insurance premiums paid by City of Auburn and its employees.

Participation in the Health Promotion Program is mandatory for all participants who elect the City of Auburn's Health Insurance plan. Employees who do not participate in the program will see their health insurance premium increase to 25% of the total cost of the plan they elect. Participants who elect the POS C plan will increase to 25% of the monthly cost, plus the difference of the preferred PPO 500 and the POS C plan. Participation in the program will reduce the benefit to 15%. To ensure that everyone can take advantage of this new benefit, the Health Promotion program is open to all employees regardless of whether or not they are covered by the City's health insurance plan.

There are five components to the Health Promotion Program:

1. Annual Physical. An active working relationship with an individual's primary care physician is the first step towards a proactive stance towards healthcare. Every employee and all dependents should participate in an annual physical with their primary care physician. Paid annual exams are included in the City's health insurance plan and by most other group health plans. The City expects that at a minimum, the annual exam will include a review of family history and risk factors; screening for heart conditions, cancer, high cholesterol, high blood pressure, and diabetes; routine blood work; and diagnostic testing based upon the individual's age, gender, and medical condition.

2. Health Risk Analysis. Every employee participating in the health promotion program will take a health risk analysis. Health risks analysis is completely confidential, and the individual results will not be shared with any city official.

3. Employee Best Efforts: Employees will make their best effort towards reaching the goals established by them. This will include individual behavior modification, education sessions, keeping appointments with physicians and completing the analysis and eventually goal achievement.

4. Periodic Follow-ups with the program. The more severe the health risk identified, the more frequently the employee and the educator will meet. Employees with fewer or less severe health risks may meet less frequently, but every employee will have follow-up sessions. The initial health risk analysis and follow-up sessions will be conducted at the employee's discretion.

5. Health Education. Throughout the year a series of health and prevention-oriented education sessions will be held. The results of the health risk analysis will provide some ideas for the health education sessions. Health education will be provided on site and may vary from department to department depending on identified needs. Employees will need to participate in at least 4 health sessions annually._

The City has engaged the services of MMEHT to conduct the health risk assessments and to assist with the health education sessions.
The Wellness Team will continue to play a key role in promoting health and well-being in the workplace. The Wellness Team will recommend health related programs and serve as an information conduit back to departments. In recognition of additional work and responsibilities, the Wellness Team is being broadened its membership to include representation from all the city departments. The Wellness Team is already working on the health promotion program by holding the logo contest and planning the health promotion kickoff event. The wellness team will be an integral player in the long-term management of the health promotion plan and additional incentive and support programs.

ORDER 83-06032024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with the IAMAW AFL-CIO, effective 07/01/2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 3, 2024 **Order:** 84-06032024

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: Initiating Zoning Map Amendment for the 526 and 550 Minot Ave

Information: This item is considering a zoning map amendment to amend approximately 8.17 acres from T-4.2B Traditional Neighborhood Development zoning district to the General Business II (Minot Ave) zoning district. The area proposed to be rezoned encompasses all of City Assessor's parcel I.D.s 209-035 and 209-034. The purpose of this proposal is to better support a new public safety facility by allowing the flexibility in form and design to best serve the needs of public employees.

Municipal services and facilities are permitted in all zoning districts, but form-based code, the current zoning, requires that new structures be built close to the public right of way. The design standards in form-based code are intended to encourage new development to emphasize the relationship between the public and private realm. While it is well suited to residential and commercial areas within the City of Auburn, form-based code may not allow for the flexibility necessary to build a functional and efficient public safety facility that is designed around the movement of large vehicles inside and outside of the buildings.

The General Business II District is in alignment with the surrounding area and is compatible with the 2021 Comprehensive Plan. The provision stating that "The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development" can allow the flexibility to find the proposed change to be consistent with the Comprehensive Plan. This proposed zoning also allows for the flexibility in facility layout to best serve the needs of the fire department and the police department, such as the ease and safety of movement of the fire apparatus on the properties.

City Budgetary Impacts: None anticipated.

Staff Recommended Action: Determine if the city council wishes to initiate zoning map amendment by sending this proposal to the planning board for public hearing.

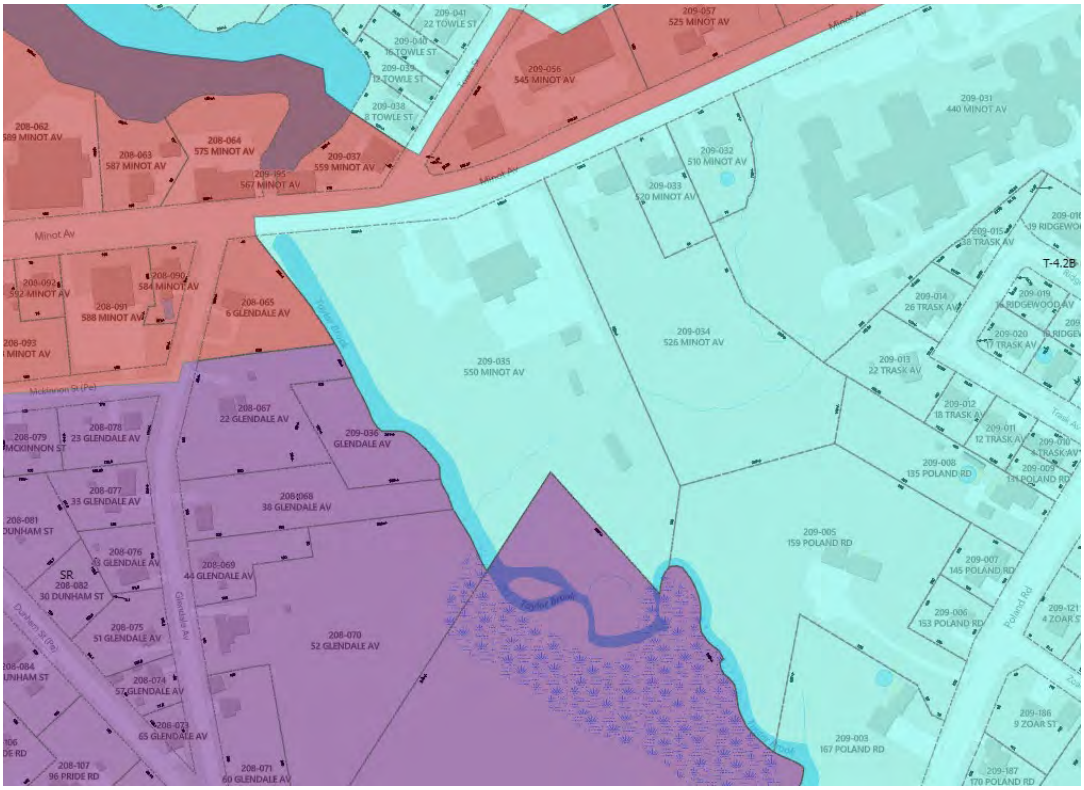
Previous Meetings and History: None.

City Manager Comments:

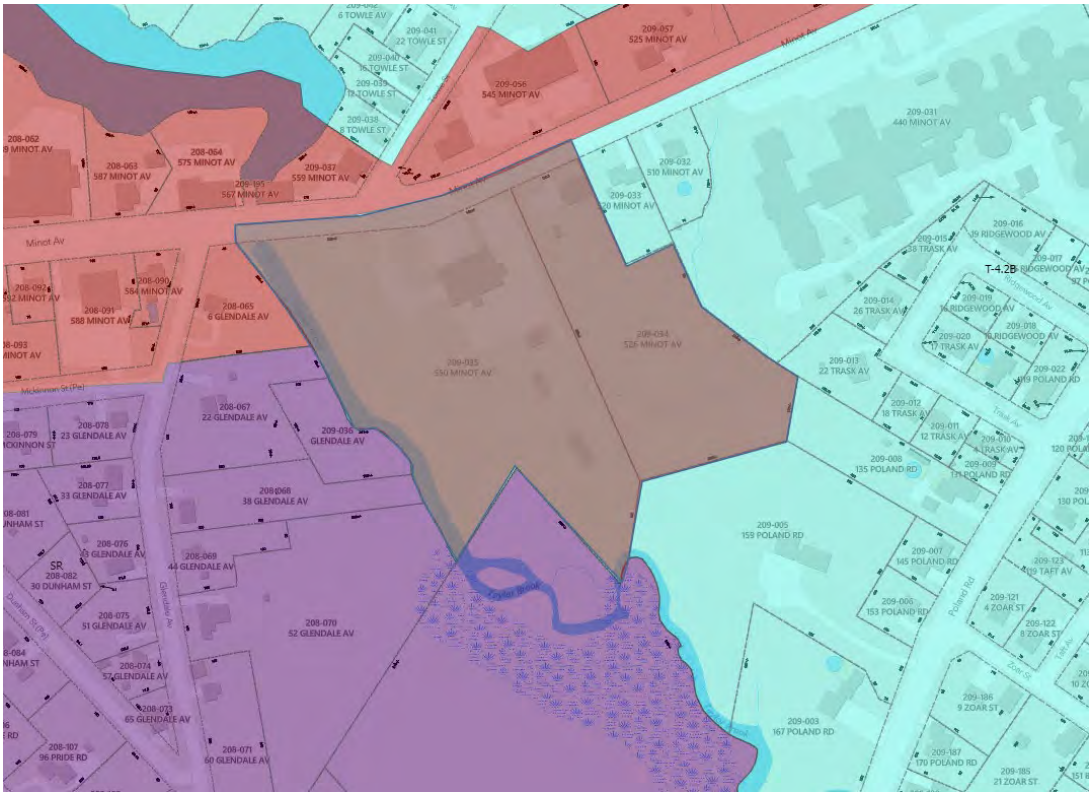
I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Sketch Map, Order

Consideration of Proposed Zoning Map Amendment - 526 and 550 Minot Avenue Change from T4.2B to General Business II



Existing Zoning Above / Proposed Zoning Below



ORDER 84-06032024

City Council Order

IN CITY COUNCIL

ORDERED, that the Auburn City Council directs staff to prepare a zoning map amendment for Public Hearing and a Recommendation by the Auburn Planning Board pursuant to Chapter 60, Article XVII, Division 2, Amendment to the Zoning Ordinance or Zoning Map. The intent is to amend the map on approximately 8.17 acres from T-4.2B Traditional Neighborhood Development zoning district to the General Business II (Minot Ave) zoning district as shown on the attached map. The area proposed to be rezoned encompasses all of City Assessor's parcel I.D.s 209-035 and 209-034. The purpose of this proposal is to better support a new public safety facility by allowing the flexibility in form and design to best serve the needs of public employees.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 3, 2024 **Order:** 85-06032024

Author: Eric J. Cousens, Planning and Permitting Director

Subject: Initiating Zoning Map Amendment for the Gracelawn Area as shown on the attached Map.

Information: In December, 2023, City Council amended approximately 60 acres in parts of City Assessor's parcel I.D.s 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection zoning district to the General Business zoning district. Among the findings for this review were that the General Business Zone more closely aligned with the Future Land Use Map in the 2021 Updated Comprehensive Plan, and that the zone change was consistent with the City of Auburn's commitment to keeping the Lake Auburn watershed healthy.

This proposed zoning map amendment to change approximately 45 acres in City Assessor's parcel I.D.'s 289-001, 289-002, and 277-026 from General Business Zoning to the Multifamily Suburban zoning district and retain 15 acres within City Assessor's parcel I.D. 289-001 in the General Business zoning district. The Multifamily Suburban zoning district has the same residential density standards as within the General Business District but does not allow several of the uses permitted within the General Business district, like automobile, repair service, and filling stations. Amending the zoning toward the back of the Gracelawn Pit area closer to the lake allows for the creative reuse of land while limiting some of the heavier uses allowed in the General Business District.

Approximately 15 acres in the southeasterly portion of the parcel on Gracelawn Road is proposed to remain in General Business to complement the General Business Zoning on the opposite side of Gracelawn Road and to allow for expanded development opportunity further from Lake Auburn. The proposed General Business portion of the Gracelawn parcel excludes 100 feet abutting the landfill on City Assessor's Parcel I.D. 289-003.

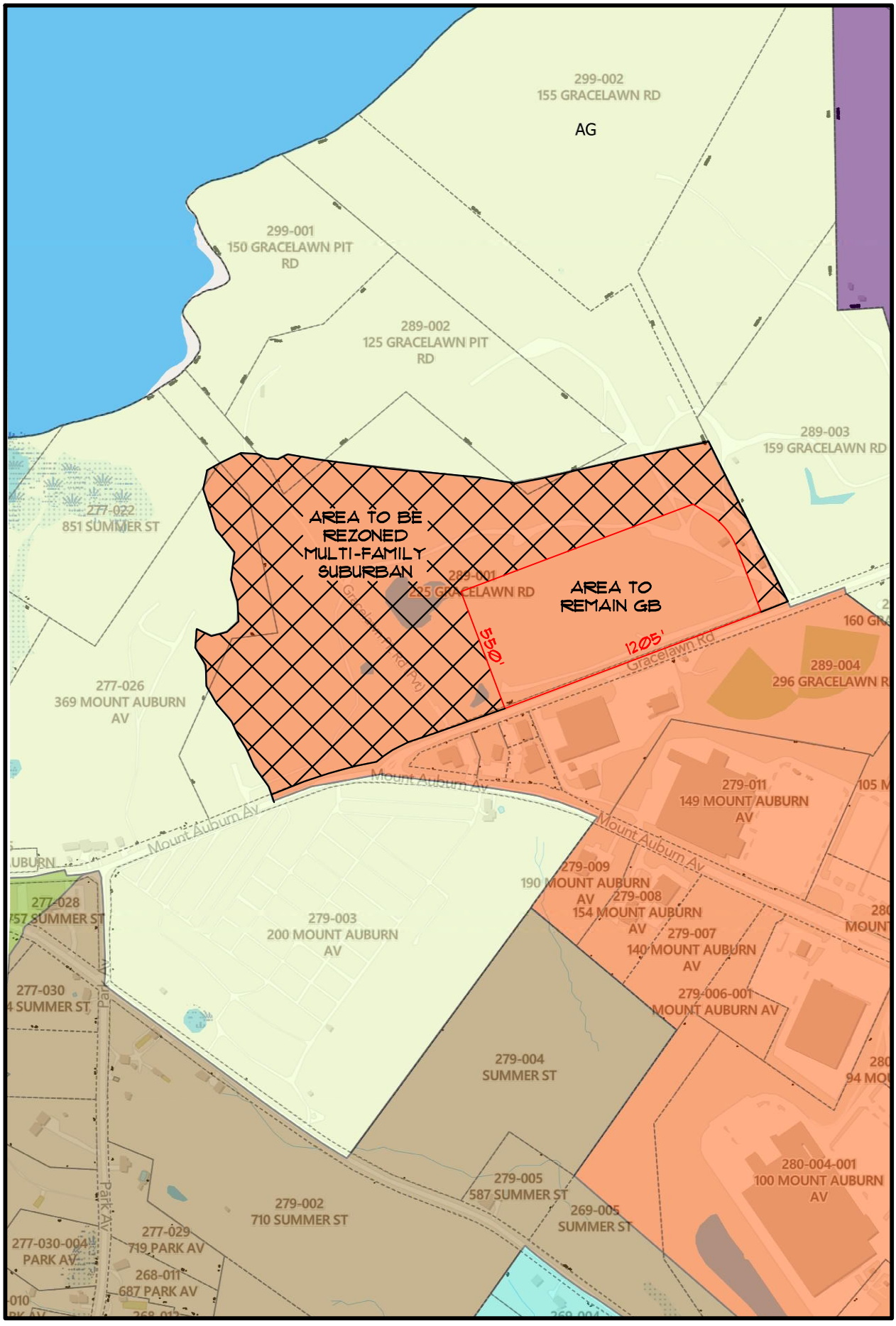
City Budgetary Impacts: None anticipated, possibly new tax value if the landowner makes investments.

Staff Recommended Action: Determine if the City Council wishes to initiate a zoning map amendment to change approximately 45 acres in City Assessor's parcel I.D.'s 289-001, 289-002, and 277-026 from General Business Zoning to the Multifamily Suburban zoning district by sending the amendment to Planning Board for Public Hearing and a Recommendation.

Previous Meetings and History: None for this specific change; multiple related discussions over the past 2 years.

City Manager Comments:
I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Proposed Map, Order


299-002
155 GRACELAWN RD
AG
299-001
150 GRACELAWN PIT RD
289-002
125 GRACELAWN PIT RD
289-003
159 GRACELAWN RD
277-022
851 SUMMER ST
AREA TO BE REZONED MULTI-FAMILY SUBURBAN
AREA TO REMAIN GB
550'
1205'
Gracelawn Rd
289-004
296 GRACELAWN R
277-026
369 MOUNT AUBURN AV
Mount Auburn Av
279-011
149 MOUNT AUBURN AV
279-009
190 MOUNT AUBURN AV
279-008
154 MOUNT AUBURN AV
279-007
140 MOUNT AUBURN AV
279-006-001
MOUNT AUBURN AV
277-028
57 SUMMER ST
279-003
200 MOUNT AUBURN AV
277-030
4 SUMMER ST
279-004
SUMMER ST
280-004-001
100 MOUNT AUBURN AV
279-005
587 SUMMER ST
269-005
SUMMER ST
279-002
710 SUMMER ST
277-030-004
PARK AV
277-029
719 PARK AV
268-011
687 PARK AV
Park Av

ORDER 85-06032024

City Council Order

IN CITY COUNCIL

ORDERED, that the Auburn City Council directs staff to prepare a zoning map amendment for Public Hearing and a Recommendation by the Auburn Planning Board pursuant to Chapter 60, Article XVII, Division 2, Amendment to the Zoning Ordinance or Zoning Map. The intent is to consider amendments that will change the zoning designation as shown on the attached Map from General Business to Multifamily Suburban. Multifamily Suburban zoning would limit commercial uses of the land but would match the density of the General Business Zone for residential uses. This proposed map boundary has been developed in consultation with the landowner and would balance concerns of the public for watershed protection with the future land use plans of the City as well as maintaining the allowance for housing at the property. Attached is a map depicting the boundaries proposed for consideration.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Monthly Financial Report
March 2024

Authored by: Kelsey Earle

To: Honorable Mayor, Members of the City Council and City Manager
Subject: Financial Report for the Month Ending March 31, 2024

I respectfully submit the financial summaries of the revenue and expenditure activities for the City during the month ending March 31, 2024.

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 seventh month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 75% 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.

General Fund Highlights

Revenues

• Total revenues collected through March 2024 were **$99M** or **87.44%** of budgeted general fund revenue, as compared to **$88.7M** of actual revenues through March 2023.

•Year-to-date tax revenues of **$52.6M** were **2.21% higher** than the prior year.

• EMS Transport revenues increased by **$36,542** YTD, **4.69% higher** than FY23.

Expenditures

• Expenditures through March 2024 were **$77.35M** or **67.81%** of the budget, as compared to **$74.74M** of actual expenditures through March 2023.

•Utilities continue to be a highlight with significant YTD decreases.

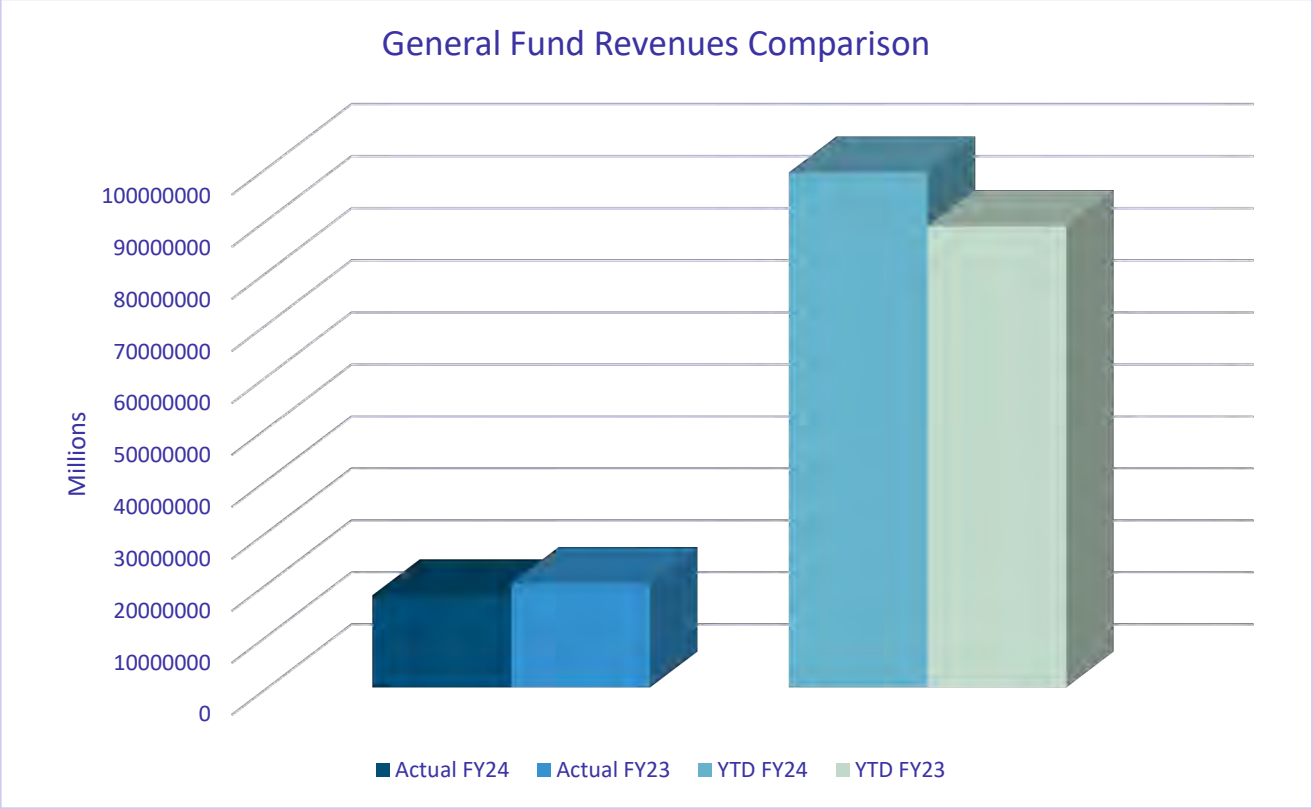
Respectfully submitted,

Kelsey L. D. Earle

Kelsey L. D. Earle
Finance Director

General Fund

for the Period Ended March 31, 2024

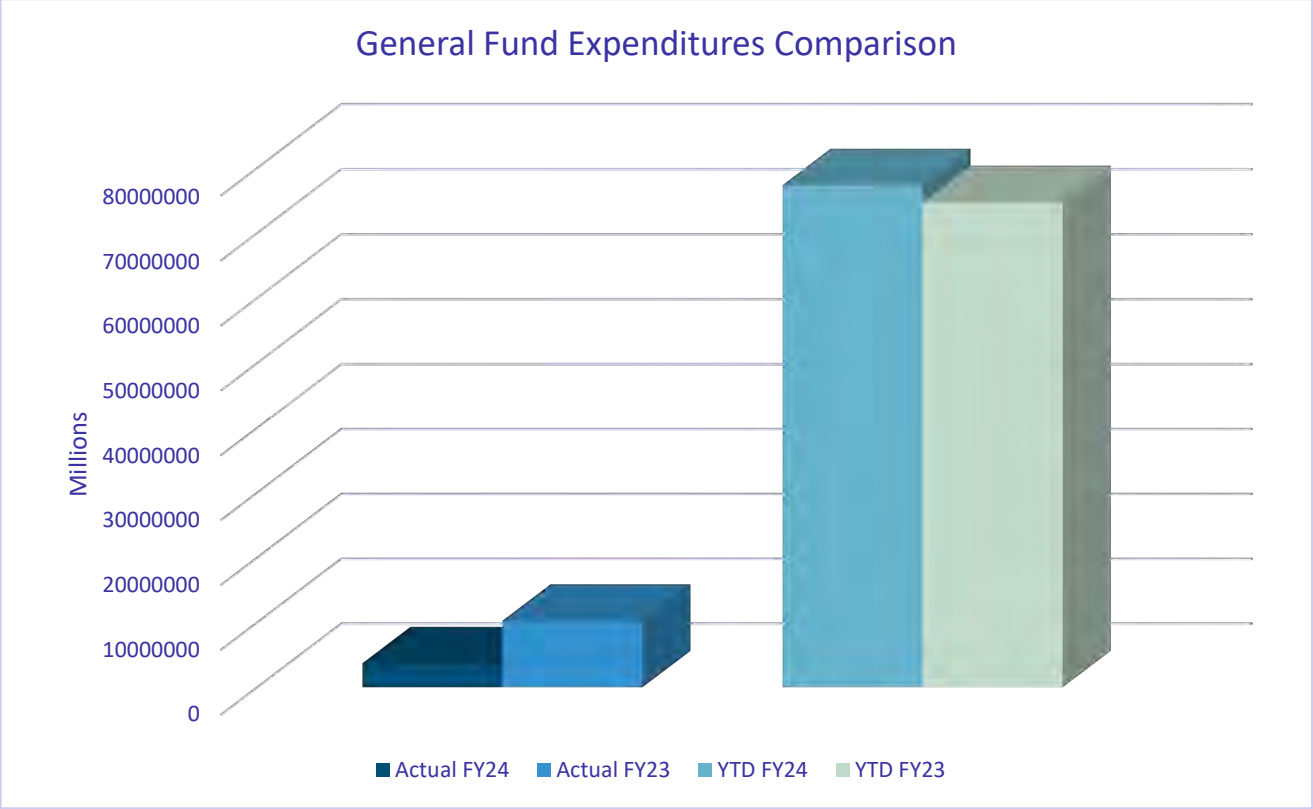


Monthly Budget Report - Revenues - March

Account Number	Account Desc	MAR 2024 Budget	MAR 2024 Actual	MAR 2024 % Used	MAR 2023 Actual	MAR 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	2023 YTD % Used	Variance
1000 General Fund		(62,500.00)	(17,746,159.10)	28,393.85%	(20,096,105.08)	100.00%	(113,232,692.00)	(99,005,384.08)	87.44%	(88,720,548.55)	82.88%	10,284,835.53
0006 Communications & Technology		0.00	0.00	0.00%	0.00	0.00%	(40,000.00)	0.00	0.00%	0.00	0.00%	0.00
0007 City Clerk		0.00	(15,322.85)	100.00%	(19,803.49)	100.00%	(273,300.00)	(218,264.94)	79.86%	(255,624.72)	113.76%	(37,359.78)
0008 Finance		(62,500.00)	(17,469,013.57)	27,950.42%	(17,487,637.25)	100.00%	(71,270,502.00)	(62,102,778.19)	87.14%	(60,267,667.23)	88.78%	1,835,110.96
0011 Economic Development		0.00	0.00	0.00%	(1,950.00)	100.00%	0.00	0.00	0.00%	(37,095.00)	100.00%	(37,095.00)
0015 Facilities		0.00	(2,157.50)	100.00%	(3,665.00)	100.00%	(95,000.00)	(12,154.96)	12.79%	(18,887.61)	19.88%	(6,732.65)
0012 Planning & Permitting		0.00	(7,459.00)	100.00%	(8,440.00)	100.00%	(211,000.00)	(196,094.75)	92.94%	(130,362.83)	62.52%	65,731.92
0042 Public Works		0.00	(90.00)	100.00%	(85.00)	100.00%	(430,450.00)	(516,897.00)	120.08%	(437,194.00)	101.33%	79,703.00
0021 Fire & EMS Transport		0.00	0.00	0.00%	0.00	0.00%	(100.00)	(55.00)	55.00%	(90.00)	90.00%	(35.00)
0022 Police		0.00	(6,651.03)	100.00%	(7,466.59)	100.00%	(48,200.00)	(47,622.23)	98.80%	(93,074.14)	45.92%	(45,451.91)
0023 Fire EMS Transport		0.00	(148,780.00)	100.00%	(197,767.01)	100.00%	(1,465,000.00)	(1,271,837.45)	86.81%	(1,235,294.83)	91.50%	36,542.62
0025 Information Technology		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	(150.76)	100.00%	(150.76)
0031 Health and Social Services		0.00	(96,685.15)	100.00%	(32,135.08)	100.00%	(125,000.00)	(298,345.36)	238.68%	(79,233.14)	94.42%	219,112.22
0043 Solid Waste Disposal		0.00	0.00	0.00%	0.00	0.00%	0.00	(37,266.67)	100.00%	(39,229.50)	100.00%	(1,962.83)
0070 Education		0.00	0.00	0.00%	(2,337,155.66)	100.00%	(39,274,140.00)	(34,304,067.53)	87.35%	(26,126,644.79)	71.45%	8,177,422.74
	Grand Total:	(62,500.00)	(17,746,159.10)	28,393.85%	(20,096,105.08)	100.00%	(113,232,692.00)	(99,005,384.08)	87.44%	(88,720,548.55)	82.88%	10,284,835.53

General Fund

for the Period Ended March 31, 2024



Monthly Budget Report - Expenditures - March

Account Number	Account Desc	MAR 2024 Budget	MAR 2024 Actual	MAR 2024 % Used	MAR 2023 Actual	MAR 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	2023 YTD % Used	Variance
1000	General Fund	62,500.00	3,701,711.00	5,922.74%	10,257,476.73	100.00%	114,062,294.66	77,349,796.83	67.81%	74,740,191.01	69.46%	2,609,605.82
0000	Unassigned	62,500.00	0.00	0.00%	0.00	0.00%	62,500.00	0.00	0.00%	0.00	0.00%	0.00
0004	Mayor and Council	0.00	(9,878.82)	100.00%	8,101.08	100.00%	174,696.33	156,829.84	89.77%	150,710.29	85.23%	6,119.55
0005	City Manager	0.00	103,231.16	100.00%	38,746.58	100.00%	719,509.00	541,479.82	75.26%	331,524.08	62.78%	209,955.74
0006	Communications & Technology	0.00	12,199.78	100.00%	17,803.54	100.00%	361,522.00	247,714.13	68.52%	127,667.19	54.93%	120,046.94
0007	City Clerk	0.00	29,666.68	100.00%	18,631.90	100.00%	299,253.76	222,779.43	74.44%	195,176.98	69.83%	27,602.45
0008	Finance	0.00	77,476.11	100.00%	58,433.07	100.00%	1,228,278.00	1,067,387.22	86.90%	862,062.50	75.41%	205,324.72
0009	Human Resources	0.00	19,451.44	100.00%	18,905.15	100.00%	246,260.00	184,723.02	75.01%	157,669.37	70.99%	27,053.65
0010	Planning & Permitting	0.00	52,558.92	100.00%	63,883.87	100.00%	717,461.00	535,966.27	74.70%	540,444.05	72.51%	(4,477.78)
0011	Economic Development	0.00	14,084.99	100.00%	15,588.67	100.00%	123,893.00	142,257.17	114.82%	206,323.18	71.99%	(64,066.01)
0012	Planning & Permitting	0.00	625.00	100.00%	0.00	0.00%	0.00	1,625.00	100.00%	0.00	0.00%	1,625.00
0013	Business & Community Developme	0.00	32,959.12	100.00%	23,916.31	100.00%	710,692.00	271,339.23	38.18%	209,873.02	31.26%	61,466.21
0015	Facilities	0.00	(0.64)	100.00%	219.49	100.00%	0.00	78.00	100.00%	21,805.31	91.72%	(21,727.31)
0016	Worker's Compensation	0.00	0.00	0.00%	0.00	0.00%	715,400.00	715,400.00	100.00%	698,000.00	100.00%	17,400.00
0017	Fringe Benefits & Salary Incre	0.00	542,190.47	100.00%	550,541.01	100.00%	8,377,629.00	5,132,262.72	61.26%	4,906,164.76	61.79%	226,097.96
0019	Debt Service	0.00	963,836.84	100.00%	844,898.05	100.00%	8,334,544.00	8,368,514.13	100.41%	8,394,861.24	100.40%	(26,347.11)
0025	Information Technology	0.00	10,263.57	100.00%	41,781.70	100.00%	985,540.76	736,675.01	74.75%	608,484.63	73.58%	128,190.38
0042	Public Works	0.00	300,985.98	100.00%	620,699.88	100.00%	6,511,956.04	4,473,571.64	68.70%	4,037,147.63	68.83%	436,424.01
0018	Emergency Reserve	0.00	0.00	0.00%	0.00	0.00%	550,000.00	0.00	0.00%	0.00	0.00%	0.00
0020	Capital Investment & Purchasin	0.00	(2,164.99)	100.00%	34,883.52	100.00%	834,613.18	486,272.07	58.26%	409,962.41	60.96%	76,309.66
0021	Fire & EMS Transport	0.00	484,970.68	100.00%	482,612.79	100.00%	6,367,748.65	4,736,562.78	74.38%	4,159,775.41	72.65%	576,787.37
0022	Police	0.00	369,074.52	100.00%	425,935.56	100.00%	5,228,357.94	3,889,630.52	74.39%	3,530,373.09	71.12%	359,257.43
0030	Recreation	0.00	57,056.10	100.00%	52,411.48	100.00%	723,631.00	514,559.32	71.11%	479,175.48	62.44%	35,383.84
0031	Health and Social Services	0.00	78,059.29	100.00%	32,599.45	100.00%	180,825.00	608,906.73	336.74%	150,421.56	125.48%	458,485.17
0043	Solid Waste Disposal	0.00	116,516.07	100.00%	77,679.46	100.00%	1,411,000.00	988,271.51	70.04%	830,448.25	62.91%	157,823.26
0045	County Tax	0.00	0.00	0.00%	0.00	0.00%	2,972,037.00	2,972,037.00	100.00%	2,761,220.00	100.00%	210,817.00
0046	PW School Maint & Custodial	0.00	61,560.79	100.00%	0.00	0.00%	0.00	195,110.88	100.00%	0.00	0.00%	195,110.88
0049	Auburn Arts in the Park	0.00	0.00	0.00%	0.00	0.00%	20,000.00	17,500.00	87.50%	22,500.00	75.00%	(5,000.00)
0050	Public Library	0.00	0.00	0.00%	0.00	0.00%	1,138,659.00	854,053.76	75.01%	632,590.00	58.33%	221,463.76
0051	Transfer to TIF	0.00	0.00	0.00%	0.00	0.00%	3,049,803.00	2,951,315.15	96.77%	2,479,087.54	81.29%	472,227.61
0052	Water & Sewer	0.00	0.00	0.00%	0.00	0.00%	792,716.00	585,902.46	73.91%	585,902.46	73.91%	0.00
0053	Tax Sharing	0.00	0.00	0.00%	0.00	0.00%	260,000.00	0.00	0.00%	0.00	0.00%	0.00
0054	Auburn-Lewiston Airport	0.00	(2,809.06)	100.00%	293.53	100.00%	205,000.00	210,362.32	102.62%	206,592.21	100.78%	3,770.11
0055	LEW-AUB ECONOMIC GROWTH COUN	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0056	LA Transit Committee	0.00	389,797.00	100.00%	0.00	0.00%	400,079.00	389,797.00	97.43%	431,811.00	100.00%	(42,014.00)
0057	LA-911	0.00	0.00	0.00%	0.00	0.00%	1,287,401.00	965,550.27	75.00%	913,284.63	75.00%	52,265.64
0070	Education	0.00	0.00	0.00%	6,828,910.64	100.00%	59,071,289.00	34,185,362.43	57.87%	35,699,132.74	64.05%	(1,513,770.31)
	Grand Total:	62,500.00	3,701,711.00	5,922.74%	10,257,476.73	100.00%	114,062,294.66	77,349,796.83	67.81%	74,740,191.01	69.46%	2,609,605.82

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2023 - June 30, 2024
Report as of March 31, 2024

	Beginning Balance 3/1/2024	March 2024 New Charges	Payments	Refunds	Adjustments	Write-Offs	Ending Balance 3/31/2024
Attorney/In care of	**$ (16.75)**	$ -	$ -	$ -	$ -	$ -	$ (16.75)
Bluecross	**$ 67,333.42**	$ 14,068.15	$ (9,246.29)	$ -	$ (3,560.30)	$ -	$ 68,594.98
Intercept	**$ (1,769.40)**	$ -	$ (200.00)	$ -	$ -	$ -	$ (1,969.40)
Medicare	**$ 418,144.17**	$ 198,973.60	$ (65,011.95)	$ -	$ (123,726.41)	$ -	$ 428,379.41
Medicaid	**$ (86,993.30)**	$ 53,188.00	$ (35,563.86)	$ -	$ (25,481.26)	$ -	$ (94,850.42)
Other/Commercial	**$ 138,832.77**	$ 20,944.00	$ (18,994.23)	$ -	$ (1,651.97)	$ -	$ 139,130.57
Patient	**$ 42,016.95**	$ 7,544.00	$ (11,166.90)	$ -	$ (325.00)	$ (21,754.57)	$ 16,314.48
Worker's Comp	**$ (9,896.62)**	$ -	$ (2,217.59)	$ -	$ -	$ -	$ (12,114.21)
TOTAL	**$ 567,651.24**	**$ 294,717.75**	**$ (142,400.82)**	**$ -**	**$ (154,744.94)**	**$ (21,754.57)**	**$ 543,468.66**

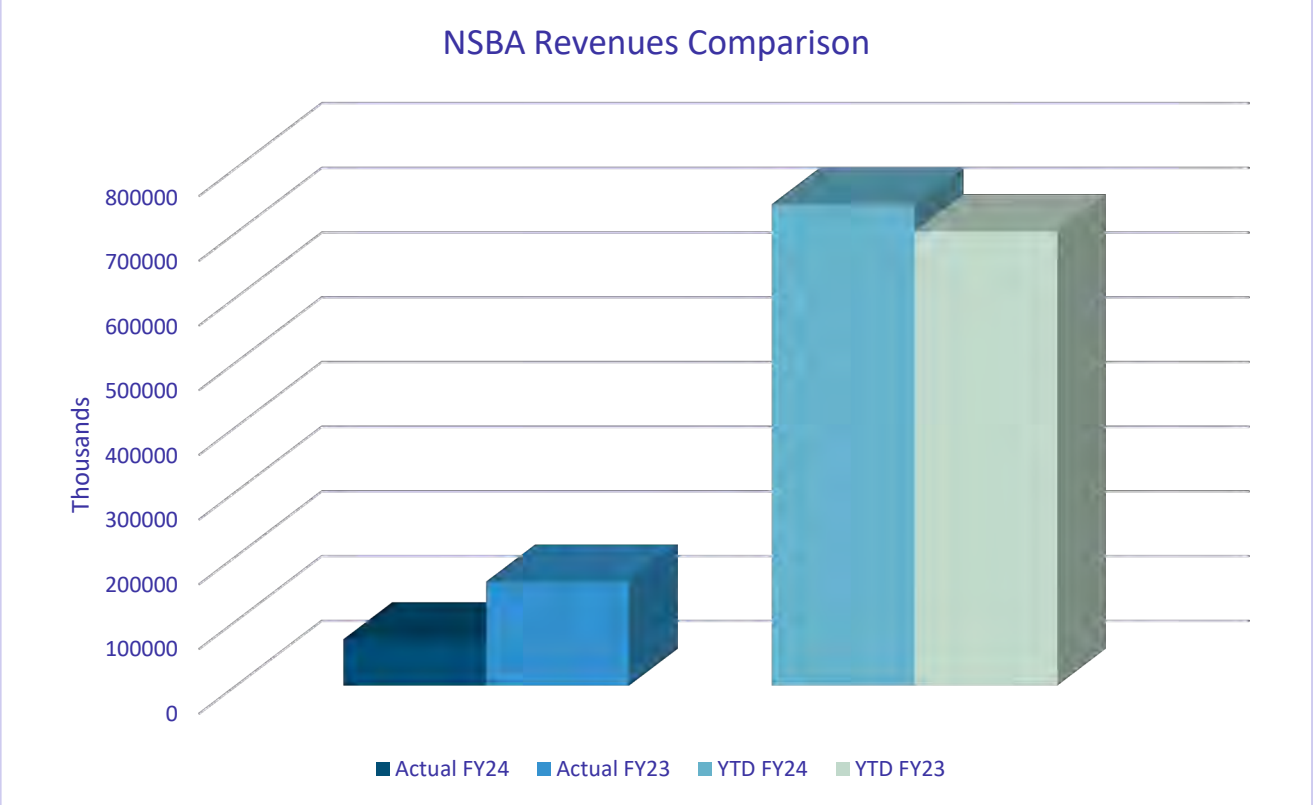
Norway Savings Bank Arena

for the Period Ended March 31, 2024

As of March 2024, Norway Arena had an operating gain YTD of $82,326, representing a **$690 increase** from the same period in February.

Revenues:

The operating revenues for Norway Arena through March 2024 are $744,200. This revenue comes from concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals. Table 1 reflects revenues collected for the current year with comparison for the same period a year ago. Total revenues represent a **44.56% decrease** over March FY23, resulting primarily from a reduction in tournament revenues.

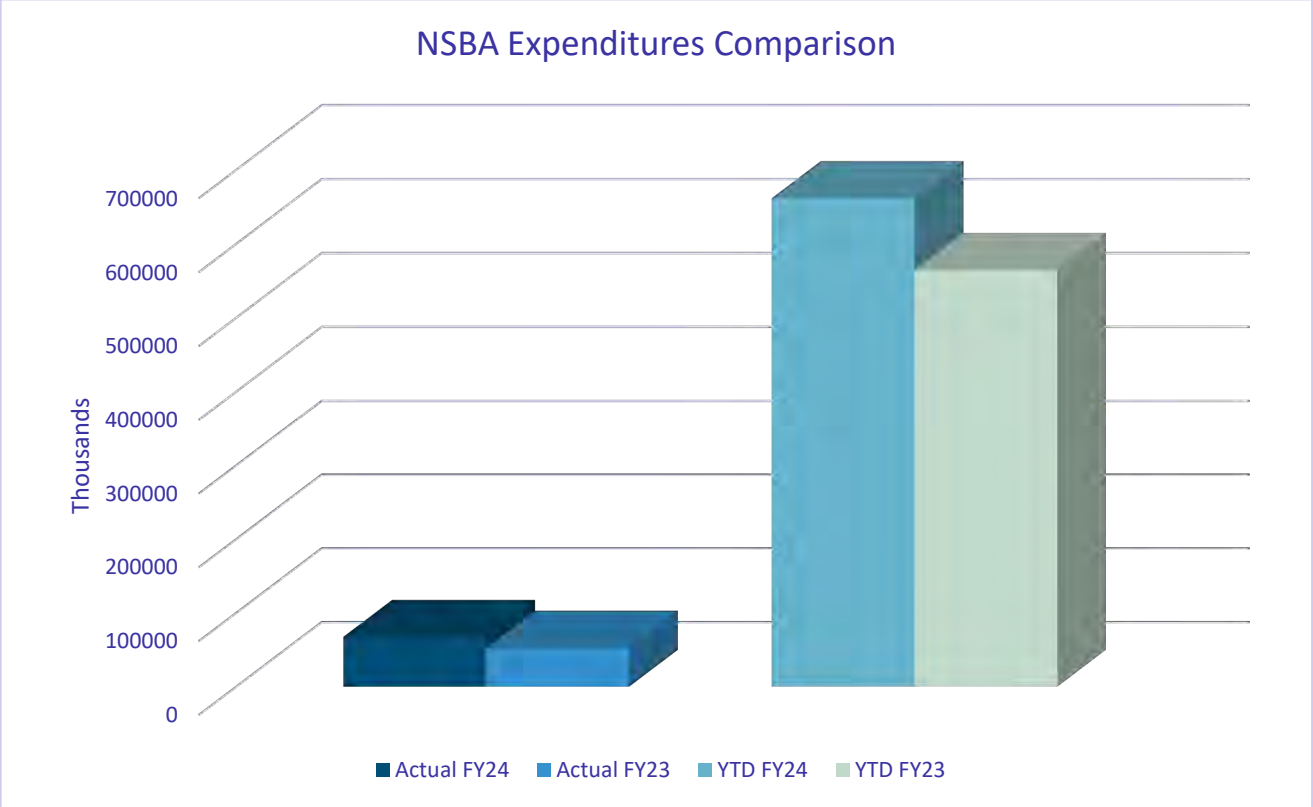


Monthly Budget Report - Revenues - March

Account Number	Account Desc	MAR 2024 Budget	MAR 2024 Actual	MAR 2024 % Used	MAR 2023 Actual	MAR 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6200 Norway Savings Bank Arena		**0.00**	**(71,683.91)**	**100.00%**	**(160,854.23)**	**100.00%**	**(1,088,500.00)**	**(744,200.58)**	**68.37%**	**(702,426.93)**	**$ 41,773.65**
		0.00	**(71,683.91)**	**100.00%**	**(160,854.23)**	**100.00%**	**(1,088,500.00)**	**(744,200.58)**	**68.37%**	**(702,426.93)**	**41,773.65**
6200 4201	Gladiators	0.00	(2,695.00)	100.00%	(68,334.53)	100.00%	(260,000.00)	(233,352.71)	89.75%	(200,062.78)	**33,289.93**
6200 4202	EL Ice	0.00	0.00	0.00%	0.00	0.00%	(22,500.00)	(15,190.00)	67.51%	(1,225.00)	**13,965.00**
6200 4203	Red Hornet	0.00	0.00	0.00%	0.00	0.00%	(18,500.00)	(15,802.50)	85.42%	(4,655.00)	**11,147.50**
6200 4205	St Doms	0.00	(6,982.50)	100.00%	(17,272.50)	100.00%	(47,000.00)	(43,303.70)	92.14%	(33,279.15)	**10,024.55**
6200 4206	Poland/Gra	0.00	(1,054.50)	100.00%	(6,175.00)	100.00%	(19,500.00)	(12,862.50)	65.96%	(12,705.00)	**157.50**
6200 4207	CMCC	0.00	0.00	0.00%	(20,253.33)	100.00%	(22,500.00)	0.00	0.00%	(20,253.33)	**(20,253.33)**
6200 4208	SMMHL	0.00	0.00	0.00%	0.00	0.00%	(2,500.00)	0.00	0.00%	0.00	**0.00**
6200 4209	Adult Leag	0.00	(20,326.25)	100.00%	(9,513.75)	100.00%	(130,000.00)	(97,221.25)	74.79%	(103,795.63)	**(6,574.38)**
6200 4210	YouthOther	0.00	0.00	0.00%	(6,479.16)	100.00%	(1,500.00)	(4,238.00)	282.53%	(15,971.16)	**(11,733.16)**
6200 4211	HS/MS Othe	0.00	(1,000.00)	100.00%	0.00	0.00%	(15,000.00)	(4,785.00)	31.90%	(1,960.00)	**2,825.00**
6200 4212	Ice R-Twin	0.00	(10,161.00)	100.00%	0.00	0.00%	(60,000.00)	(28,904.00)	48.17%	(1,720.48)	**27,183.52**
6200 4215	Freestyl	0.00	(200.00)	100.00%	(215.00)	100.00%	(7,500.00)	(2,385.00)	31.80%	(4,970.00)	**(2,585.00)**
6200 4220	Camps/Clin	0.00	0.00	0.00%	0.00	0.00%	(50,000.00)	(11,560.00)	23.12%	(21,010.00)	**(9,450.00)**
6200 4221	Tournament	0.00	(16,740.00)	100.00%	(17,272.50)	100.00%	(50,000.00)	(35,644.13)	71.29%	(66,505.06)	**(30,860.93)**
6200 4222	BirthdayPa	0.00	0.00	0.00%	0.00	0.00%	(500.00)	0.00	0.00%	0.00	**0.00**
6200 4223	Private Re	0.00	(940.00)	100.00%	(1,935.00)	100.00%	(60,000.00)	(22,971.67)	38.29%	(17,875.00)	**5,096.67**
6200 4224	Public Ska	0.00	(1,075.00)	100.00%	(2,400.00)	100.00%	(20,000.00)	(10,157.50)	50.79%	(21,345.00)	**(11,187.50)**
6200 4225	ShinnyHock	0.00	(1,680.00)	100.00%	0.00	0.00%	(4,000.00)	(5,835.00)	145.88%	(890.00)	**4,945.00**
6200 4240	Programs	0.00	0.00	0.00%	0.00	0.00%	(20,000.00)	0.00	0.00%	0.00	**0.00**
6200 4250	NonIceFac	0.00	0.00	0.00%	(5,618.46)	100.00%	(55,000.00)	(30,850.00)	56.09%	(31,215.94)	**(365.94)**
6200 4252	Skates	0.00	(315.00)	100.00%	(715.00)	100.00%	(6,000.00)	(3,905.00)	65.08%	(2,430.00)	**1,475.00**
6200 4260	Concession	0.00	0.00	0.00%	0.00	0.00%	(16,500.00)	(13,000.00)	78.79%	0.00	**13,000.00**
6200 4261	PepsiMachi	0.00	0.00	0.00%	0.00	0.00%	(3,000.00)	(978.62)	32.63%	(1,348.45)	**(369.83)**
6200 4262	GameMachin	0.00	0.00	0.00%	0.00	0.00%	(2,000.00)	0.00	0.00%	0.00	**0.00**
6200 4263	Food Vendi	0.00	0.00	0.00%	0.00	0.00%	(2,000.00)	(475.20)	23.75%	(733.25)	**(258.05)**
6200 4265	Pro Shop	0.00	0.00	0.00%	(1,170.00)	100.00%	(7,000.00)	(5,187.00)	74.10%	(4,095.00)	**1,092.00**
6200 4270	Sponsors	0.00	(8,514.66)	100.00%	(3,500.00)	100.00%	(186,000.00)	(145,591.80)	78.28%	(134,381.70)	**11,210.10**

Expenditures:

The operating expenses for Norway Arena through March 2024 were $661,874. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance. Table 2 reflects expenditures for the current year with comparison for the same period a year ago. Total expenditures represent an 85.30% increase over YTD FY23.



Monthly Budget Report - Expenditures - March

Account Number	Account Desc	Mar-24 Budget	Mar-24 Actual	Mar-24 % Used	Mar-23 Actual	Mar-23 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6200 Norway Savings Bank Arena		0.00	67,673.11	100.00%	52,949.53	100.00%	881,871.55	661,874.25	75.05%	564,627.25	$ 97,247.00
0065 Norway Savings Bank Arena		0.00	67,673.11	100.00%	52,949.53	100.00%	881,871.55	661,874.25	75.05%	564,627.25	97,247.00
		0.00	67,673.11	100.00%	52,949.53	100.00%	881,871.55	661,874.25	75.05%	564,627.25	97,247.00
6200 611000	Salaries	0.00	27,568.10	100.00%	33,151.55	100.00%	231,095.00	247,506.58	107.10%	234,147.10	13,359.48
6200 612000	Part Time	0.00	6,883.78	100.00%	6,583.85	100.00%	60,000.00	54,990.67	91.65%	50,274.61	4,716.06
6200 612008	Programs	0.00	0.00	0.00%	0.00	0.00%	10,000.00	18.50	0.18%	2,243.00	(2,224.50)
6200 613030	Police Tim	0.00	0.00	0.00%	(845.00)	100.00%	0.00	7,312.50	100.00%	845.00	6,467.50
6200 614015	EarnedPdLv	0.00	0.00	0.00%	0.00	0.00%	0.00	152.01	100.00%	0.00	152.01
6200 615000	Uniform Al	0.00	0.00	0.00%	0.00	0.00%	0.00	260.02	100.00%	286.96	(26.94)
6200 620000	Advertisin	0.00	0.00	0.00%	0.00	0.00%	2,000.00	0.00	0.00%	0.00	0.00
6200 628000	PS - Gen/P	0.00	0.00	0.00%	0.00	0.00%	14,000.00	4,162.97	29.74%	957.73	3,205.24
6200 628003	PS - Drug	0.00	0.00	0.00%	0.00	0.00%	400.00	68.00	17.00%	0.00	68.00
6200 628014	PS - Solid	0.00	61.32	100.00%	58.89	100.00%	600.00	508.01	84.67%	542.52	(34.51)
6200 628019	Repairs -	0.00	69.79	100.00%	3,089.00	100.00%	50,000.00	31,566.63	63.13%	42,746.18	(11,179.55)
6200 628020	Repairs -	0.00	0.00	0.00%	0.00	0.00%	4,000.00	2,091.69	52.30%	2,479.66	(387.97)
6200 628021	Repairs -	0.00	0.00	0.00%	0.00	0.00%	4,000.00	1,665.42	41.63%	2,201.44	(536.02)
6200 628026	Repairs -	0.00	0.00	0.00%	0.00	0.00%	0.00	8,424.00	100.00%	0.00	8,424.00
6200 628033	Rent	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00
6200 628051	PSCleaning	0.00	2,090.00	100.00%	2,605.00	100.00%	19,235.00	15,580.00	81.00%	16,060.00	(480.00)
6200 628065	COVID19	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00
6200 628070	PS-Securit	0.00	384.94	100.00%	1,138.60	100.00%	4,900.00	5,633.12	114.96%	6,065.44	(432.32)
6200 629000	Training &	0.00	0.00	0.00%	1,370.30	100.00%	5,000.00	4,501.60	90.04%	3,385.30	1,116.30
6200 632000	Dues & Sub	0.00	0.00	0.00%	477.00	100.00%	7,412.00	4,699.80	63.41%	5,023.50	(323.70)
6200 633000	Office Sup	0.00	0.00	0.00%	0.00	0.00%	2,000.00	275.32	13.75%	0.00	275.32
6200 633001	Other Sup	0.00	2,634.78	100.00%	3,707.33	100.00%	71,800.00	61,127.00	85.14%	28,341.28	32,785.72
6200 633002	ADV SIG	0.00	4.00	100.00%	20.00	100.00%	3,000.00	429.70	14.33%	1,559.71	(1,130.01)
6200 633021	Other Sup	0.00	0.00	0.00%	0.00	0.00%	4,000.00	1,531.22	38.28%	2,000.29	(469.07)
6200 633030	MV Sup - G	0.00	0.00	0.00%	7.81	100.00%	0.00	123.45	100.00%	25.74	97.71
6200 640000	Comm - Tel	0.00	305.24	100.00%	41.40	100.00%	5,000.00	2,704.78	54.10%	2,408.17	296.61
6200 640001	Comm-Cable	0.00	247.56	100.00%	690.21	100.00%	2,500.00	1,992.07	79.68%	2,653.40	(661.33)
6200 641000	Utilities	0.00	0.00	0.00%	0.00	0.00%	46,000.00	6,530.78	14.20%	19,528.37	(12,997.59)
6200 641001	Utilities	0.00	0.00	0.00%	0.00	0.00%	34,500.00	19,883.13	57.63%	21,154.06	(1,270.93)
6200 641002	Utilities	0.00	26,565.08	100.00%	0.00	0.00%	176,000.00	26,565.08	15.09%	54,221.81	(27,656.73)
6200 641003	Utilities	0.00	858.52	100.00%	853.59	100.00%	3,000.00	6,747.20	224.90%	2,882.29	3,864.91
6200 642000	Comm - Pos	0.00	0.00	0.00%	0.00	0.00%	150.00	0.00	0.00%	0.00	0.00
6200 645000	Insurance	0.00	0.00	0.00%	0.00	0.00%	31,000.00	43,223.00	139.43%	33,538.00	9,685.00
6200 650000	CAPITAL OU	0.00	0.00	0.00%	0.00	0.00%	90,279.55	101,600.00	112.54%	29,055.69	72,544.31
6200 659000	Depreciati	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00
6200 900001	TRANSFER O	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00

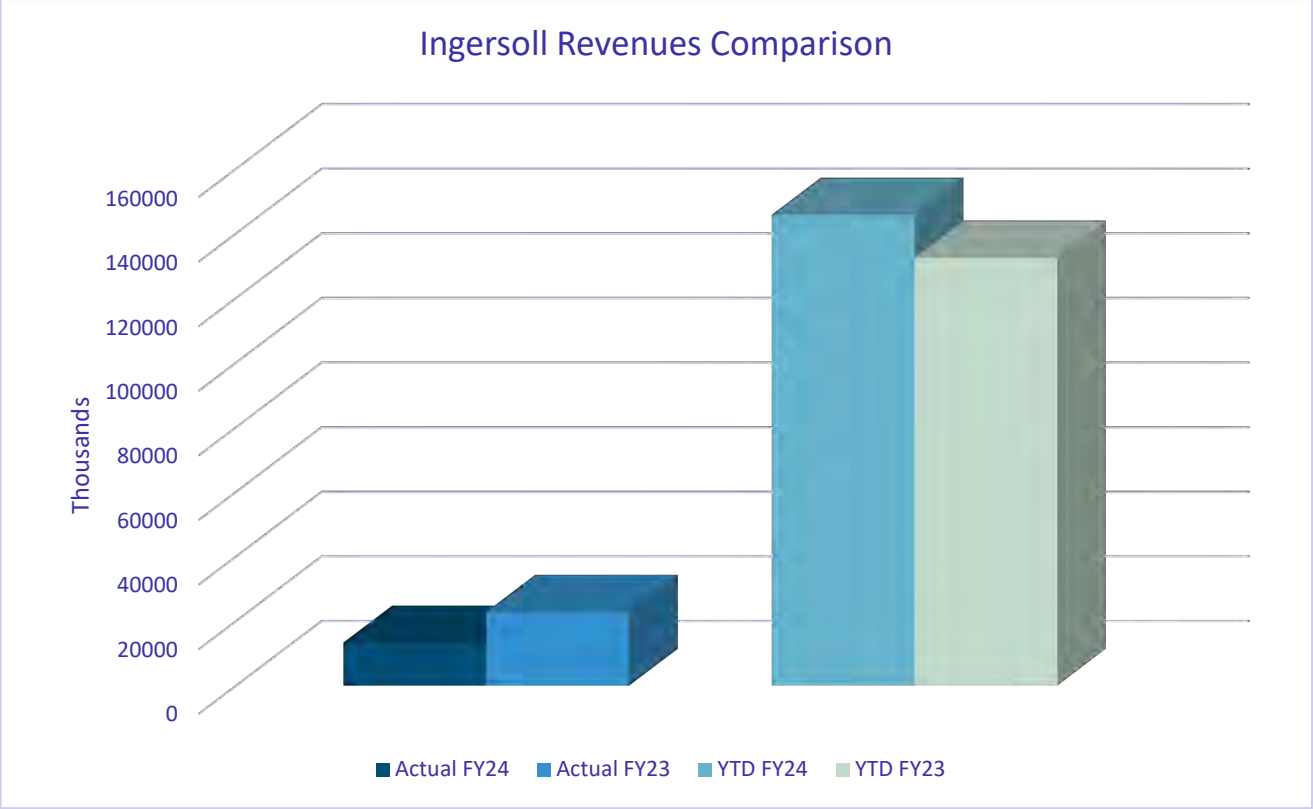
Ingersoll Turf Facility

for the Period Ended March 31, 2024

As of March 2024, Ingersoll Turf Facility had an operating gain YTD of $128,496.

Revenues:

The operating revenues for Ingersoll through March 2024 are $145,834. This revenue comes from sponsorships, programs, rental income, and batting cages. Table 1 reflects revenues collected for the current year with comparison for the same period a year ago. Total revenues represent a 90.9% increase over FY23, the most significant of which resulted from Sponsorships and Rental Income.

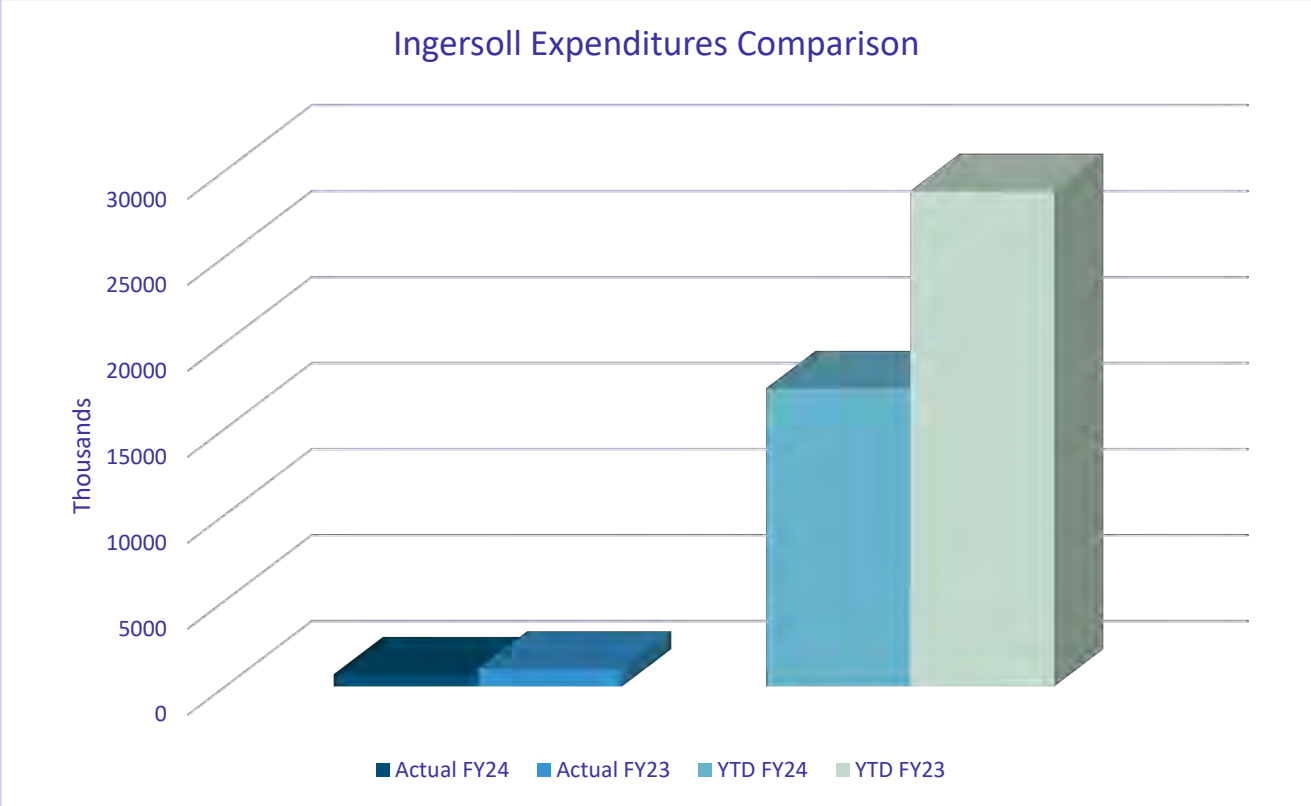


Monthly Budget Report - Revenues - March

Account Number	Account Desc	MAR 2024 Budget	MAR 2024 Actual	MAR 2024 % Used	MAR 2023 Actual	MAR 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6100 Ingersoll Turf Facility		**0.00**	**(13,355.58)**	**100.00%**	**(22,857.57)**	**100.00%**	**0.00**	**(145,834.22)**	**100.00%**	**(132,563.36)**	**$ (13,270.86)**
0030 Recreation		**0.00**	**(13,355.58)**	**100.00%**	**(22,857.57)**	**100.00%**	**0.00**	**(145,834.22)**	**100.00%**	**(132,563.36)**	**13,270.86**
		0.00	**(13,355.58)**	**100.00%**	**(22,857.57)**	**100.00%**	**0.00**	**(145,834.22)**	**100.00%**	**(132,563.36)**	**13,270.86**
6100 420070	Sponsorshi	0.00	(500.00)	100.00%	(500.00)	100.00%	0.00	(9,025.00)	100.00%	(3,000.00)	**6,025.00**
6100 420800	CAGES	0.00	(1,455.00)	100.00%	(3,617.00)	100.00%	0.00	(17,972.50)	100.00%	(12,947.00)	**5,025.50**
6100 420903 TF01	Programs	0.00	(1,810.00)	100.00%	(785.00)	100.00%	0.00	(14,159.00)	100.00%	(15,420.00)	**(1,261.00)**
6100 420903 TF02	Youth Soft	0.00	0.00	0.00%	0.00	0.00%	0.00	(1,457.50)	100.00%	(7,632.50)	**(6,175.00)**
6100 420903 TF04	Programs	0.00	(100.00)	100.00%	(395.00)	100.00%	0.00	(1,605.00)	100.00%	(2,505.00)	**(900.00)**
6100 420903 TF06	Programs	0.00	0.00	0.00%	0.00	0.00%	0.00	(5,220.00)	100.00%	(3,575.00)	**1,645.00**
6100 422000	Investment	0.00	(445.58)	100.00%	(183.57)	100.00%	0.00	(3,922.82)	100.00%	(998.86)	**2,923.96**
6100 429010	Rental Inc	0.00	(9,045.00)	100.00%	(17,377.00)	100.00%	0.00	(92,472.40)	100.00%	(86,485.00)	**5,987.40**
	Grand Total:	**0.00**	**(13,355.58)**	**100.00%**	**(22,857.57)**	**100.00%**	**0.00**	**(145,834.22)**	**100.00%**	**(132,563.36)**	**13,270.86**

Expenditures:

The operating expenses for Ingersoll through March 2024 were $17,338. These expenses include supplies, repairs, capital purchases and maintenance. Table 2 reflects expenditures for the current year with comparison for the same period a year ago. Total expenditures represent a 60.18% increase over YTD FY23, consistent with increased cost of services and goods.



Monthly Budget Report - Expenditures - March

Account Number	Account Desc	MAR 2024 Budget	MAR 2024 Actual	MAR 2024 % Used	MAR 2023 Actual	MAR 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6100 Ingersoll Turf Facility		**0.00**	**708.51**	**100.00%**	**1,034.87**	**100.00%**	**18,802.39**	**17,337.98**	**92.21%**	**28,810.38**	**$ (11,472.40)**
0030 Recreation		**0.00**	**708.51**	**100.00%**	**1,034.87**	**100.00%**	**18,802.39**	**17,337.98**	**92.21%**	**28,810.38**	**(11,472.40)**
		0.00	**708.51**	**100.00%**	**1,034.87**	**100.00%**	**18,802.39**	**17,337.98**	**92.21%**	**28,810.38**	**(11,472.40)**
6100 611000	Salaries	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	172.50	**(172.50)**
6100 612000	Part Time	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6100 612000 TF02	Part Time	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	317.40	**(317.40)**
6100 633033	PROGRAM	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	1,915.00	**(1,915.00)**
6100 633033 TF01	COEDSoccer	0.00	650.00	100.00%	640.00	100.00%	0.00	4,278.00	100.00%	3,732.00	**546.00**
6100 633033 TF02	Youth Soft	0.00	0.00	0.00%	394.87	100.00%	0.00	244.41	100.00%	5,126.33	**(4,881.92)**
6100 633033 TF04	BDay	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	450.00	**(450.00)**
6100 633033 TF06	MISC EXP	0.00	0.00	0.00%	0.00	0.00%	0.00	3,733.98	100.00%	1,320.00	**2,413.98**
6100 640000	Comm - Tel	0.00	58.51	100.00%	0.00	0.00%	0.00	526.59	100.00%	0.00	**526.59**
6100 650000	CAPITAL OU	0.00	0.00	0.00%	0.00	0.00%	0.00	8,555.00	100.00%	14,135.75	**(5,580.75)**
6100 651069	RecStudy	0.00	0.00	0.00%	0.00	0.00%	18,802.39	0.00	0.00%	1,641.40	**(1,641.40)**
	Grand Total:	**0.00**	**708.51**	**100.00%**	**1,034.87**	**100.00%**	**18,802.39**	**17,337.98**	**92.21%**	**28,810.38**	**(11,472.40)**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 3, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (A) to discuss a personnel matter.

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 Workshop & Meeting
Agenda
Monday, June 17, 2024
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

- **Executive Session** pursuant to Title 1 M.R.S.A. Section 405(6)(C) for discussion of an economic development matter. *Passage requires 3/5 majority vote to enter Executive Session.*
- Capital Infrastructure Projects Update
- ARPA Reallocation Discussion

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Whiting

Pledge of Allegiance & Roll Call

I. **Consent Items –** *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.*

II. **Minutes –** June 3, 2024 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

a. School Budget Referendum Certified Official Results - June 11, 2024

b. Proclamation – World Refugee Day 2024

IV. **Open Session –** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. **Unfinished Business**

1. **Order 82-06032024 -** Authorizing the City's general obligation bonds in the amount of $16,565,750 to finance the City's FY25 Capital Improvement Program. *Amended and passed first reading on June 6, 2024. Public hearing. ROLL CALL VOTE. Passage requires an affirmative vote of 5 Councilors at the second reading.*

VI. New Business

1. **Order 86-06172024** – Authorizing the City Clerk to waive the $60 business license fee for the Age Friendly Community Committee's concessions stand in Festival Plaza on Wednesday evenings from June 26, 2024 through August 21, 2024. *Passage requires majority vote.*

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports

a. **Mayor's Report**
b. **City Councilors' Reports**
c. **Student Representative Report**
d. **City Manager Report**
e. **April 2024 Finance Report –** Kelsey Earle, Finance Director

IX. Executive Session pursuant to Title 1 M.R.S.A. Section 405(6)(A) for City Manager's annual review. *Passage requires 3/5 majority vote to enter Executive Session.*

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 17, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter.

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.

5:30 P.M. City Council Workshop

A. Executive Session pursuant to Title 1 M.R.S.A. Section 405(6)(C) for discussion of an economic development matter. Motion made by Councilor Gerry, seconded by Councilor Walker. Passed 5-0. Council came out of Executive Session at 6:38pm.

Mayor Harmon called the meeting to order at 7:00P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Weisner was absent.

I. **Consent Items:**

1. **ORDER 78-06032024*** - Appointing Donna Wallace to the Age Friendly Community Committee for a term that expires June 1, 2027, as recommended by the Appointment Committee.

2. **ORDER 79-06032024*** - Appointing Lawrence Pelletier to the Age Friendly Community Committee for a term that expires June 1, 2027, as recommended by the Appointment Committee.

3. **ORDER 80-06032024*** - Appointing Dana Morrell to the Age Friendly Community Committee for a term that expires June 1, 2027, as recommended by the Appointment Committee.

4. **ORDER 81-06032024*** - Appointing Cynthia Larrabee to the Age Friendly Community Committee for a term that expires June 1, 2027, as recommended by the Appointment Committee.

Motion for passage of all consent items by Councilor Milks, seconded by Councilor Walker. Motion passed 6-0.

II. Minutes – May 20, 2024, Regular Council Meeting

Motion to adopt the minutes by Councilor Walker, seconded by Councilor Cowan. Motion passed 6-0.

III. Communications, Presentations and Recognitions

None.

IV. Open Session

- Malcolm Arthur Henry, Poliquin Ave – expressed a concern in the neighborhood; the City Manager will follow up directly.
- Charles Soule, Lewiston – Encouraged voters to reject the Lewiston school budget.

V. Unfinished Business

VI. New Business

1. **ORDER 82-06032024** - Authorizing the City's general obligation bonds in the amount of $16,615,750 to finance the City's FY25 Capital Improvement Program. First reading. ROLL CALL VOTE. Passage requires an affirmative vote of 5 Councilors at the second reading.

Motion for passage by Councilor Milks, seconded by Councilor Whiting.

There was no public comment.

Councilor Platz moved that the 3rd item on the CIP order regarding record restoration be changed from $100,000 to $50,000 following the workshop discussion. Seconded by Councilor Walker. The Council recommended that this request be included in the operational budget of the City Clerk's office going forward.

Motion passed 5-1 (Gerry opposed).

Motion for passage, as amended, passed 5-1 (Gerry opposed).

2. **ORDER 83-06032024** – Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the IAMAW AFL-CIO Union for Custodians and Maintenance covering 07/01/2024 to 06/30/2027. Passage requires majority vote.

Motion for passage by Councilor Walker, seconded by Councilor Platz.

No comment from public. Motion passed 6-0.

5. **ORDER 84-06032024** – Initiating Zoning Map amendment in the area of 550 Minot Avenue from T4.2B to General Business. Passage requires majority vote.

Motion for passage by Councilor Milks, seconded by Councilor Walker.

No comment from public. Motion passed 6-0.

6. **ORDER 85-06032024** – Initiating Zoning Map amendment in the Gracelawn Road/Pit Area from General Business to Multi-Family Suburban. Passage requires majority vote.

Motion for passage by Councilor Whiting, seconded by Councilor Walker.

No comment from public. Motion passed 5-1 (Gerry opposed).

VII. Open Session

VIII. Reports

a. Mayor's Report – Attended the Memorial Day Remembrance at Veterans Park with Councilors Whiting, Weisner, and Walker. Attended the dedication of the Pettingill Park softball fields in memory of Joe Walker and Tricia Asselin. Recognized the Pride march held down Auburn and into Lewiston held this past weekend.

b. City Councilors' Reports – Councilor Gerry attended ELHS graduation and congratulated new graduates. Councilor Whiting shared a quote in memory of Joe Walker. Councilor Walker thanked the City and everyone involved in recognizing Joe and Tricia and shared that on June 11, Age Friendly Committee will meet at the Senior Center. Councilor Platz followed up on the School Department's recent budget changes.

Student Representative Report – Representative Egge **r**ecognized ELHS students who graduated; had a 95% graduation rate.

c. City Manager Report – Commented on the balloon festival; August 16-18 and will be known as the Lewiston-Auburn Balloon Festival. The Parade will start in Auburn. Classic Car Show will be held in Lewiston; along with a beer garden and vendors in Festival Plaza. There was $10,000 appropriated to the festival; this will be allocated to the new balloon festival. More updates will be forthcoming.

d. March 2024 Finance Report – Kelsey Earle, Finance Director – Motion to accept finance report by Councilor Walker, seconded by Councilor Milks. Motion passed 6-0.

IX. Executive Session pursuant to Title 1 M.R.S.A. Section 405(6)(A) for a personnel matter. Passage requires 3/5 majority vote to enter Executive Session. Motion to enter at 7:36pm by Councilor Gerry, seconded by Councilor Milks. Motion passed 6-0. Council adjourned following Executive Session.

A TRUE COPY ATTEST:

Emily F. Carrington, City Clerk

SCHOOL BUDGET VALIDATION REFERENDUM - JUNE 11, 2024

Question A: School Budget Validation

Do you favor approving the City of Auburn's school budget for the upcoming school year that was adopted by the Auburn City Council at their latest budget meeting?

	612	434	280	326	1652
	Wards 1 & 2	Wards 3 & 4	Ward 5	Absentee	TOTAL
Yes	424	269	158	236	**1087**
No	184	165	118	87	**554**
Blank	4	0	4	3	**11**

STATE OF MAINE PRIMARY ELECTION - JUNE 11, 2024

	325	154	112	191	782
DEMOCRATIC PRIMARY	Wards 1 & 2	Wards 3 & 4	Ward 5	Absentee	TOTAL
U.S. SENATOR					
COSTELLO, DAVID A.	238	109	82	132	561
Blank	87	45	30	59	221
REP. TO CONGRESS (District 2)					
GOLDEN, JARED F.	297	142	100	172	711
Blank	28	12	12	19	71
STATE SENATOR (District 20)					
SHEATS, BETTYANN W.	300	134	103	169	706
Blank	25	20	9	22	76
REP. TO LEGISLATURE (88)					
DAMIEN, STEFANIE M.	N/A	89	73	60	222
Blank	N/A	15	11	14	40
REP. TO LEGISLATURE (89)					
LEE, ADAM R.	67	29	25	45	166
Blank	7	9	3	2	21
REP. TO LEGISLATURE (90)					
CAMPBELL, DANIEL E.	225	11	N/A	60	296
Blank	26	1	N/A	10	37
REGISTER OF PROBATE					
REYNOLDS, THOMAS C.	278	124	93	161	656
Blank	47	30	19	30	126

STATE OF MAINE PRIMARY ELECTION - JUNE 11, 2024

	282	275	162	121	840
REPUBLICAN PRIMARY	Wards 1 & 2	Wards 3 & 4	Ward 5	Absentee	TOTAL
U.S. SENATOR					
KOUZOUNAS, DEMI	219	218	131	97	665
Blank	63	57	31	24	175
REP. TO CONGRESS (District 2)					
SOBOLESKI, MICHAEL	101	93	39	48	281

THERIAULT, AUSTIN	158	170	114	61	503
Blank	23	12	9	12	56
STATE SENATOR (District 20)					
BICKFORD, BRUCE	247	248	146	108	749
Blank	35	27	16	13	91
REP. TO LEGISLATURE (88)					
CHAPMAN, QUENTIN J.	N/A	193	110	48	351
Blank	N/A	40	21	9	70
REP. TO LEGISLATURE (89)					
JANELLE, JOHN G.	56	21	24	15	116
Blank	11	5	7	8	31
REP. TO LEGISLATURE (90)					
LIBBY, LAUREL D.	201	14	N/A	39	254
Blank	14	2	N/A	2	18

There are no declared write-ins.

Total Number of Registered Voters:	16,907
Total Turnout (School):	1652
Turnout Percentage (School):	9.78%
Total Turnout (Primary):	1622
Turnout Percentage (Primary):	9.59%

A TRUE COPY ATTEST

CITY CLERK

OFFICE OF THE MAYOR | CITY OF AUBURN, MAINE

PROCLAMATION | **WORLD REFUGEE DAY 2024**

WHEREAS, around the world, millions of people have been forced to flee their homes due to violence, persecution, and natural disasters, resulting in the worst refugee crisis in history; and,

WHEREAS, Maine is recognized as a welcoming state and offers hope and safety to all; and,

WHEREAS, many uprooted people have found safe haven in Auburn, bringing with them determination and optimism to contribute to our cultural, economic, and intellectual fabric; and,

WHEREAS, Auburn is home to businesses, schools, faith communities and civic organizations supporting refugees and providing a sense of belonging; and,

WHEREAS, the wisdom, experience and courage of refugees enrich our city and state; and,

WHEREAS, Auburn recognizes and celebrates Juneteenth – "Freedom Day" - on June 19th; and

WHEREAS, the remarkable determination of refugees to build a brighter future after great adversity inspires us all and brings beautiful diversity to our community;

NOW THEREFORE, I Jeffrey Harmon, Mayor of the City of Auburn, do hereby proclaim June 20, 2024, as **World Refugee Day** in Auburn.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 17th day of June, 2024.

Mayor Jeffrey D. Harmon

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 17, 2024 **Order:** 82-06032024

Author: Kelsey Earle, Finance Director

Subject: Authorizing Issuance of General Obligation Bonds and A Tax Levy Therefor

---

Information: Annual Capital Improvement Projects for FY 24-25 that we are recommending for bonding. Order reflects the amendment of the Record Restoration line item from $100,000 to $50,000 determined at the 6/3/2024 Council meeting.

City Budgetary Impacts: This is a 10-year bond, interest only for FY25, then principal and interest payments for 10 years.

Staff Recommended Action: Passage of second reading

Previous Meetings and History: The 5 Year CIP Plan was discussed at several workshops and adopted at the 4/1/2024 Council meeting. First reading of the revised FY25 Capital Improvement Plan (CIP) was held 6/3/2024, and the order was amended to reflect discussion at the 5/20/2024 workshop. A public hearing notice was placed in the Sun Journal on 5/28/2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
Amended Order 82-06032024

ORDER 82-06032024

City Council Order

IN CITY COUNCIL

ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Following a public hearing duly called and held as required by Article 8, Section 8.13 of the City Charter, **by the Auburn City Council BE IT ORDERED:**

THAT, pursuant to Title 30-A, §5772 of the Maine Revised Statutes, as amended, the City Charter, as amended, and all other authority thereto enabling, there is hereby authorized the issue and sale of the City's general obligation bonds (the "Bonds") and notes in anticipation thereof (the "Notes"), in the principal amount not to exceed $16,565,750, the proceeds of which, including original issue premium, if any, and investment earnings thereon, are hereby appropriated to finance the capital equipment and capital improvements listed in Schedule 1 hereto (including costs of issuance for the Bonds)(the "Projects"), all constituting a part of the City's FY25 Capital Improvement Program.

THAT the Bonds and Notes shall be signed by the manual or facsimile signatures of the City's Finance Director and its Treasurer (provided that at least one of such signatures shall be a manual signature), attested by the City Clerk under the seal of the City.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the time of the sale, award and settlement of the Bonds and Notes, which may be issued at one time, or from time to time, through a public offering or a private placement, on a competitive or negotiated basis, in serial form or as term bonds, or some combination of any of the foregoing, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the date, form, denominations, interest rates, maturities (not to exceed the maximum term authorized by law), provisions for early redemption, and all other details of such Bonds and Notes, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT to the extent not payable from other funds, each year that any of the Bonds remain outstanding, the City shall levy a tax in an amount sufficient to pay the annual installment of principal and the annual interest on such Bonds.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things necessary and expedient in respect in connection with the financing of the Projects and the issuance the Bonds and Notes, and the investment of the proceeds thereof, including to select a financial advisor, underwriter, or paying agent/registrar with respects to the Bonds and Notes, and to execute, deliver and approve all agreements, investment agreements, bond purchase agreements, preliminary and final official statements or other offering documents, escrow agreements, continuing disclosure agreements, tax compliance agreements, or arbitrage certificates, and all other closing certificates and documents (collectively referred to as the "Bond Documents"), which Bond Documents

City Council Order

may be in such form and contain such terms, conditions and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, which waiver of sovereign or governmental immunity is hereby authorized, confirmed and approved, as the Finance Director shall establish, determine and approve, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT to the extent the Bonds or Notes are issues on a tax-exempt basis, the Finance Director is hereby authorized, in the name of and on behalf of the City:

- To covenant, agree and certify (A) that no part of the proceeds of such Bonds and Notes shall be used directly or indirectly to acquire any securities or obligations or property, the acquisition or use of which would cause the Bonds or Notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended, and (B) that the City will file any required reports and take any other action that may be necessary to insure that interest on the Bonds or Notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds and Notes to be subject to federal income taxation; and

- To designate the Bond or Notes, or a portion thereof, as qualified tax-exempt obligations under and as permitted by Section 265(b)(3) of the Code, to the extent such designation is available and permissible under said Section 265(b)(3).

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the Bonds, Notes or any related Bond Document, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, in an interim or acting capacity, is hereby authorized, in the name of and on behalf of the District, to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT if any authorized representative of the City who has signed or sealed the Bonds or Notes shall cease to be such officers or officials before the Bonds or Notes so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or Notes nevertheless may be issued, delivered and authenticated with the same force and effect as though the person or persons who signed or sealed such Bonds or Notes had not ceased to be such officer or official; and also any such Bonds or Notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or Notes, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or Notes any such person shall not have been such officer or official.

THAT if the actual cost of any Project differs from the estimated cost, whether due to completion, delay or abandonment of such Project or for any other reason, the Finance Director is hereby authorized, in the name of and on behalf of the City, in her discretion, to reallocate proceeds of the Bonds and Notes to any other listed Project, or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

ORDER 82-06032024

City Council Order

THAT the authority to issue any Bonds or Notes not issued within 2 years of the date of approval of this Order shall automatically expire 2 years from the date of approval of this Order.

THAT notwithstanding the foregoing paragraph, during the term any of the Bonds issued pursuant to this Order remain outstanding, the Finance Director is hereby authorized, in the name of and on behalf of the City, to issue refunding bonds on either a current or advance refunding basis, to refund some or all of the Bonds then outstanding, and to establish, determine and approve the time of the sale, award and settlement of such refunding bonds, the date, form, denominations, interest rates, maturities (not to exceed the maximum term authorized by law), provisions for early redemption, and all other details of such refunding bonds, such establishment, determination and approval to be conclusively evidenced by the execution thereof, and to execute and deliver, in the name of and on behalf of the City, such additional Bond Documents as may be reasonable or necessary with respect to such refunding, and each refunding bond issued hereunder shall be signed in the same manner as the Bonds.

THAT prior to the issuance of the Bonds or Notes, the Finance Director is hereby authorized to expend available funds of the City to pay costs of the Projects (referred to as "original expenditures") which would be reimbursed from proceeds of the Bonds or Notes; to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such Bonds or Notes, and this Order shall constitute a Declaration of Official Intent pursuant to Treasury Regulation §1.150-2, and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

A notice describing the above borrowing and the general purpose of such borrowing was published on or before June 3, 2024, in the *Sun Journal*, a daily newspaper of general circulation published in the City of Auburn and in Androscoggin County.

NOTE: Must be approved by roll call vote.

ORDER 82-06032024

City Council Order

Schedule 1

CAPITAL IMPROVEMENT PLAN
FY 25 BONDS

	Description		Total
Airport	Annual Pavement Management Program		$ 150,000
Airport	Congressionally Directed Spending (CDS) Hangar Project		$ 68,750
Clerk	Record Restoration		$ 50,000
Fire	Engine 2 Reconditioning		$ 250,000
IT	Security Camera Project		$ 90,000
LA 911	Server Infrastructure Replacement		$ 150,000
Planning & Permitting	Dangerous Buildings and Junkyard Cleanups		$ 150,000
Planning & Permitting	Comprehensive Plan Program		$ 220,000
Police	Mobile Data Terminal Replacement		$ 135,000
Engineering	Merrow Road Reconstruction		$ 3,000,000
Engineering	Whitman Spring Repair		$ 150,000
Engineering	Reconstruction		$ 1,800,000
Engineering	Reclamation		$ 1,500,000
Engineering	Major Drainage		$ 500,000
Engineering	MDOT Match		$ 1,500,000
Engineering	Resurfacing		$ 1,600,000
Engineering	Pavement/Retaining Wall Assessment		$ 125,000
Engineering	Sidewalk Repairs		$ 100,000
Engineering	Downtown Parking and Walkability-Grant Match		$ 400,000
Facilities & Energy	Auburn Hall Boiler/Mechanical Upgrades		$ 550,000
Facilities & Energy	Engine 2 Station Reconstruction		$ 2,000,000
Facilities & Energy	Public Library Building Envelope, Repairs & Design Cost Analysis		$ 75,000
Facilities & Energy	Public Library Boilers Replacement		$ 575,000
Public Works	Replace Vactor Truck		$ 590,000
Public Works	Replace Boom Lift School and Public Works		$ 77,000
Public Works	Annual Park & Walkway Light Replacement		$ 100,000
Public Works	Replace 7yd plow truck (plowing/sanding and roadway maintenance)		$ 325,000
Public Works	Recreation Mini Bus replacement/upgrade		$ 110,000
Transportation	Traffic Calming & Pedestrian Safety		$ 175,000
Transportation	LATC Bus Replacement		$ 50,000
		TOTAL BOND CIP	$ 16,565,750

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Adam R. Platz, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Belinda A. Gerry, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 17, 2024 **Order:** 86-06172024

Author: Emily F. Carrington, City Clerk

Subject: Request from Age Friendly Community Committee to waive $60 Temporary FSE license fee

---

Information: The City's Age Friendly Community Committee has applied to operate concessions stand in Festival Plaza on Wednesdays from June 26, 2024 through August 21, 2024 and has requested the $60 license fee be waived as proceeds from the concessions stand will serve as a fundraiser for the committee.

City Budgetary Impacts: N/A

Staff Recommended Action: Consideration of the request to waive the $60 license fee.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Application, request letter, order

Age-Friendly Community Committee
32 Pettengill Park Road
Auburn, Maine 04210

June 10, 2024

City of Auburn
60 Court Street
Auburn, Maine 04210
Office of Permitting

RE: Permit Fee Waiver

To whom it may concern:

I am writing on behalf of the Age-Friendly Community Committee with regard to our intent to operate a concession stand on Wednesday evenings from June 26th through August 21st, 2024, for the purpose of fund raising for committee events, such as free meals, clothing give-aways, holiday celebrations, Hello-Ween participation, etc. We will sell refreshments and beverages from the small concession stand located at the Festival Plaza site.

As a city committee, we respectfully request that the $60.00 permit fee be waived.

Thank you, in advance, for any consideration you give our request.

Sincerely,

AGE-FRIENDLY COMMUNITY COMMITTEE

Leroy G. Walker, Sr.
Committee Chairman

JLB

CITY OF AUBURN

BUSINESS LICENSE APPLICATION

Business Name:

Office of the City Clerk
60 Court St, Auburn,
ME 04210
207.333.6600
www.auburnmaine.gov

Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

☒ NEW ☐ RENEWAL Expires: _____

Please check the boxes for all licenses you are applying for:

There is a late fee of $50.00 for renewals that are 30-45 days late, $100.00 for more than 46 days late, and $200.00 for reoccurring

Food Service Establishments:

☐ ***FSE Mobile Food distribution Unit** (12 mths) ...$100
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use of location.

☐ ***FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I)** $500

Public hearing required for new license- $100 fee
Background check must also be included.

☐ ***FSE Serving Malt and/or Vinous (FSE Class III & IV)**..... $400

Public hearing required for new license- $100 fee
Background check must also be included.

☐ ***Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X)** $1000
(Plus, actual cost of advertising hearing)

Public hearing required for new license - $100 fee.
Background check must also be included.

☐ ***FSE (On/Off), no Alcohol**.....$200
Includes Prepackaged Foods

☐ ***Bottle Club/BYOB**..... $200

Public hearing required for new license- $100 fee
Background check must also be included.

☒ ***Temp FSE** (Per event max 30 days).....$60

***All above licenses**: include copy of floor plan, menu/ draft menu, certified food handler certificate and a copy of all State licenses applicable.

☐ **FSE Off Premise/Retailer-Malt Liquor/Table Wine**..... $200

Other Business Licenses Applying for:

☐ ***Special Amusement** $125
Public hearing required for new license- $100 fee
Please fill out supplemental questionnaire (pg. 4).

☐ ***Pawnshop/Pawn Broker** $100

☐ ***Secondhand Dealer**..... $100

☐ ***Massage Establishment/Therapist**..... $150
State license #: _____

Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

☐ ***Tattoo Artist**..... $100

***Above licenses**: *Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application.* **You can do it yourself on-line here: http://www5.informe.org/online/pcr/**

☐ **Bowling Alley (fee per lane)** .....
$85
Of lanes: _____

☐ **Roller Skating Rinks with Part/Full Kitchen**...$90

☐ **Coin-op Devices (fee per device)**.....
Up to 10 devices..... $50 Ea
10 or more devices.... $30 Ea
of devices: _____ **Total Amt** _____

☐ **Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc**..... $100

Seating:_____ **Occupancy load:**_____

LICENSING FEE(S) TOTAL DUE: $ _____

NAME OF BUSINESS: Age-Friendly Committee BUSINESS ADDRESS: 32 Pettengill Park Road, Auburn

BUSINESS MAILING ADDRESS: Same

OWNER'S NAME (LOCAL/ONSITE): City of Auburn DOB: _____ PHONE: 207-333-6600

OWNER'S ADDRESS: 60 Court Street, Auburn MAILING ADDRESS: _____

PREFERRED EMAIL: _____

MANAGER'S NAME: Leroy G. Walker, Sr. PHONE #: 207-577-2694 DOB: 1/14/49

PREFERRED CONTACT NAME: _____ PHONE #: _____

EMAIL ADDRESS: lwalker@auburnmaine.gov

DESCRIPTION OF BUSINESS: City Committee

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): _____

FORM OF BUSINESS ORGANIZATION: ☐ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ LLC ■ Other

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	*Print Clearly* Address Previous 5 years	Birth Date	% of Stock	Title

OWNER OF BUILDING/UNIT: City of Auburn PHONE # 207-333-6600

OWNER'S ADDRESS: _____

HOURS OF OPERATION: Mon: _____ Tues: _____ Wed: 6:30 -8:00 p.m. Thurs: _____

Fri: _____ Sat: _____ Sun: _____

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? ☐ Yes ■ No (If yes, complete the following)

Name: _____ Date of conviction: _____

Offense: _____ Location: _____

Disposition: _____

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

****READ CAREFULLY BEFORE SIGNING****

I, Leroy G. Walker, Sr. (Print name), Owner/Operator of the business, hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature: Leroy Walker Sr. **Date:** 6/10/24

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

__Approved	_	Denied	FIRE INSPECTOR _____
__Approved	_	Denied	CODE ENFORCEMENT OFFICER __
__Approved	_	Denied	POLICE _____
__Approved	_	Denied	FINANCE _____

Comments:

_____

_____

Application date:_____ License issued on:_____

Fees paid: License fee(s)_____Public hearing fee_____Background fee_____Late fee_____

Total amount paid = $_____

Special Amusement Questionnaire:

Exact entertainment to be provided at establishment:

_____

(Specify hours of entertainment) Mon: _____ Tues: _____ Wed: _____ Thurs: _____
Fri: _____ Sat: _____ Sun: _____

Describe in detail the room(s) to be used under the permit:

_____

Include a diagram or floor plan of your business. On the diagram please list the following:

Main Entrance, Secondary Entrances, Fire Escapes, Fire Extinguishers, Location of Stationary Security Personnel, Food Serving or preparation areas, the direction of any speakers, Dancing Area, Locations where alcohol will be sold.

Have any of the applicants, including the corporation ever had a special amusement license denied or revoked?

☐ Yes ☐ No If yes, Please explain (Including location and timeframe):

_____

_____

PLEASE PROVIDE THE FOLLOWING, IF APPLICABLE:

CURRENT LIQUOR LICENSE #_____EXPIRATION DATE:_____

PLEASE BE ADVISED THAT THE APPLICANT MAY BE REQUIRED TO COMPLY WITH THE FOLLOWING CONDITIONS:

Applicant agrees to have two counters or clickers at each entrance. One will be used to document the patrons that have entered the establishment. The second will be used to document the patrons that have exited the establishment. This will give the staff and public safety personnel an accurate count of patrons in the establishment.

Applicant agrees to have the maximum seating and or occupancy capacity clearly listed in each room that is open to the public, and to have security and or staff stationed at all times at all entrances and exits used by the public.

Applicant agrees to, if so ordered by the Chief of Police, to hire sworn members of the Auburn Police Department for security. The rate will be at the current City of Auburn detail rate. These officers will supplement the existing staff or security.

The below chart will be used as a guide in determining the numbers of officers required.

Number of Attendees	Number of Police
1 - 200	2
201 - 400	4
401 - 600	6
601+	One supervisor and one additional officer for each 200 attendees or portion thereof in excess of 601

All requests for modification(s) of the approved Special Amusement license must be submitted in writing to the City of Auburn. Any changes made without approval from the City of Auburn may result in an immediate suspension of the license. Signature on application releases the Auburn Police Department, its agents and representatives from any and all liability of every nature and kind arising out of the furnishing, inspection or collection of such documents, records and other information or the investigation made by the Auburn Police Department.

I do hereby authorize Auburn Police Department and its agents to receive copies of records and/or any information concerning my background, character, bank accounts, businesses, places of employment, schools and any other source necessary for the purpose of obtaining a Special Amusement License.

I have read and understand section 14-600 to 14-609, Special Amusement Permits, of the City of Auburn's business license ordinance._____**(Initial)**

ORDER 86-06172024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Clerk to waive the $60 Temporary Food Service license fee for the Age Friendly Community Committee to operate a concessions stand in Festival Plaza on Wednesday evenings from June 26, 2024 through August 21, 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Monthly Financial Report
April 2024

Authored by: Kelsey Earle

To: Honorable Mayor, Members of the City Council and City Manager
Subject: Financial Report for the Month Ending April 30, 2024

I respectfully submit the financial summaries of the revenue and expenditure activities for the City during the month ending April 30, 2024.

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 seventh month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 83.33% 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.

General Fund Highlights

Revenues

• Total revenues collected through April 2024 were **$100.7M** or **88.93%** of budgeted general fund revenue, as compared to **$94.9M** of actual revenues through April 2023.

•Year-to-date tax revenues were **1.39% higher** than the prior year.

• Intermodal rental income increased by **$13,930** YTD, **47% higher** than FY23.

Expenditures

• Expenditures through April 2024 were **$80.4M** or **70.49%** of the budget, as compared to **$80.8M** of actual expenditures through April 2023.

•Most significant decreases can be found in OT and Utilities.

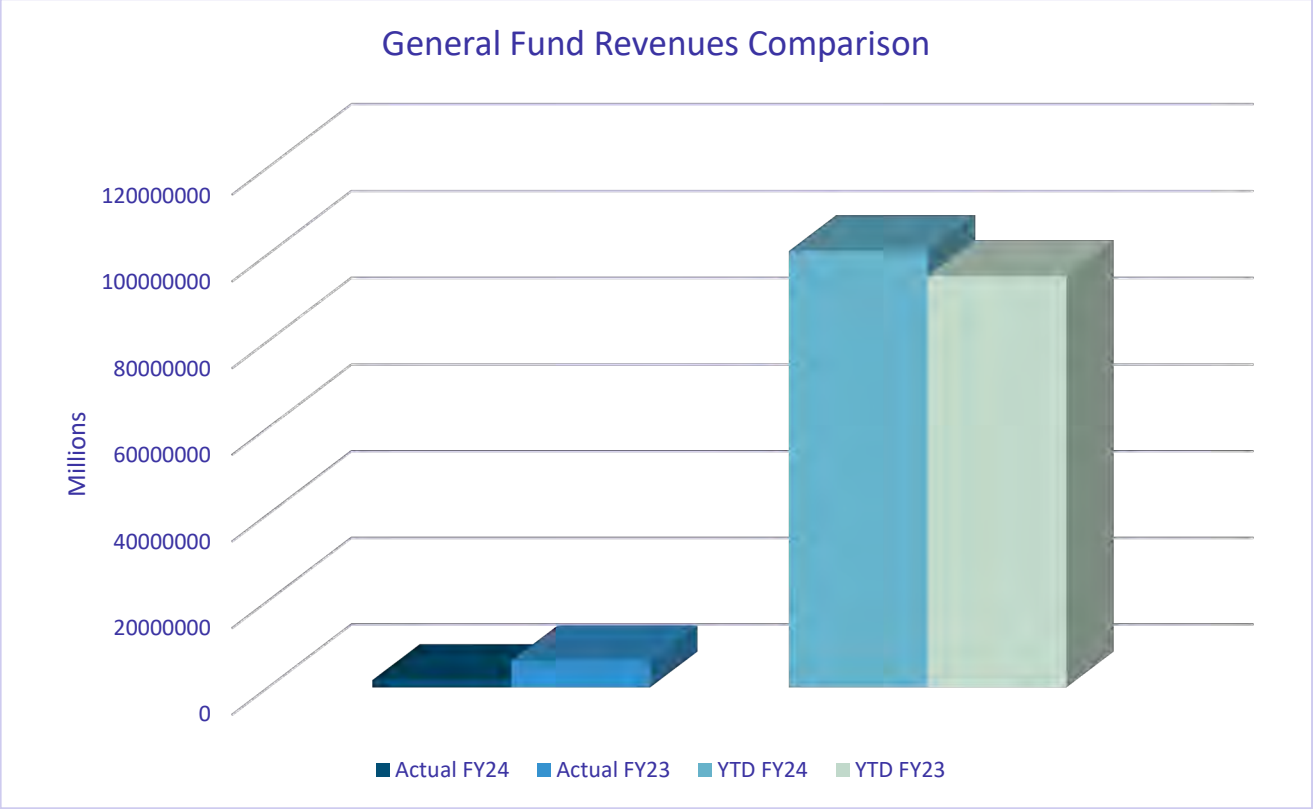
Respectfully submitted,

Kelsey L. D. Earle

Kelsey L. D. Earle
Finance Director

General Fund

for the Period Ended April 30, 2024

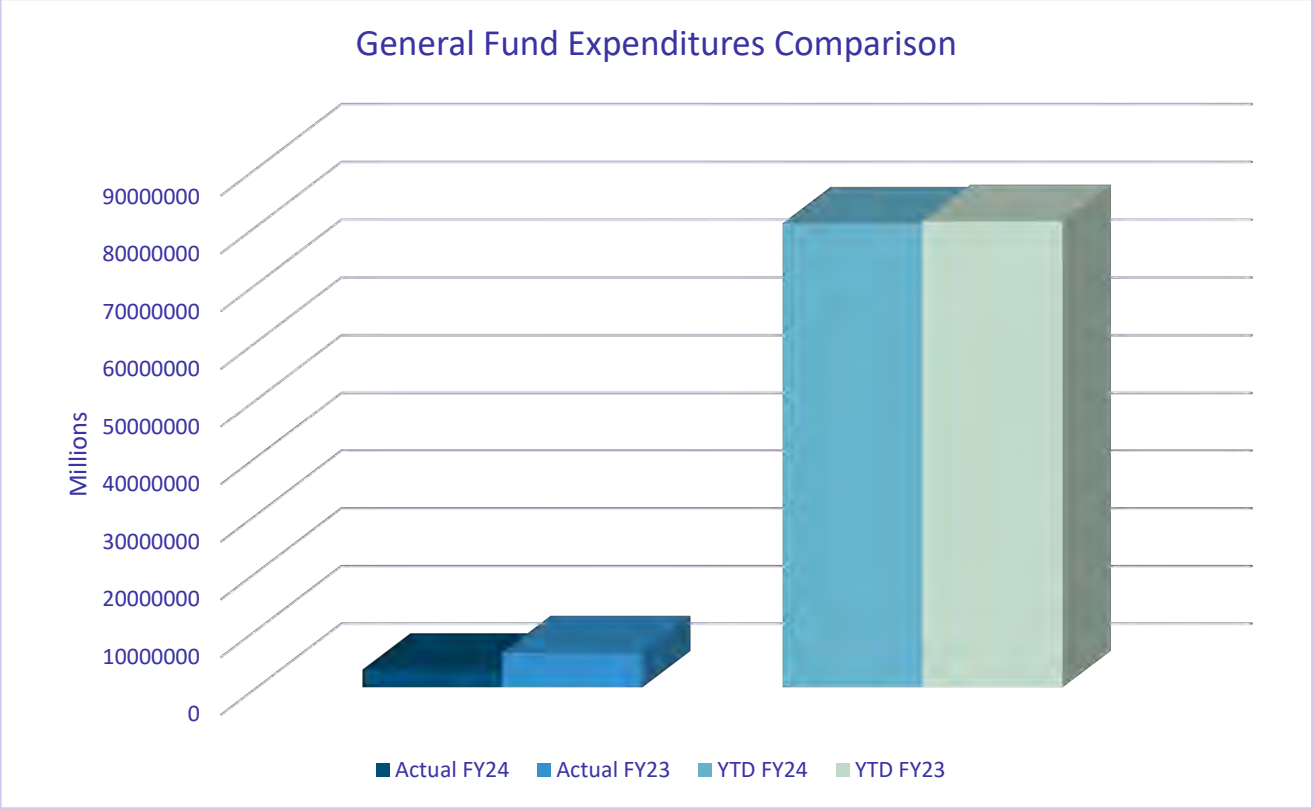


Monthly Budget Report -Revenues - April

Account Number	Account Desc	APR 2024 Budget	APR 2024 Actual	APR 2024 % Used	APR 2023 Actual	APR 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	2023 YTD % Used	Variance
1000 General Fund		0.00	(1,686,966.79)	100.00%	(6,177,202.66)	100.00%	(113,232,692.00)	(100,692,350.87)	88.93%	(94,897,751.21)	88.65%	5,794,599.66
0006 Communications & Technology		0.00	0.00	0.00%	146.97	100.00%	(40,000.00)	0.00	0.00%	146.97	100.00%	146.97
0007 City Clerk		0.00	(17,708.62)	100.00%	(15,650.40)	100.00%	(273,300.00)	(235,973.56)	86.34%	(271,275.12)	120.73%	(35,301.56)
0008 Finance		0.00	(1,480,201.00)	100.00%	(2,022,943.99)	100.00%	(71,270,502.00)	(63,582,979.19)	89.21%	(62,290,611.22)	91.76%	1,292,367.97
0005 City Manager		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0011 Economic Development		0.00	0.00	0.00%	(6,000.00)	100.00%	0.00	0.00	0.00%	(43,095.00)	100.00%	(43,095.00)
0015 Facilities		0.00	(14,157.50)	100.00%	(650.00)	100.00%	(95,000.00)	(26,312.46)	27.70%	(19,537.61)	20.57%	6,774.85
0017 Fringe Benefits & Salary Incre		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0012 Planning & Permitting		0.00	(7,064.41)	100.00%	(25,284.50)	100.00%	(211,000.00)	(203,159.16)	96.28%	(155,647.33)	74.65%	47,511.83
0042 Public Works		0.00	(40.00)	100.00%	(585.00)	100.00%	(430,450.00)	(516,937.00)	120.09%	(437,779.00)	101.47%	79,158.00
0021 Fire & EMS Transport		0.00	0.00	0.00%	0.00	0.00%	(100.00)	(55.00)	55.00%	(90.00)	90.00%	(35.00)
0022 Police		0.00	(2,547.00)	100.00%	(3,991.15)	100.00%	(48,200.00)	(50,169.23)	104.09%	(97,065.29)	47.89%	(46,896.06)
0023 Fire EMS Transport		0.00	(152,028.76)	100.00%	(175,100.35)	100.00%	(1,465,000.00)	(1,423,866.21)	97.19%	(1,410,395.18)	104.47%	13,471.03
0025 Information Technology		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	(150.76)	100.00%	(150.76)
0031 Health and Social Services		0.00	0.00	0.00%	0.00	0.00%	(125,000.00)	(298,345.36)	238.68%	(79,233.14)	94.42%	219,112.22
0030 Recreation		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0043 Solid Waste Disposal		0.00	(13,219.50)	100.00%	(12,911.50)	100.00%	0.00	(50,486.17)	100.00%	(52,141.00)	100.00%	(1,654.83)
0040 Public Works		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0046 PW School Maint & Custodial		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0056 LA Transit Committee		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0070 Education		0.00	0.00	0.00%	(3,914,232.74)	100.00%	(39,274,140.00)	(34,304,067.53)	87.35%	(30,040,877.53)	82.15%	4,263,190.00
	Grand Total:	0.00	(1,686,966.79)	100.00%	(6,177,202.66)	100.00%	(113,232,692.00)	(100,692,350.87)	88.93%	(94,897,751.21)	88.65%	5,794,599.66

General Fund

for the Period Ended April 30, 2024



Monthly Budget Report- Expenditures - April

Account Number	Account Desc	Budget	APR 2024 Actual	APR 2024 % Used	APR 2023 Actual	APR 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	2023 YTD % Used	Variance
1000 General Fund		0.00	3,048,586.23	100.00%	6,056,305.31	100.00%	114,062,294.66	80,398,383.06	70.49%	80,796,496.32	75.09%	(398,113.26)
0000 Unassigned		0.00	62,500.00	100.00%	0.00	0.00%	62,500.00	62,500.00	100.00%	0.00	0.00%	62,500.00
0004 Mayor and Council		0.00	15,584.59	100.00%	2,361.31	100.00%	174,696.33	172,414.43	98.69%	153,071.60	86.57%	19,342.83
0005 City Manager		0.00	48,712.29	100.00%	53,053.63	100.00%	719,509.00	590,192.11	82.03%	384,577.71	72.83%	205,614.40
0006 Communications & Technology		0.00	12,306.37	100.00%	14,517.00	100.00%	361,522.00	260,020.50	71.92%	142,184.19	61.18%	117,836.31
0007 City Clerk		0.00	28,673.09	100.00%	19,148.23	100.00%	299,253.76	251,452.52	84.03%	214,325.21	76.68%	37,127.31
0008 Finance		0.00	73,969.94	100.00%	76,101.63	100.00%	1,228,278.00	1,141,357.16	92.92%	938,164.13	82.07%	203,193.03
0009 Human Resources		0.00	19,160.45	100.00%	18,303.70	100.00%	246,260.00	203,883.47	82.79%	175,973.07	79.23%	27,910.40
0010 Planning & Permitting		0.00	54,044.45	100.00%	62,338.91	100.00%	717,461.00	590,010.72	82.24%	602,782.96	80.87%	(12,772.24)
0003 Economic Development		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0011 Economic Development		0.00	14,025.68	100.00%	29,201.39	100.00%	123,893.00	156,282.85	126.14%	235,524.57	82.18%	(79,241.72)
0012 Planning & Permitting		0.00	500.00	100.00%	0.00	0.00%	0.00	2,125.00	100.00%	0.00	0.00%	2,125.00
0013 Business & Community Developme		0.00	33,134.01	100.00%	30,959.15	100.00%	710,692.00	304,473.24	42.84%	240,832.17	35.87%	63,641.07
0015 Facilities		0.00	(3.55)	100.00%	43.44	100.00%	0.00	74.45	100.00%	21,848.75	91.91%	(21,774.30)
0016 Worker's Compensation		0.00	0.00	0.00%	0.00	0.00%	715,400.00	715,400.00	100.00%	698,000.00	100.00%	17,400.00
0017 Fringe Benefits & Salary Incre		0.00	586,131.00	100.00%	530,917.30	100.00%	8,377,629.00	5,718,393.72	68.26%	5,437,082.06	68.47%	281,311.66
0019 Debt Service		0.00	0.00	0.00%	0.00	0.00%	8,334,544.00	8,368,514.13	100.41%	8,394,861.24	100.40%	(26,347.11)
0025 Information Technology		0.00	36,481.81	100.00%	36,583.68	100.00%	985,540.76	773,156.82	78.45%	645,068.31	78.00%	128,088.51
0042 Public Works		0.00	520,743.01	100.00%	434,582.68	100.00%	6,511,956.04	4,994,314.65	76.69%	4,471,730.31	76.24%	522,584.34
0018 Emergency Reserve		0.00	0.00	0.00%	0.00	0.00%	550,000.00	0.00	0.00%	0.00	0.00%	0.00
0020 Capital Investment & Purchasin		0.00	84,342.52	100.00%	67,708.29	100.00%	834,613.18	570,614.59	68.37%	477,670.70	71.03%	92,943.89
0021 Fire & EMS Transport		0.00	524,251.39	100.00%	449,137.02	100.00%	6,367,748.65	5,260,814.17	82.62%	4,608,912.43	80.50%	651,901.74
0022 Police		0.00	355,031.10	100.00%	352,514.37	100.00%	5,228,357.94	4,244,661.62	81.19%	3,882,887.46	78.23%	361,774.16
0023 Fire EMS Transport		0.00	0.00	0.00%	463.23	100.00%	0.00	0.00	0.00%	463.23	100.00%	(463.23)
0030 Recreation		0.00	53,326.19	100.00%	58,799.12	100.00%	723,631.00	567,885.51	78.48%	537,974.60	70.10%	29,910.91
0031 Health and Social Services		0.00	101,445.21	100.00%	46,743.44	100.00%	180,825.00	710,351.94	392.84%	197,165.00	164.48%	513,186.94
0043 Solid Waste Disposal		0.00	128,278.10	100.00%	27,102.75	100.00%	1,411,000.00	1,116,549.61	79.13%	857,551.00	64.97%	258,998.61
0045 County Tax		0.00	0.00	0.00%	0.00	0.00%	2,972,037.00	2,972,037.00	100.00%	2,761,220.00	100.00%	210,817.00
0046 PW School Maint & Custodial		0.00	4,148.22	100.00%	0.00	0.00%	0.00	199,259.10	100.00%	0.00	0.00%	199,259.10
0049 Auburn Arts in the Park		0.00	2,500.00	100.00%	7,500.00	100.00%	20,000.00	20,000.00	100.00%	30,000.00	100.00%	(10,000.00)
0050 Public Library		0.00	94,888.00	100.00%	271,110.00	100.00%	1,138,659.00	948,941.76	83.34%	903,700.00	83.33%	45,241.76
0051 Transfer to TIF		0.00	0.00	0.00%	0.00	0.00%	3,049,803.00	2,951,315.15	96.77%	2,479,087.54	81.29%	472,227.61
0052 Water & Sewer		0.00	195,300.82	100.00%	0.00	0.00%	792,716.00	781,203.28	98.55%	585,902.46	73.91%	195,300.82
0053 Tax Sharing		0.00	0.00	0.00%	0.00	0.00%	260,000.00	0.00	0.00%	0.00	0.00%	0.00
0054 Auburn-Lewiston Airport		0.00	(899.50)	100.00%	409.99	100.00%	205,000.00	209,462.82	102.18%	207,002.20	100.98%	2,460.62
0055 LEW-AUB ECONOMIC GROWTH COUN		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0056 LA Transit Committee		0.00	0.00	0.00%	0.00	0.00%	400,079.00	389,797.00	97.43%	431,811.00	100.00%	(42,014.00)
0057 LA-911		0.00	11.04	100.00%	0.00	0.00%	1,287,401.00	965,561.31	75.00%	913,284.63	75.00%	52,276.68
0070 Education		0.00	0.00	0.00%	3,466,705.05	100.00%	59,071,289.00	34,185,362.43	57.87%	39,165,837.79	70.28%	(4,980,475.36)
	Grand Total:	0.00	3,048,586.23	100.00%	6,056,305.31	100.00%	114,062,294.66	80,398,383.06	70.49%	80,796,496.32	75.09%	(398,113.26)

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2023 - June 30, 2024
Report as of April 30, 2024

	Beginning Balance 4/1/2024	April 2024				Write-Offs	Ending Balance 4/30/2024
		New Charges	Payments	Refunds	Adjustments		
Attorney/In care of	**$ (16.75)**	$ -	$ -	$ -	$ -	$ -	$ (16.75)
Bluecross	**$ 68,594.98**	$ 12,625.50	$ (10,466.32)	$ -	$ (1,952.21)	$ -	$ 68,801.95
Intercept	**$ (1,969.40)**	$ 100.00	$ (200.00)	$ -	$ -	$ -	$ (2,069.40)
Medicare	**$ 428,379.41**	$ 190,126.00	$ (63,453.91)	$ -	$ (113,362.00)	$ -	$ 441,689.50
Medicaid	**$ (94,850.42)**	$ 56,812.00	$ (49,080.06)	$ -	$ (38,410.15)	$ -	$ (125,528.63)
Other/Commercial	**$ 139,130.57**	$ 14,550.00	$ (21,807.89)	$ -	$ (1,915.39)	$ -	$ 129,957.29
Patient	**$ 16,314.48**	$ 9,334.00	$ (16,727.15)	$ 197.68	$ (684.79)	$ 729.80	$ 9,164.02
Worker's Comp	**$ (12,114.21)**	$ -	$ (880.00)	$ -	$ -	$ -	$ (12,994.21)
TOTAL	**$ 543,468.66**	**$ 283,547.50**	**$ (162,615.33)**	**$ 197.68**	**$ (156,324.54)**	**$ 729.80**	**$ 509,003.77**

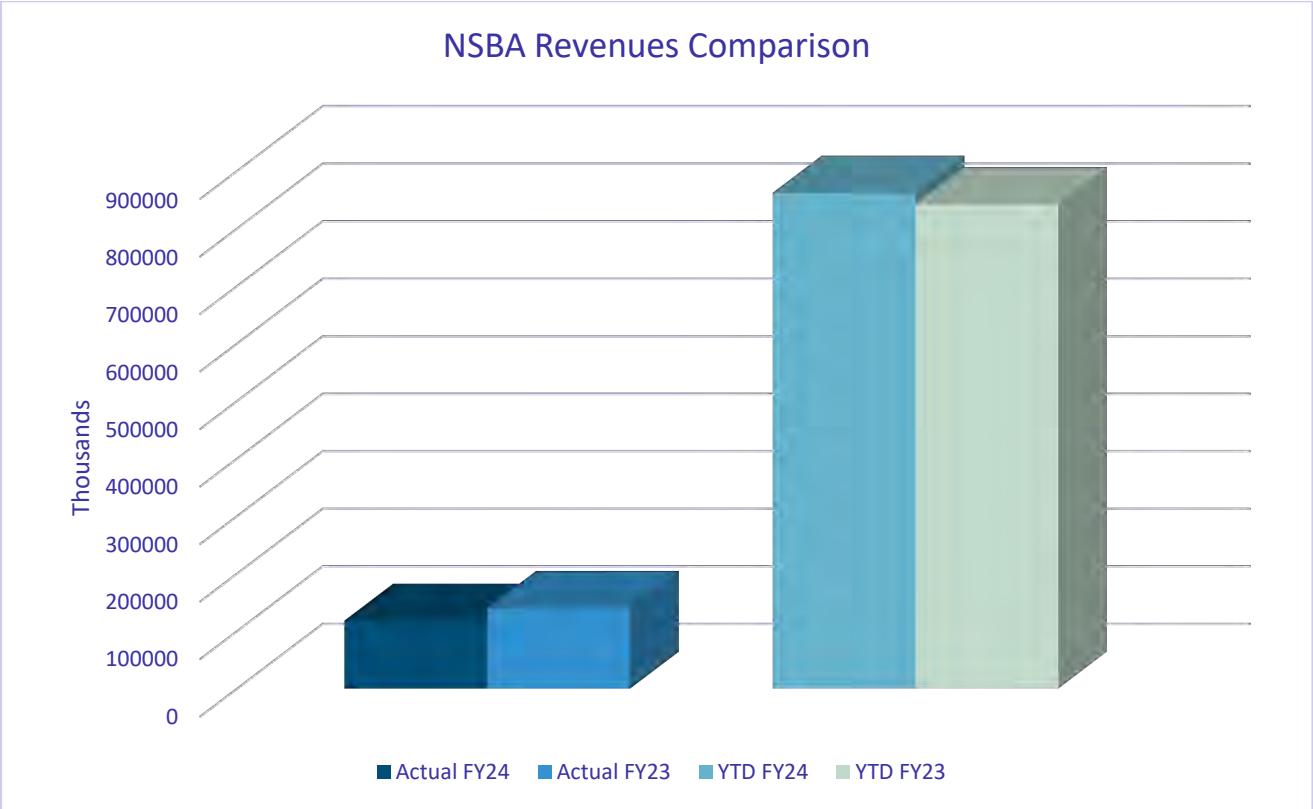
Norway Savings Bank Arena

for the Period Ended April 30, 2024

As of April 2024, Norway Arena had an operating gain YTD of $153,004, representing a $71,368 increase from the same period in March.

Revenues:

The operating revenues for Norway Arena through April 2024 are $862,403. This revenue comes from concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals. Table 1 reflects revenues collected for the current year with comparison for the same period a year ago. Total revenues represent a 2.34% increase over April FY23.

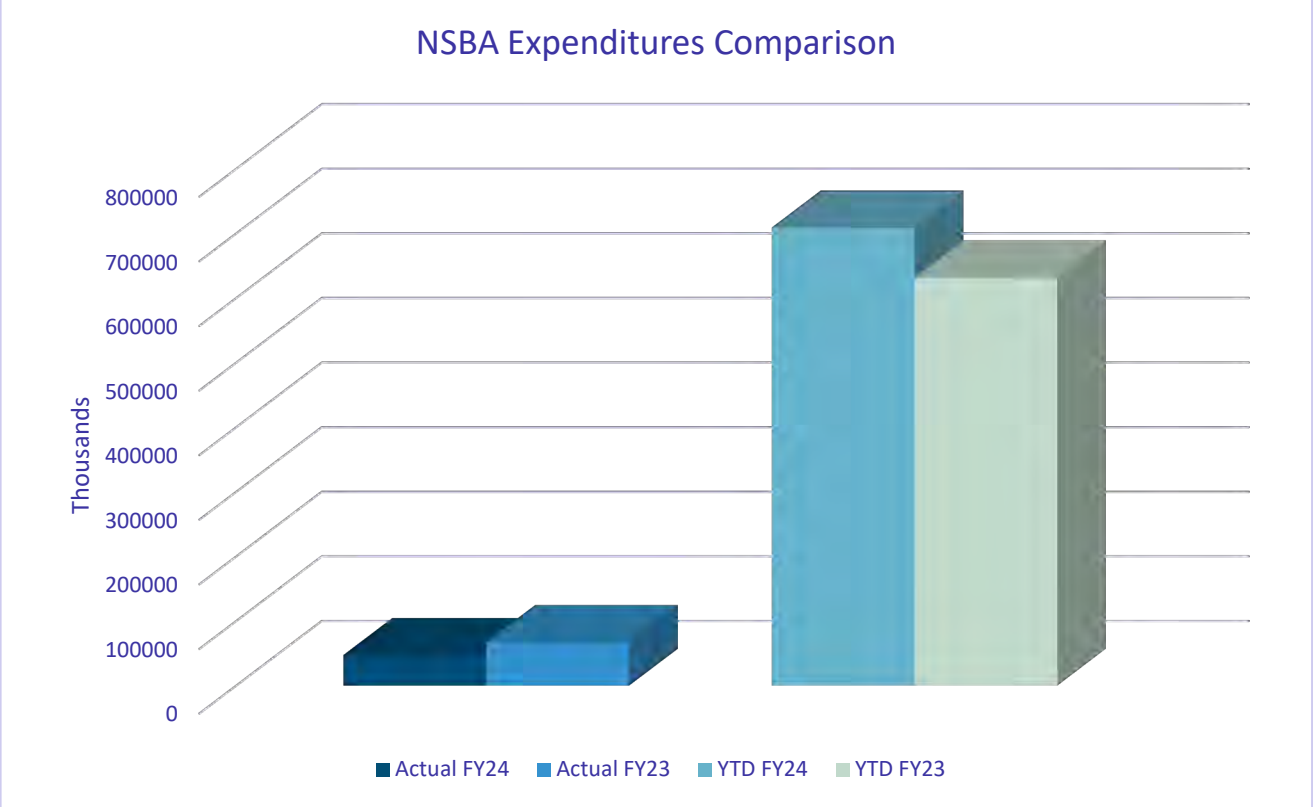


Expenditures:

Monthly Budget Report - Revenues - April

Account Number	Account Desc	APR 2024 Budget	APR 2024 Actual	APR 2024 % Used	APR 2023 Actual	APR 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6200 Norway Savings Bank Arena		**0.00**	**(118,203.05)**	**100.00%**	**(140,247.87)**	**100.00%**	**(1,088,500.00)**	**(862,403.63)**	**79.23%**	**(842,674.80)**	**$ 19,728.83**
6200 4201	Gladiators	0.00	(43,773.34)	100.00%	(34,871.66)	100.00%	(260,000.00)	(277,126.05)	106.59%	(234,934.44)	**42,191.61**
6200 4202	EL Ice	0.00	0.00	0.00%	(20,335.00)	100.00%	(22,500.00)	(15,190.00)	67.51%	(21,560.00)	**(6,370.00)**
6200 4203	Red Hornet	0.00	0.00	0.00%	(11,147.50)	100.00%	(18,500.00)	(15,802.50)	85.42%	(15,802.50)	**0.00**
6200 4205	St Doms	0.00	(980.00)	100.00%	0.00	0.00%	(47,000.00)	(44,283.70)	94.22%	(33,279.15)	**11,004.55**
6200 4206	Poland/Gra	0.00	(490.00)	100.00%	(3,255.00)	100.00%	(19,500.00)	(13,352.50)	68.47%	(15,960.00)	**(2,607.50)**
6200 4207	CMCC	0.00	0.00	0.00%	0.00	0.00%	(22,500.00)	0.00	0.00%	(20,253.33)	**(20,253.33)**
6200 4208	SMMHL	0.00	0.00	0.00%	0.00	0.00%	(2,500.00)	0.00	0.00%	0.00	**0.00**
6200 4209	Adult Leag	0.00	(5,190.00)	100.00%	(7,018.75)	100.00%	(130,000.00)	(102,411.25)	78.78%	(110,814.38)	**(8,403.13)**
6200 4210	YouthOther	0.00	0.00	0.00%	(12,636.58)	100.00%	(1,500.00)	(4,238.00)	282.53%	(28,607.74)	**(24,369.74)**
6200 4211	HS/MS Othe	0.00	0.00	0.00%	0.00	0.00%	(15,000.00)	(4,785.00)	31.90%	(1,960.00)	**2,825.00**
6200 4212	Ice R-Twin	0.00	0.00	0.00%	593.69	100.00%	(60,000.00)	(28,904.00)	48.17%	(1,126.79)	**27,777.21**
6200 4215	Freestyl	0.00	(350.00)	100.00%	(220.00)	100.00%	(7,500.00)	(2,735.00)	36.47%	(5,190.00)	**(2,455.00)**
6200 4220	Camps/Clin	0.00	0.00	0.00%	(10,000.00)	100.00%	(50,000.00)	(11,560.00)	23.12%	(31,010.00)	**(19,450.00)**
6200 4221	Tournament	0.00	(34,710.33)	100.00%	0.00	0.00%	(50,000.00)	(70,354.46)	140.71%	(66,505.06)	**3,849.40**
6200 4222	BirthdayPa	0.00	0.00	0.00%	0.00	0.00%	(500.00)	0.00	0.00%	0.00	**0.00**
6200 4223	Private Re	0.00	(1,055.00)	100.00%	(1,320.00)	100.00%	(60,000.00)	(24,026.67)	40.05%	(19,195.00)	**4,831.67**
6200 4224	Public Ska	0.00	0.00	0.00%	(405.00)	100.00%	(20,000.00)	(10,157.50)	50.79%	(21,750.00)	**(11,592.50)**
6200 4225	ShinnyHock	0.00	(450.00)	100.00%	(970.00)	100.00%	(4,000.00)	(6,285.00)	157.13%	(1,860.00)	**4,425.00**
6200 4240	Programs	0.00	0.00	0.00%	0.00	0.00%	(20,000.00)	0.00	0.00%	0.00	**0.00**
6200 4250	NonIceFac	0.00	0.00	0.00%	(2,801.00)	100.00%	(55,000.00)	(30,850.00)	56.09%	(34,016.94)	**(3,166.94)**
6200 4252	Skates	0.00	0.00	0.00%	(315.00)	100.00%	(6,000.00)	(3,905.00)	65.08%	(2,745.00)	**1,160.00**
6200 4260	Concession	0.00	0.00	0.00%	0.00	0.00%	(16,500.00)	(13,000.00)	78.79%	0.00	**13,000.00**
6200 4261	PepsiMachi	0.00	(620.01)	100.00%	(681.44)	100.00%	(3,000.00)	(1,598.63)	53.30%	(2,029.89)	**(431.26)**
6200 4263	Food Vendi	0.00	(334.37)	100.00%	(364.63)	100.00%	(2,000.00)	(809.57)	40.50%	(1,097.88)	**(288.31)**
6200 4265	Pro Shop	0.00	0.00	0.00%	0.00	0.00%	(7,000.00)	(5,187.00)	74.10%	(4,095.00)	**1,092.00**
6200 4270	Sponsors	0.00	(30,250.00)	100.00%	(34,500.00)	100.00%	(186,000.00)	(175,841.80)	94.54%	(168,881.70)	**6,960.10**

The operating expenses for Norway Arena through April 2024 were $709,399. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance. Table 2 reflects expenditures for the current year with comparison for the same period a year ago. Total expenditures represent a 12.2% increase over YTD FY23, consistent with the increased cost of services and goods.



Monthly Budget Report- Expenditures - April

Account Number	Account Desc	APR 2024 Budget	APR 2024 Actual	APR 2024 % Used	APR 2023 Actual	APR 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	Actual	Variance
6200 Norway Savings Bank Arena		0.00	47,524.44	100.00%	67,612.10	100.00%	881,871.55	709,398.69	80.44%	632,239.35	$ 77,159.34
0065 Norway Savings Bank Arena		0.00	47,524.44	100.00%	67,612.10	100.00%	881,871.55	709,398.69	80.44%	632,239.35	77,159.34
		0.00	47,524.44	100.00%	67,612.10	100.00%	881,871.55	709,398.69	80.44%	632,239.35	77,159.34
6200 611000	Salaries	0.00	27,834.82	100.00%	24,770.05	100.00%	231,095.00	275,341.40	119.15%	258,917.15	**16,424.25**
6200 612000	Part Time	0.00	5,178.13	100.00%	4,207.85	100.00%	60,000.00	60,168.80	100.28%	54,482.46	**5,686.34**
6200 612008	Programs	0.00	0.00	0.00%	0.00	0.00%	10,000.00	18.50	0.18%	2,243.00	**(2,224.50)**
6200 613030	Police Tim	0.00	0.00	0.00%	(1,560.00)	100.00%	0.00	7,312.50	100.00%	(715.00)	**8,027.50**
6200 614015	EarnedPdLv	0.00	0.00	0.00%	0.00	0.00%	0.00	152.01	100.00%	0.00	**152.01**
6200 615000	Uniform Al	0.00	101.71	100.00%	113.04	100.00%	0.00	361.73	100.00%	400.00	**(38.27)**
6200 620000	Advertisin	0.00	0.00	0.00%	0.00	0.00%	2,000.00	0.00	0.00%	0.00	**0.00**
6200 628000	PS - Gen/P	0.00	0.00	0.00%	3,026.73	100.00%	14,000.00	4,162.97	29.74%	3,984.46	**178.51**
6200 628003	PS - Drug	0.00	0.00	0.00%	0.00	0.00%	400.00	68.00	17.00%	0.00	**68.00**
6200 628014	PS - Solid	0.00	61.10	100.00%	0.00	0.00%	600.00	569.11	94.83%	542.52	**26.59**
6200 628019	Repairs -	0.00	5,045.65	100.00%	129.15	100.00%	50,000.00	36,612.28	73.22%	42,875.33	**(6,263.05)**
6200 628020	Repairs -	0.00	0.00	0.00%	142.40	100.00%	4,000.00	2,091.69	52.30%	2,622.06	**(530.37)**
6200 628021	Repairs -	0.00	0.00	0.00%	0.00	0.00%	4,000.00	1,665.42	41.63%	2,201.44	**(536.02)**
6200 628026	Repairs -	0.00	0.00	0.00%	0.00	0.00%	0.00	8,424.00	100.00%	0.00	**8,424.00**
6200 628033	Rent	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6200 628051	PSCleaning	0.00	2,185.00	100.00%	1,970.00	100.00%	19,235.00	17,765.00	92.36%	18,030.00	**(265.00)**
6200 628070	PS-Securit	0.00	384.94	100.00%	366.60	100.00%	4,900.00	6,018.06	122.82%	6,432.04	**(413.98)**
6200 629000	Training &	0.00	0.00	0.00%	0.00	0.00%	5,000.00	4,501.60	90.04%	3,385.30	**1,116.30**
6200 632000	Dues & Sub	0.00	350.00	100.00%	55.00	100.00%	7,412.00	5,049.80	68.13%	5,078.50	**(28.70)**
6200 633000	Office Sup	0.00	0.00	0.00%	0.00	0.00%	2,000.00	275.32	13.75%	0.00	**275.32**
6200 633001	Other Sup	0.00	2,006.28	100.00%	3,863.95	100.00%	71,800.00	63,133.28	87.93%	32,205.23	**30,928.05**
6200 633002	ADV SIG	0.00	4.00	100.00%	56.95	100.00%	3,000.00	433.70	14.47%	1,616.66	**(1,182.96)**
6200 633021	Other Sup	0.00	203.97	100.00%	0.00	0.00%	4,000.00	1,735.19	43.38%	2,000.29	**(265.10)**
6200 633030	MV Sup - G	0.00	0.00	0.00%	0.00	0.00%	0.00	123.45	100.00%	25.74	**97.71**
6200 640000	Comm - Tel	0.00	305.63	100.00%	568.62	100.00%	5,000.00	3,010.41	60.20%	2,976.79	**33.62**
6200 640001	Comm-Cable	0.00	515.40	100.00%	477.75	100.00%	2,500.00	2,507.47	100.28%	3,131.15	**(623.68)**
6200 641000	Utilities	0.00	0.00	0.00%	0.00	0.00%	46,000.00	6,530.78	14.20%	19,528.37	**(12,997.59)**
6200 641001	Utilities	0.00	2,302.40	100.00%	8,883.30	100.00%	34,500.00	22,185.53	64.31%	30,037.36	**(7,851.83)**
6200 641002	Utilities	0.00	0.00	0.00%	0.00	0.00%	176,000.00	26,565.08	15.09%	54,221.81	**(27,656.73)**
6200 641003	Utilities	0.00	1,045.41	100.00%	0.00	0.00%	3,000.00	7,792.61	259.77%	2,882.29	**4,910.32**
6200 645000	Insurance	0.00	0.00	0.00%	0.00	0.00%	31,000.00	43,223.00	139.43%	33,538.00	**9,685.00**
6200 650000	CAPITAL OU	0.00	0.00	0.00%	20,540.71	100.00%	90,279.55	101,600.00	112.54%	49,596.40	**52,003.60**

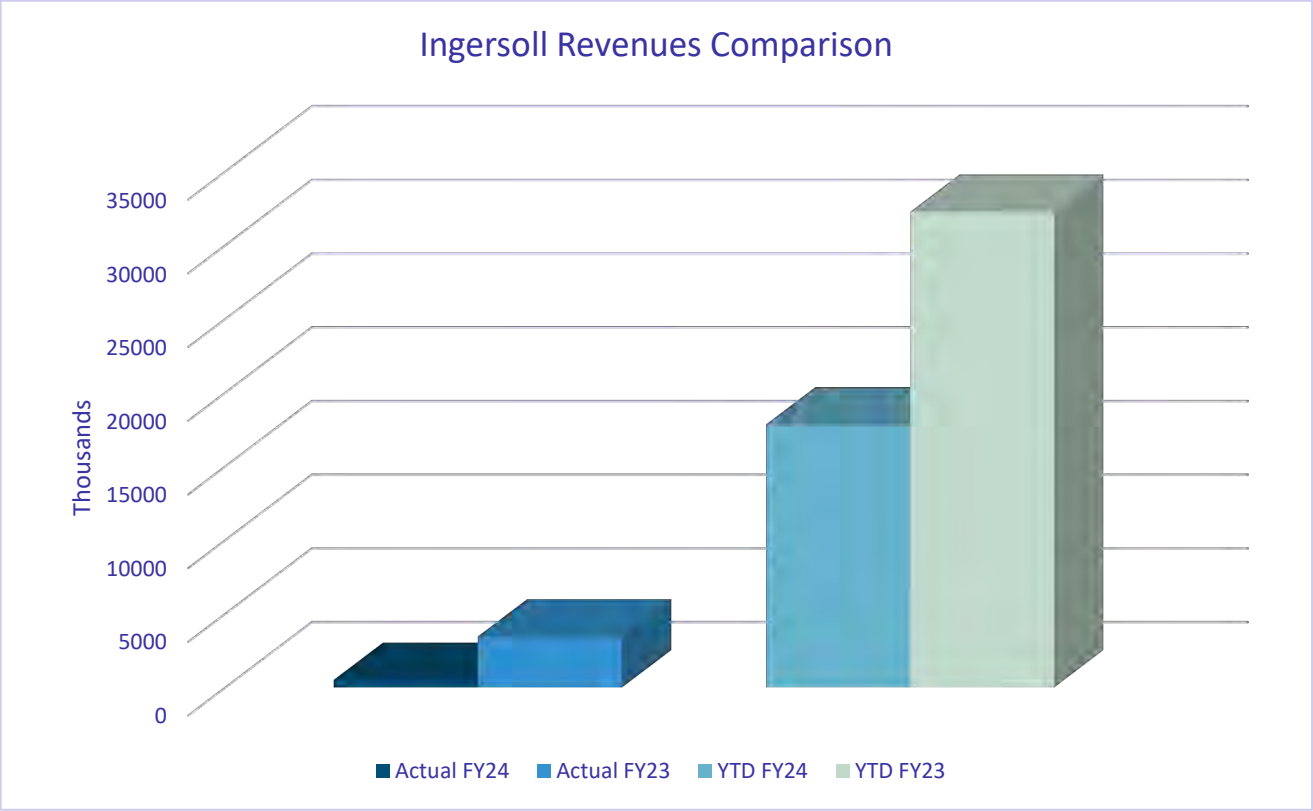
Ingersoll Turf Facility

for the Period Ended April 30, 2024

As of April 2024, Ingersoll Turf Facility had an operating gain YTD of $144,549.

Revenues:

The operating revenues for Ingersoll through April 2024 are $162,396. This revenue comes from sponsorships, programs, rental income, and batting cages. Table 1 reflects revenues collected for the current year with comparison for the same period a year ago. Total revenues represent a 14.43% increase over FY23.

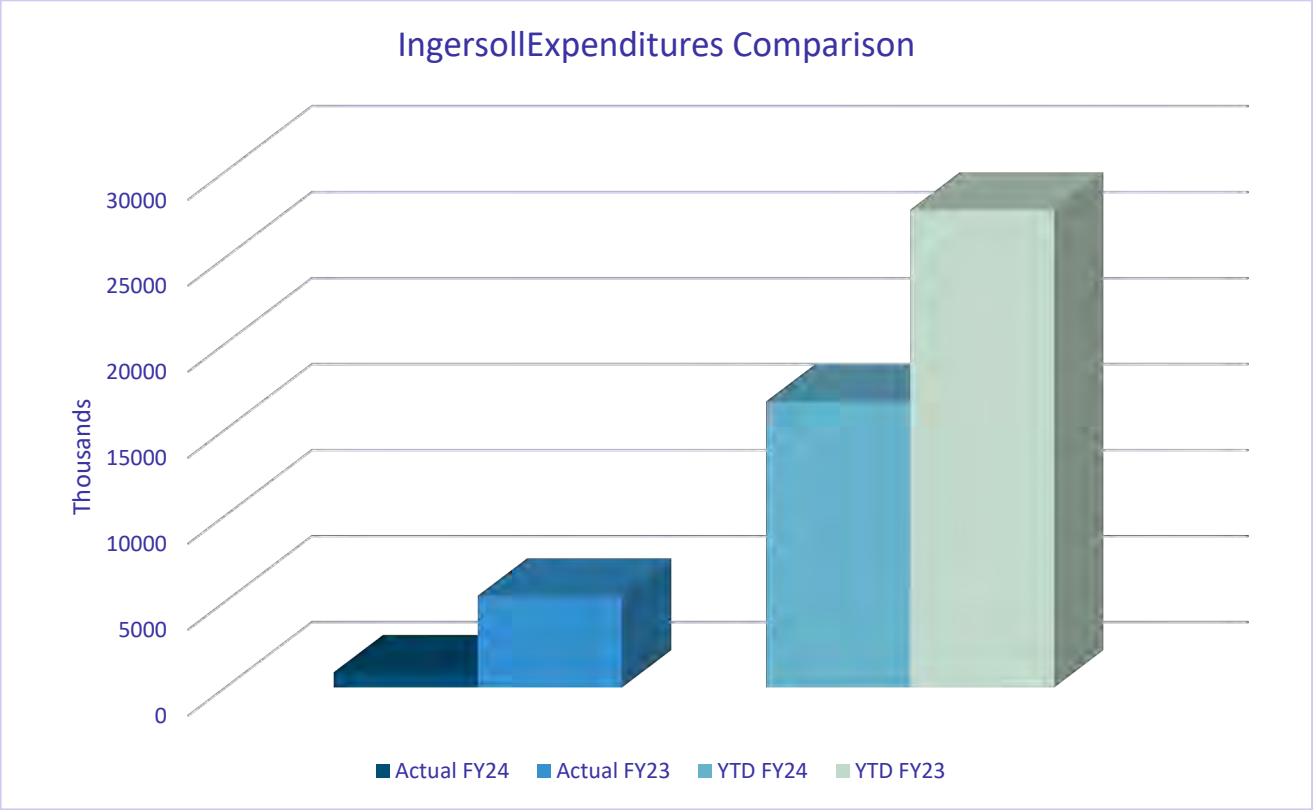


Monthly Budget Report - Revenues - April

Account Number	Account Desc	APR 2024 Budget	APR 2024 Actual	APR 2024 % Used	APR 2023 Actual	APR 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6100 Ingersoll Turf Facility		**0.00**	**(16,562.01)**	**100.00%**	**(9,350.38)**	**100.00%**	**0.00**	**(162,396.23)**	**100.00%**	**(141,913.74)**	**$ (20,482.49)**
6100 420070	Sponsorshi	0.00	(1,500.00)	100.00%	(2,800.00)	100.00%	0.00	(10,525.00)	100.00%	(5,800.00)	**4,725.00**
6100 420800	CAGES	0.00	(1,795.00)	100.00%	(1,090.00)	100.00%	0.00	(19,767.50)	100.00%	(14,037.00)	**5,730.50**
6100 420903	Programs	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6100 420903 TF01	Programs	0.00	(1,785.00)	100.00%	(1,725.00)	100.00%	0.00	(15,944.00)	100.00%	(17,145.00)	**(1,201.00)**
6100 420903 TF02	Youth Soft	0.00	0.00	0.00%	0.00	0.00%	0.00	(1,457.50)	100.00%	(7,632.50)	**(6,175.00)**
6100 420903 TF03	Programs	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6100 420903 TF04	Programs	0.00	0.00	0.00%	(290.00)	100.00%	0.00	(1,605.00)	100.00%	(2,795.00)	**(1,190.00)**
6100 420903 TF05	SeniorWalk	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	**0.00**
6100 420903 TF06	Programs	0.00	0.00	0.00%	(760.00)	100.00%	0.00	(5,220.00)	100.00%	(4,335.00)	**885.00**
6100 422000	Investment	0.00	(432.01)	100.00%	(203.38)	100.00%	0.00	(4,354.83)	100.00%	(1,202.24)	**3,152.59**
6100 429010	Rental Inc	0.00	(11,050.00)	100.00%	(2,482.00)	100.00%	0.00	(103,522.40)	100.00%	(88,967.00)	**14,555.40**

Expenditures:

The operating expenses for Ingersoll through April 2024 were $17,846. These expenses include supplies, repairs, capital purchases and maintenance. Table 2 reflects expenditures for the current year with comparison for the same period a year ago. Total expenditures represent a 44.68% decrease over FY23, consistent with increased cost of services and goods.



Monthly Budget Report - Expenditures - April

Account Number	Account Desc	APR 2024 Budget	APR 2024 Actual	APR 2024 % Used	APR 2023 Actual	APR 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	2023 YTD % Used
6100 Ingersoll Turf Facility		**0.00**	**508.51**	**100.00%**	**3,455.82**	**100.00%**	**18,802.39**	**17,846.49**	**94.92%**	**32,266.20**	**126.81%**
6100 611000	Salaries	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	172.50	100.00%
6100 612000 TF02	Part Time	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	317.40	100.00%
6100 633033	PROGRAM	0.00	0.00	0.00%	1,229.97	100.00%	0.00	0.00	0.00%	3,144.97	100.00%
6100 633033 TF01	COEDSoccer	0.00	450.00	100.00%	400.00	100.00%	0.00	4,728.00	100.00%	4,132.00	100.00%
6100 633033 TF02	Youth Soft	0.00	0.00	0.00%	42.34	100.00%	0.00	244.41	100.00%	5,168.67	100.00%
6100 633033 TF04	BDay	0.00	0.00	0.00%	150.00	100.00%	0.00	0.00	0.00%	600.00	100.00%
6100 633033 TF06	MISC EXP	0.00	0.00	0.00%	1,575.00	100.00%	0.00	3,733.98	100.00%	2,895.00	100.00%
6100 640000	Comm - Tel	0.00	58.51	100.00%	58.51	100.00%	0.00	585.10	100.00%	58.51	100.00%
6100 650000	CAPITAL OU	0.00	0.00	0.00%	0.00	0.00%	0.00	8,555.00	100.00%	14,135.75	282.72%
6100 651069	RecStudy	0.00	0.00	0.00%	0.00	0.00%	18,802.39	0.00	0.00%	1,641.40	8.03%

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 17, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (A) for City Manager's annual review.

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 Meeting
Agenda
July 1, 2024
Auburn Hall, Council Chambers

5:30 PM Workshop

- Discussion (Zoom): Auburn Housing - Marty Szydlowski, Executive Director, Auburn Housing Authority
- Discussion: Special Events – Liz Allen, Communications Director
- **Executive Session** pursuant to Title 1 M.R.S.A. Section 405(6)(A) for a personnel matter. *Requires 3/5 majority vote to enter Executive Session.*

7:00 PM Meeting

Pledge of Allegiance & Roll Call - *Roll call votes will begin with Councilor Cowan*

I. **Consent Items** – *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.*

II. **Minutes** – June 17, 2024 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

IV. **Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. **Unfinished Business**

VI. **New Business**

1. **ORDINANCE 11-07012024 -** City Council initiated a **text amendment** to Chapter 60 Article XIII Division 2- Phosphorous Control. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *First reading.*

2. **ORDINANCE 12-07012024 -** City Council initiated a **text amendment** to Chapter 60 Article IV Division 3- Low Density Country Residential District. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is

pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *First reading.*

3. **ORDINANCE 13-07012024 -** City Council initiated a **text amendment** to Chapter 60 Article XII Division 4-Lake Auburn Watershed Overlay District. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *First reading.*

4. **ORDINANCE 14-07012024 -** Consider adopting the Lake Auburn Watershed Overlay District Septic Systems Inspection Map. This map will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *First reading.*

5. **ORDINANCE 15-07012024 -** Consider adopting the Official Lake Auburn Overlay District 400 ft. Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields map. This map will be referenced in Chapter 60 Article XII Division 4-Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *First reading.*

6. **RESOLVE 6-07012024 -** Resolve calling on the Lake Auburn Watershed Protection Commission to Fund Subsurface Wastewater System Inspections in the Lake Auburn Watershed. *Passage requires majority vote.*

7. **ORDINANCE 16-070102024** - City Council initiated a zoning **text amendment** to Chapter 60, Division 2 Site Plan Review pursuant to Chapter 60, Article XVII Division 2-Amendment to the Zoning Ordinance or Zoning Map. *First reading.*

8. **ORDINANCE 17-07012024** – Consider a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district. The City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *First reading.*

9. **ORDER 87-07012024** – Allocating $70,000 in ARPA funds for Auburn housing study. *Passage requires majority vote.*

10. **ORDER 88-07012024** – Allocating $40,000 in APRA funds for food insecurity. *Passage requires majority vote.*

11. **ORDER 89-07012024** – Repurposing 121 Mill Street as a community resource center. *Passage requires majority vote.*

12. **ORDER 90-07012024** – Allocating $438,702.83 in APRA funds for the 121 Mill Street Resource Center and relocating the Business & Community Development Department. *Passage requires majority vote.*

VII. **Open Session** - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

VIII. **Reports**

a. **Mayor's Report**
b. **City Councilors' Reports**
c. **Student Representative Report**
d. **City Manager Report**
e. **May 2024 Finance Report** – Kelsey Earle, Finance Director

IX. **Executive Session**

X. **Adjournment**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 1, 2024, **Order:** Workshop Item

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Discussion - Auburn Housing Authority

Information:
Councilor Milks and Councilor Walker requested Auburn Housing Executive Director Marty Szydlowski to attend the workshop to provide information regarding the state of housing from the housing authorities' perspective and provide updates on any current or potential projects.

City Budgetary Impacts: NONE

Staff Recommended Action:
Discussion and feedback.

Previous Meetings and History:
None

City Manager Comments:

Attachments:

NONE

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 1, 2024 **Order:** Workshop Item

Author: Liz Allen, Director of Communications & Community Engagement

Subject: Special events discussion

Information: The Communications Director and Downtown Coordinator will present information about the city's existing signature and community events. Staff will also propose other potential events for council consideration.

City Budgetary Impacts: Special events budget was reduced for FY25; discussion of how best to manage these funds while meeting council and community expectations.

Staff Recommended Action: Establish council priorities regarding events in Auburn so Communications/Engagement team can create and implement an events plan.

Previous Meetings and History: Recent budget presentation.

City Manager Comments:

Attachments: None

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 1, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (A) to discuss a personnel matter.

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.

At 5:30pm, Councilor Gerry moved to enter executive Session pursuant to Title 1 M.R.S.A. Section 405(6)(C) for discussion of an economic development matter. Seconded by Councilor Walker. Motion passed 7-0. Council came out of executive session at 6:37pm.

Mayor Harmon called the meeting to order at 7:00P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

II. Minutes – June 3, 2024 Regular Council Meeting
Motion made by Councilor Walker to accept the minutes, seconded by Councilor Platz. Motion passed with 6 votes in favor, 1 abstention (Weisner).

III. Communications, Presentations and Recognitions

Mayor Harmon announced the School Budget Referendum Certified Official Results from the June 11, 2024 election. The school budget passed.

Mayor Harmon read the Proclamation for World Refugee Day 2024.

IV. Open Session

There were no speakers from the public.

V. Unfinished Business

1. Order 82-06032024 - Authorizing the City's general obligation bonds in the amount of $16,565,750 to finance the City's FY25 Capital Improvement Program. Amended and passed first reading on June 6, 2024. Public hearing. ROLL CALL VOTE. Passage requires an affirmative vote of 5 Councilors at the second reading.

Motion for passage by Councilor Whiting, seconded by Councilor Walker.

The Mayor opened the item for public hearing. There was no comment. The Mayor closed the public hearing. The Finance Director clarified the interest rate is 3.5%. Motion passed 6-1 (Gerry opposed).

VI. New Business

1. Order 86-06172024 – Authorizing the City Clerk to waive the $60 business license fee for the Age Friendly Community Committee's concessions stand in Festival Plaza on Wednesday evenings from June 26, 2024 through August 21, 2024. Passage requires majority vote.

Motion for passage by Councilor Gerry, seconded by Councilor Walker. Councilor Walker explained this would be in conjunction with the concert series on Wednesday evenings. Motion passed 7-0.

VII. Open Session

There were no speakers from the public.

VIII. Reports

a. **Mayor's Report** - The Mayor spoke of attending several ribbon cuttings for local businesses. Attended the Auburn Adult Education graduation. Attended portrait unveiling at Bates in Lewiston. Announced there will be a special city council meeting on 6/24 at 5:30pm for two items – septic issues and homeless services.

b. **City Councilors' Reports** - Councilor Whiting thanked Police and Fire for outstanding job this weekend. Councilor Cowan said there was a meeting of the ad-hoc homeless committee happening this week. Councilor Weisner thanked Police and Fire, asked for an update on the L/A Balloon Festival. Councilor Walker commented on the Age Friendly's concessions stand in Festival Plaza starting on 6/26. Councilor Platz recognized passing the School Budget, thanked the School Department for putting together a responsible budget.

c. **Student Representative Report -** None.

d. **City Manager Report -** Gave a brief Capital Infrastructure Projects Update (this item was moved from the Workshop agenda). The PAL center is being built; ground breaking ceremony will occur on July 12. Goal is to have this completed by July 2025. Beginning Engine 2 building behind current building. Public Safety Facility ad-hoc committee met with Landry French and will tour the Scarborough Public Safety facility; to begin site work and ready for move-in in late 2027. 67 Kittyhawk timeline is to be move in ready in 2028 for Fire Services. A team is monitoring the heat and weather concerns for this upcoming week, expected weather in the 90s; a cooling center will be at the Norway Savings Bank Arena and Library will be available during normal business hours. Thanked the public safety staff and other staff and surrounding partners for responding to the crisis this weekend. Updated the Council on the L/A Balloon Festival; funds are currently being raised, vendors are being secured, Liz Allen (Communications Director) will be coordinating for Auburn.

e. **April 2024 Finance Report** was presented by Kelsey Earle, Finance Director. Motion to accept the report made by Councilor Walker, seconded by Councilor Milks. Passed 7-0.

Councilor Cowan made a motion to enter Executive Session pursuant to Title 1 M.R.S.A. Section 405(6)(A) for City Manager's annual review at 7:28pm, seconded by Councilor Walker. Motion passed 7-0.

The Council came out from executive session at 7:40pm.

X. Adjournment

Motion to adjourn made by Councilor Walker, seconded by Councilor Milks. Motion passed 7-0.

A TRUE COPY ATTEST

Emily F. Carrington, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 1, 2024** **Ordinance: 11-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: First Reading on Chapter 60 Article XIII Division 2- Phosphorous Control Ordinance Amendments

---

Information: The proposed amendments pertain to septic system installation, maintenance and replacements and new development. Specifically, it lowers the "acceptable increase" of Phosphorous which can be discharged into Lake Auburn and lowers the acreage of developable land to reflect the reduced, potentially developable, acreage and phosphorus allocations after the changes to lot sizes and use regulations were made last December. This amendment follows orders 04-01022024 and order 71-05062024.

The planning board held a public hearing on the text amendments within Ch. 60, Article 2 General Provisions, Division 4 Lake Auburn Watershed Overlay District Sec. 60-951, Sec, 60-952 and Sec 60-953 and made a motion to forward a favorable recommendation to City Council to amend text to Chapter 60, Article II General Provisions, Division 2 Phosphorus Control, Sec. 60-1065, and Sec.60- 1069. Staff notes that there was a clerical error in the planning board draft that we are asking the Council to vote to amend as part of the vote tonight. The details for the number changes to developable acreage and phosphorus allocations were presented to Planning board and Council during previous workshops and the Planning Board Public Hearing.

City Budgetary Impacts: None anticipated

Staff Recommended Action: Staff recommends that the Council hold first reading and vote on this item. Second reading and Public Hearing will be on July 15, 2024.

Previous Meetings and History: Recommendations originate from approximately ten stakeholder meetings from February through May. Planning Board held a workshop and public hearing on May 14.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

Ordinance, Article XIII Division 2-Phosphorous Control Proposed Text Amendment, May 14
Planning Board Recommendation, Phosphorous Allocations

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/18/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Phosphorous Control Text Amendment in the Lake Auburn Watershed

The following is the report from the Planning Board regarding text amendments pertaining to Phosphorous loading within the Lake Auburn Watershed. After notice and Public Hearings held on May 14th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT: City Council initiated a text amendment to Chapter 60 Article XIII Division 2- Phosphorous Control. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Note from Staff: There was a clerical error in one of the phosphorous calculations.

Motion: Ryan Smith makes a motion to forward a favorable recommendation to City Council to amend text to Chapter 60, Article II General Provisions, Division 2 Phosphorus Control, Sec. 60-1065, and Sec.60- 1069.
Second: Paul Jaques,
Vote: 6-1-0. Motion Carries

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is ~~0.5~~ .25

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is ~~1,180.0~~ 150

~~L~~*ake Auburn* means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.03~~65~~; for Lake Auburn, the phosphorus allocation is 0.02~~047~~.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is ~~109.9~~ 3.74 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B; Ord. No. 28-11202023, 12-4-2023)

Formatted: Highlight

Formatted: Line spacing: Multiple 1.08 li

Formatted: Highlight

Formatted: Highlight

Per-Acre Phosporus Allocations for Selected Lakes

LAKE	TOWN	DDA	ANAD	AAD	GF	D	F	WQC	LOP	C	FC	P	SWT
Lake Auburn	Turner	160	8	152	0.3	46	3.74	see comment	h	0.50	1.87	0.041	11
Lake Auburn	Auburn	4704	350	4354	0.1	435	109.9	see comment	h	0.08	8.79	0.020	109
DDA	Direct land drainage area in Township in acres												
ANAD	Area not available for development in acres												
AAD	Area available for development in acres (DDA - ANAD)												
GF	Growth Factor												
D	Area likely to be developed in acres (GF x AAD)												
F	lbs. phosphorus allocated to towns share of watershed per ppb in lake												
WQC	Water quality category												
LOP	Level of Protection (h=high(coldwater fishery);m=medium)												
C	Acceptable increase in lake's phosphorus concentration in ppb												
FC	Allowable increase in annual phosphorus load to the lake (lb/year)												
P	Per acre phosphorus allocation (FC/D) (lb/acre/year)												
SWT	Small Watershed Threshold in acres												

Per-Acre Phosporus Allocations for Selected Lakes

rev 8/20/2021	C changed to 0.5 ppb due to 2012 bloom and alum treatment in water supply						
rev 8/20/2021	C changed to 0.5 ppb due to 2012 bloom and alum treatment in water supply						

DIVISION 2. PHOSPHORUS CONTROL

Sec. 60-1064. Purpose.

(a) The purpose of this division is to provide protection against additional phosphorus export to Taylor Pond and Lake Auburn from new land uses and changes in existing land uses by ensuring that development within the watersheds does not generate more phosphorus than the water bodies can handle and by eliminating or reducing existing sources of phosphorus.

(b) Phosphorus, a nutrient, stimulates algal growth, the main cause of water quality decline. The primary source of new and increasing phosphorus loading in the state lakes is land development: residential, commercial and industrial.

(Ord. of 9-21-2009, § 5.7A)

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is .25.~~0.5.~~

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is ~~1,180.0.~~ .150.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.03~~6~~5; for Lake Auburn, the phosphorus allocation is 0.0~~47~~20.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is ~~109.9~~ 3.74 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-1066. Applicability.

This division shall apply to all land areas within the direct watersheds of Taylor Pond and Lake Auburn. The following land uses shall be required to obtain a phosphorus control permit and conform to the standards contained in this division:

(1) Any new building or structure with more than 200 square feet of ground floor area.

(2) Any expansions or series of expansions of ground floor area of any existing building which increases the area of the ground floor by more than 30 percent of that which exists at the time of adoption of the ordinance from which this division is derived.

(3) Any earth moving, brush and tree cutting which impacts 10,000 square feet or more whether accomplished as a single activity or as a series of activities beginning on the date of adoption of the ordinance from which this division is derived shall only meet the criteria contained in section 60-1069.

(4) Road or driveway construction and reconstruction and parking area construction which affects more than 1,500 square feet of land area whether accomplished as a single activity or as a series of activities beginning on the date of adoption of the ordinance from which this division is derived shall only meet the criteria contained in section 60-1069.

(5) All projects for which special exception, site plan and subdivision review is required.

(Ord. of 9-21-2009, § 5.7C; Ord. No. 15-05022022, 5-16-2022)

Sec. 60-1067. Exemptions.

This division shall not apply to the following:

(1) Changes of use within an existing structure where no ground floor expansion and/or road, driveway and parking area expansion is planned.

(2) Timber management or harvesting operations conducted according to a management plan prepared and supervised by a registered forester (unless required by division 4 of article XII of this chapter) or the city water district.

(3) Agricultural uses conducted according to a soil and water conservation plan approved by the Androscoggin County Soil and Water Conservation District.

(Ord. of 9-21-2009, § 5.7D)

Sec. 60-1068. Best management practices.

Agriculture, silviculture, mining, chemical use and storage and waste disposal activities should be conducted in accordance with the best management practices (BMPs) as recommended by the department of environmental protection, the state soil and water conservation commission, the cooperative extension service or other appropriate public service agency. New roads and the reconstruction of existing roads, driveways, drainage diversions, ditches and roadside buffers should be designed for the worst storm conditions in accordance with the best management practices (BMPs) recommended by the department of environmental protection, the state soil and water conservation commission, the cooperative extension service or other appropriate public service agency.

(Ord. of 9-21-2009, § 5.7E)

Sec. 60-1069. Erosion and sedimentation controls.

A comprehensive erosion and sedimentation control plan, including a proposed program for the maintenance and periodic inspection of all control facilities which will remain after the project is completed and a designation of the responsible party, shall be submitted to the city planning, permitting, and code department as follows:

(1) In the Taylor Pond Watershed~~., A~~ a plan designed in accordance with the applicable sections of ~~chapter 8 of the~~ the latest edition of Maine Department ~~of~~ Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II & Technical Design Manual Volume III, March 2016. ~~DEP Phosphorous Control and Lake Watersheds: A Technical Guide to Evaluating New Development~~, the latest edition of the Maine Erosion and sediment Control Handbook and all building and environmental protection requirements of this Code. For dwelling units, the Basic Single Family Residential (SFR) Lot Standards of the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II shall be used.

(2) In the Lake Auburn Watershed Overlay District~~., A~~ a plan designed in accordance with the applicable sections of ~~chapter 8 of~~ the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II & Technical Design Manual III, March 2016,~~. DEP Phosphorous Control and Lake Watersheds: A Technical Guide to Evaluating New Development~~, the latest edition of the Maine Erosion and Sediment Control Handbook, and all building and environmental protection requirements of this Code ~~and criteria of the city water district or commission.~~ For dwelling units, the Basic Single Family Residential (SFR) Lot Standards of the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II shall be used.

(Ord. of 9-21-2009, § 5.7F)

Sec. 60-1070. Submission requirements.

All projects subject to review under the provisions of this division shall submit a phosphorus control plan and maintenance provisions meeting the standards set forth in design criteria of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual Volume II, March 2016.

(1) *Plan submission.* Plans shall be submitted and processed in accordance with article XVI of this chapter. In addition to the requirements for submission under this article, the following instructions shall be provided:

a. A long-term maintenance plan for all phosphorus control measures including provisions for inspection and repair, designation of responsible parties, contractual obligations and proposed deed restrictions.

b. Hydrologic soil class of all areas to be cleared or where clearing will be permitted, with the area indicated in square feet of each lot using the appropriate method as described in the phosphorus control manual.

c. All calculations and worksheets in the format of those contained in the phosphorus control manual and detailed construction specifications and diagrams for all control measures.

d. A comprehensive erosion and sedimentation control plan, designed in accordance with the latest version of Maine Erosion and Sediment Control Handbook for Construction: Best Management

Practices, ~~March 1991~~ October 2016, and all building and environmental protection requirements of this Code.

(2) *Review method.*

a. All projects shall use the standard review method and shall conform to the Phosphorus Allocation standard set forth in this division including the following: Expansions of four lot subdivisions which were previously approved using the simple review method.

b. Projects meeting the following criteria may employ the simple review method:

1. Minor subdivisions with four or fewer lots provided that these developments contain less than 200 feet of new or upgraded roads and/or all driveways serving residential uses are less than 150 feet in length.

2. Activity which includes less than 200 feet of new or upgraded road construction.

(3) *Commercial and industrial development and expansions.* Commercial and industrial development and expansions of commercial and industrial developments and the expansion of multifamily dwelling units, which involve less than 15,000 square feet of disturbed area. All other subdivisions including expansions of previously approved four-lot subdivisions which were reviewed using the simple review method and all other projects shall utilize the standard review method.

(Ord. of 9-21-2009, § 5.7G; Ord. No. 11-03012021, § 81, 3-15-2021; Ord. No. 10-03072022, 3-21-2022)

Secs. 60-1071—60-1093. Reserved.

Ordinance #11-07012024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

Chapter 60 ZONING

● ● ●

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

● ● ●

DIVISION 2. PHOSPHOROUS CONTROL

● ● ●

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is .250~~0.5.~~

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 150 ~~1,180.0.~~.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.03~~65~~; for Lake Auburn, the phosphorus allocation is 0.04~~72~~0.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 3.74 ~~109.9~~ lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B; Ord. No. 28-11202023, 12-4-2023)

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

● ● ●

Sec. 60-1069. Erosion and sedimentation controls.

A comprehensive erosion and sedimentation control plan, including a proposed program for the maintenance and periodic inspection of all control facilities which will remain after the project is completed and a designation of the responsible party, shall be submitted to the city planning, permitting, and code department as follows:

(1) In the Taylor Pond Watershed~~., A~~ a plan designed in accordance with the applicable sections of ~~chapter 8 of the~~ the latest edition of Maine Department ~~of~~ Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II & Technical Design Manual Volume III, March 2016. ~~DEP Phosphorous Control and Lake Watersheds: A Technical Guide to Evaluating New Development~~, the latest edition of the Maine Erosion and sediment Control Handbook and all building and environmental protection requirements of this Code. For dwelling units, the Basic Single Family Residential (SFR) Lot Standards of the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II shall be used.

(2) In the Lake Auburn Watershed Overlay District~~., A~~ a plan designed in accordance with the applicable sections of ~~chapter 8 of~~ the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II & Technical Design Manual III, March 2016~~. DEP Phosphorous Control and Lake Watersheds: A Technical Guide to Evaluating New Development~~, the latest edition of the Maine Erosion and Sediment Control Handbook, and all building and environmental protection requirements of this Code ~~and criteria of the city water district or commission.~~ For dwelling units, the Basic Single Family Residential (SFR) Lot Standards of the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II shall be used.

(Ord. of 9-21-2009, § 5.7F)

● ● ●

Sec. 60-1070. Submission requirements.

All projects subject to review under the provisions of this division shall submit a phosphorus control plan and maintenance provisions meeting the standards set forth in design criteria of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual Volume II, March 2016.

(1) *Plan submission.* Plans shall be submitted and processed in accordance with article XVI of this chapter. In addition to the requirements for submission under this article, the following instructions shall be provided:

a. A long-term maintenance plan for all phosphorus control measures including provisions for inspection and repair, designation of responsible parties, contractual obligations and proposed deed restrictions.

b. Hydrologic soil class of all areas to be cleared or where clearing will be permitted, with the area indicated in square feet of each lot using the appropriate method as described in the phosphorus control manual.

c. All calculations and worksheets in the format of those contained in the phosphorus control manual and detailed construction specifications and diagrams for all control measures.

d. A comprehensive erosion and sedimentation control plan, designed in accordance with the latest version of Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, ~~March 1991~~ October 2016, and all building and environmental protection requirements of this Code.

(2) *Review method.*

a. All projects shall use the standard review method and shall conform to the Phosphorus Allocation standard set forth in this division including the following: Expansions of four lot subdivisions which were previously approved using the simple review method.

b. Projects meeting the following criteria may employ the simple review method:

1. Minor subdivisions with four or fewer lots provided that these developments contain less than 200 feet of new or upgraded roads and/or all driveways serving residential uses are less than 150 feet in length.

2. Activity which includes less than 200 feet of new or upgraded road construction.

(3) *Commercial and industrial development and expansions.* Commercial and industrial development and expansions of commercial and industrial developments and the expansion of multifamily dwelling units, which involve less than 15,000 square feet of disturbed area. All other subdivisions including expansions of previously approved four-lot subdivisions which were reviewed using the simple review method and all other projects shall utilize the standard review method.

(Ord. of 9-21-2009, § 5.7G; Ord. No. 11-03012021, § 81, 3-15-2021; Ord. No. 10-03072022, 3-21-2022)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 1, 2024** **Ordinance: 12-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: First Reading on Amendment to Article IV Division 3- LDCR Setbacks.

Information: City Council initiated a text amendment to Chapter 60 Article IV Division 3- Low Density Country Residential District as part of order 04-01022024 and order 71-05062024. The proposed amendment is to reduce the minimum front yard setback in the Low-Density Country Residence District to reduce disturbed and impervious area, and therefore the potential nutrient runoff to the lake possible from any new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

The Planning Board recommended that City Council to amend text to Chapter 60, Article II General Provisions, Division 3, Low Country Density Residential, Sec. 60-202 as shown in the attached meeting materials.

City Budgetary Impacts: None anticipated

Staff Recommended Action: Staff recommends that the Council hold first reading and vote on this item. Second Reading and Public Hearing will be on July 15, 2024.

Previous Meetings and History: Recommendations originate from approximately ten stakeholder meetings from February through May. Planning Board held a workshop and public hearing on May 14 and forwarded a favorable recommendation.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

Ordinance, Article IV Division 3-LDCR Proposed Text Amendment, May 14 Planning Board Recommendation.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/18/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Lake Auburn Watershed Text Amendment (LDCR minimum setback)

The following is the report from the Planning Board regarding text amendments pertaining to increasing the minimum setback in the LDCR district to reduce runoff within the Lake Auburn Watershed. After notice and Public Hearings held on May 14th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT: City Council initiated a text amendment to Chapter 60 Article IV Division 3- Low Density Country Residential District. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Motion: Ryan Smith makes a motion to forward a favorable recommendation to City Council to amend text to Chapter 60, Article II General Provisions, Division 3, Low Country Density Residential, Sec. 60-202.

Second: Paul Jacques

Dave Trask asks for clarification that this item is just changing the minimum setback for building form 50' to 25'. That is confirmed.

Vote: 7-0-0 Motion Carries.

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-200. Purpose.

The purpose of this zone is to maintain and promote the rural/agricultural character of the land within this zone. This zone is composed of those areas in the city whose predominant land use is rural, wooded and agricultural. The regulations for this zone are designed to protect and stabilize these predominant land uses which are the essential characteristics of these areas and to minimize conflicting land uses detrimental to agricultural enterprises. Since residences are only incidental to this zone's development, the densities which require improved roads and expanded municipal services, in excess of those required by the present agricultural-oriented uses, shall not be permitted.

(Ord. of 9-21-2009, § 3.32A)

Sec. 60-201. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Lawn maintenance services.

(b) *Special exception uses*. The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

(1) All uses permitted by special exception in the Agriculture and Resource Protection (AR) District, (division 2 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).

(2) Bed and breakfast.

(3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.32B; Ord. 33-02072011-08, 2-7-2011; Ord. No. 08-08012011-07b, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-08192019, 9-9-2019; Ord. No. 11-03012021, § 9, 3-15-2021; Ord. No. 27-06212021, 7-19-2021)

Sec. 60-202. Dimensional requirements.

All structures in this district except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for

domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less, unless the lot is in the Lake Auburn Watershed Overlay District in which case the front yard shall have a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.32C; Ord. No. 11-03012021, §§ 10, 11, 3-15-2021)

Secs. 60-203—60-227. Reserved.

Ordinance #12-07012024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

Chapter 60 ZONING

● ● ●

ARTICLE IV. DISTRICT REGULATIONS

● ● ●

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

● ● ●

Sec. 60-202. Dimensional requirements.

All structures in this district except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less, unless the lot is in the Lake Auburn Watershed Overlay District in which case the front yard shall have a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

(5) *Off-street parking*. Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.32C; Ord. No. 11-03012021, §§ 10, 11, 3-15-2021)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 1, 2024** **Ordinance: 13-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: First reading on text amendments to Lake Auburn Watershed Overlay District

Information: The planning board held a public hearing on the text amendments within Ch. 60, Article 2 General Provisions, Division 4 Lake Auburn Watershed Overlay District Sec. 60-951, Sec, 60-952 and Sec 60-953.

The text amendments presented here were proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024.

The planning board recommended three amendments or conditions on the motion to forward a favorable recommendation to city council to amend text to Ch. 60, Article 2 General Provisions, Division 4 Lake Auburn Watershed Overlay District Sec. 60-951, Sec. 60-952 and Sec. 60-953. The amendments/conditions included 1.) Add a comma to page 5, Sec. 6 before the word LAWPC, 2.) Obtain legal opinion on Title 30-A Sec. 4360 Rate of Growth Ordinance and confirm if we can set a rate of 3 units per year 3.) That effective date of the inspection program be delayed 1 year and until there is a dedicated pool of funding available for SSWW System owners.

The City has obtained the requested legal opinion requested by the planning board and the provision does not violate the Statute. The city is also pursuing funding opportunities for septic inspections as was discussed at the workshop and you will vote on tonight. The comma correction has been added to the ordinance text as a clerical error.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Staff recommends that the Council hold first reading and vote on this item.

Previous Meetings and History: Recommendations originate from approximately ten stakeholder meetings from February through May. Planning Board held a workshop on this text amendment on May 14, and made a positive recommendation on June 18.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Ordinance, Division 4- Lake Auburn Watershed Overlay District Text Amendment related to new and replacement septic systems in the watershed, June 18 Planning Board Motion, Staff Report, Phosphorous allocation summary.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/18/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Lake Auburn Watershed Text Amendment (Septic Systems & New Development)

The following is the report from the Planning Board regarding text amendments pertaining to new development and new, upgraded, and replacement septic systems in the Lake Auburn Watershed Overlay District. After notice and Public Hearings held on June 18th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT: The Planning Board is to review text updates to Article II General Provisions, Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024.

Summary and Discussion: The planning board held a public hearing on the text amendments within Ch. 60, Article 2 General Provisions, Division 4 Lake Auburn Watershed Overlay District Sec. 60-951, Sec, 60-952 and Sec 60-953. The planning board discussed how to best achieve the goal of recommending the text amendment only if a few amendments were addressed. They made the motion, made four (4) amendments to their original motion, and then voted to forward a favorable recommendation to the Council for this text change if the amendments were considered.

Motion: Ryan Smith makes a motion: I make a motion to forward a favorable recommendation to city council to amend text to Ch. 60, Article 2 General Provisions, Division 4 Lake Auburn Watershed Overlay District Sec. 60-951, Sec. 60-952 and Sec. 60-953. **Second:** Bob Hayes seconds the motion.

Amendment: Riley makes an amendment to add a comma to page 5 sec 6 before the word LAWPC **Second:** Ryan Smith seconds the amendment.
Amendment passes 5-0-0

Amendment: Bob Hayes moves that we delay the implementation of the inspection program for a full year. **Second:** Ryan Smith seconds. **Amendment passes 5-0-0**

Amendment: Dave Trask makes an amendment that we remove the maximum of three dwellings in the first paragraph in Sec. 8. **Second:** Ryan Smith seconds.
Vote: 3-2-0 motion does not pass (4 votes are needed to pass a motion).

Amendment: Dave Trask makes an amendment to request legal opinion on Title 30-A Sec. 4360 Rate of Growth Ordinance to have legal opinion to confirm that it is within the municipality as stated in Sec. 3, paragraph B.
Second: Riley Bergeron seconds the amendment.
Vote: 4-1-0 amendment passes.

Amendment: Riley Bergeron makes one more amendment that the effective date of the inspection program be delayed until there is a dedicated pool of funding available for septic owners. **Second:** Ryan Smith seconds this amendment.
Vote: 4-1-0 amendment passes.

Vote on motion with amendments: 5-0-0 motion passes.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director of Planning & Permitting
Re: Item #5 Text and Map Amendments Related to Lake Auburn Stakeholders Group
Date: June 18, 2024

I. PROPOSAL: The Planning Board is to review text updates to Article II General Provisions, Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024. (See attached redlined items)

II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

III. SUGGESTED FINDINGS OF FACT:

1. The amendments are consistent with the growth pattern specified in the Future Land Use Plan in Auburn's Comprehensive Plan.
2. The proposed map and text amendments serve Goal A.1 in the Comprehensive Plan to maintain the exceptional water quality of Lake Auburn and existing waiver from filtration to avoid or delay the need for costly treatment (pages 4-9)
3. These proposed amendments are in service of Goal B.1 in the Comprehensive plan, to ensure sufficient clean water supplies to meet current and future needs (pages 20-21).
4. These amendments align with the Lake Auburn Study, 2021; and the report by FB Environmental: Lake Auburn Memo from August 2022.
5. These amendments are the result of several public meetings with the Lake Auburn Stakeholders Group as ordered by City Council.

IV. PLANNING BOARD ACTION/STAFF RECOMMENDATIONS:

C.) Lake Auburn Overlay District: This item is on the Planning Board agenda as a public hearing item. Staff recommends the Planning Board have a discussion and a make a formal recommendation to the City Council to the text amendments in Chapter 60, Article II General Provisions, Division 4, Lake Auburn Watershed Overlay District, Sec. 60-951, Sec. 60-952, and Sec.60-953.

Staff recommends this text change as it clarifies and updates the following: Definitions, Update the SSWW rules, Drinking Water Program Review, Septic System Inspection Program, Limit new systems/homes in the watershed, mechanisms for enforcement, and updates to shoreland zoning setbacks.

POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to amend text to Chapter 60, Article II General Provisions, Division 4 Lake Auburn Watershed Overlay District, Sec. 60-951, Sec.60-952 and Sec. 60-953.

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn Water District on file in the office of the Auburn Water District, the city planning, permitting and code department~~department of planning and permitting services~~ and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying zoning districts within ~~such section~~the city. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned.

Building has the same meaning as in section 60-2.

Curtain drain means a ~~tranch~~ trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Dwelling Unit has the same meaning as in section 60-2.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where:

(1) The products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit; and

(2) The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the Auburn Water District, City of Lewiston, and the Town of Turner, consisting of three commissioners appointed by the Auburn Water District, three commissioners appointed by the City of Lewiston, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Local plumbing inspector means a plumbing inspector or alternate plumbing inspector as defined in Section 12-22.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Normal high-water line and Normal high-water mark means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and ~~consistence~~consistency of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material excessively coarse soil horizons and parent material, and the seasonal groundwater table. Any of these limiting horizons may from time to time be ~~Also sometimes~~ referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of six inches of upper fill layer meeting the following upper fill layer specifications.

Soil Filter Media Specifications

Upper fill layer	
Sieve #	% passing by weight
No. 4	75—95
No. 10	60—90
No. 40	35—85
No. 200	20—40
200 (clay size)	< 2.0

Lower fill layer	
Sieve #	% passing by weight
No. 10	85—100
No. 20	70—100
No. 60	15—400
No. 200	6—8
200 (clay size)	< 2.0

State licensed site evaluator means a person licensed by the Maine Department of Health and Human Services to evaluate soils for the purpose of designing subsurface wastewater disposal systems.

Stream or Brook means a channel between defined banks as depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map.

Subsurface wastewater disposal system inspector means a person who holds a current certification issued by the Maine Department of Health and Human Services, Division of Environmental and Community Health as a Subsurface Wastewater Disposal System Inspector.

(Ord. of 9-21-2009, § 5.3B; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-952. Use and environmental regulations.

1. *Subsurface Wastewater Disposal Systems*.

(~~b~~a) ~~*Residential d*~~*Dwelling units in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)c., new dwelling units are prohibited in ~~the~~ that part of the Lake Auburn Watershed Overlay District which overlies the Agriculture and Resource Protection Zone. Pursuant to 30-A M.R.S.A. §§ 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.

(~~f~~b) *Private subsurface wastewater disposal systems.* Each new building, or any existing building for which there is any addition, alteration, or change of use, each new dwelling unit, or any existing dwelling unit for which there is an addition or alteration thereto that includes the addition of one or more bedrooms, in the Lake Auburn Watershed Overlay District, not served by public sewer, shall, in the development of a private subsurface wastewater disposal system, adhere to the requirements of this section as well as the requirements of the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241. Notwithstanding any provision of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 the Rule shall be applied regardless of whether the addition or alteration is an initial or subsequent addition or alteration. ~~The following regulations shall be adhered to in the development of private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District~~:

(1) Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filer media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a state licensed site evaluator affirm that these design ~~criteria~~ requirements are met before the ~~LPI~~ local plumbing inspector finds the design or installation of the system to comply with this section.

(2) N~~o n~~ew (first use), expanded, or replacement disposal field~~s~~ shall be set back from~~installed closer than 400 feet to~~ the normal high-water mark of any lake, pond, ~~or year-round or intermittent stream~~stream, or brook ~~(as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~ as follows:

~~a. Where the daily wastewater flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~

a. Where the daily wastewater flow is, or is reasonably likely to be, 2,000 gallons or less, the system shall be set back at least 400 feet from the normal high-water mark of any lake, pond, stream, or brook.

b. Where the daily wastewater flow is, or is reasonably likely to be, in excess of 2,000 gallons, the system shall be set back at least 1,000 feet from the normal high-water mark of any lake, pond, stream, or brook.

~~(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.~~

(~~4~~3) All new (first use), expanded, or replacement private subsurface wastewater disposal systems~~, replacement or new,~~ shall include one of the two following design elements. The selection of which design element is most appropriate shall be determined by a state licensed site evaluator based upon the evaluation of the groundwater conditions, soils, and slopes present at the site where the system is to be installed.~~either have:~~

a. ~~A c~~Curtain drain installed per Section ~~11~~12(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (~~2015~~2023), as may be amended from time to time; or

b. ~~A d~~Diversion ditch, upslope of the disposal field, installed for the disposal field's entire length ~~(~~including fill extensions, and constructed so that the curtain drain or diversion ditch is located to prevent any ~~under drain~~ short circuiting of the disposal field~~),~~

~~whichever installation in determined to be the most appropriate based on the evaluation of groundwater conditions on the site by a state licensed site evaluator.~~

~~The local plumbing inspector shall require that a state licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this section.~~

(~~5~~4) All new (first use), expanded, or replacement private subsurface wastewater disposal systems~~, replacement or new,~~ shall be installed on the same lot as the building or dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of an expanded or replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the expanded or replacement system's location on adjacent lots if the property owner holds a perpetual easement from the adjacent lot owner allowing the installation and maintenance of the system.

(~~5~~6) Commencing July 1, 2024, ~~LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every five years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.~~ the owner of each building or dwelling unit in the Lake Auburn Watershed Overlay District, not served by public sewer, shall have their private subsurface wastewater disposal system inspected to ensure continuing compliance with this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241.

a. *Inspections.* An initial inspection shall be completed by the completion date specified in the Lake Auburn Watershed Overlay District Septic Systems Inspection Map, dated March 19, 2024, which is on file in the office of the city planning, permitting and code department.

Subsequent inspections shall be completed within five years of the initial inspection and every subsequent inspection, unless the property is sold, in which case a subsequent inspection shall be conducted at the time of sale.

Such inspections shall be completed by a certified subsurface wastewater disposal system inspector.

Such inspector shall inspect the private subsurface wastewater disposal system using the minimum requirements established by the Maine Department of Health and Human Services, Division of

Environmental and Community Health for evaluating and reporting on existing subsurface wastewater disposal systems.

b. *City record keeping and notifications.* The city planning, permitting and code department shall maintain, within the city GIS system, a record of each subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District that requires inspection. The record must include, at a minimum, the city parcel identifier, date the next inspection is due, and date of the last inspection.

The city planning, permitting and code department shall provide the owner of each building or dwelling unit written notices by regular mail, to the address shown on the city property tax records, of the date by which the inspection of the subsurface wastewater disposal system must be completed. The first notice shall be mailed 12 months prior to each required completion date and the second notice six months prior to each required completion date.

c. *Reporting and reviewing of results of inspections.* Reporting shall be made utilizing the latest version of the HHE-240 reporting form, for initial inspections, and the Supplement HHE-240 reporting form, for subsequent inspections, as published by the Maine Department of Health and Human Services, Division of Environmental and Community Health. Such reports shall be submitted to the local plumbing inspector.

The local plumbing inspector shall review the report and determine if corrective action is required to ensure that;

1. for subsurface wastewater disposal systems for which a design is on file with the planning, permitting and code department, the system is functioning per the design on file,

2. for subsurface wastewater disposal systems for which there is no design on file with the planning, permitting and code department, the system is functioning as built.

d. *Alternative design for replacement subsurface wastewater disposal systems.* For buildings or dwelling units that exist in the Lake Auburn Watershed Overlay District as of July 1, 2024, should the local plumbing inspector determine, upon review of the report from the subsurface wastewater disposal system inspector, through personal observation, or through independent means, that the subsurface wastewater disposal system is not functioning as designed or built and a replacement system is required, and:

1. a state licensed site evaluator informs the local plumbing inspector that the parcel on which the building or dwelling unit is situated is not suitable to site a replacement subsurface wastewater disposal system that meets the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241; and

2. the local plumbing inspector determines that the replacement subsurface wastewater disposal system cannot be sited pursuant to Subsection 4;

then a state licensed site evaluator may propose, and the local plumbing inspector may approve, after consultation with the Lake Auburn Water Protection Commission, an alternative subsurface wastewater design that does not meet the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 but which meets as many of the requirements as possible, and for those requirements that cannot be met, includes design elements that maximize the efficacy of the treatment of the wastewater.

(~~7~~6) ~~The Auburn Water District~~In coordination with the local plumbing inspector, LAWPC, or its designee, shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the City of Auburn health officer, police chief, local plumbing inspector or ~~housing inspector~~code enforcement officer of

any observed defects or malfunction that require ~~abatement~~ corrective action by the property owner or operator.

(~~8~~7) The local plumbing inspector shall furnish a copy of all site evaluation and inspection reports in the Lake Auburn Watershed Overlay District to ~~the Auburn Water District or its designee~~LAWPC.

8) Commencing on July 1, 2024, a maximum of three new dwelling units per calendar year are permitted in that part of the Lake Auburn Watershed Overlay District in which new dwelling units are permitted.

The city planning, permitting, and code department shall, on an annual basis, provide a report to the Planning Board as to the extent and effect of the construction of new dwelling units in the Lake Auburn Watershed Overlay District. The report shall include, at a minimum, the number of new dwelling units constructed in the past year, the cumulative number of new dwelling units constructed since July 1, 2024, and the effect of such construction on the Lake Auburn water quality.

Should the Planning Board conclude, based on the city planning, permitting and code department report that the construction of new dwelling units has had an adverse effect on the Lake Auburn water quality, the Planning Board shall consider what action is to be taken to prevent further degradation of Lake Auburn water quality from the construction of new dwelling units.

2. Agricultural, Forestry, and Erosion Control.

(a) *Agricultural uses.* Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if:

(1) The owner or operator first demonstrates to LAWPC's watershed manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff; and

(2) LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) *Manure and sludge disposal.* Spreading and disposal of sludge is prohibited. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Water District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.

3. *Enforcement*

The city planning, permitting and code department shall have authority to enforce all requirements of this Division in accordance with section 60-1403.

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019; Ord. No. 10-06202023, 7-10-2023; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-953. Dimensional regulations; building setbacks.

~~All~~ Any new or expanded buildings ~~and~~ or structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than ~~75~~ 100 feet inland from the normal high-water mark of Lake Auburn. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages, or other structures. Marinas and boat rental facilities shall not be permitted within ~~75~~ 100 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

Secs. 60-955—60-981. Reserved.

Per-Acre Phosporus Allocations for Selected Lakes

LAKE	TOWN	DDA	ANAD	AAD	GF	D	F	WQC	LOP	C	FC	P	SWT
Lake Auburn	Turner	160	8	152	0.3	46	3.74	see comment	h	0.50	1.87	0.041	11
Lake Auburn	Auburn	4704	350	4354	0.1	435	109.9	see comment	h	0.08	8.79	0.020	109
DDA	Direct land drainage area in Township in acres												
ANAD	Area not available for development in acres												
AAD	Area available for development in acres (DDA - ANAD)												
GF	Growth Factor												
D	Area likely to be developed in acres (GF x AAD)												
F	lbs. phosphorus allocated to towns share of watershed per ppb in lake												
WQC	Water quality category												
LOP	Level of Protection (h=high(coldwater fishery);m=medium)												
C	Acceptable increase in lake's phosphorus concentration in ppb												
FC	Allowable increase in annual phosphorus load to the lake (lb/year)												
P	Per acre phosphorus allocation (FC/D) (lb/acre/year)												
SWT	Small Watershed Threshold in acres												

Per-Acre Phosporus Allocations for Selected Lakes

rev 8/20/2021	C changed to 0.5 ppb due to 2012 bloom and alum treatment in water supply						
rev 8/20/2021	C changed to 0.5 ppb due to 2012 bloom and alum treatment in water supply						

Ordinance #13-07012024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

Chapter 60 ZONING

● ● ●

ARTICLE XII. ENVIRONMENTAL REGULATIONS

● ● ●

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

● ● ●

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn Water District on file in the office of the Auburn Water District, the city planning, permitting and code department~~department of planning and permitting services~~ and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying zoning districts within ~~such section~~the city. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned.

Building has the same meaning as in section 60-2.

Curtain drain means a ~~tranch~~ trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Dwelling Unit has the same meaning as in section 60-2.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where:

(1) The products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit; and

(2) The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the Auburn Water District, City of Lewiston, and the Town of Turner, consisting of three commissioners appointed by the Auburn Water District, three commissioners appointed by the City of Lewiston, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Local plumbing inspector means a plumbing inspector or alternate plumbing inspector as defined in Section 12-22.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Normal high-water line and Normal high-water mark means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and ~~consistence~~consistency of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material excessively coarse soil horizons and parent material, and the seasonal groundwater table. Any of these limiting horizons may from time to time be ~~Also sometimes~~ referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of six inches of upper fill layer meeting the following upper fill layer specifications.

Soil Filter Media Specifications

Upper fill layer	
Sieve #	% passing by weight
No. 4	75—95
No. 10	60—90
No. 40	35—85
No. 200	20—40
200 (clay size)	< 2.0

Lower fill layer	
Sieve #	% passing by weight
No. 10	85—100
No. 20	70—100
No. 60	15—400
No. 200	6—8
200 (clay size)	< 2.0

State licensed site evaluator means a person licensed by the Maine Department of Health and Human Services to evaluate soils for the purpose of designing subsurface wastewater disposal systems.

Stream or Brook means a channel between defined banks as depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map.

City Council Ordinance

Subsurface wastewater disposal system inspector means a person who holds a current certification issued by the Maine Department of Health and Human Services, Division of Environmental and Community Health as a Subsurface Wastewater Disposal System Inspector.

(Ord. of 9-21-2009, § 5.3B; Ord. No. 28-11202023, 12-4-2023)

● ● ●

Sec. 60-952. Use and environmental regulations.

1. *Subsurface Wastewater Disposal Systems.*

(~~b~~a) ~~*Residential d*~~*Dwelling units in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)c., new dwelling units are prohibited in ~~the~~ that part of the Lake Auburn Watershed Overlay District which overlies the Agriculture and Resource Protection Zone. Pursuant to 30-A M.R.S.A. §§ 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.

(~~f~~b) *Private subsurface wastewater disposal systems.* Each new building, or any existing building for which there is any addition, alteration, or change of use, each new dwelling unit, or any existing dwelling unit for which there is an addition or alteration thereto that includes the addition of one or more bedrooms, in the Lake Auburn Watershed Overlay District, not served by public sewer, shall, in the development of a private subsurface wastewater disposal system, adhere to the requirements of this section as well as the requirements of the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241. Notwithstanding any provision of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 the Rule shall be applied regardless of whether the addition or alteration is an initial or subsequent addition or alteration. ~~The following regulations shall be adhered to in the development of private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District~~:

(1) Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filer media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a state licensed site evaluator affirm that these design ~~criteria~~ requirements are met before the ~~LPI~~ local plumbing inspector finds the design or installation of the system to comply with this section.

(2) N~~o n~~ew (first use), expanded, or replacement disposal field~~s~~ shall be set back from~~installed closer than 400 feet to~~ the normal high-water mark of any lake, pond, ~~or year-round or intermittent streams~~stream, or brook ~~(as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~ as follows:

~~a. Where the daily wastewater flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~

a. Where the daily wastewater flow is, or is reasonably likely to be, 2,000 gallons or less, the system shall be set back at least 400 feet from the normal high-water mark of any lake, pond, stream, or brook.

b. Where the daily wastewater flow is, or is reasonably likely to be, in excess of 2,000 gallons, the system shall be set back at least 1,000 feet from the normal high-water mark of any lake, pond, stream, or brook.

~~(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.~~

(43) All new (first use), expanded, or replacement private subsurface wastewater disposal systems~~, replacement or new,~~ shall include one of the two following design elements. The selection of which design element is most appropriate shall be determined by a state licensed site evaluator based upon the evaluation of the groundwater conditions, soils, and slopes present at the site where the system is to be installed.~~either have:~~

a. ~~A c~~Curtain drain installed per Section ~~11~~12(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (~~2015~~2023), as may be amended from time to time; or

b. ~~A d~~Diversion ditch, upslope of the disposal field, installed for the disposal field's entire length ~~(~~including fill extensions, and constructed so that the curtain drain or diversion ditch is located to prevent any ~~under drain~~ short circuiting of the disposal field~~),~~

~~whichever installation in determined to be the most appropriate based on the evaluation of groundwater conditions on the site by a state licensed site evaluator.~~

~~The local plumbing inspector shall require that a state licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this section.~~

(~~5~~4) All new (first use), expanded, or replacement private subsurface wastewater disposal systems~~, replacement or new,~~ shall be installed on the same lot as the building or dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of an expanded or replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the expanded or replacement system's location on adjacent lots if the property owner holds a perpetual easement from the adjacent lot owner allowing the installation and maintenance of the system.

(~~6~~5) Commencing July 1, 2024, ~~LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every five years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.~~ the owner of each building or dwelling unit in the Lake Auburn Watershed Overlay District, not served by public sewer, shall have their private subsurface wastewater disposal system inspected to ensure continuing compliance with this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241.

a. *Inspections.* An initial inspection shall be completed by the completion date specified in the Lake Auburn Watershed Overlay District Septic Systems Inspection Map, dated March 19, 2024, which is on file in the office of the city planning, permitting and code department.

Subsequent inspections shall be completed within five years of the initial inspection and every subsequent inspection, unless the property is sold, in which case a subsequent inspection shall be conducted at the time of sale.

City Council Ordinance

Such inspections shall be completed by a certified subsurface wastewater disposal system inspector. Such inspector shall inspect the private subsurface wastewater disposal system using the minimum requirements established by the Maine Department of Health and Human Services, Division of Environmental and Community Health for evaluating and reporting on existing subsurface wastewater disposal systems.

b. *City record keeping and notifications.* The city planning, permitting and code department shall maintain, within the city GIS system, a record of each subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District that requires inspection. The record must include, at a minimum, the city parcel identifier, date the next inspection is due, and date of the last inspection. The city planning, permitting and code department shall provide the owner of each building or dwelling unit written notices by regular mail, to the address shown on the city property tax records, of the date by which the inspection of the subsurface wastewater disposal system must be completed. The first notice shall be mailed 12 months prior to each required completion date and the second notice six months prior to each required completion date.

c. *Reporting and reviewing of results of inspections.* Reporting shall be made utilizing the latest version of the HHE-240 reporting form, for initial inspections, and the Supplement HHE-240 reporting form, for subsequent inspections, as published by the Maine Department of Health and Human Services, Division of Environmental and Community Health. Such reports shall be submitted to the local plumbing inspector.

The local plumbing inspector shall review the report and determine if corrective action is required to ensure that;

1. for subsurface wastewater disposal systems for which a design is on file with the planning, permitting and code department, the system is functioning per the design on file,
2. for subsurface wastewater disposal systems for which there is no design on file with the planning, permitting and code department, the system is functioning as built.

d. *Alternative design for replacement subsurface wastewater disposal systems.* For buildings or dwelling units that exist in the Lake Auburn Watershed Overlay District as of July 1, 2024, should the local plumbing inspector determine, upon review of the report from the subsurface wastewater disposal system inspector, through personal observation, or through independent means, that the subsurface wastewater disposal system is not functioning as designed or built and a replacement system is required, and:

1. a state licensed site evaluator informs the local plumbing inspector that the parcel on which the building or dwelling unit is situated is not suitable to site a replacement subsurface wastewater disposal system that meets the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241; and
2. the local plumbing inspector determines that the replacement subsurface wastewater disposal system cannot be sited pursuant to Subsection 4;

then a state licensed site evaluator may propose, and the local plumbing inspector may approve, after consultation with the Lake Auburn Water Protection Commission, an alternative subsurface wastewater design that does not meet the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 but which meets as many of the requirements as possible, and for those requirements that cannot be met, includes design elements that maximize the efficacy of the treatment of the wastewater.

(~~7~~6) ~~The Auburn Water District~~In coordination with the local plumbing inspector, LAWPC, or its designee, shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the City of Auburn health officer, police chief, local plumbing inspector or ~~housing inspector~~code enforcement officer of any observed defects or malfunction that require ~~abatement~~ corrective action by the property owner or operator.

(~~8~~7) The local plumbing inspector shall furnish a copy of all site evaluation and inspection reports in the Lake Auburn Watershed Overlay District to ~~the Auburn Water District or its designee~~LAWPC.

8) Commencing on July 1, 2024, a maximum of three new dwelling units per calendar year are permitted in that part of the Lake Auburn Watershed Overlay District in which new dwelling units are permitted. The city planning, permitting, and code department shall, on an annual basis, provide a report to the Planning Board as to the extent and effect of the construction of new dwelling units in the Lake Auburn Watershed Overlay District. The report shall include, at a minimum, the number of new dwelling units constructed in the past year, the cumulative number of new dwelling units constructed since July 1, 2024, and the effect of such construction on the Lake Auburn water quality.
Should the Planning Board conclude, based on the city planning, permitting and code department report that the construction of new dwelling units has had an adverse effect on the Lake Auburn water quality, the Planning Board shall consider what action is to be taken to prevent further degradation of Lake Auburn water quality from the construction of new dwelling units.

2. Agricultural, Forestry, and Erosion Control.

(a) *Agricultural uses.* Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if:

(1) The owner or operator first demonstrates to LAWPC's watershed manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff; and

(2) LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) *Manure and sludge disposal.* Spreading and disposal of sludge is prohibited. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved

by the Auburn Water District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.

3. *Enforcement*

The city planning, permitting and code department shall have authority to enforce all requirements of this Division in accordance with section 60-1403.

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019; Ord. No. 10-06202023, 7-10-2023; Ord. No. 28-11202023, 12-4-2023)

● ● ●

Sec. 60-953. Dimensional regulations; building setbacks.

~~All~~ Any new or expanded buildings ~~and~~ or structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than ~~75~~ 100 feet inland from the normal high-water mark of Lake Auburn. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages, or other structures. Marinas and boat rental facilities shall not be permitted within ~~75~~ 100 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

● ● ●

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 1, 2024** **Ordinance: 14-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: First Reading of a Zoning Map Amendment regarding a Subsurface Wastewater System Inspection Map in the Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024.

Information: This item proposes adopting a map which lays out a timeline for a new septic system inspection program referenced in the amendments to Division 4 Lake Auburn Watershed Overlay District. Staff recommends this map amendment. This map will serve as a guide for the city to plan inspections in a timely way according to their proximity and risk to Lake Auburn.

The planning board recommended two minor amendments in the motion to forward a favorable recommendation to city council to adopt the Lake Auburn Watershed Overlay District Septic Inspection Map. The recommended amendments included 1.) to remove the dots from the map as they don't provide specific information relative to the actual areas that are being tested and the focus should be on the zones/color-coded areas, 2.) Update the dates on the map to reference year 1 through year 5 and eliminate actual dates.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Staff recommends that the Council to hold first reading and vote on the Septic Inspection Map Amendment. Second Reading and Public Hearing will be on July 15, 2024.

Previous Meetings and History: Recommendations originate from approximately ten stakeholder meetings from February through May. The Planning Board held a workshop on this text amendment on May 14, and made a positive recommendation on June 18.

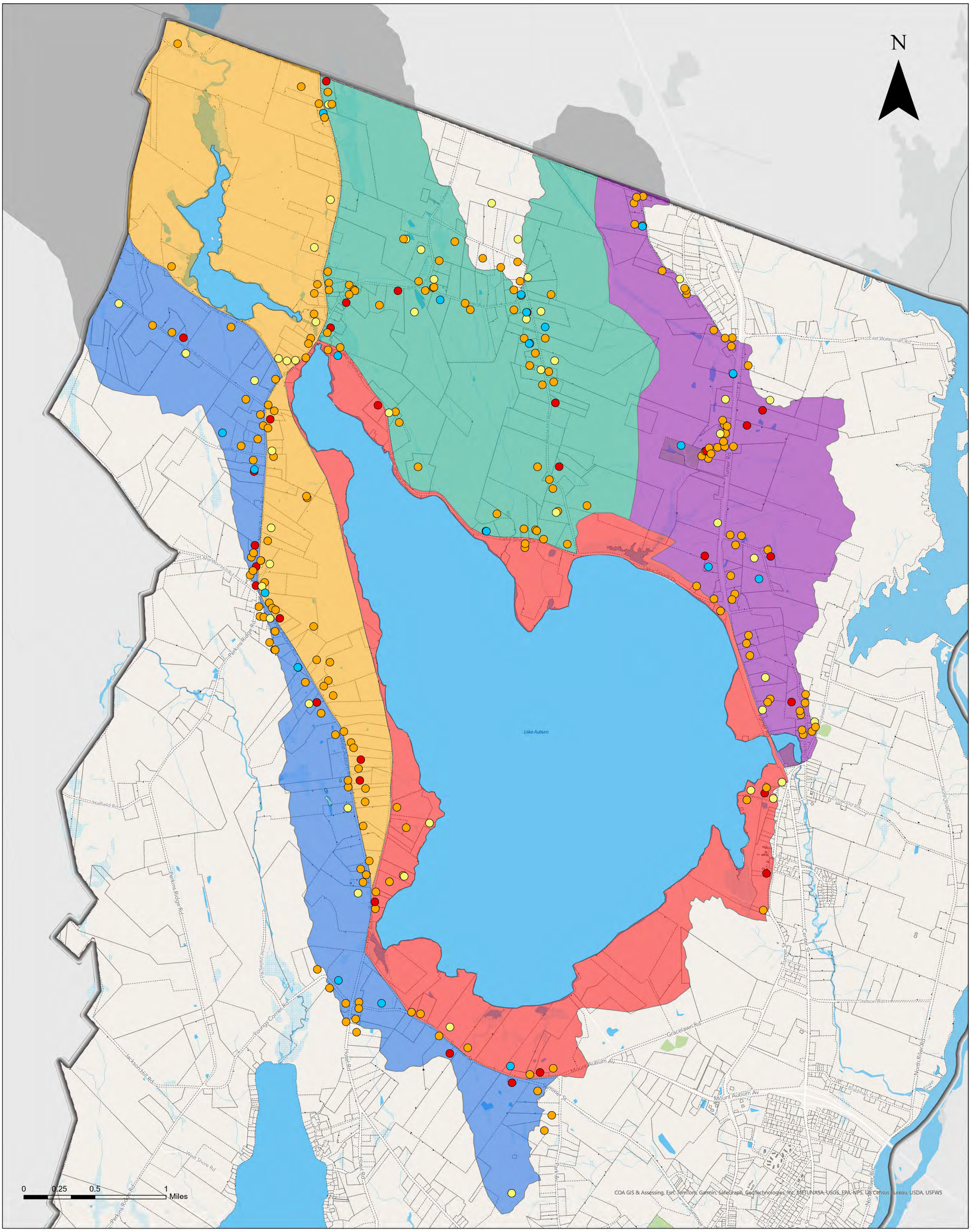
City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

Ordinance, Division 4- Lake Auburn Watershed Overlay District Septic Inspection Map, June 18 Planning Board Motion, Staff Report, Cost estimation sheet

Lake Auburn Watershed Overlay
District Septic Systems Inspection Map



- Septic Site GPS Coordinates
- Septic Site Approximate location from sketch
- Septic Site Generalized location on lot
- Other Septic Site Locations

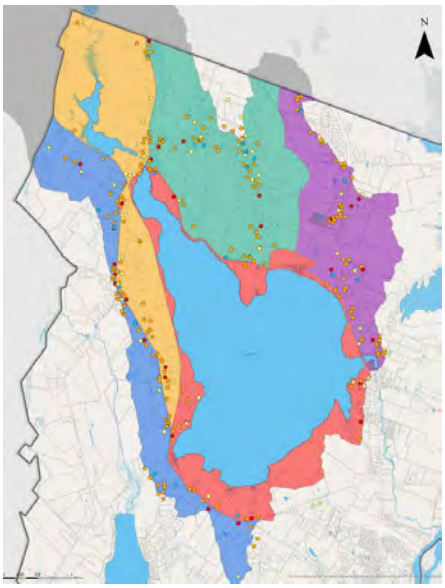
- Area 1: July 1, 2024 to June 30, 2025
- Area 2: July 1, 2025 to June 30, 2026
- Area 3: July 1, 2026 to June 30, 2027
- Area 4: July 1, 2027 to June 30, 2028
- Area 5: July 1, 2028 to June 30, 2029
- Remaining Area

auburnmaine.gov

March 19, 2024

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director of Planning & Permitting
Re: Item #6 Map Amendment Related to Lake Auburn Stakeholders Group
Date: May 14, 2024



I. PROPOSAL: The Planning Board is to review Septic System Inspection Map in relation to Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024. (See attached map)

II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

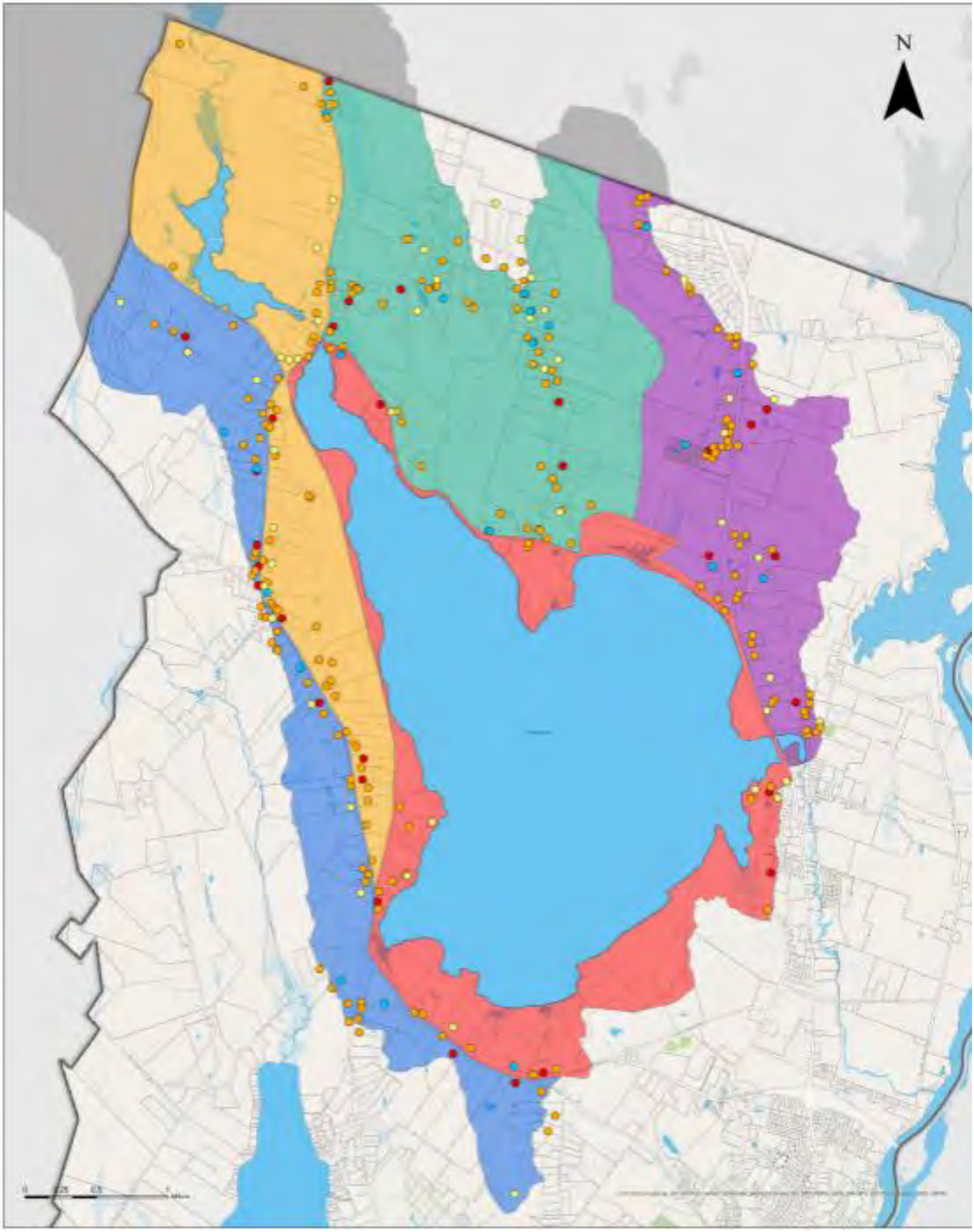
III. SUGGESTED FINDINGS OF FACT:

1. The amendments are consistent with the growth pattern specified in the Future Land Use Plan in Auburn's Comprehensive Plan.
2. The proposed map and text amendments serve Goal A.1 in the Comprehensive Plan to maintain the exceptional water quality of Lake Auburn and existing waiver from filtration to avoid or delay the need for costly treatment (pages 4-9)
3. These proposed amendments are in service of Goal B.1 in the Comprehensive plan, to ensure sufficient clean water supplies to meet current and future needs (pages 20-21).
4. These amendments align with the Lake Auburn Study, 2021; and the report by FB Environmental: Lake Auburn Memo from August 2022.
5. These amendments are the result of several public meetings with the Lake Auburn Stakeholders Group as ordered by City Council.

IV. PLANNING BOARD ACTION/STAFF RECOMMENDATIONS:

E.) Lake Auburn Watershed Overlay District Septic Systems Inspection Map: This item proposes adopting a map which lays out a timeline for a new septic system inspection program referenced in the amendments to Division 4 Lake Auburn Watershed Overlay District. Staff recommends this map amendment. This map will serve as a guide for the city to plan inspections in a timely way according to their proximity and risk to Lake Auburn.

POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to adopt the Lake Auburn Watershed Overlay District Septic Systems Inspection Map in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.


N

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/24/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Lake Auburn Watershed Map Amendment (Septic System Inspection Program)

The following is the report from the Planning Board regarding adopting the Septic System Inspection map. After notice and Public Hearings held on June 18th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ MAP AMENDMENT: Consider adopting the Lake Auburn Watershed Overlay District Septic Systems Inspection Map. This map will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Summary and Discussion: John Blais clarifies that if either the house or the septic system is partly in the watershed, it would be subject to inspection. The dots on the map are only for reference. Staff recommends that this map become an interactive GIS layer for he public to reference. There is more discussion about updating records of septic systems as the inspection program roles out. There was also discussion about the possibility of submitting a septic inspection before the deadline prescribed on the map. Staff answered that getting the inspection earlier and counting it in the inspection program will be permitted. They made the motion, made two (2) amendments to their original motion, and then voted to forward a favorable recommendation to the Council.

Motion: I make a motion to forward a favorable recommendation to city council to adopt the Lake Auburn Watershed Overlay District Septic Inspection Map in accordance with Ch. 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map **Second:** Bob Hayes seconds the motion.

Amendment 1: Dave Trask makes an amendment to update the dates on the map to reference year 1 through year 5 rather than date certain given our previous discussions **Second:** Riley Bergeron seconds the amendment.
Amendment passes 5-0-0

Amendment 2: Dave Trask makes an amendment to remove the dots from the map as they don't provide specific information relative to the actual areas that are being tested and the focus should be on the color-coded areas. **Second:** Bob Hayes seconds.
Amendment passes 5-0-0

Final Motion: Dave Trask seeks motion for the original motion with the two (2) amendments. **Second:** Darren Finnegan Seconds**.**
Vote 5-0-0 motion passes.

Number of Septic Systems:

Number of Rate Payers in Auburn & Lewiston:

Number of Customers in Auburn & Lewiston

Year	Number of Inspection	Cost of Inspection
1	50	$ 425.00
2	46	$ 425.00
3	78	$ 425.00
4	78	$ 425.00
5	79	$ 425.00

Mike Locombe
Pillar to Post
949 Sabattus Street
Lewiston, Maine
207.754.1724
$ 375.00
michael.lacombe@pillartopost.com

Stanleys Septic Tank Service
187 Norridgwock Rd.
Fairfield, ME
Inspection & Pump Tank

*$475 includes pumping
stanleysseptic@roadrunner.com

Septic Inspection Cost Worksheet

	330
	18,000
	39000

Cost per Year	Cost Per Customer (Year)	Rate Payer Cost (Year)	Cost Per Quarter
$ 21,250.00	$ 0.54	$ 1.18	$ 0.30
$ 19,550.00	$ 0.50	$ 1.09	$ 0.27
$ 33,150.00	$ 0.85	$ 1.84	$ 0.46
$ 33,150.00	$ 0.85	$ 1.84	$ 0.46
$ 33,575.00	$ 0.86	$ 1.87	$ 0.47

Focused Property Inspections
347 Main Street. Unit 1B
Gorham, Maine
Inspection Only
207-839-6595
$ 325.00
jeffreyfpi-web.com

W.E. Fenderson

Tank Pumping
207.782.4265
$ 350.00

Ordinance #14-07102024

City Council Ordinance

IN CITY COUNCIL

Creating the Lake Auburn Watershed Overlay District Septic Inspection Map

Be it ordained, by the Auburn City Council, that the Official Zoning Map of the City of Auburn to be amended to create the Lake Auburn Watershed Overlay District Septic Inspection Map. This map will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and appears as attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 1, 2024** **Ordinance: 15-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: First Reading on a Zoning Map Amendment adopting the Lake Auburn Watershed Overlay District 400-foot setback to Lake, Stream & Brook, for Subsurface Wastewater Fields Map as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024.

Information: This item proposes codifying a visual to show the proposed 400-foot buffers from the high-water mark of any lake, pond, stream or brook as identified on the USGS 7.5 minute series map. Staff recommends this map amendment. This map will serve as a reference to property owners and for city staff to ensure that new subsurface wastewater disposal systems are located a safe distance away from tributaries which feed Lake Auburn. The language requiring septic systems be at least 400 feet away from a tributary of Lake Auburn was already passed in the previous text amendment and the map is a visual representation of the text.

The planning board voted to forward a favorable recommendation to city council to adopt the Lake Auburn Watershed Overlay District 400 feet setback to Lake, Stream, and Brook for Subsurface Wastewater Fields, attached in this meeting's materials.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Staff recommends that the City Council hold a first reading and vote on this item. Second Reading and Public Hearing will be held on July 15, 2024.

Previous Meetings and History: Recommendations originate from approximately ten stakeholder meetings from February through May. The Planning Board made a favorable recommendation on June 18.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

Division 4- Lake Auburn Watershed Overlay District 400 feet setback to Lake, Stream, and Brook for Subsurface Wastewater Fields, June 18 Planning Board Motion, Ordinance

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/24/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Lake Auburn Watershed Map Amendment (400 Foot Resource Setback)

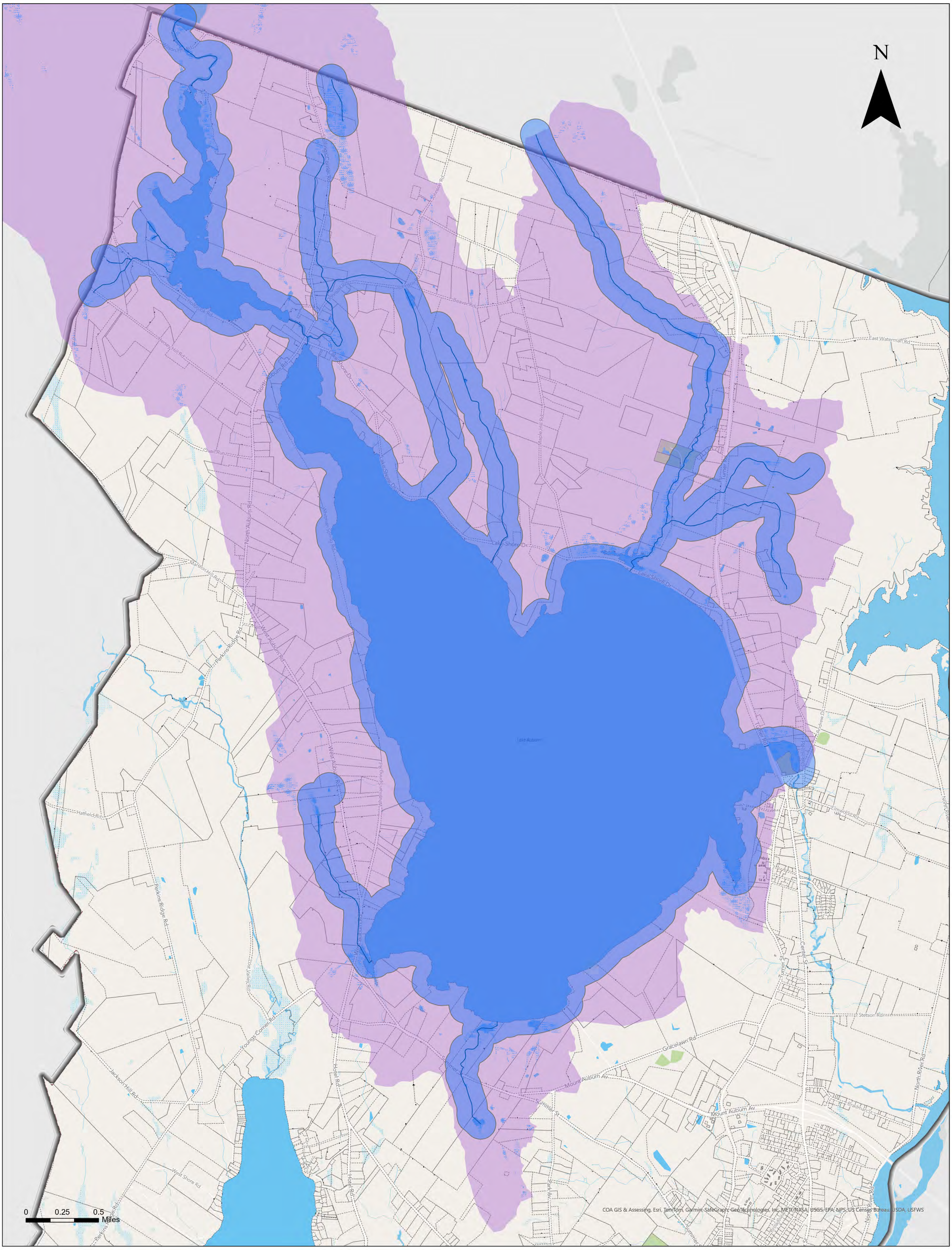
The following is the report from the Planning Board regarding adopting the Septic System Resource Setback Map for new, expanded, and replacement septic systems. After notice and Public Hearings held on June 18th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ MAP AMENDMENT: Consider adopting the Official Lake Auburn Overlay District 400 ft. Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields map. This map will be referenced in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Summary and Discussion: Discussion about whether this amendment means that ADUs or home expansions cannot be added if they require a new or expanded septic system within one of the mapped buffer areas. Staff confirms, but also points out that this language requiring septic systems be at least 400 feet away from a tributary of Lake Auburn was already passed in the previous text amendment and the map is a visual representation of the text. They made a favorable recommendation to the Official Lake Auburn Overlay District 400' setback to Lake, Stream and Brook for Subsurface Wastewater Fields Map.

Motion: Darren Finnegan makes a motion to forward a favorable recommendation to city council to adopt the Official Lake Auburn Watershed Overlay District 400 feet setback to Lake, Stream & Brook, for Subsurface Wastewater Fields Map in accordance with Ch. 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map **Second:** Bob Hayes seconds the motion.
Vote: 5-0-0 motion passes.

Official Lake Auburn Overlay District 400' setback to Lake, Stream, and Brook for Subsurface Wastewater Fields



Lake Auburn Watershed
USGS 7.5 Minute Streams
Lake Auburn Watershed Streams Buffer 400 ft
Wetlands

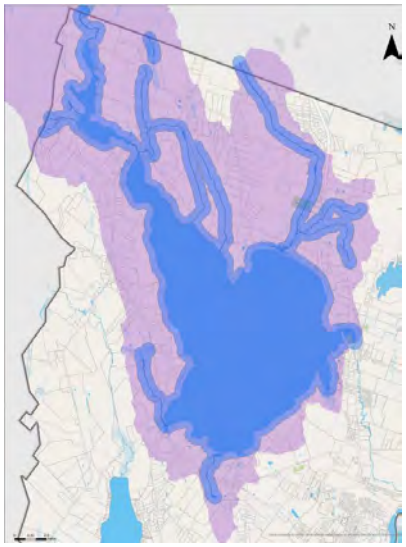
auburnmaine.gov

* This Map was created on April 23, 2024 using USGS 7.5 minute lakes and streams

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director of Planning & Permitting
Re: Item #7 Map Amendments Related to Lake Auburn Stakeholders Group
Date: June 18, 2024

I. PROPOSAL: The Planning Board is to review resource 400' setback map for septic systems to support language Article II General Provisions, Division 2, Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024. (See attached map)



II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

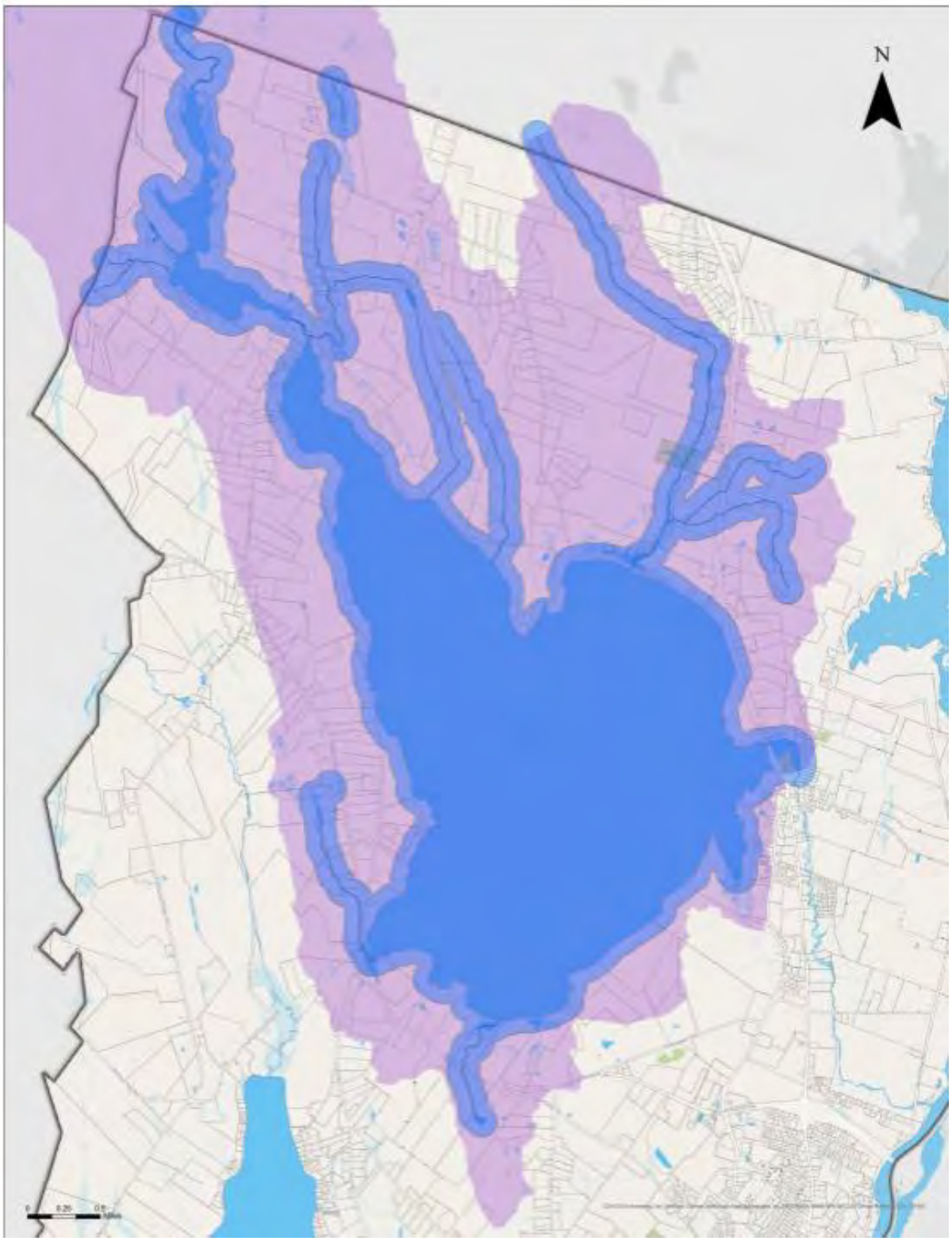
III. SUGGESTED FINDINGS OF FACT:

1. The amendments are consistent with the growth pattern specified in the Future Land Use Plan in Auburn's Comprehensive Plan.
2. The proposed map and text amendments serve Goal A.1 in the Comprehensive Plan to maintain the exceptional water quality of Lake Auburn and existing waiver from filtration to avoid or delay the need for costly treatment (pages 4-9)
3. These proposed amendments are in service of Goal B.1 in the Comprehensive plan, to ensure sufficient clean water supplies to meet current and future needs (pages 20-21).
4. These amendments align with the Lake Auburn Study, 2021; and the report by FB Environmental: Lake Auburn Memo from August 2022.
5. These amendments are the result of several public meetings with the Lake Auburn Stakeholders Group as ordered by City Council.

IV. PLANNING BOARD ACTION/STAFF RECOMMENDATIONS:

D.) Official Lake Auburn Overlay District 400-foot setback to Lake, Stream, and Brook for Subsurface Wastewater Fields: This item proposed codifying a visual to show the proposed 400-foot buffers from the high-water mark of any lake, pond, stream or brook. Staff recommends this map amendment. This map will serve as a reference to property owners and for city staff to ensure that new subsurface wastewater disposal systems are located a safe distance away from tributaries which feed Lake Auburn. This buffer is referenced in the Division 4 Lake Auburn Watershed Overlay District Text Amendment. Staff recommends adopting this resource setback map as an official zoning map.

POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to adopt the Official Lake Auburn Overlay District 400 ft. Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields map in accordance with Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.



Ordinance #15-07012024

City Council Ordinance

IN CITY COUNCIL

Creating the Official Lake Auburn Overlay District 400-foot Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields:

Be it ordained, by the Auburn City Council, that the Official Zoning Map of the City of Auburn to be amended to create the Official Lake Auburn Overlay District 400 ft. Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields map in accordance with Chapter 60 Article XVII Division 2- and appears as follows:

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

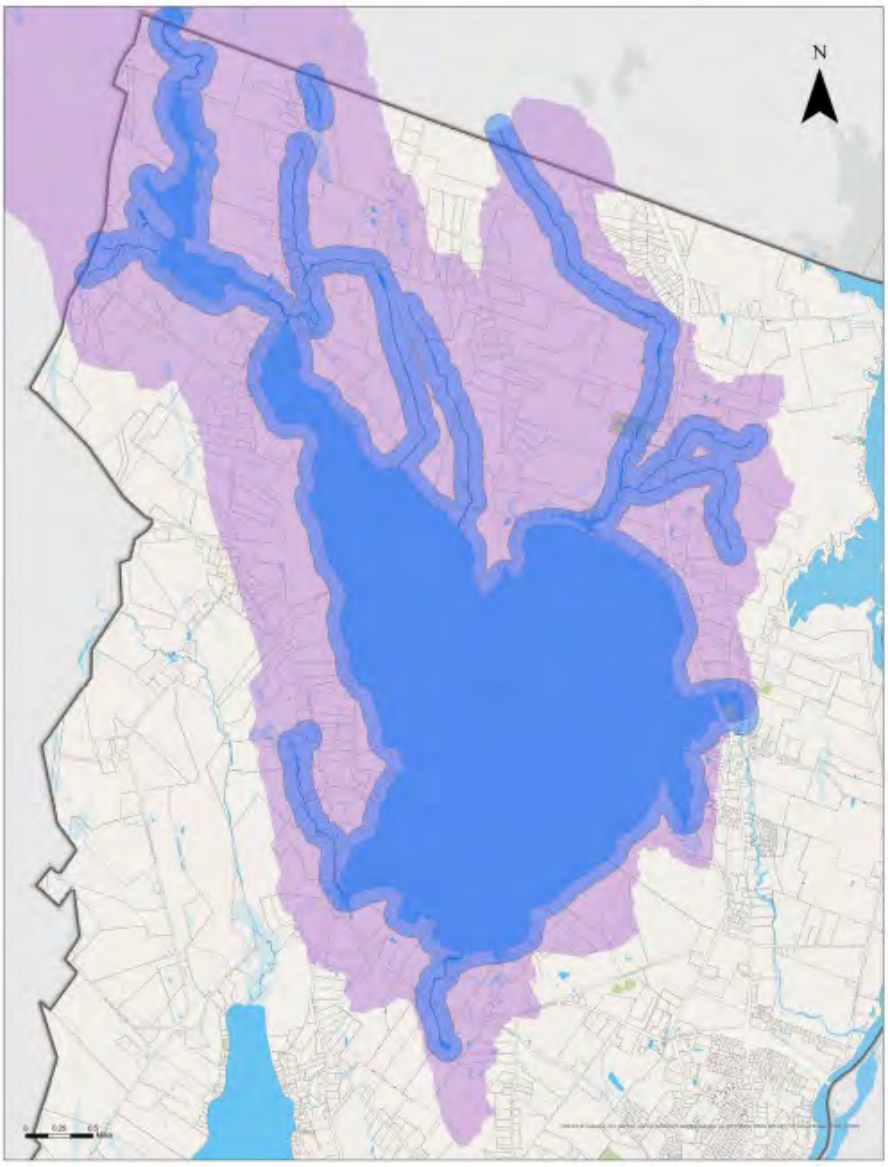
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Ordinance #15-07012024

City Council Ordinance

Official Lake Auburn Overlay District 400' setback to
Lake, Stream, and Brook for Subsurface Wastewater Fields



Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 1, 2024** **Resolve: 6-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: Resolve calling on the Lake Auburn Watershed Protection Commission to Fund Subsurface Wastewater System Inspections in the Lake Auburn Watershed

Information: The proposed Resolved calls upon the LAWPC to fund inspections of Subsurface Wastewater Systems in the Lake Auburn Watershed for the protection of the Lake as a water supply.

City Budgetary Impacts: None anticipated

Staff Recommended Action: Staff recommends that the Council consider this resolve and vote on passage.

Previous Meetings and History: The Idea of identifying a funding source has been discussed at Lake Auburn stakeholder meetings and the Planning Board recommended delaying the inspection program until funding sources are identified. This is a possible solution.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

Resolve

RESOLVE 6-07012024

City Council Resolve

IN CITY COUNCIL

BE IT RESOLVED, WHEREAS, Lake Auburn is a great pond owned by the State of Maine in trust for the benefit of the citizens of the State; and

WHEREAS, the Maine State Legislature has granted the Auburn Water District and the City of Lewiston the right to draw water from Lake Auburn for the purpose of providing drinking water to the residents and other water users within the cities of Auburn and Lewiston; and

WHEREAS, in 1993 the Auburn Water District and the City of Lewiston entered into an interlocal cooperation agreement for the protection of Lake Auburn; and

WHEREAS, through the 1993 interlocal cooperation agreement the Auburn Water District and the City of Lewiston created the Lake Auburn Watershed Protection Commission; and

WHEREAS, the Lake Auburn Wate Protection Commission receives its general fund budget from the Auburn Water District and the City of Lewiston on an equal basis; and

WHEREAS, the purpose of the Lake Auburn Water Protection Commission is to take reasonable steps to protect Lake Auburn from pollution; and

WHEREAS, the State of Maine Drinking Water Program has, through its statutory authority, defined the watershed boundary for Lake Auburn; and

WHEREAS, the Auburn Water District, City of Auburn, City of Lewiston, and the Lake Auburn Water Protection Commission have all adopted the Lake Auburn Watershed boundary as set forth by the State of Maine Drinking Water Program; and

WHEREAS, the City of Auburn has enacted municipal ordinances to create a Lake Auburn Watershed Overlay District that conforms to the Lake Auburn Watershed Boundary; and

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

RESOLVE 6-07012024

City Council Resolve

WHEREAS, the City of Auburn has enacted municipal ordinances regulating the installation and use of subsurface wastewater treatment systems that are used within the Lake Auburn Watershed Overlay District in order to protect Lake Auburn from pollution; and

WHEREAS, to ensure that subsurface wastewater treatment systems operating within the Lake Auburn Watershed Overlay District are functioning in compliance with City ordinances, the City of Auburn has enacted municipal ordinances that require the owner of the property to have their subsurface wastewater treatment system inspected on a periodic basis by a qualified inspector who shall report their findings to the City; and

WHEREAS, the cost of such inspections may be burdensome to property owners who must have such inspections performed; and

WHEREAS, most residents of the Lake Auburn Watershed Overlay District do not receive drinking water from the Auburn Water District and the primary beneficiary of the subsurface wastewater treatment system inspections performed in the Lake Auburn Overlay District are the customers of the Auburn Water District and City of Lewiston Water Division.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn that, we call upon the Lake Auburn Water Protection Commission to institute a program to perform, without charge, the subsurface wastewater treatment system inspections within the Lake Auburn Watershed Overlay District to protect Lake Auburn from pollution and to remove the burdensome cost from residents within the Lake Auburn Watershed Overlay District who do not enjoy the benefit of receiving drinking water from Lake Auburn.

AND BE IT FURTHER RESOLVED, that we call upon the Auburn Water District and the City of Lewiston to provide adequate appropriations to the Lake Auburn Water Protection Commission to fund a program to perform the subsurface wastewater treatment system inspections within the Lake Auburn Watershed Overlay District.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 1, 2024** **Ordinance 16-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: City Council First Reading on proposed text amendment to Article XVI Administration and Enforcement.

Information: The zoning text amendment extends the timeframe for initially accepting an application for processing to reflect the existing review schedule within the City of Auburn. The amendment also guides the process to communicate either the deficiency, conditional acceptance, or full acceptance of the application. This amendment clarifies the date of acceptance as the date the director verifies that all required submittals have been turned in and are satisfactory.

This zoning text amendment removes the provision that a project is automatically approved if no action's taken within 60 days after a complete application submittal in recognition that there are several occasions in which the period of review is reasonably extended or delayed. For example, they may request the applicant to provide a traffic analysis or other information pertaining to the safety and functionality of a site. Beyond the information required by the city, the applicant may also be required to get additional state permits depending on the size and impact of the project. Possible additional permitting may include Natural Resource Protection Act (NRPA), State review for anything outside of delegated review authority including projects with impervious area exceeding 10 acres and projects generating over 200 trips at peak hour, Review and approval by the Army Corps of Engineers, Air Emissions License, and extends the timeline of approval for solar energy projects which frequently required approval extension due to delays in securing the CMP interconnection agreement.

City Budgetary Impacts: None anticipated

Staff Recommended Action: Staff recommends that the Council hold first reading and vote on this item. Second Reading and Public Hearing will be scheduled for July 15, 2024.

Previous Meetings and History: Planning Board held a workshop on this text amendment on May 14, 2024 and made a positive recommendation at the planning board public hearing, June 18, 2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Ordinance, Article XVI Division 2 Draft Text Amendment, Planning Board Recommendation, Order, Planning Board Staff Report

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/24/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board motion on timelines and processes surrounding planning board site plan review.

The following is the report from the Planning Board regarding adopting new and clarifying language regarding Site Plan Review. After notice and Public Hearings held on June 18th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ MAP AMENDMENT: City Council initiated a zoning text amendment to Chapter 60, Division 2 Site Plan Review pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Summary and Discussion: Discussion about previous workshops the planning board has had on this item. Staff discusses the reason for this amendment which is to add flexibility to the timeline for approving projects where needed. There was also a short discussion on the meaning of "unreasonable delay" from existing case law. The Planning Board made a favorable recommendation to the City Council to adopt this text change.

Motion: Riley Bergeron makes a motion to forward a favorable recommendation to the city council on Chapter 60, Division 2 Site Plan Review to reflect the language specified in this meeting's materials. **Second:** Bob Hayes seconds the motion.
Vote: 5-0-0 motion passes.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: June 18th 2024
Auburn Planning Board
Author: Katherine Cook, Planning Coordinator
Subject: Item # 8 Planning Board Public Hearing text amendment to Article XVI Administration and Enforcement

I. **Proposal:** Public Hearing on City Council initiated amendment to Chapter 60, Article XVI, Division 2 Site Plan Review

II. **Background:** Staff had a discussion with the planning board in 2023 related to the City of Auburn's ordained procedures to accept, review, and make a decision to approve or deny development review applications. Among the prompts for this ordinance text amendment were 1.) the longer timeline required between application and construction for solar energy generating systems, 2.) the occasional need to extend planning board review time due to reasonable delays, and 3.) the need to update Auburn's Ordinance to reflect city staff's practiced timeline and process of development review.

The text proposed text amendment is intended to address shortcomings in the ordinance that may result in automatic approvals being identified based on project reviews that may take more than one Planning Board Meeting. This amendment considers that the Planning Board is empowered to request more information if needed to make a final decision on a development review application.

The zoning text amendment extends the timeframe for initially accepting an application for processing to reflect the existing review schedule within the City of Auburn. The amendment also guides the process to communicate either the deficiency, conditional acceptance, or full acceptance of the application. This amendment clarifies the date of acceptance as the date the director verifies that all required submittals have been turned in and are satisfactory.

This zoning text amendment removes the provision that a project is automatically approved if no action's taken within 60 days after a complete application submittal in recognition that there are several occasions in which the period of review is reasonably extended or delayed. For example, they may request the applicant to provide a traffic analysis or other information pertaining to the safety and functionality of a site. Beyond the information required by the city, the applicant may also be required to get additional state permits depending on the size and impact of the project. Possible additional permitting may include

- Natural Resource Protection Act (NRPA)
- State review for anything outside of delegated review authority including projects with impervious area exceeding 10 acres and projects generating over 200 trips at peak hour,
- Review and approval by the Army Corps of Engineers,
- Air Emissions License.

Finally, this amendment also extends the timeline of approval for solar energy projects which frequently required approval extension due to delays in securing the CMP interconnection agreement.

Suggested Ordinance Amendments:

Sec. 60-1300. File for site plan review
- Replace "~~department of community development and planning~~" with "planning, permitting and code department"
- Remove clause "~~such plans shall be filed not less than 30 days prior to a regularly scheduled meeting~~"

Sec. 60-1303. Approval-Timeline for Review.

- Remove "~~planning, permitting and code enforcement~~" before "director"
- Extend the initial application completeness review time from ~~five~~ days to 10 business days and notify the applicant that either 1.) The application is not accepted for processing as it has not met the requirements of Sec. 60-1300 and Sec. 60-1301 and shall enumerate the materials that are missing; or 2.) The application has been conditionally accepted for processing as one or more required elements, as required by Sec. 60-1300 or 60-1301, are missing or inadequate and must be submitted within five business days or the application will not be accepted for processing; or 3.) The application has met the requirements of Sec. 60-1300 and Sec. 60-1301 and is accepted for processing.
- Clarify method for distribution and review within departments of the city. Options include 1.) Request additional information from the applicant in order to assist with the director's review of the submitted site plan and/or 2.) Make recommendations to the applicant for changes to the submitted site plan that, in the director's opinion, will cause the site plan to conform to city requirements.
- Specify that the director shall, upon completion of the director's review of the site plan, but no later than 60 days after the notification to the applicant that the application is accepted for processing, request the planning board chair to schedule a public hearing by the planning board at a regularly scheduled planning bard meeting.

Sec. 60-1304. Same—Public hearing; findings.

- Establish a timeline of at least 15 days between the director's request to schedule a public hearing, and the date of the public hearing scheduled by the planning board chair.
- Specify that the planning board shall not unreasonably delay taking final action on a site plan after the closure of the public hearing.

Sec. 60-1306. Signed copies.

- Remove the sentence, "~~if no action is taken within 60 days after submittal of a completed application, the site plan shall be deemed to have been approved.~~"
- Specify that the approved plan shall be signed by the planning board chair on behalf of the planning board.

Sec. 60-1307. Findings in writing

- Specify that the findings for the decision shall be signed by the planning board chair on behalf of the planning board.

Sec. 60-1308. Expiration of approval.

- Extends the date of expiration for solar energy generating systems from one year until two years after the date of approval.
- In the case that the project is litigated, specify that the approval will not commence until a nonappealable court judgement is issued.
- Replace "~~his~~" with "the developer's"

Sec. 60-1313. Correction of off-site deficiencies.

- Replace "~~his~~" with "the developer's"

III. **Staff Recommendation/ Planning Board Action:** Review the proposed text amendment, discuss, hold a public hearing, and forward a recommendation to the city council. Staff Recommends the Planning Board favor a favorable recommendation as the amendment gives the planning board, applicants and staff more flexibility in project review.

IV. **Potential Motion:** I make a motion to forward a favorable recommendation to the city council Chapter 60, Article XVI, Division 2 Site Plan Review to reflect the language specified in this meeting's materials.

ORDER 69-05062024

City Council Order

IN CITY COUNCIL

Ordered, that the Auburn City Council initiate an amendment to City of Auburn Ordinances Chapter 60, Article XVI, Division 2 Site Plan Review and refer the proposed(attached) text to the Planning Board for a public hearing and recommendation on the proposed text amendment pursuant to Chapter 60, Article XVII. Amendments.

Passage on 5/6/24 5-2 (Milks, Gerry)

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

DIVISION 2. SITE PLAN REVIEW

Subdivision I. In General

Sec. 60-1276. Purpose.

The purpose of site plan review is to ensure that the design and layout of certain developments permitted by special exceptions, or other developments noted herein, will constitute suitable development and will not result in a detriment to city, neighborhood or the environment.

(Ord. of 9-21-2009, § 7.1A)

Sec. 60-1277. Objective.

In considering a site plan, the planning board shall make findings that the development has made provisions for:

(1) Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air;

(2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;

(3) Adequacy of the methods of disposal for wastes; and

(4) Protection of environment features on the site and in adjacent areas.

(Ord. of 9-21-2009, § 7.1B)

Sec. 60-1278. Applicability.

A site plan review shall be required for the following projects:

(1) All uses permitted by special exception.

(2) Any other uses for which site plan review is required by any other provision contained in this or other ordinances.

(Ord. of 9-21-2009, § 7.1C)

Secs. 60-1279—60-1299. Reserved.

Subdivision II. Procedure

Sec. 60-1300. File for site plan review.

An applicant for site plan review shall file with the ~~department of community development and planning~~planning, permitting and code department a completed site plan application along with an original and 15 copies of the site plan and the required processing fee. ~~Such plans shall be filed not less than 30 days prior to a regularly scheduled meeting~~. Plans shall be folded at a size not to exceed 8½ inches by 11 inches.

(Ord. of 9-21-2009, § 7.1D(1); Ord. No. 11-03012021, 3-15-2021)

Sec. 60-1301. Scale; required information.

The original plan shall be drawn on reproducible Mylar at a scale of no more than 100 feet to the inch. Each site plan shall contain the following information:

(1) Name and address of owner and developer and interest of the applicant if other than the owner or developer.

(2) Name of development, scale and meridian arrow, with specific definition of representation, date of plan and legend.

(3) Names and addresses of all owners of record of all adjacent property as appear on assessor's records.

(4) Current zoning boundaries and 100-year floodplain boundaries including surrounding areas to a distance of 300 feet from the perimeter of the site.

(5) Easements; rights-of-way, existing, planned or proposed; or other reservations adjacent to or intersecting the property.

(6) Topographic map of the site, containing the following:

a. Existing contours, where the slope of existing ground surface is generally two percent or more, the topographic map shall show contours at intervals of five feet of elevation (or lesser intervals as the planning board or engineering department may prescribe). Where the slope of the existing ground surface is generally less than two percent, contour intervals of one foot shall be shown. These contours shall not be copied from the city topographic maps and shall be determined from an on-site survey certified by a registered land surveyor.

b. Proposed contours shall be shown at intervals to be determined by the city engineer.

(7) Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees with a diameter of ten inches measured three feet from the base of the trunk.

(8) Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of 100 feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed.

(9) Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow, existing within 200 feet of the subject property.

(10) Existing soil conditions and soil suitability test results.

(11) Locations of proposed buildings and uses thereof.

(12) Proposed traffic circulation system including streets, parking lots, driveways and other access and egress facilities, curblines, sidewalk lines and existing streets, including the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.

(13) Location of existing and proposed public utility lines, indicating whether proposed lines will be placed underground.

(14) Site developments requiring stormwater permits pursuant to 38 M.R.S.A. § 420-D shall include the required plan and to the extent permitted under 38 M.R.S.A. § 489-A, be reviewed under the procedures of article XVI of this chapter; and they shall meet and comply with 38 M.R.S.A. § 484(4-A) and those Rules promulgated by the Maine Department of Environmental Protection pursuant to the Site Law and section 420-D, specifically Rules 500, 501 and 502, as last amended August 12, 2015. If a project proposes infiltration and the standards in Rule 500, appendix D are not met, then a waste discharge license may be required from the Maine Department of Environmental Protection. An infiltration system serving a development regulated under the Site Location of Development Act may be required to meet standards in addition to those in appendix D.

(15) Location and design of proposed off-street parking and loading areas indicating number and size of stalls.

(16) Proposed location and direction of and time of use of outdoor lighting.

(17) Existing and proposed planting, fences and walls, including all landscaping and screening and indicating existing trees to be retained and areas to be left undisturbed, including design features intended to integrate the proposed new development into the existing landscape to enhance aesthetic assets and to screen objectionable features from neighbors.

(18) Location, size, design and manner of illumination of signs.

(19) Disposal of sewage, trash, solid waste, oil waste, hazardous waste or radioactive waste showing disposal facilities, receptacles or areas.

(20) Perimeter boundaries of the site giving complete descriptive lot data by bearings, distances and radii of curves including the name and seal of the registered land surveyor who prepared the plan.

(21) Description and plan of capacity and location of means of sewage disposal together with approval of sewer district engineer or evidence of soil suitability for such disposal (test pit locations shall be shown on the plans) similarly approved by the city engineer department.

(22) A statement of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, the total number of parking spaces required by the zoning chapter for the uses proposed, the number of employees expected per shift and the total floor area of proposed commercial or industrial uses.

(23) Description and plan of a phase development concept detailing the areas and sequence of phasing.

(24) A statement by the developer assuring that he has the financial capabilities to fully carry out the project and to comply with the conditions imposed by the planning board.

(Ord. of 9-21-2009, § 7.1D(2); Ord. No. 10-10172016, 11-7-2016)

Sec. 60-1302. Exemption for information.

Upon request, the planning board, or the ~~planning, permitting and code enforcement~~ director, acting for the board, may waive the necessity of providing any of the foregoing planning information which is not relevant to the proposed development. The planning board or the ~~planning, permitting and code enforcement~~ director, acting for the board, may waive the site plan review fee if the purpose of the site plan review is to determine the adaptive reuse of a structure of community significance.

(Ord. of 9-21-2009, § 7.1D(3); Ord. No. 05-04032017, § 3, 4-24-2017)

Sec. 60-1303. Approval—Time line for review.

The planning, permitting and code enforcement director shall, within five 10 business days of receipt, review the application and notify the applicant that either:

1.) The application is not accepted for processing, as it has not met the requirements of Sec. 60-1300 and 60-1301, and shall enumerate the materials that are missing; or

2.) The application has been conditionally accepted for processing as one or more required minor elements, as required by Sec. 60-1300 or 60-1301, are missing or inadequate and must be submitted within five business days or the application will not be accepted for processing; or

3.) The application has met the requirements of Sec. 60-1300 and 60-1301 and is accepted for processing.

The planning, permitting and code enforcement director shall, at the time of notification to the applicant that the application is accepted for processing, transmit copies of the application and site plan to those city departments that, in his the director's view opinion, requires such information to provide recommendations regarding the application to the planning board. The agencies departments receiving these copies shall have up to 15 business days to make provide their recommendations to the planning, permitting and code enforcement director.

The planning, permitting and code enforcement director shall review the submitted site plan and any recommendations made by the city departments and may:

1.) Request additional information from the applicant in to order assist with the director's review of the submitted site plan.

2.) Make recommendations to the applicant for changes to the submitted site plan that, in the director's opinion, will cause the site plan to conform to city requirements.

The planning, permitting and code enforcement director shall, upon completion of the director's review of the site plan, but not later than 60 days after notification to the applicant that the application is accepted for processing, request the planning board chair to schedule a public hearing by the planning board at a regularly scheduled planning board meeting.

(Ord. of 9-21-2009, § 7.1D(4))

Sec. 60-1304. Same—Public hearing; findings.

The planning board chair shall, upon request of the planning, permitting and code enforcement director, schedule a public hearing at the next regularly scheduled planning board meeting that occurs at least 16 days after receipt of the request from the directorwithin 30 days of receipt of a completed application, hold a public hearing. Notice of a public hearing shall be given in the manner provided for in division 3 of article XVII of this chapter. The planning board will not unreasonably delay the takinge of final action on the site plan within 60 days of receiving a completed application, or within such other time limit as may be mutually agreed toafter the public hearing. Such final action shall consist of either:

(1) A finding and determination that the proposed project will constitute a suitable development and will not result in a detriment to the neighborhood or the environment; or

(2) A written denial of the application stating the reasons for such denial, upon a finding that:

a. The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will create hazards to safety.

b. The bulk, location or operation of proposed buildings and structures will be detrimental to and adversely affect the use and values of existing development in the neighborhood or the health or safety of persons residing or working therein.

c. The provisions for on-site landscaping are inadequate to screen neighboring properties from unsightly features of the development.

d. The site plan does not adequately provide for the soil and drainage problems which the development may give rise to in accordance with section 60-1301(14).

e. The provisions for exterior lighting create safety hazards for motorists traveling on adjacent streets, or are inadequate for the safety or occupants or users of the site, or will create a nuisance affecting adjacent properties.

f. The proposed development will unduly burden off-site sewer drainage or water systems.

g. The proposed development will create a fire hazard by failing to provide adequate access to the site, or to buildings on the site, for emergency vehicles.

h. The proposed development violates provisions of the zoning regulations applicable to the site or other applicable laws, regulations or ordinances.

i. The proposed development will unduly impact the ability to provide municipal services.

(Ord. of 9-21-2009, § 7.1D(5))

Sec. 60-1305. Same—Subject to conditions, modification, restrictions, etc.

Approval may be made subject to conditions, modifications and restrictions as the planning board may deem necessary; and any construction, reconstruction, alteration or addition shall be carried on only in conformity to such conditions, modifications or restrictions and in conformity with the application and site plan.

(Ord. of 9-21-2009, § 7.1D(6))

Sec. 60-1306. Signed copies.

~~If no action is taken within 60 days after submittal of a completed application, the site plan shall be deemed to have been approved.~~ An original of the approved plan signed by the planning board chair, on behalf of the planning board, and one signed copy shall be delivered to the applicant, the assessor's department, the engineering department and to the building inspector on which basis building permits may be issued when all other required plans have been approved.

(Ord. of 9-21-2009, § 7.1D(7))

Sec. 60-1307. Findings in writing.

The findings of the planning board shall be in writing, signed by the planning board chair on behalf of the planning board, with a copy being forwarded to the applicant. The planning board's written report shall also include a statement as to how any deficiencies in the site plan might be resolved and what conditions, modifications and restrictions are to be complied with in executing the plan.

(Ord. of 9-21-2009, § 7.1D(8))

Sec. 60-1308. Expiration of approval.

Approval of a site plan shall expire one year after the date of approval, except for approved site plans for solar energy generating systems, which shall expire ~~in~~ two years after the date of approval, unless all building permits have been obtained to begin construction in accordance with the approved site plan. If a development is contested with litigation, the approval period of this section shall not commence until a final, nonappealable court judgment is issued or until the litigation has been dismissed with prejudice. This provision shall apply retroactively to all projects approved after January 1, 2007. Any site plan that contains a phase concept approved by the planning board shall not be required to obtain all building permits within the time sequence established for completion of each phase. No building permits or other permits shall be issued until all improvements are substantially completed for the preceding phase. A single one-year extension may be given upon a showing of good cause in writing by the applicant to the planning board not less than 30 days before the expiration of approval of ~~his~~ the applicant's existing plan. ~~.~~ The planning board shall approve or disapprove the requested extension at its next regular meeting.

(Ord. of 9-21-2009, § 7.1D(9); Ord. No. 02-04012013, att. D, 4-16-2013)

Sec. 60-1309. No building permitted without approval.

No permit shall be issued for the construction of any building in an area included in the site plan or in any development for which a site plan is required until such site plan has been approved by the planning board and unless the construction plans and specifications presented to the building inspector with the application for the permit are consistent with the approved site plan.

(Ord. of 9-21-2009, § 7.1D(10))

Sec. 60-1310. Certificate of occupancy.

No certificate of occupancy shall be issued with respect to any building until all construction called for by the site plan is completed, except by special permission of the planning board granted upon a showing of special circumstances warranted the issuance of the certificate and that the remaining construction will be completed within a reasonable time.

(Ord. of 9-21-2009, § 7.1D(11))

Sec. 60-1311. Deposit of surety.

The planning board may require the applicant with the submission of the site plan to tender a certified check payable to the city and issued by a surety company or secured by deposits issued by institutions authorized to issue the same by the laws of the state or the United States or irrevocable letters of credit issued by said banking institutions in an amount of money determined by the city planner, with the advice of the various city departments and agencies concerned, to be sufficient to ensure compliance with the approved site plan.

(Ord. of 9-21-2009, § 7.1D(12))

Sec. 60-1312. Review of planning board needed for variance.

For those developments subject to site plan review (division 2 of article XVI of this chapter) the relaxation of the dimensional requirements of any use district shall be reviewed by the planning board. The modifications of the

dimensional requirements shall be allowed as the planning board may deem necessary to carry out the objectives and intent of site plan review as specified in division 2 of article XVI of this chapter.

(Ord. of 9-21-2009, § 7.1D(13))

Sec. 60-1313. Correction of off-site deficiencies.

The planning board shall have the right to require the developer, at ~~his~~ the developer's expense, to correct any off-site deficiencies either created or aggravated by the developer's proposed project.

(Ord. of 9-21-2009, § 7.1D)

Secs. 60-1314—60-1334. Reserved.

Ordinance #16-07012024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

Chapter 60 ZONING

● ● ●

ARTICLE XVI. ADMINISTRATION AND ENFORCEMENT

● ● ●

DIVISION 2. SITE PLAN REVIEW

● ● ●

Sec. 60-1300. File for site plan review.

An applicant for site plan review shall file with the ~~department of community development and planning~~planning, permitting and code department a completed site plan application along with an original and 15 copies of the site plan and the required processing fee. ~~Such plans shall be filed not less than 30 days prior to a regularly scheduled meeting~~. Plans shall be folded at a size not to exceed 8½ inches by 11 inches.

(Ord. of 9-21-2009, § 7.1D(1); Ord. No. 11-03012021, 3-15-2021)

● ● ●

Sec. 60-1303. Approval—Time-line for review.

The ~~planning, permitting and code enforcement~~ director shall, within ~~five~~ 10 business days of receipt, review the application and notify the applicant that either:

1.) The application is not accepted for processing, as it has not met the requirements of Sec. 60-1300 and 60-1301, and shall enumerate the materials that are missing; or

2.) The application has been conditionally accepted for processing as one or more required minor elements, as required by Sec. 60-1300 or 60-1301, are missing or inadequate and must be submitted within five business days or the application will not be accepted for processing; or

3.) The application has met the requirements of Sec. 60-1300 and 60-1301 and is accepted for processing.

The ~~planning, permitting and code enforcement~~ director shall, at the time of notification to the applicant that the application is accepted for processing, transmit copies of the application and site plan to those city departments that, in ~~his~~ the director's ~~view~~ opinion, requires such information to provide recommendations regarding the application to the planning board. The ~~agencies~~ departments receiving these copies shall have up to

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

15 business days to ~~make~~ provide their recommendations to the ~~planning, permitting and code enforcement~~ director.

The ~~planning, permitting and code enforcement~~ director shall review the submitted site plan and any recommendations made by the city departments and may:

1.) ~~-~~Request additional information from the applicant in to order assist with the director's review of the submitted site plan.
2.) Make recommendations to the applicant for changes to the submitted site plan that, in the director's opinion, will cause the site plan to conform to city requirements.

The ~~planning, permitting and code enforcement~~ director shall, upon completion of the director's review of the site plan, but not later than 60 days after notification to the applicant that the application is accepted for processing, request the planning board chair to schedule a public hearing by the planning board at a regularly scheduled planning board meeting.

(Ord. of 9-21-2009, § 7.1D(4))

● ● ●

Sec. 60-1303. Approval—Time~~-~~line for review.

The ~~planning, permitting and code enforcement~~ director shall, within ~~five~~ 10 business days of receipt, review the application and notify the applicant that either:

1.) The application is not accepted for processing, as it has not met the requirements of Sec. 60-1300 and 60-1301, and shall enumerate the materials that are missing; or

2.) The application has been conditionally accepted for processing as one or more required minor elements, as required by Sec. 60-1300 or 60-1301, are missing or inadequate and must be submitted within five business days or the application will not be accepted for processing; or

3.) The application has met the requirements of Sec. 60-1300 and 60-1301 and is accepted for processing.

The ~~planning, permitting and code enforcement~~ director shall, at the time of notification to the applicant that the application is accepted for processing, transmit copies of the application and site plan to those city departments that, in ~~his~~ the director's ~~view~~ opinion, require~~s~~ such information to provide recommendations regarding the application to the planning board. The ~~agencies~~ departments receiving these copies shall have up to 15 business days to ~~make~~ provide their recommendations to the ~~planning, permitting and code enforcement~~ director.

The ~~planning, permitting and code enforcement~~ director shall review the submitted site plan and any recommendations made by the city departments and may:

1.) ~~-~~Request additional information from the applicant in to order assist with the director's review of the submitted site plan.
2.) Make recommendations to the applicant for changes to the submitted site plan that, in the director's opinion, will cause the site plan to conform to city requirements.

City Council Ordinance

The ~~planning, permitting and code enforcement~~ director shall, upon completion of the director's review of the site plan, but not later than 60 days after notification to the applicant that the application is accepted for processing, request the planning board chair to schedule a public hearing by the planning board at a regularly scheduled planning board meeting.

(Ord. of 9-21-2009, § 7.1D(4))

● ● ●

Sec. 60-1304. Same—Public hearing; findings.

The planning board chair shall, upon request of the ~~planning, permitting and code enforcement~~ director, schedule a public hearing at the next regularly scheduled planning board meeting that occurs at least 16 days after receipt of the request from the director~~within 30 days of receipt of a completed application, hold a public hearing~~. Notice of a public hearing shall be given in the manner provided for in division 3 of article XVII of this chapter. The planning board will not unreasonably delay the taking of final action on the site plan ~~within 60 days of receiving a completed application, or within such other time limit as may be mutually agreed to~~after the public hearing. Such final action shall consist of either:

(1) A finding and determination that the proposed project will constitute a suitable development and will not result in a detriment to the neighborhood or the environment; or

(2) A written denial of the application stating the reasons for such denial, upon a finding that:

a. The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will create hazards to safety.

b. The bulk, location or operation of proposed buildings and structures will be detrimental to and adversely affect the use and values of existing development in the neighborhood or the health or safety of persons residing or working therein.

c. The provisions for on-site landscaping are inadequate to screen neighboring properties from unsightly features of the development.

d. The site plan does not adequately provide for the soil and drainage problems which the development may give rise to in accordance with section 60-1301(14).

e. The provisions for exterior lighting create safety hazards for motorists traveling on adjacent streets, or are inadequate for the safety or occupants or users of the site, or will create a nuisance affecting adjacent properties.

f. The proposed development will unduly burden off-site sewer drainage or water systems.

g. The proposed development will create a fire hazard by failing to provide adequate access to the site, or to buildings on the site, for emergency vehicles.

h. The proposed development violates provisions of the zoning regulations applicable to the site or other applicable laws, regulations or ordinances.

i. The proposed development will unduly impact the ability to provide municipal services.

(Ord. of 9-21-2009, § 7.1D(5))

● ● ●

Sec. 60-1306. Signed copies.

~~If no action is taken within 60 days after submittal of a completed application, the site plan shall be deemed to have been approved.~~ An original of the approved plan signed by the planning board chair, on behalf of the planning board, and one signed copy shall be delivered to the applicant, the assessor's department, the engineering department and to the building inspector on which basis building permits may be issued when all other required plans have been approved.

(Ord. of 9-21-2009, § 7.1D(7))

● ● ●

Sec. 60-1307. Findings in writing.

The findings of the planning board shall be in writing, signed by the planning board chair on behalf of the planning board, with a copy being forwarded to the applicant. The planning board's written report shall also include a statement as to how any deficiencies in the site plan might be resolved and what conditions, modifications and restrictions are to be complied with in executing the plan.

(Ord. of 9-21-2009, § 7.1D(8))

● ● ●

Sec. 60-1308. Expiration of approval.

Approval of a site plan shall expire one year after the date of approval, except for approved site plans for solar energy generating systems, which shall expire ~~in~~ two years after the date of approval, unless all building permits have been obtained to begin construction in accordance with the approved site plan. If a development is contested with litigation, the approval period of this section shall not commence until a final, nonappealable court judgment is issued or until the litigation has been dismissed with prejudice. This provision shall apply retroactively to all projects approved after January 1, 2007. Any site plan that contains a phase concept approved by the planning board shall not be required to obtain all building permits within the time sequence established for completion of each phase. No building permits or other permits shall be issued until all improvements are substantially completed for the preceding phase. A single one-year extension may be given upon a showing of good cause in writing by the applicant to the planning board not less than 30 days before the expiration of approval of ~~his~~ the applicant's existing plan. ~~.~~ The planning board shall approve or disapprove the requested extension at its next regular meeting.

● ● ●

City Council Ordinance

Sec. 60-1313. Correction of off-site deficiencies.

The planning board shall have the right to require the developer, at ~~his~~ the developer's expense, to correct any off-site deficiencies either created or aggravated by the developer's proposed project.

(Ord. of 9-21-2009, § 7.1D)

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 1, 2024** **Ordinance 17-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: Consider first reading of a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district.

Information: On June 16, the planning board made a motion to forward a favorable recommendation to City Council approve a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district. Discussion about this item touched on occasions waivers have been requested to allow for a larger setback than the 25-feet maximum setback allowed in the zone. The planning board agreed with city staff that the General Business 2 zone would allow for better functionality of the proposed city public safety use.

City Budgetary Impacts: None anticipated.

Staff Recommended Action: Staff recommends that the City Council hold a first reading and vote on the proposed amendment. Second Reading and Public Hearing will be scheduled for July 15th.

Previous Meetings and History: Planning Board Public Hearing June 16, 2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

Ordinance, Proposed Zoning Map, June 18 Planning Board Recommendation, June 16, 2024 Staff Report.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/24/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on amending the zoning map for two certain parcels on Minot Av from T-4.2B to GBII

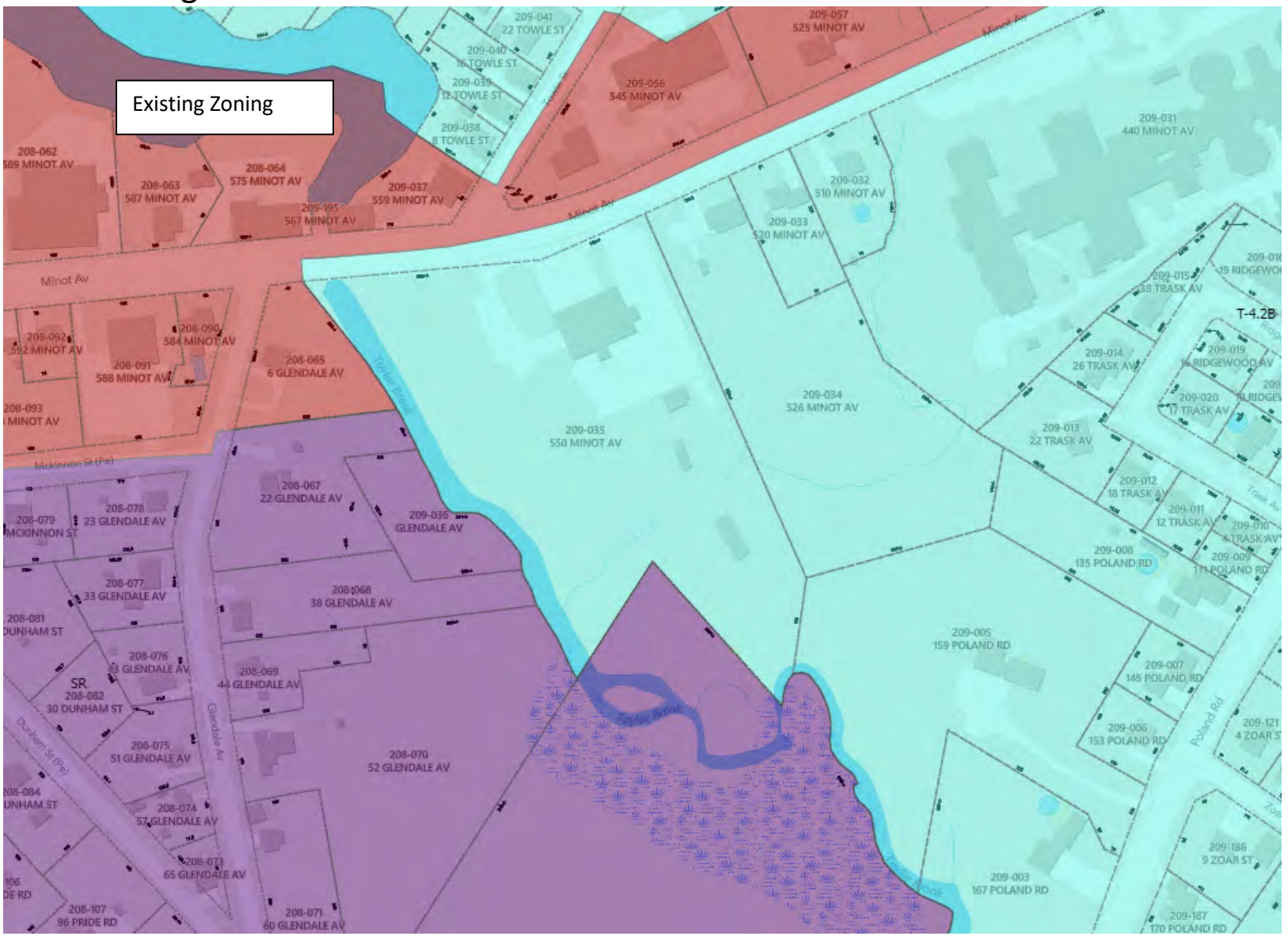
The following is the report from the Planning Board regarding a map amendment in service of future public safety facility on Minot Av. After notice and Public Hearings held on June 18th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ MAP AMENDMENT: Consider a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district. The City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

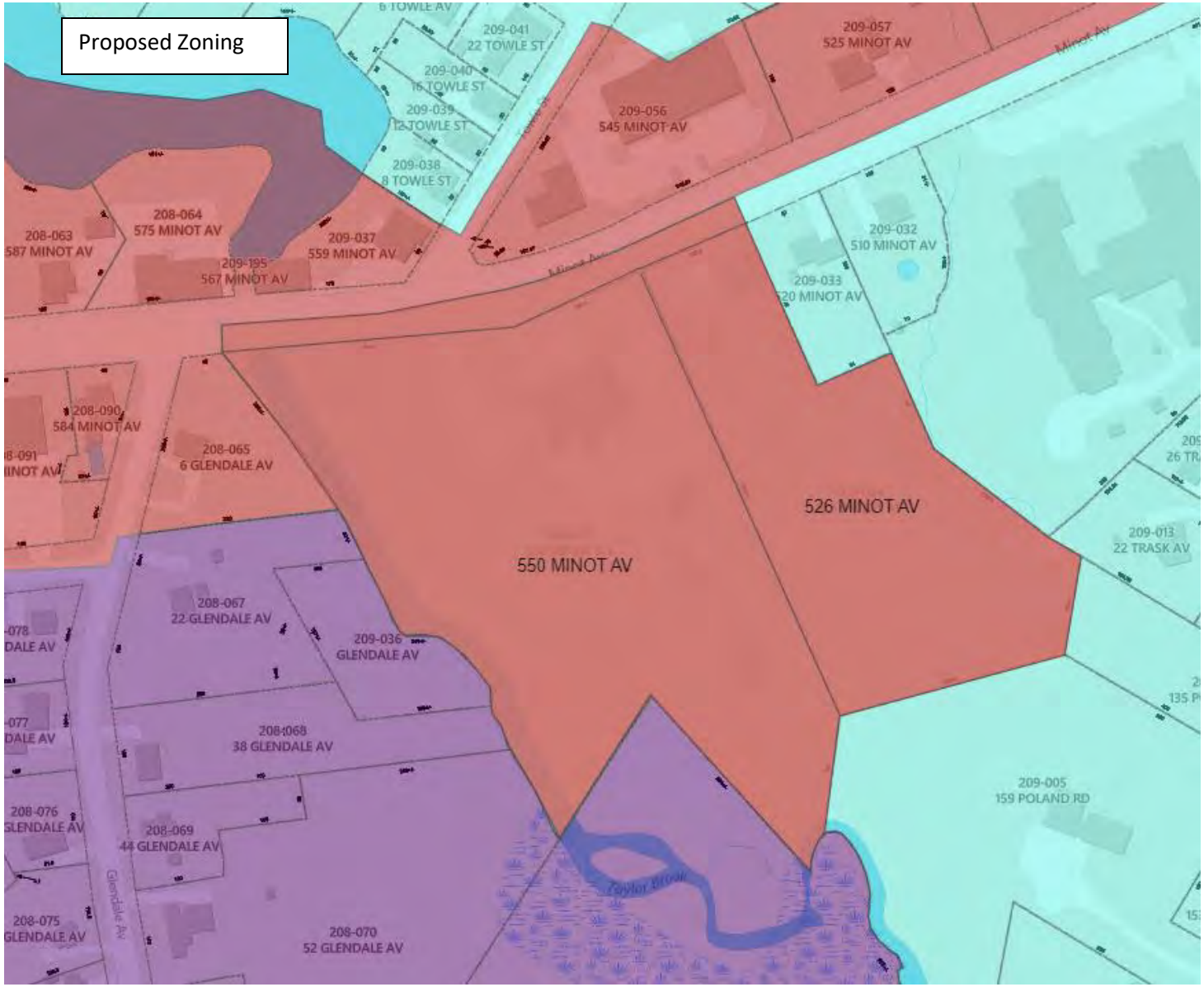
Summary and Discussion: Discussion about the possible necessity for an eventual amendment to the T-4.2B zoning district because of requests for waivers specifically for the front setback requirements. Staff suggests a good time to update this would be during the process of revising the Comprehensive Plan over the next year or so. The Planning Board made a favorable recommendation to the City Council to adopt this map amendment.

Motion: Riley Bergeron makes a motion to forward a favorable recommendation to City Council approve a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district. **Second:** Bob Hayes seconds the motion.
Vote: 5-0-0 motion passes.

Consideration of Proposed Zoning Map Amendment - 526 and 550 Minot Avenue
Change from T4.2B to General Business II



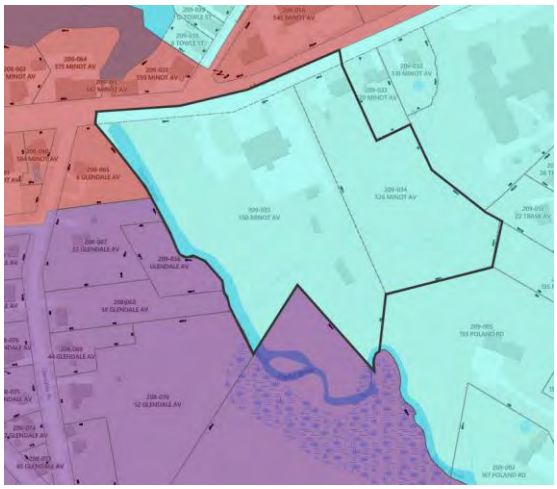
Consideration of Proposed Zoning Map Amendment - 526 and 550 Minot Avenue
Change from T4.2B to General Business II



City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

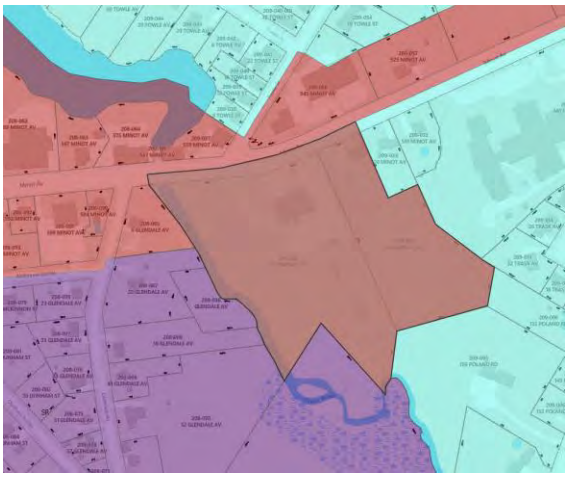
To: Auburn Planning Board
From: Department of Planning, Permitting and Code
Re: Item #9 Map Amendments for public safety facility.
Date: June 18, 2024

I. **Proposal/ Map Amendment**: Consider a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B-Traditional Neighborhood Development zoning district to General Business II zoning district. The City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.



II. **Background:** This item is considering a zoning map amendment to amend approximately 8.17 acres from T-4.2B Traditional Neighborhood Development zoning district to the General Business II (Minot Ave) zoning district. The area proposed to be rezoned encompasses all the City Assessor's parcel I.D.s 209-035 and 209-034.

The purpose of this proposal is to better support a new public safety facility by allowing flexibility in form and design to best serve the needs of public employees. Municipal services and facilities are permitted in all zoning districts, but form-based code, the current zoning, requires that new structures be built close to the public right of way. The design standards in form-based code are intended to encourage new development to emphasize the relationship between the public and private realm. While it is well suited to residential and commercial areas within the City of Auburn, form-based code may not allow for the flexibility necessary to build a functional and efficient public safety facility that is designed around the movement of large vehicles inside and outside of the buildings.



The General Business II District is in alignment with the surrounding area and is compatible with the 2021 Comprehensive Plan. The provision stating that "The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development" can allow the flexibility to find the proposed change to be consistent with the Comprehensive Plan. This proposed zoning also allows for flexibility in facility layout to best serve the needs of the fire department and the police department, such as the ease and safety of movement of the fire apparatus on the properties.

III. Suggested Findings of Fact:

a. The zoning map amendment is consistent with the comprehensive plan
b. The zoning map amendment is consistent with Comprehensive Plan Policy C 3, to explore a cost-effective plan for housing and delivering public safety services including regional considerations.

IV. **Planning Board Action & Staff Recommendations:** Hold a public hearing, review the proposal and make a recommendation to the city council on whether to amend the zoning map as described.

V. **Potential Motion:** I make a motion to forward a favorable recommendation to City Council approve a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district.

ORDER 84-06032024

City Council Order

IN CITY COUNCIL

ORDERED, that the Auburn City Council directs staff to prepare a zoning map amendment for Public Hearing and a Recommendation by the Auburn Planning Board pursuant to Chapter 60, Article XVII, Division 2, Amendment to the Zoning Ordinance or Zoning Map. The intent is to amend the map on approximately 8.17 acres from T-4.2B Traditional Neighborhood Development zoning district to the General Business II (Minot Ave) zoning district as shown on the attached map. The area proposed to be rezoned encompasses all of City Assessor's parcel I.D.s 209-035 and 209-034. The purpose of this proposal is to better support a new public safety facility by allowing the flexibility in form and design to best serve the needs of public employees.

Passage on 6/3/2024 6-0 (Weisner absent)

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

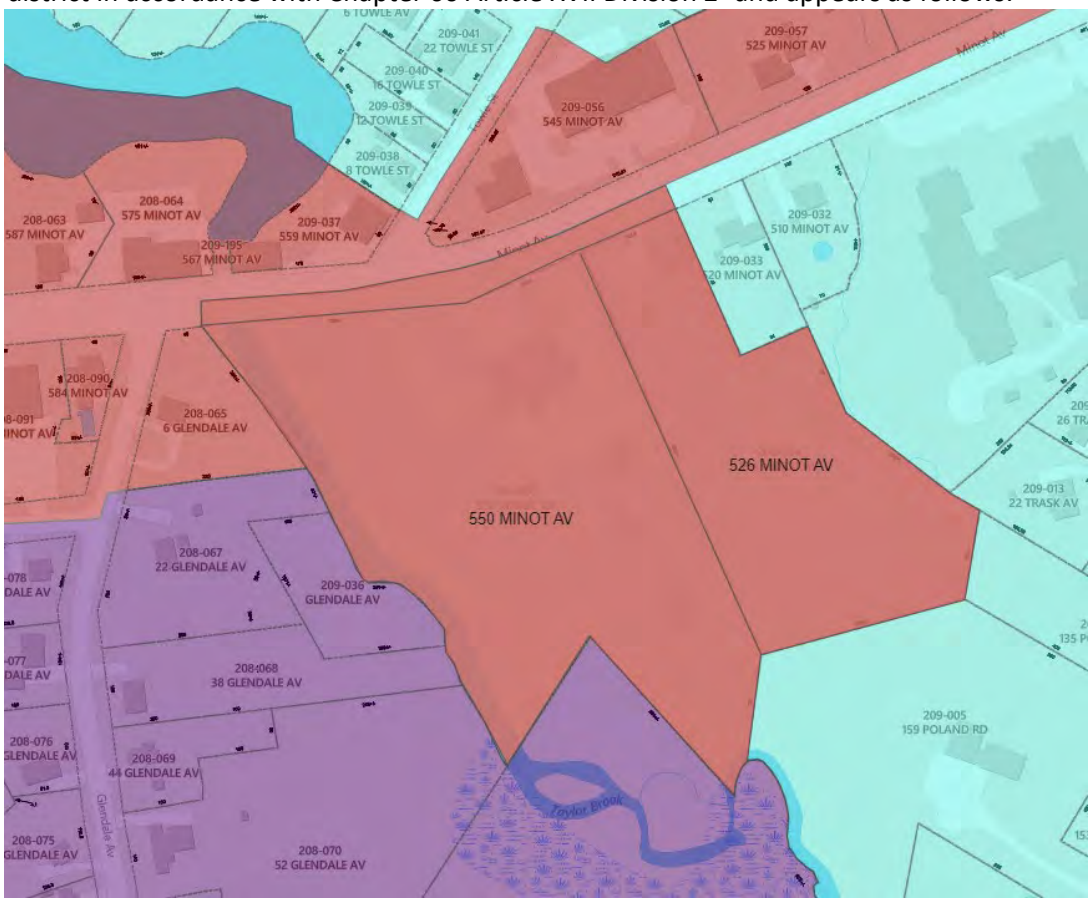
Ordinance #17-07012024

City Council Ordinance

IN CITY COUNCIL

Amending the Zoning District at 526 and 550 Minot Ave from T-4.2B to GBII:

Be it ordained, by the Auburn City Council, that the Official Zoning Map of the City of Auburn to be amended to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district in accordance with Chapter 60 Article XVII Division 2- and appears as follows:



Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 1, 2024, **Order: 87-070102024**

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Housing Study

Information:
The Housing Ad Hoc Committee has requested ARPA funding to commission a housing study specific to Auburn through a third-party provider. This will ensure that the most recent and up-to-date information is utilized to formulate recommendations for the City Council in accordance with their mandate.

City Budgetary Impacts: NONE

Staff Recommended Action:
Approve order as presented.

Previous Meetings and History:
Council Workshops on June 3 & 17, 2024

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
NONE

ORDER 87-07012024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council authorizes the City Manager to utilize $70,000 of American Rescue Plan Act (ARPA) funds to secure a housing audit for the City of Auburn.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Order: 88-07012024

Council Workshop or Meeting Date: July 1, 2024

Author: Glen E. Holmes, Director Business & Community Development

Subject: FOOD INSECURITY

Information: Since the onset of the Covid-19 pandemic – and since – community members in the City of Auburn continue to struggle with food insecurity. The cost of all household expenses has risen dramatically and families are having to prioritize their basic necessities such as food, shelter and medications. Children, who are accustomed to receiving free and reduced lunch at school, often go hungry over the weekends and during school vacations. Our community members living in elderly housing are also being impacted.

Our significant unhoused population are in need of assistance and resources. Although families and individuals are encouraged to access food pantries and the Good Shepherd Food Bank, for some families it is still not enough.

City Budgetary Impacts: None

Staff Recommended Action: Vote to allocate $40,000.00 of American Rescue Plan Act (ARPA) funds towards assisting families to reduce the incidences of food insecurity.

Previous Meetings and History: June 3, 2024; June 17, 2024, June 24, 2024

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 88-07012024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council allocates $40,000.00 from the American Rescue Plan Act (ARPA) funds towards on-going food insecurity for our community members since the Covid-19 pandemic.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 1, 2024 **Order: 89-07012024 & Order 90-07012024**

Author: Glen E. Holmes, Director Business and Community Development

Subject: Community Resource Center to be located at 121 Mill Street

---

Information: Due to the Covid-19 pandemic – and since, the City of Auburn's Business and Community Development Department has been located at 95 Main Street. This department, which also houses our General Assistance and Public Health programs, has seen a steady increase in community members needing to access services. While we have partnered with many non-profit providers and agencies, our current location and space is not convenient or conducive to providing expanded wrap-around services that will impact change for all segments of our population.

During the June 24th special City Council workshop, the Business & Community Development Department provided Council with a plan and financial projections for the relocation of the department to a vacant building, owned by the City of Auburn, and located at 121 Mill Street. The relocation of the department will provide for a community resource center with greater opportunities for our community members.

A community resource center project pro-forma was provided to the City Council detailing the significant renovations and upgrades needed as well as projected income and expenses. The reallocation of the remaining City of Auburn ARPA funds would cover costs for renovations to the building. The renovated building will include office space for current staff as well as 12 additional spaces for service providers and non-profit agencies. In partnership with several local churches, there will be access to a commercial kitchen to prepare and serve meals for our homeless population.

City Budgetary Impacts: None

Staff Recommended Action: Approve the following two orders:

1. Vote to repurpose the city owned building at 121 Mill Street.
2. Vote to increase the current ARPA allocation by $438,702.83 of remaining ARPA funds to stand up a community resource center at 121 Mill Street.

Previous Meetings and History: June 3, 2024; June 17, 2024, June 24, 2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Remaining ARPA funds to be reallocated, Development plan and Pro-Forma

City of Auburn, Maine
Business & Community Development
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

June 24, 2024

To the City Manager

The Business & Community Development team was tasked with developing a plan and financial projection for a community resource center which would foster collaboration between city services and non-profit organizations. Our objective was to enhance service delivery, increase impact, and ensure a more sustainable funding model. Through proactive community development strategies and collaborative partnerships, our team is dedicated to meeting the evolving needs of our residents.

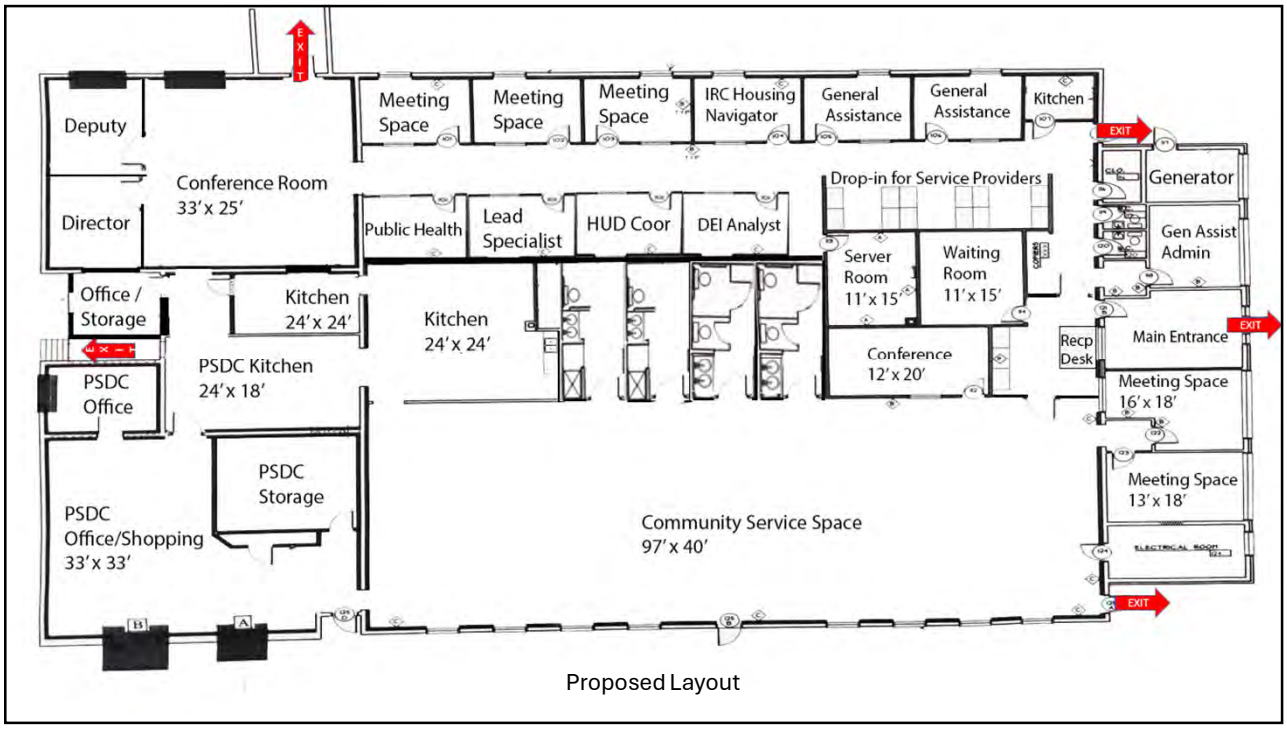
Included is a proposal for an upgraded 15,000 square foot Community Resource Center which not only addresses current security and ADA accessibility issues at the existing facility but also accommodates additional community partners such as the Drop-In Center and Preble Street. These new partners will join our existing collaborators, including the Immigrant Resource Center of Maine (IRC), Rumford Group Homes, Community Concepts Inc., Housing Resources for Youth, and Maine Immigrant Resource Services (MEIRS).

This expansion of community support will enable city staff to provide better referrals and improve operational efficiency by streamlining access to essential resources for our residents. This collaboration allows us to connect individuals in need with both private and non-profit service providers more effectively. These partners offer comprehensive services, such as employment training and housing stabilization, which address the root causes of financial instability and promote long-term self-sufficiency among Auburn residents.

Building on the success of integrating city and non-profit services within the Business & Community Development office and leveraging previous grant applications for the redevelopment of the city-owned property at 121 Mill St., the latest iteration of these plans focuses on minimal rehabilitation required to make this facility occupiable after recent water damage. The proposed changes to the existing floorplan are limited, with the development budget primarily driven by the need for upgraded bathroom facilities to support the expanded use of a community gathering space and the addition of a kitchen facility.

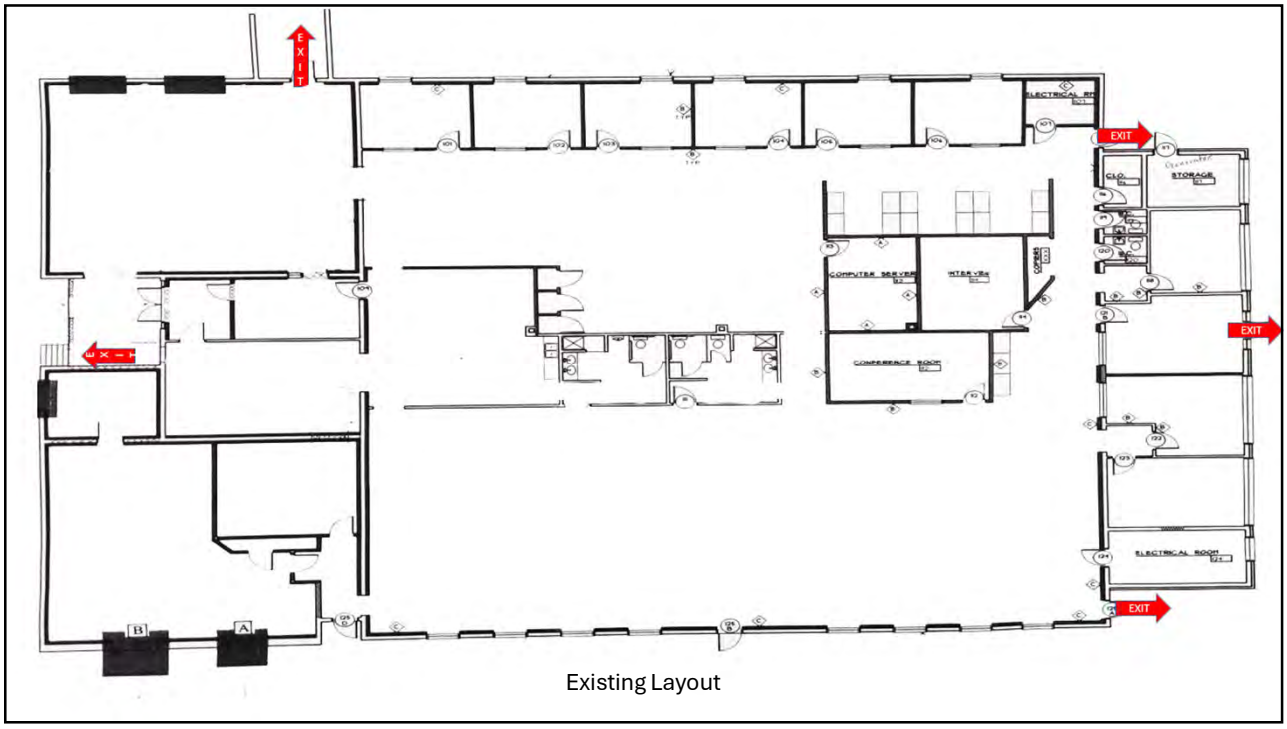
Funding for this proposal can be sourced from unallocated ARPA funds, future rental savings from the 95 Main St office, and a combination of additional grant funding. In addition, anticipated rental payments from partner organizations such as IRC, the Drop-In Center and other organizations will contribute towards this project.

Yours in Service
Glen E. Holmes



Proposed Layout

1



Existing Layout

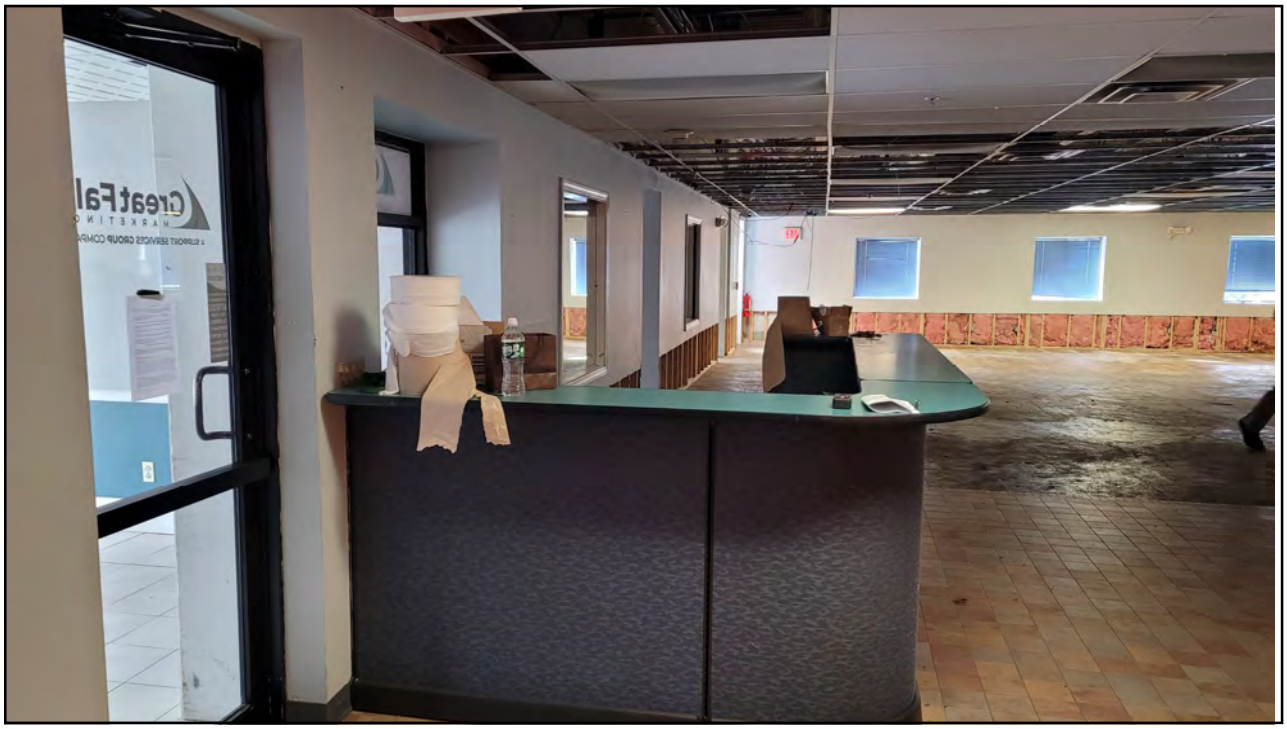
2


Great Falls

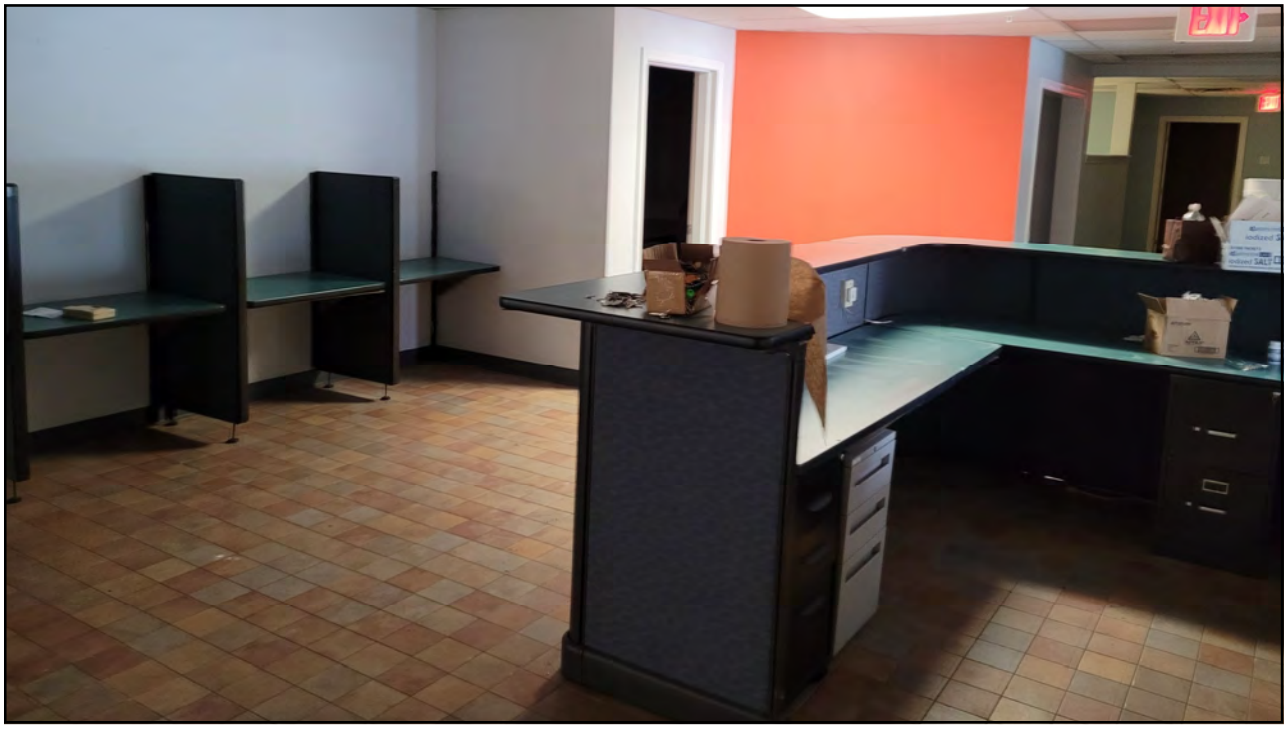
3


Great Falls
MARKETING
A SUPPORT SERVICES GROUP COMPANY
Great Falls

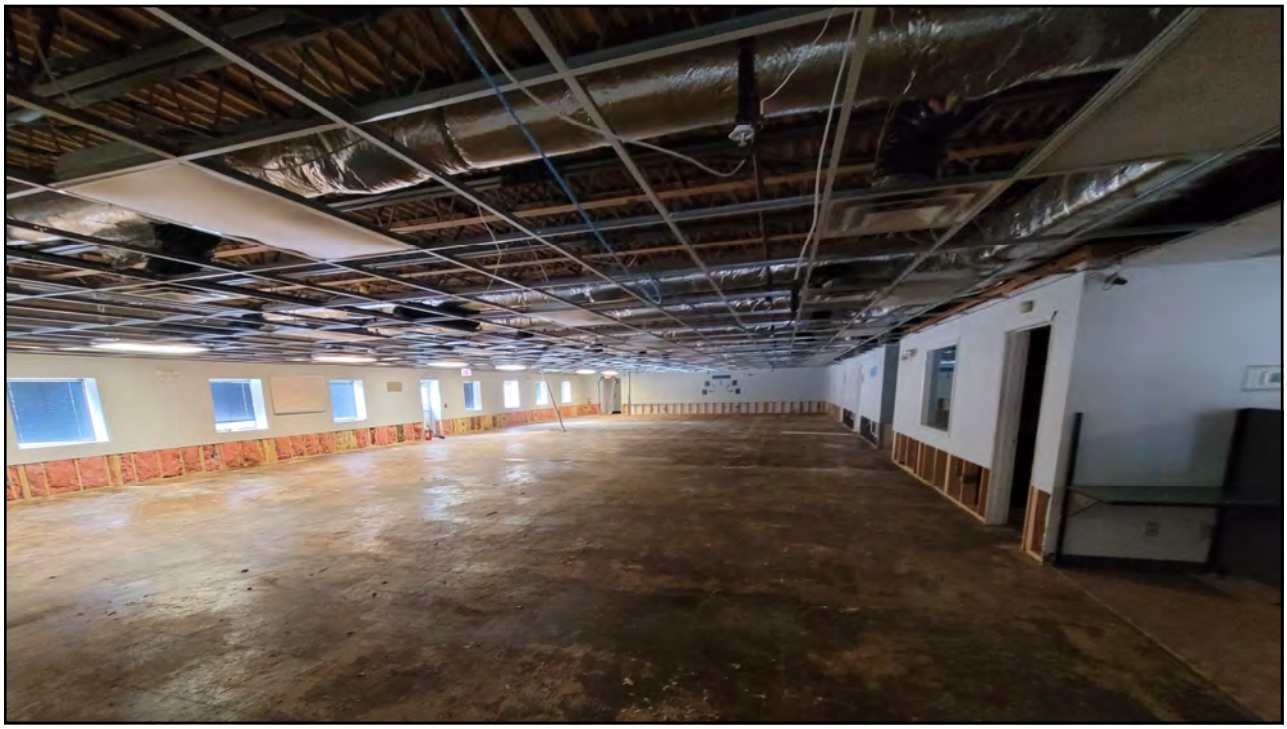
4



5



6



7



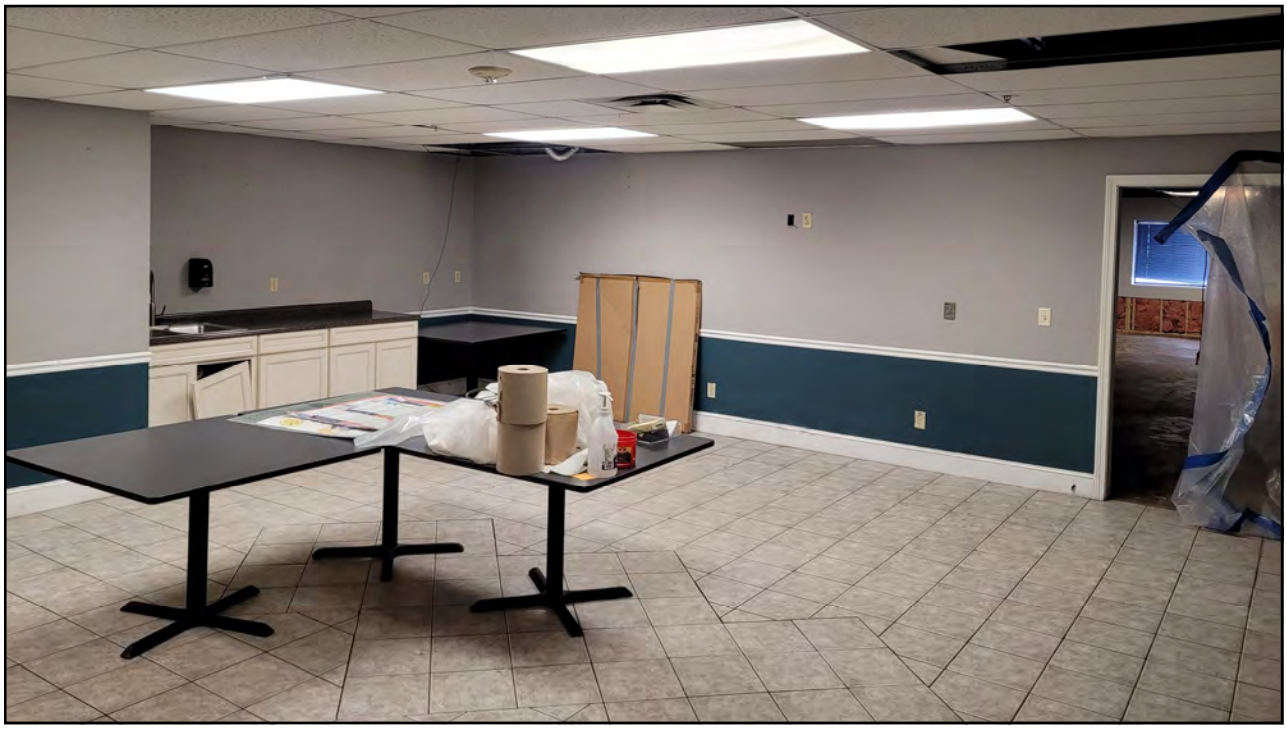
8



9



10



11



12



13



14

Project Pro Forma Template

Business & Community Development Office

Auburn, Maine

Project Name:	Mill St Community Resource Center
Address:	121 Mill St Auburn
Developer:	Auburn Business & Community Development
Development Type:	
Total Units (Weeks)	
Total Project (SqFt)	15000

Sources of Funds	**Amount**	
ARPA Funding	$630,000	Unallocated and B&CD
Community Solutions Grant	$250,000	Request change of use
PSDC Rental Revenue	$18,000	$1,500 per month
IRC Office Space	$12,000	$1,000 per month
Additional Space Rent	$6,000	$500 per month
	$0	
Total Sources of Funds	$916,000	
Total Expense of Funds	$915,058	
Budget Surplus or Deficit=	**$942**	

Total Development Cost	**Amount**	**Comments**
Acquisition Costs	$0	
Site Work Costs	$54,500	
Construction / Rehabilitation Costs	$691,858	
Project Management Costs	$20,000	
Other Development Costs	$45,500	
Total Uses of Funds	**$811,858**	

Total Operational Cost	**Amount**	
Admin / Management Expenses	$0	
Ops and Maintenance Expenses	$11,400	
Utilities	$89,300	
Taxes / Insurance / Other Expenses	$2,500	
Total Uses of Funds	**$103,200**	

Development Costs

Mill St Community Resource Center

Cost	Amount	Comment
Acquisition Costs		
Land	$0	City Owned
Structures	$0	City Owned
	$0	
Site Work Costs *(not included in construction contract)*		
Utility Installation/ Hookup	$4,500	Reconnection of services
Property fencing	$50,000	Fencing between AHA & the building ($100.00 per foot)
	$0	
	$0	
Construction / Rehabilitation Costs		
HVAC - Mechanical Services	$12,024	Quote on hand
Landry/French Build out	$185,334	Quote on hand
Telephone/IT	$45,000	City Broadband
Internal improvements Doors/offices	$24,000	Estimate
Walk-in Freezer/ Cooler & Kitchen & Hood & install	$200,000	100K install
Roof Repair	$10,000	repair to extend life
Construction Contingency	$14,000	Contingency
bathroom reconstruction	$200,000	$200/sqft estimate
	$0	
Fire Safety	$1,500	Recharge Fire Extinguishers/ Test Sprinkler system
Building Permits and Fees	$0	
Tax Credit Fees	$0	
Accounting / Cost Certification / Audit	$0	
Soft Cost Contingency	$0	
Project Administration and Management Costs		
Moving Expenses for Relocation	$12,000	
Tables & Chairs	$8,000	
Other Development Costs		
new signage (inside and out)	$5,500	
Security install (cameras & door scanners)	$40,000	
	$0	
	$0	
	$0	
	$0	

Total Development Costs	**$811,858**

Operating Expenses

Mill St Community Resource Center

Expense	Project Period Cost	Monthly Cost	Weekly	Comment
Admin / Management Expenses				
		$0	$0	
		$0	$0	
		$0	$0	
		$0	$0	
		$0	$0	
		$0	$0	
		$0	$0	
		$0	$0	
		$0	$0	
		$0	$0	
Ops and Maintenance Expenses			$0	
		$0	$0	
Janitorial	$7,800	$650	$0	$150 per wk based on current
		$0	$0	
Garbage Removal	$3,600	$300	$0	$300/month for 4 yard service
		$0	$0	
		$0	$0	
		$0	$0	
		$0	$0	
Utilities			$0	
Electricity	$67,500	$5,625	$0	22.5kwh/sqft X CMP 0.20/kwh
Sewer	$5,600	$467	$0	3,200 gallons per day
Water	$16,200	$1,350	$0	3,200 gallons per day
		$0	$0	
Taxes / Insurance / Other Expenses			$0	
Real Estate Taxes	$0	0	$0	City Owned
Payroll Taxes	$0	0	$0	No increase
Other Taxes and Licenses	$0	0	$0	None that we know of
Property Insurance Rider	$2,500	0	$0	Estimated
Workers Compensation Insurance	$0	0	$0	No increases
Health Insurance / Employee Benefits	$0	0	$0	No increases
		0	$0	
		0	$0	
			$0	

SUBTOTAL ADMINISTRATIVE EXPENSES	**$0**	$0	$0
SUBTOTAL O&M EXPENSES	**$11,400**	$950	$0
SUBTOTAL OWNER PAID UTILITIES	**$89,300**	$7,442	$0
SUBTOTAL TAXES / INSURANCE / OTHER	**$2,500**	$0	$0
TOTAL OPERATING EXPENSES	**$103,200**	$8,392	$0

June 14,2024

LANDRY/FRENCH
CONSTRUCTION

Derek Boulanger
City of Auburn
60 Court Street
Auburn, ME 04210

RE: 121 Mill Street Renovation Auburn, ME

Derek-

Per your request and utilizing the plan provided, for the 121 Mill Street Renovation, Landry/French has developed an initial project cost this project would cost $160,161.00 with an estimated duration of 4 weeks total. Also, to better clarify our understanding of the work, please see our attached clarification letter.

As always, please don't hesitate to reach out with questions/concerns and we look forward to hearing from you on the project, its next steps and timing.

Thank you,

Ian McCracken
Senior Estimator

EXHIBIT A-4
CLARIFICATIONS & QUALIFICATIONS

LANDRY/FRENCH CONSTRUCTION

PROJECT: 121 Mill Street
PROJECT ADDRESS: 121 Mill Street Auburn, ME
DATE: 6/13/2024

GENERAL QUALIFICATIONS

1. Project completion and start date are contingent upon proof of financing, execution of final contracts/exhibits and receipt of all applicable permits.
2. A [4]-week on-site construction schedule is anticipated, without material or weather delays.
3. Assumes free and clear access to the project site.
4. Normal working hours are the basis for labor costs. Premium time and shift differential expenses are not included.
5. Includes General Liability, Workers Compensation, Automobile Insurance, Excess Liability Insurance, – all of which shall be stipulated percentage amounts.
6. Builder's Risk insurance costs are by Others. Landry/French and its subcontractors to be named as additional insured on the owner secured Builder's Risk Policy.
7. Includes a [3.0]% Construction Contingency. We assume that the Owner has carried appropriate design contingency commensurate with the status of the project documents, inclusive of escalation.
8. Excludes Escalation.
9. Excludes a Performance & Payment Bond.
10. Excludes the Building Permit Fees.
11. Includes a 5.5% Maine Sales Tax.
12. Includes a construction final cleaning.
13. While we include coordination with utility companies, we exclude the impacts from late delivery and installation of required infrastructure (temporary or permanent) by utility companies including but not limited to electrical transformers, relocation of overhead power cables, installation of meters, and / or installation of gas services and livening of power, gas, water, and the like.
14. We have assumed all utility company backcharges, user fees and connection fees will be paid for by the Owner.
15. Temporary utility access will be off existing facility systems. All consumption charges are by Others. These include temporary power and temporary water. We have included the necessary utility consumption charges and fees for temporary utilities for the project including power, water, and high-speed internet.
16. Excludes a Weather Conditions allowance for work that may be required due to adverse weather conditions such as snow/ice/rain/frost removal, temporary heating, cooling and dehumidification, admixtures for concrete, temporary tarps, blankets and related carpentry. We may use the permanent HVAC system for a source of temporary heating and/or cooling. The costs required to run these systems (including but not limited to all utilities, labor, material, stand-by labor and equipment) and the cost to refurbish the equipment (including labor, materials, extended warranties, filter replacement, and ductwork cleaning) will be charged against the adverse weather conditions allowance.
17. The GMP constitutes a "bottom line cost guarantee" – no individual subtotal, line item, or cost component is guaranteed by the Contractor.

18. Alternates outlined within the GMP Exhibit A-2, and that are not accepted in the final GMP estimate, are valid for 30 days; after which they will be reviewed for pricing and schedule impacts.
19. Excludes requirements, associated costs or impacts for PPE above Level D.
20. Excludes design services and fees, engineering, third party inspections, testing and evaluations.
21. Excludes mock-ups, unless specifically called for in individual specification sections or noted above.
22. Excludes receipt and storage of typical Owner/Occupant equipment and/or furniture. Installation is included per responsibility matrix.
23. Excludes the handling and/or removal of hazardous/mold or unsuitable materials.
24. Excludes the handling and/or removal of any hazardous/mold or regulated materials including but limited to ACM, PCBs, regulated soils, and mold).
25. Excludes a Preconstruction Survey.
26. Excludes ledge and/or obstruction removal (including rock or large boulders).
27. Excludes seismic calculations and restraints for mechanical, plumbing, electrical, and acoustical ceilings.
28. Excludes any assumed warrantees and guarantees of any other work not performed under contract by Landry/French or that exceeds those listed by manufacturer.
29. All existing materials stored inside the building must be removed in order for us to install flooring and acoustical tile.

DIV 02 EXISTING CONDITIONS

1. Misc. wood base removal, removal of back stair which is being replaced.

DIV 03 CONCRETE

1. No scope of work – NOT USED.

DIV 04 MASONRY

1. No scope of work – NOT USED.

DIV 05 METALS

1. No scope of work – NOT USED.

DIV 06 WOOD, PLASTICS, AND COMPOSITES

1. Miscellaneous door trim at (5) doors
2. New PT set of stairs/porch, and railing at exterior door.

DIV 07 THERMAL AND MOISTURE PROTECTION

1. No scope of work – NOT USED.

DIV 08 OPENINGS

1. No scope of work – NOT USED.

DIV 09 FINISHES

1. Drywall- insulate, hang and tape up to 2' at bottom of wall where sheet rock is removed due to water damage.
2. Flooring – supply and install new carpet tile and 4" vinyl cove base.
3. We have incurred an allowance of $5,250 for any floor patching that may need to be done.
4. Acoustical ceilings – supply and install new CertainTeed BET-197 2'x4' flat ceiling tile into existing grid, approximately 5,472 sqft. of BET-197 and 1 carton of BQCL224 which is a 2'x4' tegular tile (at entrance lobby). Includes replacement of (2) mains and (20) 4' tees.
5. Paint – rooms to be painted are West Open Office, Training Room, Hall, East Open office and IT room (IT room not shown on plan)

DIV 10/11/12 SPECIALTIES, EQUIPMENT, & FURNISHINGS

1. No scope of work – NOT USED.

DIV 13 SPECIAL CONSTRUCTION

1. No scope of work – NOT USED.

LANDRY/FRENCH
CONSTRUCTION

DIV 14 CONVERYING SYSTEMS

1. No scope of work – NOT USED.

DIV 21 FIRE PROTECTION

1. No scope of work – NOT USED.

DIV 22 PLUMBING

1. We have incurred an Allowance of $10,000.00 for investigation of plumbing damage and repair.

DIV 23 HVAC

1. No scope of work – NOT USED.

DIV 26/27/28 ELECTRICAL

1. No scope of work – NOT USED.

DIV 31/32/33 SITEWORK & SITE IMPROVEMENTS

1. No scope of work – NOT USED.

END OF DOCUMENT

MECHANICAL SERVICES, INC.
MAINE CONTROLS
mechanicalservices.com

400 PRESUMPSCOT STREET
PORTLAND, ME 04103
TEL. (207) 774-1531
FAX (207) 774-3837

72 FREEDOM PARKWAY
HERMON, ME 04401
TEL. (207) 947-6250
FAX (207) 848-5592

525 CENTRAL DRIVE
PRESQUE ISLE, ME 04769
TEL. (207) 554-1212
FAX (207) 762-6088

40 GABRIEL DRIVE
AUGUSTA, ME 04330
TEL. (207) 626-0822
FAX (207) 621-1008

PROPOSAL and CONTRACT

Customer:	City of Auburn		Contact: Gary Wadsworth
Address:	60 Court Street Auburn, ME 04210		
Job Location:	121 Mill Street	SE#: 46253 & 46254	Date: June 14, 2024

DESCRIPTION OF SERVICES COVERED BY THIS CONTRACT:

ITEM 1: Replace RTU-1 Heat Exchanger: Mechanical Services, Inc. shall provide labor and materials to replace the heat exchanger in roof top unit #1 at 121 Mill Street, Auburn. During a service inspection, it was discovered that the existing heat exchanger and inducer motor needed replacement.

This work shall include removal of the existing heat exchanger, support bracket, flame retainer and draft inducer motor, installation of the new heat exchanger, support bracket, flame retainer and draft inducer motor. Once the repairs have been completed, we shall return the unit to operation and perform an operational check of the unit in heating mode.

ITEM 1: COST FOR THIS PROPOSED WORK SHALL BE:

Six Thousand One Hundred Forty-Eight Dollars ($6,148.00)

This proposal requires a deposit of ___% or $_____. The balance will be invoiced at completion unless specified otherwise. Any additional work will be performed upon written authorization and will be invoiced separately from work described above.

ITEM 2: Replace RTU 7 Heat Exchanger: Mechanical Services, Inc. shall provide labor and materials to replace the heat exchanger in roof top unit #7 at 121 Mill Street, Auburn. During a service inspection, it was discovered that the existing heat exchanger and burner assembly needed replacement.

This work shall include removal of the existing heat exchanger, support bracket, flame retainer and burner assembly, installation of the new heat exchanger, support bracket, flame retainer and burner assembly. Once the repairs have been completed, we shall return the unit to operation and perform an operational check of the unit in heating mode.

ITEM 2: COST FOR THIS PROPOSED WORK SHALL BE:

Four Thousand Seven Hundred Eighty-Three Dollars ($4,783.00)

This proposal requires a deposit of ___% or $_____. The balance will be invoiced at completion unless specified otherwise. Any additional work will be performed upon written authorization and will be invoiced separately from work described above.

THE FOLLOWING WORK IS NOT INCLUDED IN THIS PROPOSAL:

- The handling or disposal of, or any costs associated with the handling or disposal of, hazardous materials, special waste, or mold, or any byproduct thereof.
- Unless specifically provided for herein, Mechanical Services, Inc. is not responsible for the structural integrity of any portion or aspect of the building where this work will be performed, including the ability of the structure to support the load of the equipment being installed.
- All extra service to correct problems found during work described above.

WARRANTY: For a period of one year from the date of start-up, all parts and labor for new equipment provided by Mechanical Services, Inc.

THIS PROPOSAL IS VALID FOR 30 DAYS.

Customer signature below attests to financial responsibility for payment of invoices in accordance with our terms of net 30 days. A finance charge of 1½% per month (annual percentage rate of 18%) will be charged on all amounts due and unpaid 30 days from invoice date. **Mechanical Services, Inc.** shall be entitled to recover from the customer all costs incurred, including reasonable attorney fees, for the collection of any amounts due. All non-public, confidential or proprietary information of Mechanical Services, Inc., including, but not limited to, the scope and terms of this proposal, engineering processes, equipment selection, system sizing, operational sequences, trade secrets, technology, information pertaining to business operations and strategies, or information pertaining to pricing (collectively, "Confidential Information"), disclosed by Mechanical Services, Inc., whether disclosed orally or disclosed or accessed in written, electronic or other form or media, and whether or not marked, designated or otherwise identified as "confidential," in connection with this proposal or the provision of services hereunder is confidential, and shall not be disclosed or copied without the prior written consent of Mechanical Services, Inc.

Prepared By:

Travis Wheeler, P.E. Title: General Manger Date: _____
Signature

ACCEPTANCE

Mechanical Services, Inc. is hereby authorized to perform the work as described in this proposal.

Accepted By: (typed or printed name)_____

_____ Title: _____ Date: _____
Signature

Please indicate which ITEM (S) you would like to have performed:

ITEM 1: Replace RTU-1 Heat Exchanger: _____

ITEM 2: Replace RTU 7 Heat Exchanger: _____

AUBURN SEWERAGE DISTRICT
RATE SCHEDULE
Effective November 1, 2022

CAPACITY DEMAND CHARGE:
All ratepayers will be subject to a demand charge for recovery of expenses associated with capital infrastructure (fixed cost). These expenses include the initial cost of collector sewers, pump stations and treatment facilities. The capacity demand charge will be based on the size of the domestic water meter. Rates are as follows:

Meter Size	Quarterly Rates	Monthly Rates
5/8"	$51.64	$17.21
3/4"	$74.36	$24.79
1"	$132.22	$44.07
1 ½"	$297.50	$99.16
2"	$528.86	$176.28
3"	$1,214.28	$404.76
4"	$2,115.46	$705.16
6"	$4,759.77	$1,586.59

USAGE RATE:
All ratepayers will be subject to a usage charge for the recovery of expenses associated with the collection and treatment of wastewater (variable cost). There is no minimum for metered water used. The user charge will be based on the actual volume generated. The usage rate will be:

$ 3.46 per 100 cubic feet (or 748 gallons) in Auburn
$ 4.15 per 100 cubic feet (or 748 gallons) in Poland

FLAT SEWER:
Seasonal households with a connection to public sewer that do not have a meter, will pay a quarterly flat sewer fee of:

$ 86.43 per quarter

INDUSTRIAL SURCHARGE FEE:
A surcharge over and above the regular usage charge will be assessed to industrial and commercial users who discharge higher than average concentrations of sewerage into the collection system. Surcharge will be established by sampling the effluent discharged.

BOD @ $ 0.148 per Pound of BOD above 250 mg/l
TSS @ $ 0.199 per Pound of TSS above 300 mg/l

SEWER CONNECTION INSPECTION PERMIT:
A sewer connection inspection fee shall be charged for each connection made to the sewer collection system. The sewer connection inspection fee shall be: **$50.00 per connection**

Auburn Water District Rate & Fee Schedule

Effective July 19, 2023

Water Rates (Cubic Feet)			
Minimum Charge	0 – 600 CF	$49.50	
	601 – 4,999 CF	$49.50 plus $8.13 per 100 CF over 601 CF	
	≥ 5,000 CF	$407.22 plus $10.94 per 100 CF over 5,000 CF	
Annual Fire Protection Charges (replaces sprinkler charge)			
Pipe Diameter	Charge	Pipe Diameter	Charge
2-inch	$180	6-inch	$540
2.5-inch	$225	8-inch	$720
3-inch	$270	10-inch	$900
4-inch	$360		
Private Fire Hydrant Charges			
$25 per hydrant per quarter			
Entrance Fees			
Domestic Services		**Fire Protection Services**	
¾-inch and 1-inch	$3,500	4-inch	$6,500
1.5-inch	$4,000	6-inch	$8,500
2-inch	$4,500	8-inch	$10,500
4-inch	$6,500	10-inch	$12,500
All domestic services over 1-inch require backflow protection.			
All Fire Protection Services systems require backflow protection.			
All underground irrigation systems require backflow protection.			
Miscellaneous Fees			
Application for Connection (First Dwelling or Commercial Unit served by a single meter)	$3,500	Covers ability to connect only, does not include inspection, meter or other fees. 1-inch domestic connection fee.	
Application for Connection (Each Additional Dwelling or Commercial Unit served by the same meter)	$3,500	Covers ability to connect only, does not include inspection, meter or other fees. 1-inch domestic connection fee.	
Service Call (regular business hours)	$60	Per call.	
Remove/Install a Seasonal Meter	$60	Fee to remove and store, no charge to re-install.	
Labor Rate (regular business hours)	$60	Per employee per hour, billed in half hour intervals.	
Labor Rate (outside regular business hours)	$90	Per employee per hour, 2-hour minimum charge, then billed in half hour intervals.	
Backhoe Rate (regular business hours)	$65	Per hour, billed in half hour intervals.	
Backhoe Rate (outside regular business hours)	$130	Per hour, billed in half hour intervals.	

6/26/2024

ARPA FUNDS TO BE REALLOCATED

PROJECT	TITLE	BALANCE REMAINING	NOTES
6	Lake Grove Municipal Beach	$ 20,448.91	
18	Planning & Permitting - SmartGov	$ 55,445.02	
20	Fire Truck	$ 1,425.00	
26	Property Tax Relief	$ 6,722.58	
27	Accessory Dwelling Unit Development	$ 13.73	
29	Downtown Curb Appeal	$ 214,635.64	
31	Neighborhood Corner Store	$ 17,656.59	
32	Heating Assistance	$ 35,000.00	
33	Engine 2 - Land Purchase	$ 25,000.00	
36	Auburn Commercial Agriculture Incentive Program	$ 38,419.65	
38	NSBA - HVAC/Exhaust	$ 68,000.00	
39	Third Space	$ 65,935.71	
	TOTAL TO BE RE-ALLOCATED	**$ 548,702.83**	
	Housing audit	$ 70,000.00	
	Food Insecurity	$ 40,000.00	
		$ 110,000.00	
	BALANCE	**$ 438,702.83**	

ORDER 89-07012024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council authorizes the repurposing of the city owned 121 Mill Street building as a community resource center.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 90-07012024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council authorizes the relocation of the current Business & Community Development Department to 121 Mill Street and increases the current American Rescue Plan Act (ARPA) allocation by $438,702.83.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Monthly Financial Report
May 2024

Authored by: Kelsey Earle

To: Honorable Mayor, Members of the City Council and City Manager
Subject: Financial Report for the Month Ending May 31, 2024

I respectfully submit the financial summaries of the revenue and expenditure activities for the City during the month ending May 31, 2024.

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 seventh month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 91.66% 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.

General Fund Highlights

Revenues

• Total revenues collected through May 2024 were **$102.5M** or **90.56%** of budgeted general fund revenue, as compared to **$100M** of actual revenues through May 2023.

•Year-to-date tax revenues of **$50.3M** were **2.70% higher** than the prior year.

• Increases resulted most significantly from investment returns and revenue share.

Expenditures

• Expenditures through May 2024 were **$84.1M** or **73.78%** of the budget, as compared to **$87.7M** of actual expenditures through May 2023.

•Insurance costs were less than budgeted both in projected deductibles and in employer costs.

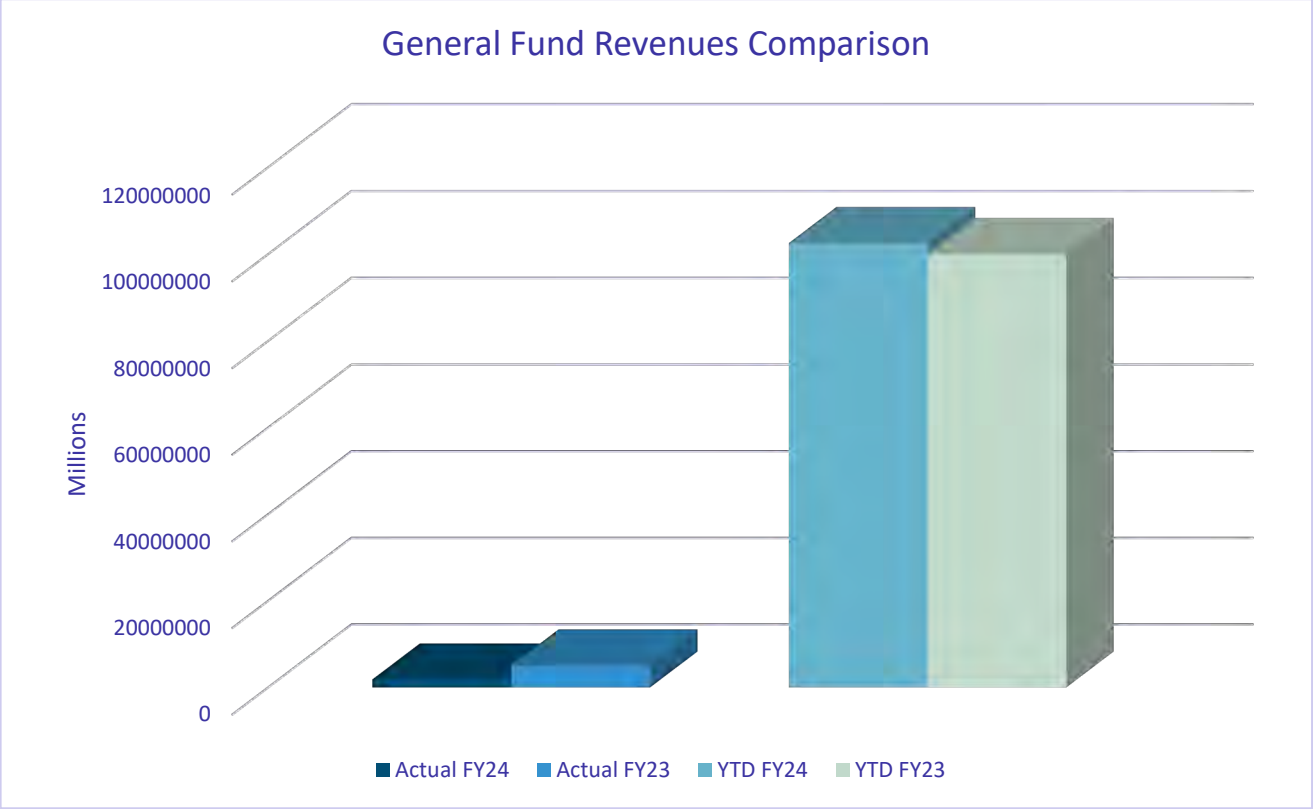
Respectfully submitted,

Kelsey L. D. Earle

Kelsey L. D. Earle
Finance Director

General Fund

for the Period Ended May 31, 2024



Monthly Budget Report - Revenues May

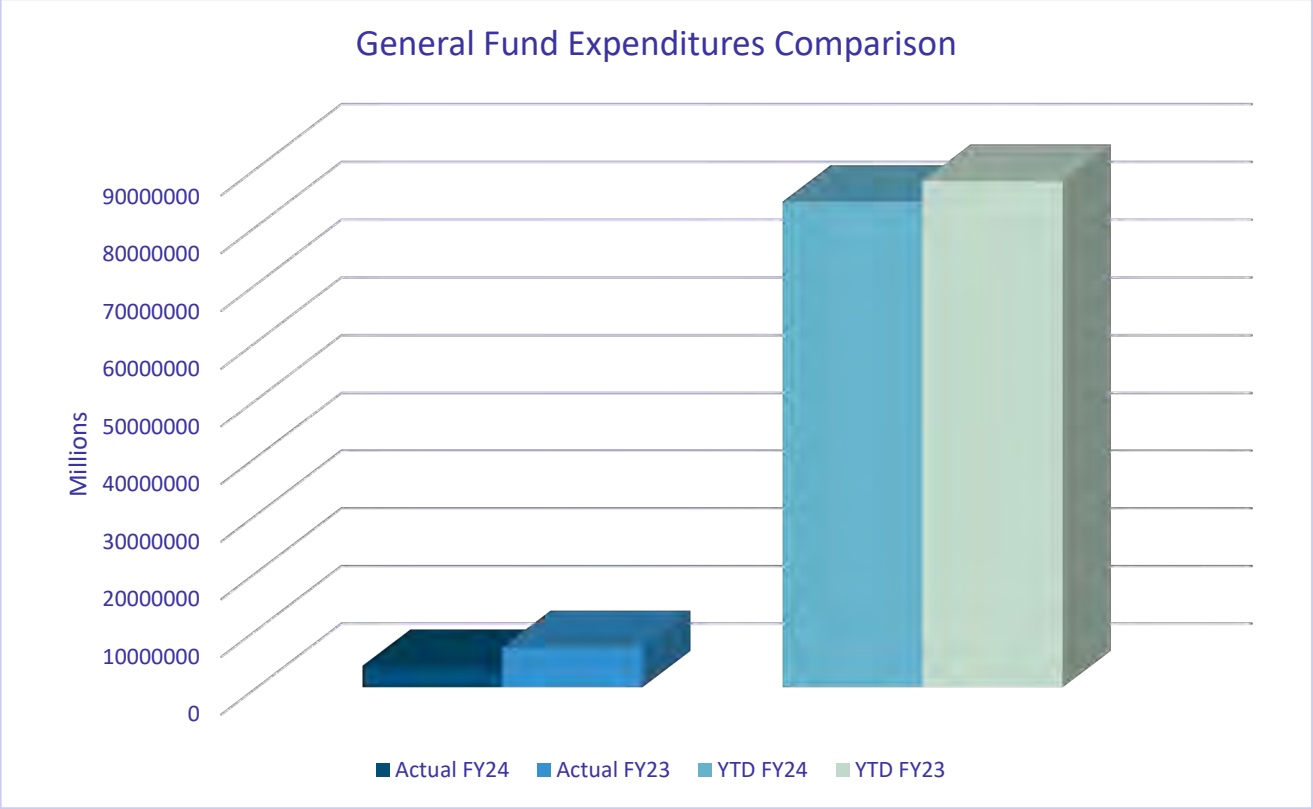
Account Number	Account Desc	MAY 2024 Budget	MAY 2024 Actual	MAY 2024 % Used	MAY 2023 Actual	MAY 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	2023 YTD % Used	Variance
1000 General Fund		0.00	(1,847,543.62)	100.00%	(5,114,219.28)	100.00%	(113,232,692.00)	(102,539,009.29)	90.56%	(100,011,970.49)	93.43%	2,527,038.80
0006 Communications & Technology		0.00	0.00	0.00%	(200.00)	100.00%	(40,000.00)	0.00	0.00%	(53.03)	100.00%	(53.03)
0007 City Clerk		0.00	(36,447.56)	100.00%	(26,699.75)	100.00%	(273,300.00)	(272,421.12)	99.68%	(297,974.87)	132.61%	(25,553.75)
0008 Finance		0.00	(1,656,450.41)	100.00%	(1,972,114.78)	100.00%	(71,270,502.00)	(65,238,544.40)	91.54%	(64,262,726.00)	94.67%	975,818.40
0011 Economic Development		0.00	0.00	0.00%	43,095.00	100.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0012 Planning & Permitting		0.00	(16,857.75)	100.00%	(12,263.75)	100.00%	(211,000.00)	(220,016.91)	104.27%	(167,911.08)	80.53%	52,105.83
0042 Public Works		0.00	(60.00)	100.00%	(2,970.00)	100.00%	(430,450.00)	(516,997.00)	120.11%	(440,749.00)	102.16%	76,248.00
0015 Facilities		0.00	(14,157.50)	100.00%	(3,665.00)	100.00%	(95,000.00)	(40,469.96)	42.60%	(23,202.61)	24.42%	17,267.35
0021 Fire & EMS Transport		0.00	0.00	0.00%	(35.00)	100.00%	(100.00)	(55.00)	55.00%	(125.00)	125.00%	(70.00)
0022 Police		0.00	(4,775.00)	100.00%	(4,735.00)	100.00%	(48,200.00)	(54,944.23)	113.99%	(101,800.29)	50.22%	(46,856.06)
0023 Fire EMS Transport		0.00	(53,230.13)	100.00%	(124,901.04)	100.00%	(1,465,000.00)	(1,477,096.34)	100.83%	(1,535,296.22)	113.73%	(58,199.88)
0025 Information Technology		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	(150.76)	100.00%	(150.76)
0031 Health and Social Services		0.00	(65,761.27)	100.00%	0.00	0.00%	(125,000.00)	(364,106.63)	291.29%	(79,233.14)	94.42%	284,873.49
0043 Solid Waste Disposal		0.00	196.00	100.00%	(441.00)	100.00%	0.00	(50,290.17)	100.00%	(52,582.00)	100.00%	(2,291.83)
0046 PW School Maint & Custodial		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0056 LA Transit Committee		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0070 Education		0.00	0.00	0.00%	(3,009,288.96)	100.00%	(39,274,140.00)	(34,304,067.53)	87.35%	(33,050,166.49)	90.38%	1,253,901.04
	Grand Total:	0.00	(1,847,543.62)	100.00%	(5,114,219.28)	100.00%	(113,232,692.00)	(102,539,009.29)	90.56%	(100,011,970.49)	93.43%	2,527,038.80

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2023 - June 30, 2024
Report as of May 31, 2024

	Beginning Balance 5/1/2024	May 2024 New Charges	May 2024 Payments	May 2024 Refunds	May 2024 Adjustments	Write-Offs	Ending Balance 5/31/2024
Attorney/In care of	**$ (16.75)**	$ -	$ -	$ -	$ -	$ -	$ (16.75)
Bluecross	**$ 67,473.95**	$ 11,278.00	$ (4,057.70)	$ -	$ (1,658.01)	$ -	$ 73,036.24
Intercept	**$ (1,969.40)**	$ 200.00	$ (300.00)	$ -	$ -	$ -	$ (2,069.40)
Medicare	**$ 449,973.50**	$ 209,676.00	$ (81,262.76)	$ -	$ (144,863.03)	$ -	$ 433,523.71
Medicaid	**$ (132,760.63)**	$ 70,547.40	$ (57,431.87)	$ -	$ (39,774.68)	$ -	$ (159,419.78)
Other/Commercial	**$ 129,931.29**	$ 27,458.00	$ (18,983.86)	$ -	$ (761.10)	$ -	$ 137,644.33
Patient	**$ 9,964.02**	$ 17,826.00	$ (16,185.23)	$ -	$ (1,827.33)	$ (13,755.80)	$ (3,978.34)
Worker's Comp	**$ (12,994.21)**	$ 1,224.00	$ (984.00)	$ -	$ -	$ -	$ (12,754.21)
TOTAL	**$ 509,601.77**	**$ 338,209.40**	**$ (179,205.42)**	**$ -**	**$ (188,884.15)**	**$ (13,755.80)**	**$ 465,965.80**

General Fund

for the Period Ended May 31, 2024



Monthly Budget Report - Expenditures - May

Account Number	Account Desc	MAY 2024 Budget	MAY 2024 Actual	MAY 2024 % Used	MAY 2023 Actual	MAY 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	2023 YTD % Used	Variance
1000 General Fund		0.00	3,720,206.72	100.00%	6,966,328.34	100.00%	114,062,294.66	84,156,276.67	73.78%	87,762,361.43	81.57%	(3,606,084.76)
0000 Unassigned		0.00	0.00	0.00%	0.00	0.00%	62,500.00	62,500.00	100.00%	0.00	0.00%	62,500.00
0004 Mayor and Council		0.00	2,483.31	100.00%	4,122.31	100.00%	174,696.33	176,780.63	101.19%	157,193.91	88.90%	19,586.72
0005 City Manager		0.00	35,392.12	100.00%	39,519.70	100.00%	719,509.00	625,735.62	86.97%	424,097.41	80.31%	201,638.21
0006 Communications & Technology		0.00	38,067.57	100.00%	(3,272.94)	100.00%	361,522.00	301,186.77	83.31%	138,911.25	59.77%	162,275.52
0007 City Clerk		0.00	50,913.56	100.00%	21,847.63	100.00%	299,253.76	302,366.08	101.04%	236,172.84	84.50%	66,193.24
0008 Finance		0.00	72,836.43	100.00%	80,670.42	100.00%	1,228,278.00	1,214,802.99	98.90%	1,018,834.55	89.13%	195,968.44
0009 Human Resources		0.00	23,579.60	100.00%	17,495.39	100.00%	246,260.00	228,002.21	92.59%	193,468.46	87.11%	34,533.75
0010 Planning & Permitting		0.00	83,155.58	100.00%	54,306.08	100.00%	717,461.00	673,652.46	93.89%	657,089.04	88.15%	16,563.42
0011 Economic Development		0.00	17,519.03	100.00%	21,414.80	100.00%	123,893.00	173,912.47	140.37%	256,939.37	89.65%	(83,026.90)
0012 Planning & Permitting		0.00	250.00	100.00%	0.00	0.00%	0.00	2,375.00	100.00%	0.00	0.00%	2,375.00
0013 Business & Community Developme		0.00	43,324.62	100.00%	17,786.53	100.00%	710,692.00	349,182.85	49.13%	258,618.70	38.52%	90,564.15
0042 Public Works		0.00	503,267.65	100.00%	412,483.52	100.00%	6,511,956.04	5,502,836.67	84.50%	4,884,213.83	83.27%	618,622.84
0015 Facilities		0.00	10,540.44	100.00%	(310.64)	100.00%	0.00	10,614.89	100.00%	21,538.11	90.60%	(10,923.22)
0016 Worker's Compensation		0.00	0.00	0.00%	0.00	0.00%	715,400.00	715,400.00	100.00%	698,000.00	100.00%	17,400.00
0017 Fringe Benefits & Salary Incre		0.00	680,469.92	100.00%	526,848.48	100.00%	8,377,629.00	6,398,863.64	76.38%	5,963,930.54	75.11%	434,933.10
0018 Emergency Reserve		0.00	0.00	0.00%	0.00	0.00%	550,000.00	0.00	0.00%	0.00	0.00%	0.00
0019 Debt Service		0.00	0.00	0.00%	0.00	0.00%	8,334,544.00	8,368,514.13	100.41%	8,394,861.24	100.40%	(26,347.11)
0020 Capital Investment & Purchasin		0.00	26,100.30	100.00%	65,981.12	100.00%	834,613.18	612,994.71	73.45%	543,651.82	80.84%	69,342.89
0021 Fire & EMS Transport		0.00	633,671.93	100.00%	396,068.30	100.00%	6,367,748.65	5,896,367.70	92.60%	5,004,980.73	87.42%	891,386.97
0022 Police		0.00	492,889.95	100.00%	321,096.89	100.00%	5,228,357.94	4,740,650.65	90.67%	4,203,984.35	84.70%	536,666.30
0023 Fire EMS Transport		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0025 Information Technology		0.00	39,176.91	100.00%	31,768.41	100.00%	985,540.76	814,389.24	82.63%	676,836.72	81.84%	137,552.52
0030 Recreation		0.00	37,855.85	100.00%	41,576.01	100.00%	723,631.00	604,005.46	83.47%	579,550.61	75.52%	24,454.85
0031 Health and Social Services		0.00	80,171.51	100.00%	35,373.92	100.00%	180,825.00	790,523.45	437.18%	232,538.92	193.98%	557,984.53
0043 Solid Waste Disposal		0.00	134,135.23	100.00%	238,825.00	100.00%	1,411,000.00	1,250,684.84	88.64%	1,096,376.00	83.06%	154,308.84
0044 Transportation		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0040 Public Works		0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00%	0.00
0045 County Tax		0.00	0.00	0.00%	0.00	0.00%	2,972,037.00	2,972,037.00	100.00%	2,761,220.00	100.00%	210,817.00
0046 PW School Maint & Custodial		0.00	71,914.36	100.00%	0.00	0.00%	0.00	271,173.46	100.00%	0.00	0.00%	271,173.46
0049 Auburn Arts in the Park		0.00	0.00	0.00%	0.00	0.00%	20,000.00	20,000.00	100.00%	30,000.00	100.00%	(10,000.00)
0050 Public Library		0.00	156,418.80	100.00%	90,370.00	100.00%	1,138,659.00	1,105,360.56	97.08%	994,070.00	91.67%	111,290.56
0051 Transfer to TIF		0.00	0.00	0.00%	0.00	0.00%	3,049,803.00	2,951,315.15	96.77%	2,479,087.54	81.29%	472,227.61
0052 Water & Sewer		0.00	0.00	0.00%	0.00	0.00%	792,716.00	781,203.28	98.55%	585,902.46	73.91%	195,300.82
0053 Tax Sharing		0.00	0.00	0.00%	229,135.00	100.00%	260,000.00	0.00	0.00%	229,135.00	88.13%	(229,135.00)
0054 Auburn-Lewiston Airport		0.00	(5,324.97)	100.00%	(696.14)	100.00%	205,000.00	206,727.00	100.84%	206,306.06	100.64%	420.94
0056 LA Transit Committee		0.00	0.00	0.00%	0.00	0.00%	400,079.00	389,797.00	97.43%	431,811.00	100.00%	(42,014.00)
0057 LA-911		0.00	491,397.02	100.00%	0.00	0.00%	1,287,401.00	1,456,958.33	113.17%	913,284.63	75.00%	543,673.70
0070 Education		0.00	0.00	0.00%	4,323,918.55	100.00%	59,071,289.00	34,185,362.43	57.87%	43,489,756.34	78.03%	(9,304,393.91)
Grand Total:		0.00	3,720,206.72	100.00%	6,966,328.34	100.00%	114,062,294.66	84,156,276.67	73.78%	87,762,361.43	81.57%	(3,606,084.76)

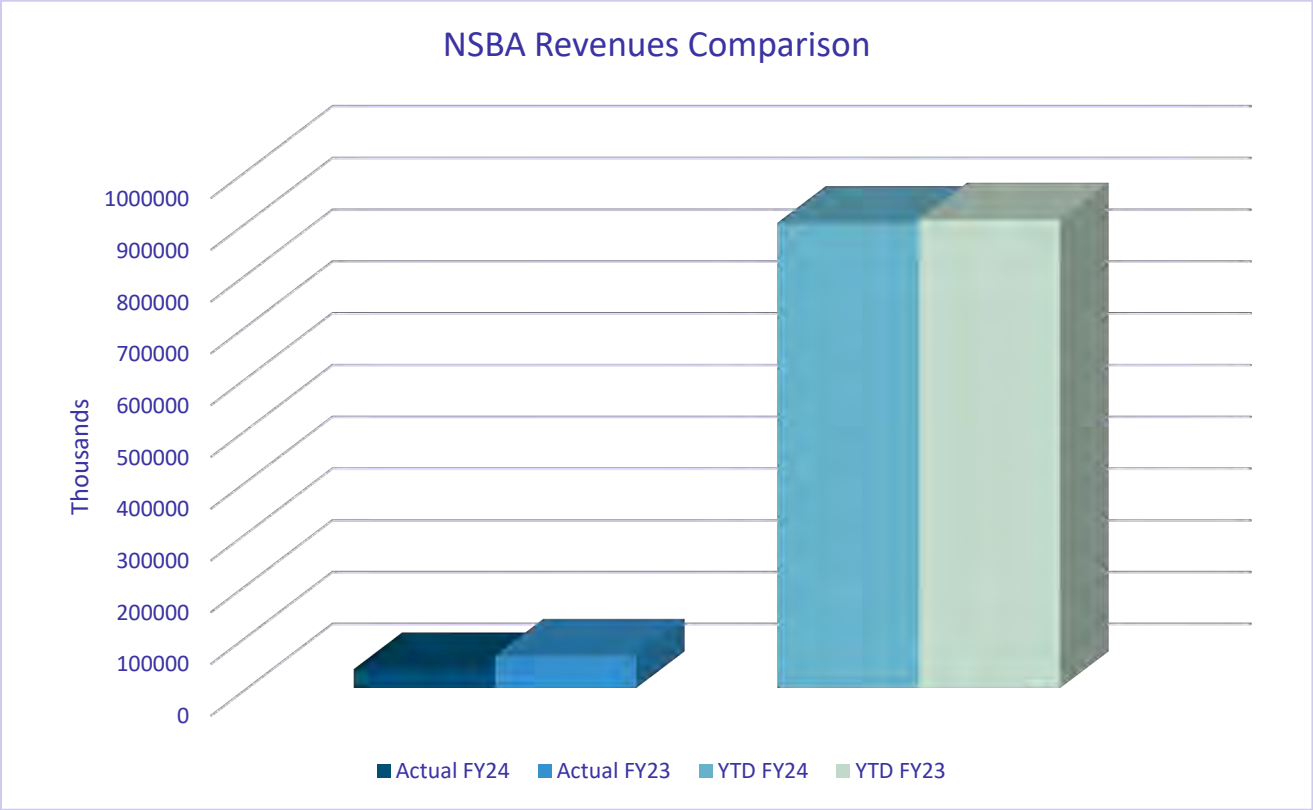
Norway Savings Bank Arena

for the Period Ended May 31, 2024

As of May 2024, Norway Arena had an operating gain YTD of $149,338, representing a $67,702 increase from the same period in April.

Revenues:

The operating revenues for Norway Arena through May 2024 are $898,730. This revenue comes from concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals. Table 1 reflects revenues collected for the current year with comparison for the same period a year ago. Total revenues represent a 0.71% decrease over May FY23, resulting primarily from reductions from Adult and Youth leagues, and CMCC rental.

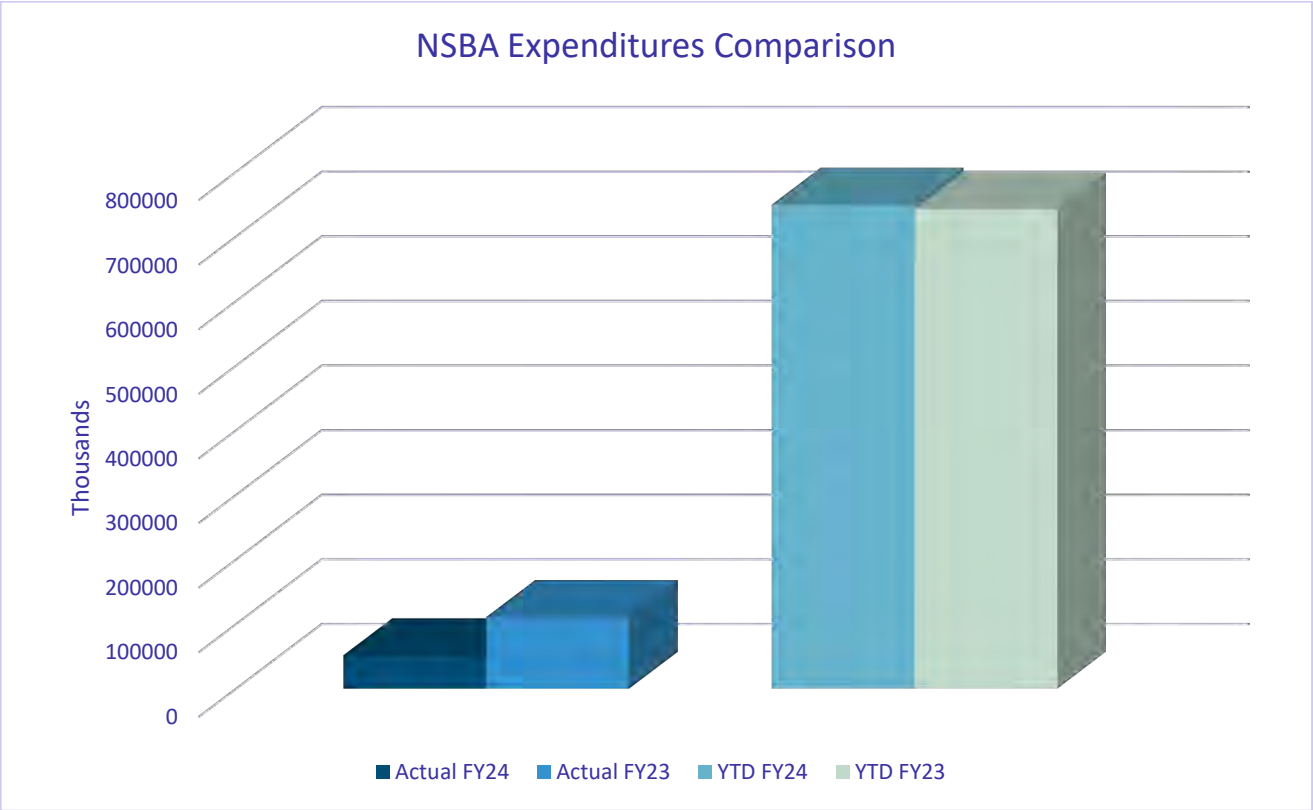


Monthly Budget Report - Revenues - May

Account Number	Account Desc	MAY 2024 Budget	MAY 2024 Actual	MAY 2024 % Used	MAY 2023 Actual	MAY 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6200 Norway Savings Bank Arena		**0.00**	**(36,326.86)**	**100.00%**	**(62,564.59)**	**100.00%**	**(1,088,500.00)**	**(898,730.49)**	**82.57%**	**(905,239.39)**	**$ (6,508.90)**
0065 Norway Savings Bank Arena		**0.00**	**(36,326.86)**	**100.00%**	**(62,564.59)**	**100.00%**	**(1,088,500.00)**	**(898,730.49)**	**82.57%**	**(905,239.39)**	**(6,508.90)**
		0.00	**(36,326.86)**	**100.00%**	**(62,564.59)**	**100.00%**	**(1,088,500.00)**	**(898,730.49)**	**82.57%**	**(905,239.39)**	**(6,508.90)**
6200 4201	Gladiators	0.00	0.00	0.00%	(16,823.34)	100.00%	(260,000.00)	(277,126.05)	106.59%	(251,757.78)	**25,368.27**
6200 4202	EL Ice	0.00	0.00	0.00%	0.00	0.00%	(22,500.00)	(15,190.00)	67.51%	(21,560.00)	**(6,370.00)**
6200 4203	Red Hornet	0.00	0.00	0.00%	0.00	0.00%	(18,500.00)	(15,802.50)	85.42%	(15,802.50)	**0.00**
6200 4205	St Doms	0.00	0.00	0.00%	0.00	0.00%	(47,000.00)	(44,283.70)	94.22%	(33,279.15)	**11,004.55**
6200 4206	Poland/Gra	0.00	0.00	0.00%	0.00	0.00%	(19,500.00)	(13,352.50)	68.47%	(15,960.00)	**(2,607.50)**
6200 4207	CMCC	0.00	0.00	0.00%	0.00	0.00%	(22,500.00)	0.00	0.00%	(20,253.33)	**(20,253.33)**
6200 4208	SMMHL	0.00	0.00	0.00%	0.00	0.00%	(2,500.00)	0.00	0.00%	0.00	**0.00**
6200 4209	Adult Leag	0.00	(4,801.66)	100.00%	(16,991.25)	100.00%	(130,000.00)	(107,212.91)	82.47%	(127,805.63)	**(20,592.72)**
6200 4210	YouthOther	0.00	(2,262.00)	100.00%	0.00	0.00%	(1,500.00)	(6,500.00)	433.33%	(28,607.74)	**(22,107.74)**
6200 4211	HS/MS Othe	0.00	(418.00)	100.00%	(1,660.00)	100.00%	(15,000.00)	(5,203.00)	34.69%	(3,620.00)	**1,583.00**
6200 4212	Ice R-Twin	0.00	0.00	0.00%	0.00	0.00%	(60,000.00)	(28,904.00)	48.17%	(1,126.79)	**27,777.21**
6200 4215	Freestyl	0.00	(100.00)	100.00%	(765.00)	100.00%	(7,500.00)	(2,835.00)	37.80%	(5,955.00)	**(3,120.00)**
6200 4220	Camps/Clin	0.00	(18,160.00)	100.00%	(8,060.00)	100.00%	(50,000.00)	(29,720.00)	59.44%	(39,070.00)	**(9,350.00)**
6200 4221	Tournament	0.00	0.00	0.00%	(4,140.00)	100.00%	(50,000.00)	(70,354.46)	140.71%	(70,645.06)	**(290.60)**
6200 4222	BirthdayPa	0.00	0.00	0.00%	0.00	0.00%	(500.00)	0.00	0.00%	0.00	**0.00**
6200 4223	Private Re	0.00	(900.00)	100.00%	(3,415.00)	100.00%	(60,000.00)	(24,926.67)	41.55%	(22,610.00)	**2,316.67**
6200 4224	Public Ska	0.00	0.00	0.00%	(835.00)	100.00%	(20,000.00)	(10,157.50)	50.79%	(22,585.00)	**(12,427.50)**
6200 4225	ShinnyHock	0.00	(370.00)	100.00%	(870.00)	100.00%	(4,000.00)	(6,655.00)	166.38%	(2,730.00)	**3,925.00**
6200 4240	Programs	0.00	(1,595.00)	100.00%	0.00	0.00%	(20,000.00)	(1,595.00)	7.98%	0.00	**1,595.00**
6200 4250	NonIceFac	0.00	0.00	0.00%	(5,000.00)	100.00%	(55,000.00)	(30,850.00)	56.09%	(39,016.94)	**(8,166.94)**
6200 4252	Skates	0.00	0.00	0.00%	(220.00)	100.00%	(6,000.00)	(3,905.00)	65.08%	(2,965.00)	**940.00**
6200 4260	Concession	0.00	0.00	0.00%	0.00	0.00%	(16,500.00)	(13,000.00)	78.79%	0.00	**13,000.00**
6200 4261	PepsiMachi	0.00	0.00	0.00%	0.00	0.00%	(3,000.00)	(1,598.63)	53.30%	(2,029.89)	**(431.26)**
6200 4262	GameMachin	0.00	0.00	0.00%	0.00	0.00%	(2,000.00)	0.00	0.00%	0.00	**0.00**
6200 4263	Food Vendi	0.00	0.00	0.00%	0.00	0.00%	(2,000.00)	(809.57)	40.50%	(1,097.88)	**(288.31)**
6200 4265	Pro Shop	0.00	0.00	0.00%	(585.00)	100.00%	(7,000.00)	(5,187.00)	74.10%	(4,680.00)	**507.00**
6200 4270	Sponsors	0.00	(7,720.20)	100.00%	(3,200.00)	100.00%	(186,000.00)	(183,562.00)	98.69%	(172,081.70)	**11,480.30**
	Grand Total:	**0.00**	**(36,326.86)**	**100.00%**	**(62,564.59)**	**100.00%**	**(1,088,500.00)**	**(898,730.49)**	**82.57%**	**(905,239.39)**	**(6,508.90)**

Expenditures:

The operating expenses for Norway Arena through May 2024 were $749,392. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance. Table 2 reflects expenditures for the current year with comparison for the same period a year ago. Total expenditures represent a 0.85% increase over YTD FY23, consistent with the increased cost of services and goods comingled with a reduction in use.



Monthly Budget Report - Expenditures - May

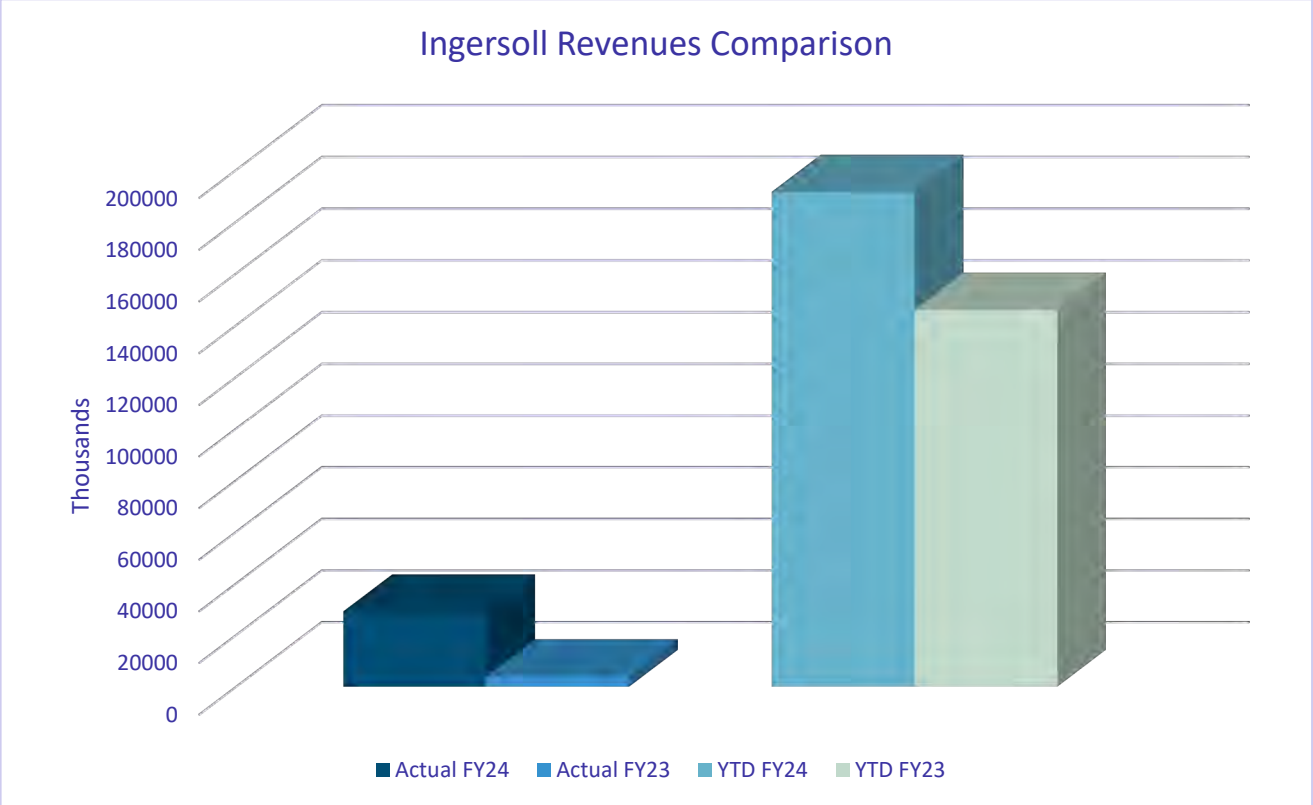
Account Number	Account Desc	MAY 2024 Budget	MAY 2024 Actual	MAY 2024 % Used	MAY 2023 Actual	MAY 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6200 Norway Savings Bank Arena		**0.00**	**51,778.99**	**100.00%**	**110,835.48**	**100.00%**	**881,871.55**	**749,391.96**	**84.98%**	**743,074.83**	**$ 6,317.13**
0065 Norway Savings Bank Arena		**0.00**	**51,778.99**	**100.00%**	**110,835.48**	**100.00%**	**881,871.55**	**749,391.96**	**84.98%**	**743,074.83**	**6,317.13**
		0.00	**51,778.99**	**100.00%**	**110,835.48**	**100.00%**	**881,871.55**	**749,391.96**	**84.98%**	**743,074.83**	**6,317.13**
6200 611000	Salaries	0.00	32,513.82	100.00%	24,373.15	100.00%	231,095.00	307,855.22	133.22%	283,290.30	**24,564.92**
6200 612000	Part Time	0.00	5,619.80	100.00%	4,479.25	100.00%	60,000.00	65,788.60	109.65%	58,961.71	**6,826.89**
6200 612008	Programs	0.00	0.00	0.00%	0.00	0.00%	10,000.00	18.50	0.18%	2,243.00	**(2,224.50)**
6200 613030	Police Tim	0.00	0.00	0.00%	0.00	0.00%	0.00	7,312.50	100.00%	(715.00)	**8,027.50**
6200 614015	EarnedPdLv	0.00	0.00	0.00%	0.00	0.00%	0.00	152.01	100.00%	0.00	**152.01**
6200 615000	Uniform Al	0.00	0.00	0.00%	0.00	0.00%	0.00	361.73	100.00%	400.00	**(38.27)**
6200 628000	PS - Gen/P	0.00	0.00	0.00%	163.28	100.00%	14,000.00	4,162.97	29.74%	4,147.74	**15.23**
6200 628003	PS - Drug	0.00	0.00	0.00%	0.00	0.00%	400.00	68.00	17.00%	0.00	**68.00**
6200 628014	PS - Solid	0.00	61.20	100.00%	115.90	100.00%	600.00	630.31	105.00%	658.42	**(28.11)**
6200 628019	Repairs -	0.00	1,727.81	100.00%	1,002.17	100.00%	50,000.00	38,340.09	76.68%	43,877.50	**(5,537.41)**
6200 628020	Repairs -	0.00	0.00	0.00%	23.99	100.00%	4,000.00	2,091.69	52.30%	2,646.05	**(554.36)**
6200 628021	Repairs -	0.00	334.50	100.00%	0.00	0.00%	4,000.00	1,999.92	50.00%	2,201.44	**(201.52)**
6200 628026	Repairs -	0.00	0.00	0.00%	3,900.00	100.00%	0.00	8,424.00	100.00%	3,900.00	**4,524.00**
6200 628051	PSCleaning	0.00	2,565.00	100.00%	1,235.00	100.00%	19,235.00	20,330.00	105.69%	19,265.00	**1,065.00**
6200 628070	PS-Securit	0.00	0.00	0.00%	366.60	100.00%	4,900.00	6,018.06	122.82%	6,798.64	**(780.58)**
6200 629000	Training &	0.00	0.00	0.00%	650.00	100.00%	5,000.00	4,501.60	90.04%	4,035.30	**466.30**
6200 632000	Dues & Sub	0.00	0.00	0.00%	504.00	100.00%	7,412.00	5,049.80	68.13%	5,582.50	**(532.70)**
6200 633000	Office Sup	0.00	0.00	0.00%	0.00	0.00%	2,000.00	275.32	13.75%	0.00	**275.32**
6200 633001	Other Sup	0.00	7,740.16	100.00%	4,809.87	100.00%	71,800.00	70,903.44	98.75%	37,015.10	**33,888.34**
6200 633002	ADV SIG	0.00	550.00	100.00%	0.00	0.00%	3,000.00	983.70	32.80%	1,616.66	**(632.96)**
6200 633021	Other Sup	0.00	0.00	0.00%	1,538.00	100.00%	4,000.00	1,850.19	46.25%	3,538.29	**(1,688.10)**
6200 633030	MV Sup - G	0.00	0.00	0.00%	31.13	100.00%	0.00	123.45	100.00%	56.87	**66.58**
6200 640000	Comm - Tel	0.00	305.11	100.00%	527.24	100.00%	5,000.00	3,315.52	66.32%	3,504.03	**(188.51)**
6200 640001	Comm-Cable	0.00	267.84	100.00%	35.22	100.00%	2,500.00	2,775.31	111.00%	3,166.37	**(391.06)**
6200 641000	Utilities	0.00	0.00	0.00%	0.00	0.00%	46,000.00	6,530.78	14.20%	19,528.37	**(12,997.59)**
6200 641001	Utilities	0.00	0.00	0.00%	0.00	0.00%	34,500.00	22,185.53	64.31%	30,037.36	**(7,851.83)**
6200 641002	Utilities	0.00	0.00	0.00%	46,653.08	100.00%	176,000.00	14,634.36	8.31%	100,874.89	**(86,240.53)**
6200 641003	Utilities	0.00	93.75	100.00%	707.15	100.00%	3,000.00	7,886.36	262.87%	3,589.44	**4,296.92**
6200 642000	Comm - Pos	0.00	0.00	0.00%	0.00	0.00%	150.00	0.00	0.00%	0.00	**0.00**
6200 645000	Insurance	0.00	0.00	0.00%	0.00	0.00%	31,000.00	43,223.00	139.43%	33,538.00	**9,685.00**
6200 650000	CAPITAL OU	0.00	0.00	0.00%	19,720.45	100.00%	90,279.55	101,600.00	112.54%	69,316.85	**32,283.15**
	Grand Total:	**0.00**	**51,778.99**	**100.00%**	**110,835.48**	**100.00%**	**881,871.55**	**749,391.96**	**84.98%**	**743,074.83**	**6,317.13**

Ingersoll Turf Facility

for the Period Ended May 31, 2024

Revenues:

The operating revenues for Ingersoll through May 2024 are $191,609. This revenue comes from sponsorships, programs, rental income, and batting cages. Table 1 reflects revenues collected for the current year with comparison for the same period a year ago. Total revenues represent a 31.23% increase over FY23 resulting primarily from rental income.

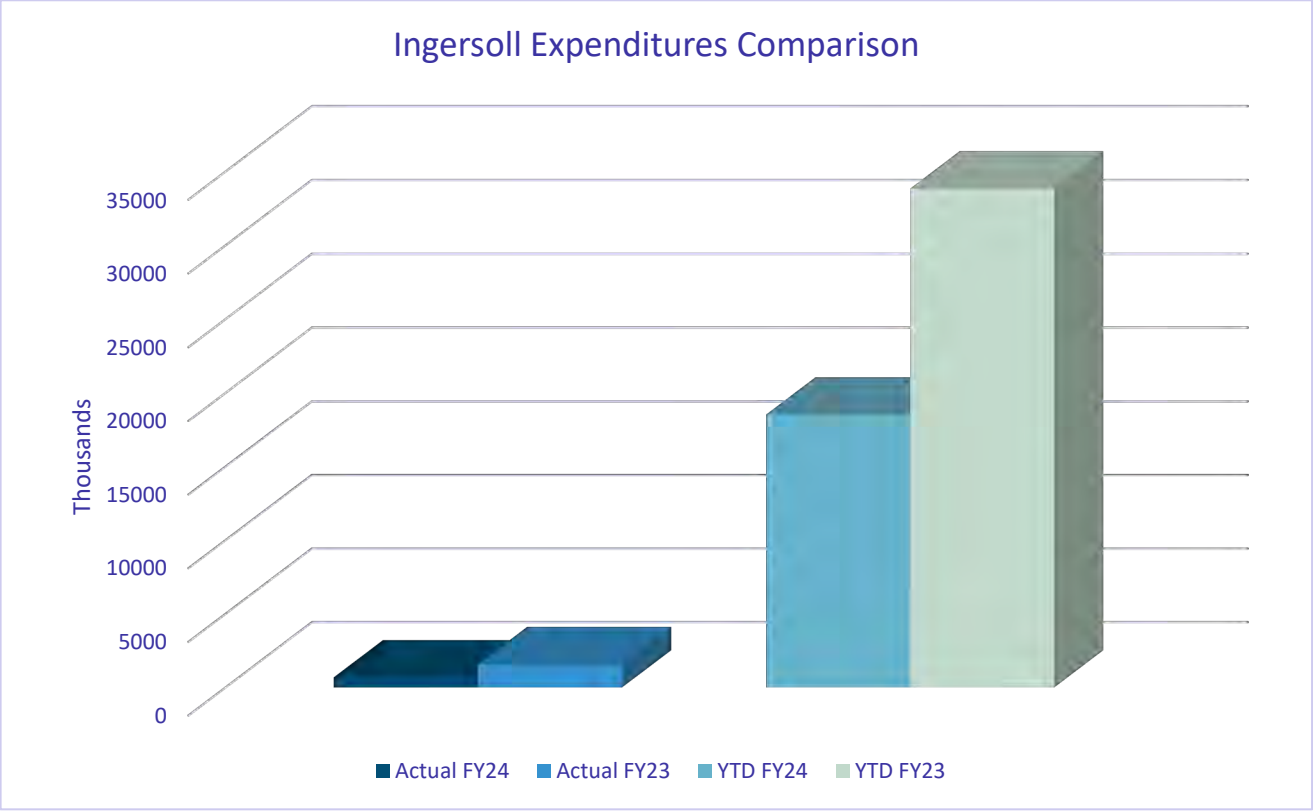


Monthly Budget Report - Revenues - May

Account Number	Account Desc	MAY 2024 Budget	MAY 2024 Actual	MAY 2024 % Used	MAY 2023 Actual	MAY 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6100 Ingersoll Turf Facility		**0.00**	**(29,213.00)**	**100.00%**	**(4,094.34)**	**100.00%**	**0.00**	**(191,609.23)**	**100.00%**	**(146,008.08)**	**$ (45,601.15)**
0030 Recreation		**0.00**	**(29,213.00)**	**100.00%**	**(4,094.34)**	**100.00%**	**0.00**	**(191,609.23)**	**100.00%**	**(146,008.08)**	**45,601.15**
		0.00	**(29,213.00)**	**100.00%**	**(4,094.34)**	**100.00%**	**0.00**	**(191,609.23)**	**100.00%**	**(146,008.08)**	**45,601.15**
6100 420070	Sponsorshi	0.00	(2,800.00)	100.00%	(500.00)	100.00%	0.00	(13,325.00)	100.00%	(6,300.00)	**7,025.00**
6100 420800	CAGES	0.00	(3,350.00)	100.00%	(120.00)	100.00%	0.00	(23,117.50)	100.00%	(14,157.00)	**8,960.50**
6100 420903 TF01	Programs	0.00	(2,115.00)	100.00%	(2,292.00)	100.00%	0.00	(18,059.00)	100.00%	(19,437.00)	**(1,378.00)**
6100 420903 TF02	Youth Soft	0.00	0.00	0.00%	0.00	0.00%	0.00	(1,457.50)	100.00%	(7,632.50)	**(6,175.00)**
6100 420903 TF04	Programs	0.00	(145.00)	100.00%	(200.00)	100.00%	0.00	(1,750.00)	100.00%	(2,995.00)	**(1,245.00)**
6100 420903 TF06	Programs	0.00	0.00	0.00%	0.00	0.00%	0.00	(5,220.00)	100.00%	(4,335.00)	**885.00**
6100 422000	Investment	0.00	0.00	0.00%	(407.34)	100.00%	0.00	(4,354.83)	100.00%	(1,609.58)	**2,745.25**
6100 429010	Rental Inc	0.00	(20,803.00)	100.00%	(575.00)	100.00%	0.00	(124,325.40)	100.00%	(89,542.00)	**34,783.40**
	Grand Total:	**0.00**	**(29,213.00)**	**100.00%**	**(4,094.34)**	**100.00%**	**0.00**	**(191,609.23)**	**100.00%**	**(146,008.08)**	**45,601.15**

Expenditures:

The operating expenses for Ingersoll through May 2024 were $18,532. These expenses include supplies, repairs, capital purchases and maintenance. Table 2 reflects expenditures for the current year with comparison for the same period a year ago. Total expenditures represent a 45.25% decrease over FY23, a reduction that resulted from some costs now being budgeted in Recreation Department lines.



Monthly Budget Report - Expenditures - May

Account Number	Account Desc	MAY 2024 Budget	MAY 2024 Actual	MAY 2024 % Used	MAY 2023 Actual	MAY 2023 % Used	2024 YTD Budget	2024 YTD Actual	2024 YTD % Used	2023 YTD Actual	Variance
6100 Ingersoll Turf Facility		**0.00**	**685.48**	**100.00%**	**1,582.02**	**100.00%**	**18,802.39**	**18,531.97**	**98.56%**	**33,848.22**	**$ (15,316.25)**
0030 Recreation		**0.00**	**685.48**	**100.00%**	**1,582.02**	**100.00%**	**18,802.39**	**18,531.97**	**98.56%**	**33,848.22**	**(15,316.25)**
		0.00	**685.48**	**100.00%**	**1,582.02**	**100.00%**	**18,802.39**	**18,531.97**	**98.56%**	**33,848.22**	**(15,316.25)**
6100 611000	Salaries	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	172.50	**(172.50)**
6100 612000 TF02	Part Time	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	317.40	**(317.40)**
6100 633033	PROGRAM	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	3,144.97	**(3,144.97)**
6100 633033 TF01	COEDSoccer	0.00	626.97	100.00%	800.00	100.00%	0.00	5,354.97	100.00%	4,932.00	**422.97**
6100 633033 TF02	Youth Soft	0.00	0.00	0.00%	0.00	0.00%	0.00	244.41	100.00%	5,168.67	**(4,924.26)**
6100 633033 TF04	BDay	0.00	0.00	0.00%	0.00	0.00%	0.00	0.00	0.00%	600.00	**(600.00)**
6100 633033 TF06	MISC EXP	0.00	0.00	0.00%	665.00	100.00%	0.00	3,733.98	100.00%	3,560.00	**173.98**
6100 640000	Comm - Tel	0.00	58.51	100.00%	117.02	100.00%	0.00	643.61	100.00%	175.53	**468.08**
6100 650000	CAPITAL OU	0.00	0.00	0.00%	0.00	0.00%	0.00	8,555.00	100.00%	14,135.75	**(5,580.75)**
6100 651069	RecStudy	0.00	0.00	0.00%	0.00	0.00%	18,802.39	0.00	0.00%	1,641.40	**(1,641.40)**
	Grand Total:	**0.00**	**685.48**	**100.00%**	**1,582.02**	**100.00%**	**18,802.39**	**18,531.97**	**98.56%**	**33,848.22**	**(15,316.25)**

City Council Workshop & Meeting
Agenda
July 15, 2024
Auburn Hall, Council Chambers

5:30 PM Workshop

- Valuation and Mil Rate Discussion – Assessing
- Opioid Revenue - Discussion of Funds
- **Executive Session** pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter.

7:00 PM Meeting

Pledge of Allegiance & Roll Call - *Roll call votes will begin with Councilor Gerry*

I. **Consent Items –** *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.*

II. **Minutes –** July 1, 2024 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

- Official Results of the July 9, 2024 Special Election to fill At-Large School Committee seat

IV. **Open Session –** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. **Unfinished Business**

1. **ORDINANCE 11-07012024 -** City Council initiated a **text amendment** to Chapter 60 Article XIII Division 2- Phosphorous Control. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *Amended and passed first reading on July 1, 2024. Second reading/public hearing. ROLL CALL VOTE.*

2. **ORDINANCE 12-07012024 -** City Council initiated a **text amendment** to Chapter 60 Article IV Division 3- Low Density Country Residential District. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is

pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *Passed first reading on July 1, 2024. Second reading/public hearing. ROLL CALL VOTE.*

3. **ORDINANCE 13-07012024 -** City Council initiated a **text amendment** to Chapter 60 Article XII Division 4-Lake Auburn Watershed Overlay District. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *Passed first reading on July 1, 2024. Second reading/public hearing. ROLL CALL VOTE.*

4. **ORDINANCE 14-07012024 -** Consider adopting the Lake Auburn Watershed Overlay District Septic Systems Inspection Map. This map will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *Amended and passed first reading on July 1, 2024. Second reading/public hearing. ROLL CALL VOTE.*

5. **ORDINANCE 15-07012024 -** Consider adopting the Official Lake Auburn Overlay District 400 ft. Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields map. This map will be referenced in Chapter 60 Article XII Division 4-Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *Passed first reading on July 1, 2024. Second reading/public hearing. ROLL CALL VOTE.*

6. **ORDINANCE 16-070102024** - City Council initiated a zoning **text amendment** to Chapter 60, Division 2 Site Plan Review pursuant to Chapter 60, Article XVII Division 2-Amendment to the Zoning Ordinance or Zoning Map. *Passed first reading on July 1, 2024. Second reading/public hearing. ROLL CALL VOTE.*

7. **ORDINANCE 17-07012024** – Consider a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district. The City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *Passed first reading on July 1, 2024. Second reading/public hearing. ROLL CALL VOTE.*

VI. New Business

1. **ORDER 91-07152024 –** Appointing an MMA Legislative Policy Committee Representative. *Passage requires majority vote.*

2. **ORDER 92-07152024** – Confirming the appointment of Denis D'Auteuil as Assistant City Manager. *Passage requires majority vote.*

3. **ORDER 93-07152024 –** Confirming the appointment of Martin Moreau, Justin Le, Marie West, and Amirah Daugherty as Constables with firearm/arrest powers for the Auburn Police Department. *Passage requires majority vote.*

4. **ORDER 94-07152024** – Approving the temporary liquor license for an Incorporated Civic Organization for the Lewiston-Auburn Balloon Festival event to be held in Festival Plaza on August 17, 2024 from 12:00pm until 5:00pm. *Public hearing. Passage requires majority vote.*

VII. **Open Session -** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

VIII. **Reports**

a. **Mayor's Report**
b. **City Councilors' Reports**
c. **Student Representative Report**
d. **City Manager Report**

IX. **Executive Session**

X. **Adjournment**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 15, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter.

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.

At 5:30pm, Councilor Milks moved to enter executive session pursuant to Title 1 M.R.S.A. Section 405(6)(A) for a personnel matter. Seconded by Councilor Walker. Motion passed 7-0. Council came out of executive session at 6:55pm.

Mayor Harmon called the meeting to order at 7:00P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present. Student Representative Egge was absent.

I. Consent Items - None

II. Minutes – June 17, 2024 Regular Council Meeting
Motion by Councilor Walker to accept the minutes, seconded by Councilor Cowan. Motion passed 7-0.

III. Communications, Presentations and Recognitions - None

IV. Open Session
There were no speakers from the public.

V. Unfinished Business
None.

VI. New Business

The Mayor limited public comment to three minutes per speaker.

1. ORDINANCE 11-07012024 - City Council initiated a text amendment to Chapter 60 Article XIII Division 2- Phosphorous Control. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *First reading.*

Motion for passage by Councilor Whiting, seconded by Councilor Walker.
The Mayor opened this for public comment. There was no comment.

Motion made by Councilor Whiting to amend ORDINANCE 11 to match the phosphorus calculation tables established by the Maine Department of Environmental Protection Watershed Planning and Management Program to recognize the reduced developable acreage in the watershed and the associated phosphorus allocations as follows:

1. In the Definition of Acceptable Increase, change .5 to .08.
2. In the Definition of Future Area to be Developed change 1,180 to 435.
3. In the definition of Per-acre phosphorus allocation change .047 to .020

Motion to amend seconded by Councilor Cowan. No discussion. The motion passed 7-0.
Motion for passage, as amended, passed 7-0.

2. ORDINANCE 12-07012024 - City Council initiated a text amendment to Chapter 60 Article IV Division 3- Low Density Country Residential District. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *First reading.*

Motion for passage by Councilor Walker, seconded by Councilor Weisner.
There was no public comment.
Motion passed 7-0.

3. ORDINANCE 13-07012024 - City Council initiated a text amendment to Chapter 60 Article XII Division 4-Lake Auburn Watershed Overlay District. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *First Reading.*

Motion for passage by Councilor Walker, seconded by Councilor Platz.
The following spoke:
Jay Bishop, Auburn
Steven, Johnson Rd
Annette Lausier, Elm St
Motion passed 7-0.

4. ORDINANCE 14-07012024 - Consider adopting the Lake Auburn Watershed Overlay District Septic Systems Inspection Map. This map will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *First reading.*

Motion for passage by Councilor Walker, seconded by Councilor Whiting.
There was no public comment.

Councilor Cowan moved to amend ORDINANCE #14 adopting the Lake Auburn Watershed Overlay District Septic Inspection Map as recommended by Planning Board, by:

1. removal of the Septic Site location dots on the map, and
2. replacing the dates on the map legend and the with the labels Year 1, Year 2, Year 3, Year 4, Year 5 in the same sequential order as originally proposed.

Motion to amend seconded by Councilor Gerry. Motion passed 7-0.
Passed as amended 7-0.

5. ORDINANCE 15-07012024 - Consider adopting the Official Lake Auburn Overlay District 400 ft. Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields map. This map will be referenced in Chapter 60 Article XII Division 4-Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *First reading.*

Motion for passage by Councilor Walker, seconded by Councilor Whiting.
There was no public comment.
Motion passed 7-0.

6. RESOLVE 6-07012024 - Resolve calling on the Lake Auburn Watershed Protection Commission to Fund Subsurface Wastewater System Inspections in the Lake Auburn Watershed. *Passage requires majority vote.*

Motion for passage by Councilor Walker, seconded by Councilor Cowan.
There was no public comment.
Motion passed 7-0.

IN COUNCIL WORKSHOP & MEETING JULY 1, 2024 VOL 37 PAGE 176

7. ORDINANCE 16-070102024 - City Council initiated a zoning text amendment to Chapter 60, Division 2 Site Plan Review pursuant to Chapter 60, Article XVII Division 2-Amendment to the Zoning Ordinance or Zoning Map. *First reading.*

Motion for passage by Councilor Gerry, seconded by Councilor Whiting.
There was no public comment.
Motion passed 7-0.

8. ORDINANCE 17-07012024 – Consider a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B-Traditional Neighborhood Development zoning district to General Business II zoning district. The City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. *First reading.*

Motion for passage by Councilor Walker, seconded by Councilor Platz.
There was no public comment.
Motion passed 7-0.

9. ORDER 87-07012024 – Allocating $70,000 in ARPA funds for Auburn housing study. *Passage requires majority vote.*

Motion for passage by Councilor Gerry, seconded by Councilor Cowan.
There was no public comment.
Motion passed 6-1 (Walker opposed).

10. ORDER 88-07012024 – Allocating $40,000 in ARPA funds for food insecurity. *Passage requires majority vote.*
Motion for passage by Councilor Walker, seconded by Councilor Gerry.
There was no public comment.
Motion passed 7-0.

11. ORDER 89-07012024 – Repurposing 121 Mill Street as a community resource center. *Passage requires majority vote.*

Morion for passage by Councilor Gerry, seconded by Councilor Cowan.

The following spoke:
Kathleen Light, 143 Mill St
Dan Campbell, Hotel Rd
Greg Whitney, President of Drop In Center
Peter Floyd, VP Operations of Drop In Center
Lynn Ward, Hotel Rd
Beth, 254 S. Main St
Jennifer Youkle, Auburn
Nicole Rush, Durham
Julia Kimball, Randolph
MJ Monahan, Durham
John Davidson, Treasurer of Drop In Center
Nora M, Lewiston
Jeannie Starboard, Lisbon
Amy Smith, Durham
Patricia Wyler, Auburn
Bill Lowenstein, Auburn
Marian Claxton, Danbury Dr
Ken Bragg, Lewiston
Carol Holmes, Academy St
Dave, High St
Catherine Ryder, Lewiston
Art, Danville Corner Rd
William K, Auburn
Carmen Brochu, South Portland
Deigo, Drop In Center
Bruce Nadeau, Auburn
Fred Brodeaur, 83 Sixth St
Sasha Anastasia, South Portland

Motion passed 5-2 (Walker, Milks opposed).

12. ORDER 90-07012024 – Allocating $438,702.83 in ARPA funds for the 121 Mill Street Resource Center and relocating the Business & Community Development Department. *Passage requires majority vote.*

Motion for passage by Councilor Whiting, seconded by Councilor Cowan.
There was no public comment.
Motion passed 6-1 (Walker opposed).

VII. Open Session
Dale Carlson, Gray
Michael Lemay, Auburn
David, High St
Bruce Nadeau, Auburn

VIII. Reports
a. Mayor's Report - Attended the Auburn Public Library dinner. Attended the grand opening of the Northeast Bank Center. Gave a brief update on 911 consolidation.
b. City Councilors' Reports - Councilor Weisner wished everyone a happy 4th of July and reminded the public of the special election on July 9. Councilor Walker wished everyone a happy 4th of July. Councilor Platz updated the Council on the most recent actions of the School Committee.
c. Student Representative Report – Representative Egge was absent.
d. City Manager Report - Spoke on the dedication of Philbrick Square. July is National Parks and Recreation Month; the city will be promoting its local parks and recreation department programs. Attended the Chamber annual awards event. Recognized Panolam Surface Systems. Mentioned wrapping up the FY24 fiscal year with a high note for permitting. Updated the Council on the status of 46 Fair St. Reminded the public that Auburn Hall will be closed July 4 and 5. The PAL Groundbreaking ceremony will occur on July 12.
e. May 2024 Finance Report
IX. Executive Session – None.
X. Adjournment

Motion to adjourn by Councilor Weisner, seconded by Councilor Walker. Motion passed 7-0.
Council adjourned at 9:40pm.

A TRUE COPY ATTEST:

Emily F. Carrington, City Clerk

I, Emily F. Carrington, hereby certify the results of the Special Municipal Election held on July 9, 2024, as follows;

At Large - School Committee

136 LaJudice, Thomas A.

267 Rich, Olivia J.

13 Weisner, Cassidy.

0 Write-ins

0 Blanks

Voter Turnout: 416

A TRUE COPY

ATTEST _____ 7/9/2024
Emily F. Carrington, City Clerk DATE

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 15, 2024** **Ordinance: 11-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: Second Reading on Chapter 60 Article XIII Division 2- Phosphorous Control Ordinance Amendments

Information: The proposed amendments pertain to septic system installation, maintenance and replacements and new development. Specifically, it lowers the "acceptable increase" of Phosphorous which can be discharged into Lake Auburn and lowers the acreage of developable land to reflect the reduced, potentially developable, acreage and phosphorus allocations after the changes to lot sizes and use regulations were made last December. This amendment follows orders 04-01022024 and order 71-05062024.

The planning board held a public hearing on the text amendments within Ch. 60, Article 2 General Provisions, Division 4 Lake Auburn Watershed Overlay District Sec. 60-951, Sec, 60-952 and Sec 60-953 and made a motion to forward a favorable recommendation to City Council to amend text to Chapter 60, Article II General Provisions, Division 2 Phosphorus Control, Sec. 60-1065, and Sec.60- 1069. The details for the number changes to developable acreage and phosphorus allocations were presented to Planning board and Council during previous workshops and the Planning Board Public Hearing.

This item was given first reading, was amended (definitions), and passed first reading on July 1st. A public hearing notice was placed for second reading and public hearing to be held at the July 15, 2024 meeting.

City Budgetary Impacts: None anticipated

Staff Recommended Action: Second reading and Public Hearing.

Previous Meetings and History: Recommendations originate from approximately ten stakeholder meetings from February through May. Planning Board held a workshop and public hearing on May 14. This item was given first reading, was amended, and passed first reading on July 1st.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

Public hearing notice (NOTE: This is the notice for all 7 ordinance amendments appearing on the agenda this evening), Planning Board memo, Ordinance as amended and passed by Council on July 1, 2024.

LEGAL NOTICE
CITY OF AUBURN

Notice is hereby given that the Auburn City Council will hold Public Hearings on Monday, **July 15, 2024, at 7:00 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to consider the following topics:

1. PUBLIC HEARING/ TEXT AMENDMENT: City Council initiated a text amendment to Chapter 60 Article XIII Division 2- Phosphorous Control. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

2. PUBLIC HEARING/ TEXT AMENDMENT: City Council initiated a text amendment to Chapter 60 Article IV Division 3- Low Density Country Residential District. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

3. PUBLIC HEARING/ TEXT AMENDMENT: City Council initiated a text amendment to Chapter 60, Division 4-Lake Auburn Watershed Overlay District. The proposed amendments pertain to septic system installation, maintenance and replacements, and new development.

4. PUBLIC HEARING/ MAP AMENDMENT: Consider adopting the Lake Auburn Watershed Overlay District Septic Systems Inspection Map. This map will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District.

5. PUBLIC HEARING/ MAP AMENDMENT: Consider adopting the Official Lake Auburn Overlay District 400 ft. Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields map. This map will be referenced in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District.

6. PUBLIC HEARING/ MAP AMENDMENT: Consider City Council proposed amendments to Chapter 60, Article XVI, Division 2 Site Plan Review pursuant to Chapter 60, Article XVII.

7. PUBLIC HEARING/ MAP AMENDMENT: Consider a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district. City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Additional information and copies of the official map and text amendments listed above are available in the Auburn Planning & Permitting Department, by contacting Katherine Cook at (207) 333-6601 ext. 1155 or kcook@auburnmaine.gov, and will be made available online no later than the Friday before the meeting at https://www.auburnmaine.gov/pages/government/planning-board-agendas.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/18/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Phosphorous Control Text Amendment in the Lake Auburn Watershed

The following is the report from the Planning Board regarding text amendments pertaining to Phosphorous loading within the Lake Auburn Watershed. After notice and Public Hearings held on May 14th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT: City Council initiated a text amendment to Chapter 60 Article XIII Division 2- Phosphorous Control. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Note from Staff: There was a clerical error in one of the phosphorous calculations.

Motion: Ryan Smith makes a motion to forward a favorable recommendation to City Council to amend text to Chapter 60, Article II General Provisions, Division 2 Phosphorus Control, Sec. 60-1065, and Sec.60- 1069.
Second: Paul Jaques,
Vote: 6-1-0. Motion Carries

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is ~~0.5~~ .25

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is ~~1,180.0~~ 150

~~L~~*ake Auburn* means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.03~~65~~; for Lake Auburn, the phosphorus allocation is 0.02~~047~~.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is ~~109.9~~ 3.74 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B; Ord. No. 28-11202023, 12-4-2023)

Formatted: Highlight

Formatted: Line spacing: Multiple 1.08 li

Formatted: Highlight

Formatted: Highlight

Per-Acre Phosporus Allocations for Selected Lakes

LAKE	TOWN	DDA	ANAD	AAD	GF	D	F	WQC	LOP	C	FC	P	SWT
Lake Auburn	Turner	160	8	152	0.3	46	3.74	see comment	h	0.50	1.87	0.041	11
Lake Auburn	Auburn	4704	350	4354	0.1	435	109.9	see comment	h	0.08	8.79	0.020	109
DDA	Direct land drainage area in Township in acres												
ANAD	Area not available for development in acres												
AAD	Area available for development in acres (DDA - ANAD)												
GF	Growth Factor												
D	Area likely to be developed in acres (GF x AAD)												
F	lbs. phosphorus allocated to towns share of watershed per ppb in lake												
WQC	Water quality category												
LOP	Level of Protection (h=high(coldwater fishery);m=medium)												
C	Acceptable increase in lake's phosphorus concentration in ppb												
FC	Allowable increase in annual phosphorus load to the lake (lb/year)												
P	Per acre phosphorus allocation (FC/D) (lb/acre/year)												
SWT	Small Watershed Threshold in acres												

Per-Acre Phosporus Allocations for Selected Lakes

rev 8/20/2021	C changed to 0.5 ppb due to 2012 bloom and alum treatment in water supply						
rev 8/20/2021	C changed to 0.5 ppb due to 2012 bloom and alum treatment in water supply						

DIVISION 2. PHOSPHORUS CONTROL

Sec. 60-1064. Purpose.

(a) The purpose of this division is to provide protection against additional phosphorus export to Taylor Pond and Lake Auburn from new land uses and changes in existing land uses by ensuring that development within the watersheds does not generate more phosphorus than the water bodies can handle and by eliminating or reducing existing sources of phosphorus.

(b) Phosphorus, a nutrient, stimulates algal growth, the main cause of water quality decline. The primary source of new and increasing phosphorus loading in the state lakes is land development: residential, commercial and industrial.

(Ord. of 9-21-2009, § 5.7A)

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is .08.~~0.5.~~

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is ~~1,180.0.~~ 435.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.03~~6~~5; for Lake Auburn, the phosphorus allocation is 0.0~~47~~20.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is ~~109.9~~ 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-1066. Applicability.

This division shall apply to all land areas within the direct watersheds of Taylor Pond and Lake Auburn. The following land uses shall be required to obtain a phosphorus control permit and conform to the standards contained in this division:

(1) Any new building or structure with more than 200 square feet of ground floor area.

(2) Any expansions or series of expansions of ground floor area of any existing building which increases the area of the ground floor by more than 30 percent of that which exists at the time of adoption of the ordinance from which this division is derived.

(3) Any earth moving, brush and tree cutting which impacts 10,000 square feet or more whether accomplished as a single activity or as a series of activities beginning on the date of adoption of the ordinance from which this division is derived shall only meet the criteria contained in section 60-1069.

(4) Road or driveway construction and reconstruction and parking area construction which affects more than 1,500 square feet of land area whether accomplished as a single activity or as a series of activities beginning on the date of adoption of the ordinance from which this division is derived shall only meet the criteria contained in section 60-1069.

(5) All projects for which special exception, site plan and subdivision review is required.

(Ord. of 9-21-2009, § 5.7C; Ord. No. 15-05022022, 5-16-2022)

Sec. 60-1067. Exemptions.

This division shall not apply to the following:

(1) Changes of use within an existing structure where no ground floor expansion and/or road, driveway and parking area expansion is planned.

(2) Timber management or harvesting operations conducted according to a management plan prepared and supervised by a registered forester (unless required by division 4 of article XII of this chapter) or the city water district.

(3) Agricultural uses conducted according to a soil and water conservation plan approved by the Androscoggin County Soil and Water Conservation District.

(Ord. of 9-21-2009, § 5.7D)

Sec. 60-1068. Best management practices.

Agriculture, silviculture, mining, chemical use and storage and waste disposal activities should be conducted in accordance with the best management practices (BMPs) as recommended by the department of environmental protection, the state soil and water conservation commission, the cooperative extension service or other appropriate public service agency. New roads and the reconstruction of existing roads, driveways, drainage diversions, ditches and roadside buffers should be designed for the worst storm conditions in accordance with the best management practices (BMPs) recommended by the department of environmental protection, the state soil and water conservation commission, the cooperative extension service or other appropriate public service agency.

(Ord. of 9-21-2009, § 5.7E)

Sec. 60-1069. Erosion and sedimentation controls.

A comprehensive erosion and sedimentation control plan, including a proposed program for the maintenance and periodic inspection of all control facilities which will remain after the project is completed and a designation of the responsible party, shall be submitted to the city planning, permitting, and code department as follows:

(1) In the Taylor Pond Watershed~~., A~~ a plan designed in accordance with the applicable sections of ~~chapter 8 of the~~ the latest edition of Maine Department ~~of~~ Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II & Technical Design Manual Volume III, March 2016. ~~DEP Phosphorous Control and Lake Watersheds: A Technical Guide to Evaluating New Development~~, the latest edition of the Maine Erosion and sediment Control Handbook and all building and environmental protection requirements of this Code. For dwelling units, the Basic Single Family Residential (SFR) Lot Standards of the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II shall be used.

(2) In the Lake Auburn Watershed Overlay District~~., A~~ a plan designed in accordance with the applicable sections of ~~chapter 8 of~~ the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II & Technical Design Manual III, March 2016,~~. DEP Phosphorous Control and Lake Watersheds: A Technical Guide to Evaluating New Development~~, the latest edition of the Maine Erosion and Sediment Control Handbook, and all building and environmental protection requirements of this Code ~~and criteria of the city water district or commission.~~ For dwelling units, the Basic Single Family Residential (SFR) Lot Standards of the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II shall be used.

(Ord. of 9-21-2009, § 5.7F)

Sec. 60-1070. Submission requirements.

All projects subject to review under the provisions of this division shall submit a phosphorus control plan and maintenance provisions meeting the standards set forth in design criteria of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual Volume II, March 2016.

(1) *Plan submission.* Plans shall be submitted and processed in accordance with article XVI of this chapter. In addition to the requirements for submission under this article, the following instructions shall be provided:

a. A long-term maintenance plan for all phosphorus control measures including provisions for inspection and repair, designation of responsible parties, contractual obligations and proposed deed restrictions.

b. Hydrologic soil class of all areas to be cleared or where clearing will be permitted, with the area indicated in square feet of each lot using the appropriate method as described in the phosphorus control manual.

c. All calculations and worksheets in the format of those contained in the phosphorus control manual and detailed construction specifications and diagrams for all control measures.

d. A comprehensive erosion and sedimentation control plan, designed in accordance with the latest version of Maine Erosion and Sediment Control Handbook for Construction: Best Management

Practices, ~~March 1991~~ October 2016, and all building and environmental protection requirements of this Code.

(2) *Review method.*

a. All projects shall use the standard review method and shall conform to the Phosphorus Allocation standard set forth in this division including the following: Expansions of four lot subdivisions which were previously approved using the simple review method.

b. Projects meeting the following criteria may employ the simple review method:

1. Minor subdivisions with four or fewer lots provided that these developments contain less than 200 feet of new or upgraded roads and/or all driveways serving residential uses are less than 150 feet in length.

2. Activity which includes less than 200 feet of new or upgraded road construction.

(3) *Commercial and industrial development and expansions.* Commercial and industrial development and expansions of commercial and industrial developments and the expansion of multifamily dwelling units, which involve less than 15,000 square feet of disturbed area. All other subdivisions including expansions of previously approved four-lot subdivisions which were reviewed using the simple review method and all other projects shall utilize the standard review method.

(Ord. of 9-21-2009, § 5.7G; Ord. No. 11-03012021, § 81, 3-15-2021; Ord. No. 10-03072022, 3-21-2022)

Secs. 60-1071—60-1093. Reserved.

Ordinance #11-07012024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

Chapter 60 ZONING

● ● ●

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

● ● ●

DIVISION 2. PHOSPHOROUS CONTROL

● ● ●

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is .08~~0.5.~~

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 435 ~~1,180.0.~~

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.03~~65~~; for Lake Auburn, the phosphorus allocation is 0.0~~47~~20.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B; Ord. No. 28-11202023, 12-4-2023)

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

● ● ●

Sec. 60-1069. Erosion and sedimentation controls.

A comprehensive erosion and sedimentation control plan, including a proposed program for the maintenance and periodic inspection of all control facilities which will remain after the project is completed and a designation of the responsible party, shall be submitted to the city planning, permitting, and code department as follows:

(1) In the Taylor Pond Watershed~~., A~~ a plan designed in accordance with the applicable sections of ~~chapter 8 of the~~ the latest edition of Maine Department ~~of~~ Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II & Technical Design Manual Volume III, March 2016. ~~DEP Phosphorous Control and Lake Watersheds: A Technical Guide to Evaluating New Development~~, the latest edition of the Maine Erosion and sediment Control Handbook and all building and environmental protection requirements of this Code. For dwelling units, the Basic Single Family Residential (SFR) Lot Standards of the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II shall be used.

(2) In the Lake Auburn Watershed Overlay District~~., A~~ a plan designed in accordance with the applicable sections of ~~chapter 8 of~~ the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II & Technical Design Manual III, March 2016~~. DEP Phosphorous Control and Lake Watersheds: A Technical Guide to Evaluating New Development~~, the latest edition of the Maine Erosion and Sediment Control Handbook, and all building and environmental protection requirements of this Code ~~and criteria of the city water district or commission.~~ For dwelling units, the Basic Single Family Residential (SFR) Lot Standards of the latest edition of Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual, Volume II shall be used.

(Ord. of 9-21-2009, § 5.7F)

● ● ●

Sec. 60-1070. Submission requirements.

All projects subject to review under the provisions of this division shall submit a phosphorus control plan and maintenance provisions meeting the standards set forth in design criteria of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual Volume II, March 2016.

(1) *Plan submission.* Plans shall be submitted and processed in accordance with article XVI of this chapter. In addition to the requirements for submission under this article, the following instructions shall be provided:

a. A long-term maintenance plan for all phosphorus control measures including provisions for inspection and repair, designation of responsible parties, contractual obligations and proposed deed restrictions.

b. Hydrologic soil class of all areas to be cleared or where clearing will be permitted, with the area indicated in square feet of each lot using the appropriate method as described in the phosphorus control manual.

c. All calculations and worksheets in the format of those contained in the phosphorus control manual and detailed construction specifications and diagrams for all control measures.

d. A comprehensive erosion and sedimentation control plan, designed in accordance with the latest version of Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, ~~March 1991~~ October 2016, and all building and environmental protection requirements of this Code.

(2) *Review method.*

a. All projects shall use the standard review method and shall conform to the Phosphorus Allocation standard set forth in this division including the following: Expansions of four lot subdivisions which were previously approved using the simple review method.

b. Projects meeting the following criteria may employ the simple review method:

1. Minor subdivisions with four or fewer lots provided that these developments contain less than 200 feet of new or upgraded roads and/or all driveways serving residential uses are less than 150 feet in length.

2. Activity which includes less than 200 feet of new or upgraded road construction.

(3) *Commercial and industrial development and expansions.* Commercial and industrial development and expansions of commercial and industrial developments and the expansion of multifamily dwelling units, which involve less than 15,000 square feet of disturbed area. All other subdivisions including expansions of previously approved four-lot subdivisions which were reviewed using the simple review method and all other projects shall utilize the standard review method.

(Ord. of 9-21-2009, § 5.7G; Ord. No. 11-03012021, § 81, 3-15-2021; Ord. No. 10-03072022, 3-21-2022)

Amended and passed first reading 7-1-24, 7-0.
Passed public hearing & second reading 7-15-24, 7-0.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 15, 2024** **Ordinance: 12-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: Second Reading on Amendment to Article IV Division 3- LDCR Setbacks.

Information: City Council initiated a text amendment to Chapter 60 Article IV Division 3- Low Density Country Residential District as part of order 04-01022024 and order 71-05062024. The proposed amendment is to reduce the minimum front yard setback in the Low-Density Country Residence District to reduce disturbed and impervious area, and therefore the potential nutrient runoff to the lake possible from any new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

The Planning Board recommended that City Council to amend text to Chapter 60, Article II General Provisions, Division 3, Low Country Density Residential, Sec. 60-202 as shown in the attached meeting materials. This item was given first reading and passed on July 1, 2024. A public hearing notice was placed for second reading and public hearing to be held at the July 15, 2024 meeting.

City Budgetary Impacts: None anticipated

Staff Recommended Action: Second Reading and Public Hearing.

Previous Meetings and History: Recommendations originate from approximately ten stakeholder meetings from February through May. Planning Board held a workshop and public hearing on May 14 and forwarded a favorable recommendation. This item was given first reading and passed on July 1, 2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

Ordinance, Article IV Division 3-LDCR Proposed Text Amendment, May 14 Planning Board Recommendation.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/18/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Lake Auburn Watershed Text Amendment (LDCR minimum setback)

The following is the report from the Planning Board regarding text amendments pertaining to increasing the minimum setback in the LDCR district to reduce runoff within the Lake Auburn Watershed. After notice and Public Hearings held on May 14th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT: City Council initiated a text amendment to Chapter 60 Article IV Division 3- Low Density Country Residential District. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Motion: Ryan Smith makes a motion to forward a favorable recommendation to City Council to amend text to Chapter 60, Article II General Provisions, Division 3, Low Country Density Residential, Sec. 60-202.

Second: Paul Jacques

Dave Trask asks for clarification that this item is just changing the minimum setback for building form 50' to 25'. That is confirmed.

Vote: 7-0-0 Motion Carries.

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-200. Purpose.

The purpose of this zone is to maintain and promote the rural/agricultural character of the land within this zone. This zone is composed of those areas in the city whose predominant land use is rural, wooded and agricultural. The regulations for this zone are designed to protect and stabilize these predominant land uses which are the essential characteristics of these areas and to minimize conflicting land uses detrimental to agricultural enterprises. Since residences are only incidental to this zone's development, the densities which require improved roads and expanded municipal services, in excess of those required by the present agricultural-oriented uses, shall not be permitted.

(Ord. of 9-21-2009, § 3.32A)

Sec. 60-201. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Lawn maintenance services.

(b) *Special exception uses*. The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

(1) All uses permitted by special exception in the Agriculture and Resource Protection (AR) District, (division 2 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).

(2) Bed and breakfast.

(3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.32B; Ord. 33-02072011-08, 2-7-2011; Ord. No. 08-08012011-07b, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-08192019, 9-9-2019; Ord. No. 11-03012021, § 9, 3-15-2021; Ord. No. 27-06212021, 7-19-2021)

Sec. 60-202. Dimensional requirements.

All structures in this district except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for

domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less, unless the lot is in the Lake Auburn Watershed Overlay District in which case the front yard shall have a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.32C; Ord. No. 11-03012021, §§ 10, 11, 3-15-2021)

Secs. 60-203—60-227. Reserved.

Ordinance #12-07012024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

Chapter 60 ZONING

● ● ●

ARTICLE IV. DISTRICT REGULATIONS

● ● ●

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

● ● ●

Sec. 60-202. Dimensional requirements.

All structures in this district except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less, unless the lot is in the Lake Auburn Watershed Overlay District in which case the front yard shall have a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

(5) *Off-street parking*. Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.32C; Ord. No. 11-03012021, §§ 10, 11, 3-15-2021)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 15, 2024** **Ordinance: 13-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: Second reading on text amendments to Lake Auburn Watershed Overlay District

Information: The planning board held a public hearing on the text amendments within Ch. 60, Article 2 General Provisions, Division 4 Lake Auburn Watershed Overlay District Sec. 60-951, Sec, 60-952 and Sec 60-953.

The text amendments presented here were proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024.

The planning board recommended three amendments or conditions on the motion to forward a favorable recommendation to city council to amend text to Ch. 60, Article 2 General Provisions, Division 4 Lake Auburn Watershed Overlay District Sec. 60-951, Sec. 60-952 and Sec. 60-953. The amendments/conditions included 1.) Add a comma to page 5, Sec. 6 before the word LAWPC, 2.) Obtain legal opinion on Title 30-A Sec. 4360 Rate of Growth Ordinance and confirm if we can set a rate of 3 units per year 3.) That effective date of the inspection program be delayed 1 year and until there is a dedicated pool of funding available for SSWW System owners.

The City has obtained the requested legal opinion requested by the planning board and the provision does not violate the Statute. The city is also pursuing funding opportunities for septic inspections as was discussed at the workshop and you will vote on tonight. The comma correction was added to the ordinance text as a clerical error. This item was given first reading and passed on July 1, 2024. A public hearing notice was placed for second reading and public hearing to be held at the July 15, 2024 meeting.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Public hearing and second reading.

Previous Meetings and History: Recommendations originate from approximately ten stakeholder meetings from February through May. Planning Board held a workshop on this text amendment on May 14, and made a positive recommendation on June 18. This item was given first reading and passed on July 1, 2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Ordinance, Division 4- Lake Auburn Watershed Overlay District Text Amendment related to new and replacement septic systems in the watershed, June 18 Planning Board Motion, Staff Report, Phosphorous allocation summary.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/18/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Lake Auburn Watershed Text Amendment (Septic Systems & New Development)

The following is the report from the Planning Board regarding text amendments pertaining to new development and new, upgraded, and replacement septic systems in the Lake Auburn Watershed Overlay District. After notice and Public Hearings held on June 18th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT: The Planning Board is to review text updates to Article II General Provisions, Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024.

Summary and Discussion: The planning board held a public hearing on the text amendments within Ch. 60, Article 2 General Provisions, Division 4 Lake Auburn Watershed Overlay District Sec. 60-951, Sec, 60-952 and Sec 60-953. The planning board discussed how to best achieve the goal of recommending the text amendment only if a few amendments were addressed. They made the motion, made four (4) amendments to their original motion, and then voted to forward a favorable recommendation to the Council for this text change if the amendments were considered.

Motion: Ryan Smith makes a motion: I make a motion to forward a favorable recommendation to city council to amend text to Ch. 60, Article 2 General Provisions, Division 4 Lake Auburn Watershed Overlay District Sec. 60-951, Sec. 60-952 and Sec. 60-953. **Second:** Bob Hayes seconds the motion.

Amendment: Riley makes an amendment to add a comma to page 5 sec 6 before the word LAWPC **Second:** Ryan Smith seconds the amendment.
Amendment passes 5-0-0

Amendment: Bob Hayes moves that we delay the implementation of the inspection program for a full year. **Second:** Ryan Smith seconds. **Amendment passes 5-0-0**

Amendment: Dave Trask makes an amendment that we remove the maximum of three dwellings in the first paragraph in Sec. 8. **Second:** Ryan Smith seconds.
Vote: 3-2-0 motion does not pass (4 votes are needed to pass a motion).

Amendment: Dave Trask makes an amendment to request legal opinion on Title 30-A Sec. 4360 Rate of Growth Ordinance to have legal opinion to confirm that it is within the municipality as stated in Sec. 3, paragraph B.
Second: Riley Bergeron seconds the amendment.
Vote: 4-1-0 amendment passes.

Amendment: Riley Bergeron makes one more amendment that the effective date of the inspection program be delayed until there is a dedicated pool of funding available for septic owners. **Second:** Ryan Smith seconds this amendment.
Vote: 4-1-0 amendment passes.

Vote on motion with amendments: 5-0-0 motion passes.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director of Planning & Permitting
Re: Item #5 Text and Map Amendments Related to Lake Auburn Stakeholders Group
Date: June 18, 2024

I. PROPOSAL: The Planning Board is to review text updates to Article II General Provisions, Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024. (See attached redlined items)

II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

III. SUGGESTED FINDINGS OF FACT:

1. The amendments are consistent with the growth pattern specified in the Future Land Use Plan in Auburn's Comprehensive Plan.
2. The proposed map and text amendments serve Goal A.1 in the Comprehensive Plan to maintain the exceptional water quality of Lake Auburn and existing waiver from filtration to avoid or delay the need for costly treatment (pages 4-9)
3. These proposed amendments are in service of Goal B.1 in the Comprehensive plan, to ensure sufficient clean water supplies to meet current and future needs (pages 20-21).
4. These amendments align with the Lake Auburn Study, 2021; and the report by FB Environmental: Lake Auburn Memo from August 2022.
5. These amendments are the result of several public meetings with the Lake Auburn Stakeholders Group as ordered by City Council.

IV. PLANNING BOARD ACTION/STAFF RECOMMENDATIONS:

C.) Lake Auburn Overlay District: This item is on the Planning Board agenda as a public hearing item. Staff recommends the Planning Board have a discussion and a make a formal recommendation to the City Council to the text amendments in Chapter 60, Article II General Provisions, Division 4, Lake Auburn Watershed Overlay District, Sec. 60-951, Sec. 60-952, and Sec.60-953.

Staff recommends this text change as it clarifies and updates the following: Definitions, Update the SSWW rules, Drinking Water Program Review, Septic System Inspection Program, Limit new systems/homes in the watershed, mechanisms for enforcement, and updates to shoreland zoning setbacks.

POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to amend text to Chapter 60, Article II General Provisions, Division 4 Lake Auburn Watershed Overlay District, Sec. 60-951, Sec.60-952 and Sec. 60-953.

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn Water District on file in the office of the Auburn Water District, the city planning, permitting and code department~~department of planning and permitting services~~ and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying zoning districts within ~~such section~~the city. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned.

Building has the same meaning as in section 60-2.

Curtain drain means a ~~tranch~~ trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Dwelling Unit has the same meaning as in section 60-2.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where:

(1) The products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit; and

(2) The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the Auburn Water District, City of Lewiston, and the Town of Turner, consisting of three commissioners appointed by the Auburn Water District, three commissioners appointed by the City of Lewiston, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Local plumbing inspector means a plumbing inspector or alternate plumbing inspector as defined in Section 12-22.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Normal high-water line and Normal high-water mark means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and ~~consistence~~consistency of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material excessively coarse soil horizons and parent material, and the seasonal groundwater table. Any of these limiting horizons may from time to time be ~~Also sometimes~~ referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of six inches of upper fill layer meeting the following upper fill layer specifications.

Soil Filter Media Specifications

Upper fill layer	
Sieve #	% passing by weight
No. 4	75—95
No. 10	60—90
No. 40	35—85
No. 200	20—40
200 (clay size)	< 2.0

Lower fill layer	
Sieve #	% passing by weight
No. 10	85—100
No. 20	70—100
No. 60	15—400
No. 200	6—8
200 (clay size)	< 2.0

State licensed site evaluator means a person licensed by the Maine Department of Health and Human Services to evaluate soils for the purpose of designing subsurface wastewater disposal systems.

Stream or Brook means a channel between defined banks as depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map.

Subsurface wastewater disposal system inspector means a person who holds a current certification issued by the Maine Department of Health and Human Services, Division of Environmental and Community Health as a Subsurface Wastewater Disposal System Inspector.

(Ord. of 9-21-2009, § 5.3B; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-952. Use and environmental regulations.

1. *Subsurface Wastewater Disposal Systems*.

(~~b~~a) ~~*Residential d*~~*Dwelling units in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)c., new dwelling units are prohibited in ~~the~~ that part of the Lake Auburn Watershed Overlay District which overlies the Agriculture and Resource Protection Zone. Pursuant to 30-A M.R.S.A. §§ 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.

(~~f~~b) *Private subsurface wastewater disposal systems.* Each new building, or any existing building for which there is any addition, alteration, or change of use, each new dwelling unit, or any existing dwelling unit for which there is an addition or alteration thereto that includes the addition of one or more bedrooms, in the Lake Auburn Watershed Overlay District, not served by public sewer, shall, in the development of a private subsurface wastewater disposal system, adhere to the requirements of this section as well as the requirements of the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241. Notwithstanding any provision of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 the Rule shall be applied regardless of whether the addition or alteration is an initial or subsequent addition or alteration. ~~The following regulations shall be adhered to in the development of private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District~~:

(1) Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filer media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a state licensed site evaluator affirm that these design ~~criteria~~ requirements are met before the ~~LPI~~ local plumbing inspector finds the design or installation of the system to comply with this section.

(2) N~~o n~~ew (first use), expanded, or replacement disposal field~~s~~ shall be set back from~~installed closer than 400 feet to~~ the normal high-water mark of any lake, pond, ~~or year-round or intermittent stream~~stream, or brook ~~(as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~ as follows:

~~a. Where the daily wastewater flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~

a. Where the daily wastewater flow is, or is reasonably likely to be, 2,000 gallons or less, the system shall be set back at least 400 feet from the normal high-water mark of any lake, pond, stream, or brook.

b. Where the daily wastewater flow is, or is reasonably likely to be, in excess of 2,000 gallons, the system shall be set back at least 1,000 feet from the normal high-water mark of any lake, pond, stream, or brook.

~~(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.~~

(~~4~~3) All new (first use), expanded, or replacement private subsurface wastewater disposal systems~~, replacement or new,~~ shall include one of the two following design elements. The selection of which design element is most appropriate shall be determined by a state licensed site evaluator based upon the evaluation of the groundwater conditions, soils, and slopes present at the site where the system is to be installed.~~either have:~~

a. ~~A c~~Curtain drain installed per Section ~~11~~12(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (~~2015~~2023), as may be amended from time to time; or

b. ~~A d~~Diversion ditch, upslope of the disposal field, installed for the disposal field's entire length ~~(~~including fill extensions, and constructed so that the curtain drain or diversion ditch is located to prevent any ~~under drain~~ short circuiting of the disposal field~~),~~

~~whichever installation in determined to be the most appropriate based on the evaluation of groundwater conditions on the site by a state licensed site evaluator.~~

~~The local plumbing inspector shall require that a state licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this section.~~

(~~5~~4) All new (first use), expanded, or replacement private subsurface wastewater disposal systems~~, replacement or new,~~ shall be installed on the same lot as the building or dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of an expanded or replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the expanded or replacement system's location on adjacent lots if the property owner holds a perpetual easement from the adjacent lot owner allowing the installation and maintenance of the system.

(~~5~~6) Commencing July 1, 2024, ~~LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every five years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.~~ the owner of each building or dwelling unit in the Lake Auburn Watershed Overlay District, not served by public sewer, shall have their private subsurface wastewater disposal system inspected to ensure continuing compliance with this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241.

a. *Inspections.* An initial inspection shall be completed by the completion date specified in the Lake Auburn Watershed Overlay District Septic Systems Inspection Map, dated March 19, 2024, which is on file in the office of the city planning, permitting and code department.

Subsequent inspections shall be completed within five years of the initial inspection and every subsequent inspection, unless the property is sold, in which case a subsequent inspection shall be conducted at the time of sale.

Such inspections shall be completed by a certified subsurface wastewater disposal system inspector.

Such inspector shall inspect the private subsurface wastewater disposal system using the minimum requirements established by the Maine Department of Health and Human Services, Division of

Environmental and Community Health for evaluating and reporting on existing subsurface wastewater disposal systems.

b. *City record keeping and notifications.* The city planning, permitting and code department shall maintain, within the city GIS system, a record of each subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District that requires inspection. The record must include, at a minimum, the city parcel identifier, date the next inspection is due, and date of the last inspection.

The city planning, permitting and code department shall provide the owner of each building or dwelling unit written notices by regular mail, to the address shown on the city property tax records, of the date by which the inspection of the subsurface wastewater disposal system must be completed. The first notice shall be mailed 12 months prior to each required completion date and the second notice six months prior to each required completion date.

c. *Reporting and reviewing of results of inspections.* Reporting shall be made utilizing the latest version of the HHE-240 reporting form, for initial inspections, and the Supplement HHE-240 reporting form, for subsequent inspections, as published by the Maine Department of Health and Human Services, Division of Environmental and Community Health. Such reports shall be submitted to the local plumbing inspector.

The local plumbing inspector shall review the report and determine if corrective action is required to ensure that;

1. for subsurface wastewater disposal systems for which a design is on file with the planning, permitting and code department, the system is functioning per the design on file,

2. for subsurface wastewater disposal systems for which there is no design on file with the planning, permitting and code department, the system is functioning as built.

d. *Alternative design for replacement subsurface wastewater disposal systems.* For buildings or dwelling units that exist in the Lake Auburn Watershed Overlay District as of July 1, 2024, should the local plumbing inspector determine, upon review of the report from the subsurface wastewater disposal system inspector, through personal observation, or through independent means, that the subsurface wastewater disposal system is not functioning as designed or built and a replacement system is required, and:

1. a state licensed site evaluator informs the local plumbing inspector that the parcel on which the building or dwelling unit is situated is not suitable to site a replacement subsurface wastewater disposal system that meets the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241; and

2. the local plumbing inspector determines that the replacement subsurface wastewater disposal system cannot be sited pursuant to Subsection 4;

then a state licensed site evaluator may propose, and the local plumbing inspector may approve, after consultation with the Lake Auburn Water Protection Commission, an alternative subsurface wastewater design that does not meet the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 but which meets as many of the requirements as possible, and for those requirements that cannot be met, includes design elements that maximize the efficacy of the treatment of the wastewater.

(~~7~~6) ~~The Auburn Water District~~In coordination with the local plumbing inspector, LAWPC, or its designee, shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the City of Auburn health officer, police chief, local plumbing inspector or ~~housing inspector~~code enforcement officer of

any observed defects or malfunction that require ~~abatement~~ corrective action by the property owner or operator.

(~~8~~7) The local plumbing inspector shall furnish a copy of all site evaluation and inspection reports in the Lake Auburn Watershed Overlay District to ~~the Auburn Water District or its designee~~LAWPC.

8) Commencing on July 1, 2024, a maximum of three new dwelling units per calendar year are permitted in that part of the Lake Auburn Watershed Overlay District in which new dwelling units are permitted.

The city planning, permitting, and code department shall, on an annual basis, provide a report to the Planning Board as to the extent and effect of the construction of new dwelling units in the Lake Auburn Watershed Overlay District. The report shall include, at a minimum, the number of new dwelling units constructed in the past year, the cumulative number of new dwelling units constructed since July 1, 2024, and the effect of such construction on the Lake Auburn water quality.

Should the Planning Board conclude, based on the city planning, permitting and code department report that the construction of new dwelling units has had an adverse effect on the Lake Auburn water quality, the Planning Board shall consider what action is to be taken to prevent further degradation of Lake Auburn water quality from the construction of new dwelling units.

2. Agricultural, Forestry, and Erosion Control.

(a) *Agricultural uses.* Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if:

(1) The owner or operator first demonstrates to LAWPC's watershed manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff; and

(2) LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) *Manure and sludge disposal.* Spreading and disposal of sludge is prohibited. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Water District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.

3. *Enforcement*

The city planning, permitting and code department shall have authority to enforce all requirements of this Division in accordance with section 60-1403.

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019; Ord. No. 10-06202023, 7-10-2023; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-953. Dimensional regulations; building setbacks.

~~All~~ Any new or expanded buildings ~~and~~ or structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than ~~75~~ 100 feet inland from the normal high-water mark of Lake Auburn. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages, or other structures. Marinas and boat rental facilities shall not be permitted within ~~75~~ 100 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

Secs. 60-955—60-981. Reserved.

Per-Acre Phosporus Allocations for Selected Lakes

LAKE	TOWN	DDA	ANAD	AAD	GF	D	F	WQC	LOP	C	FC	P	SWT
Lake Auburn	Turner	160	8	152	0.3	46	3.74	see comment	h	0.50	1.87	0.041	11
Lake Auburn	Auburn	4704	350	4354	0.1	435	109.9	see comment	h	0.08	8.79	0.020	109
DDA	Direct land drainage area in Township in acres												
ANAD	Area not available for development in acres												
AAD	Area available for development in acres (DDA - ANAD)												
GF	Growth Factor												
D	Area likely to be developed in acres (GF x AAD)												
F	lbs. phosphorus allocated to towns share of watershed per ppb in lake												
WQC	Water quality category												
LOP	Level of Protection (h=high(coldwater fishery);m=medium)												
C	Acceptable increase in lake's phosphorus concentration in ppb												
FC	Allowable increase in annual phosphorus load to the lake (lb/year)												
P	Per acre phosphorus allocation (FC/D) (lb/acre/year)												
SWT	Small Watershed Threshold in acres												

Per-Acre Phosporus Allocations for Selected Lakes

rev 8/20/2021	C changed to 0.5 ppb due to 2012 bloom and alum treatment in water supply						
rev 8/20/2021	C changed to 0.5 ppb due to 2012 bloom and alum treatment in water supply						

Ordinance #13-07012024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

Chapter 60 ZONING

● ● ●

ARTICLE XII. ENVIRONMENTAL REGULATIONS

● ● ●

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

● ● ●

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn Water District on file in the office of the Auburn Water District, the city planning, permitting and code department~~department of planning and permitting services~~ and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying zoning districts within ~~such section~~the city. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned.

Building has the same meaning as in section 60-2.

Curtain drain means a ~~tranch~~ trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Dwelling Unit has the same meaning as in section 60-2.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where:

(1) The products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit; and

(2) The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the Auburn Water District, City of Lewiston, and the Town of Turner, consisting of three commissioners appointed by the Auburn Water District, three commissioners appointed by the City of Lewiston, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Local plumbing inspector means a plumbing inspector or alternate plumbing inspector as defined in Section 12-22.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Normal high-water line and Normal high-water mark means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and ~~consistence~~consistency of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material excessively coarse soil horizons and parent material, and the seasonal groundwater table. Any of these limiting horizons may from time to time be ~~Also sometimes~~ referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of six inches of upper fill layer meeting the following upper fill layer specifications.

Soil Filter Media Specifications

Upper fill layer	
Sieve #	% passing by weight
No. 4	75—95
No. 10	60—90
No. 40	35—85
No. 200	20—40
200 (clay size)	< 2.0

Lower fill layer	
Sieve #	% passing by weight
No. 10	85—100
No. 20	70—100
No. 60	15—400
No. 200	6—8
200 (clay size)	< 2.0

State licensed site evaluator means a person licensed by the Maine Department of Health and Human Services to evaluate soils for the purpose of designing subsurface wastewater disposal systems.

Stream or Brook means a channel between defined banks as depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map.

City Council Ordinance

Subsurface wastewater disposal system inspector means a person who holds a current certification issued by the Maine Department of Health and Human Services, Division of Environmental and Community Health as a Subsurface Wastewater Disposal System Inspector.

(Ord. of 9-21-2009, § 5.3B; Ord. No. 28-11202023, 12-4-2023)

● ● ●

Sec. 60-952. Use and environmental regulations.

1. *Subsurface Wastewater Disposal Systems.*

(~~b~~a) ~~*Residential d*~~*Dwelling units in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)c., new dwelling units are prohibited in ~~the~~ that part of the Lake Auburn Watershed Overlay District which overlies the Agriculture and Resource Protection Zone. Pursuant to 30-A M.R.S.A. §§ 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.

(~~f~~b) *Private subsurface wastewater disposal systems.* Each new building, or any existing building for which there is any addition, alteration, or change of use, each new dwelling unit, or any existing dwelling unit for which there is an addition or alteration thereto that includes the addition of one or more bedrooms, in the Lake Auburn Watershed Overlay District, not served by public sewer, shall, in the development of a private subsurface wastewater disposal system, adhere to the requirements of this section as well as the requirements of the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241. Notwithstanding any provision of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 the Rule shall be applied regardless of whether the addition or alteration is an initial or subsequent addition or alteration. ~~The following regulations shall be adhered to in the development of private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District~~:

(1) Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filer media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a state licensed site evaluator affirm that these design ~~criteria~~ requirements are met before the ~~LPI~~ local plumbing inspector finds the design or installation of the system to comply with this section.

(2) N~~o n~~ew (first use), expanded, or replacement disposal field~~s~~ shall be set back from~~installed closer than 400 feet to~~ the normal high-water mark of any lake, pond, ~~or year-round or intermittent stream~~stream, or brook ~~(as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~ as follows:

~~a. Where the daily wastewater flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~

a. Where the daily wastewater flow is, or is reasonably likely to be, 2,000 gallons or less, the system shall be set back at least 400 feet from the normal high-water mark of any lake, pond, stream, or brook.

b. Where the daily wastewater flow is, or is reasonably likely to be, in excess of 2,000 gallons, the system shall be set back at least 1,000 feet from the normal high-water mark of any lake, pond, stream, or brook.

~~(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.~~

(43) All new (first use), expanded, or replacement private subsurface wastewater disposal systems~~, replacement or new,~~ shall include one of the two following design elements. The selection of which design element is most appropriate shall be determined by a state licensed site evaluator based upon the evaluation of the groundwater conditions, soils, and slopes present at the site where the system is to be installed.~~either have:~~

a. ~~A c~~Curtain drain installed per Section ~~11~~12(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (~~2015~~2023), as may be amended from time to time; or

b. ~~A d~~Diversion ditch, upslope of the disposal field, installed for the disposal field's entire length ~~(~~including fill extensions, and constructed so that the curtain drain or diversion ditch is located to prevent any ~~under drain~~ short circuiting of the disposal field~~),~~

~~whichever installation in determined to be the most appropriate based on the evaluation of groundwater conditions on the site by a state licensed site evaluator.~~

~~The local plumbing inspector shall require that a state licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this section.~~

(~~5~~4) All new (first use), expanded, or replacement private subsurface wastewater disposal systems~~, replacement or new,~~ shall be installed on the same lot as the building or dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of an expanded or replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the expanded or replacement system's location on adjacent lots if the property owner holds a perpetual easement from the adjacent lot owner allowing the installation and maintenance of the system.

(~~6~~5) Commencing July 1, 2024, ~~LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every five years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.~~ the owner of each building or dwelling unit in the Lake Auburn Watershed Overlay District, not served by public sewer, shall have their private subsurface wastewater disposal system inspected to ensure continuing compliance with this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241.

a. *Inspections.* An initial inspection shall be completed by the completion date specified in the Lake Auburn Watershed Overlay District Septic Systems Inspection Map, dated March 19, 2024, which is on file in the office of the city planning, permitting and code department.

Subsequent inspections shall be completed within five years of the initial inspection and every subsequent inspection, unless the property is sold, in which case a subsequent inspection shall be conducted at the time of sale.

City Council Ordinance

Such inspections shall be completed by a certified subsurface wastewater disposal system inspector. Such inspector shall inspect the private subsurface wastewater disposal system using the minimum requirements established by the Maine Department of Health and Human Services, Division of Environmental and Community Health for evaluating and reporting on existing subsurface wastewater disposal systems.

b. *City record keeping and notifications.* The city planning, permitting and code department shall maintain, within the city GIS system, a record of each subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District that requires inspection. The record must include, at a minimum, the city parcel identifier, date the next inspection is due, and date of the last inspection. The city planning, permitting and code department shall provide the owner of each building or dwelling unit written notices by regular mail, to the address shown on the city property tax records, of the date by which the inspection of the subsurface wastewater disposal system must be completed. The first notice shall be mailed 12 months prior to each required completion date and the second notice six months prior to each required completion date.

c. *Reporting and reviewing of results of inspections.* Reporting shall be made utilizing the latest version of the HHE-240 reporting form, for initial inspections, and the Supplement HHE-240 reporting form, for subsequent inspections, as published by the Maine Department of Health and Human Services, Division of Environmental and Community Health. Such reports shall be submitted to the local plumbing inspector.

The local plumbing inspector shall review the report and determine if corrective action is required to ensure that;

1. for subsurface wastewater disposal systems for which a design is on file with the planning, permitting and code department, the system is functioning per the design on file,
2. for subsurface wastewater disposal systems for which there is no design on file with the planning, permitting and code department, the system is functioning as built.

d. *Alternative design for replacement subsurface wastewater disposal systems.* For buildings or dwelling units that exist in the Lake Auburn Watershed Overlay District as of July 1, 2024, should the local plumbing inspector determine, upon review of the report from the subsurface wastewater disposal system inspector, through personal observation, or through independent means, that the subsurface wastewater disposal system is not functioning as designed or built and a replacement system is required, and:

1. a state licensed site evaluator informs the local plumbing inspector that the parcel on which the building or dwelling unit is situated is not suitable to site a replacement subsurface wastewater disposal system that meets the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241; and
2. the local plumbing inspector determines that the replacement subsurface wastewater disposal system cannot be sited pursuant to Subsection 4;

then a state licensed site evaluator may propose, and the local plumbing inspector may approve, after consultation with the Lake Auburn Water Protection Commission, an alternative subsurface wastewater design that does not meet the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 but which meets as many of the requirements as possible, and for those requirements that cannot be met, includes design elements that maximize the efficacy of the treatment of the wastewater.

(~~7~~6) ~~The Auburn Water District~~In coordination with the local plumbing inspector, LAWPC, or its designee, shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the City of Auburn health officer, police chief, local plumbing inspector or ~~housing inspector~~code enforcement officer of any observed defects or malfunction that require ~~abatement~~ corrective action by the property owner or operator.

(~~8~~7) The local plumbing inspector shall furnish a copy of all site evaluation and inspection reports in the Lake Auburn Watershed Overlay District to ~~the Auburn Water District or its designee~~LAWPC.

8) Commencing on July 1, 2024, a maximum of three new dwelling units per calendar year are permitted in that part of the Lake Auburn Watershed Overlay District in which new dwelling units are permitted. The city planning, permitting, and code department shall, on an annual basis, provide a report to the Planning Board as to the extent and effect of the construction of new dwelling units in the Lake Auburn Watershed Overlay District. The report shall include, at a minimum, the number of new dwelling units constructed in the past year, the cumulative number of new dwelling units constructed since July 1, 2024, and the effect of such construction on the Lake Auburn water quality.
Should the Planning Board conclude, based on the city planning, permitting and code department report that the construction of new dwelling units has had an adverse effect on the Lake Auburn water quality, the Planning Board shall consider what action is to be taken to prevent further degradation of Lake Auburn water quality from the construction of new dwelling units.

2. Agricultural, Forestry, and Erosion Control.

(a) *Agricultural uses.* Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if:

(1) The owner or operator first demonstrates to LAWPC's watershed manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff; and

(2) LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) *Manure and sludge disposal.* Spreading and disposal of sludge is prohibited. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved

by the Auburn Water District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.

3. *Enforcement*

The city planning, permitting and code department shall have authority to enforce all requirements of this Division in accordance with section 60-1403.

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019; Ord. No. 10-06202023, 7-10-2023; Ord. No. 28-11202023, 12-4-2023)

● ● ●

Sec. 60-953. Dimensional regulations; building setbacks.

~~All~~ Any new or expanded buildings ~~and~~ or structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than ~~75~~ 100 feet inland from the normal high-water mark of Lake Auburn. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages, or other structures. Marinas and boat rental facilities shall not be permitted within ~~75~~ 100 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

● ● ●

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 15, 2024** **Ordinance: 14-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: Second Reading of a Zoning Map Amendment regarding a Subsurface Wastewater System Inspection Map in the Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024.

Information: This item proposes adopting a map which lays out a timeline for a new septic system inspection program referenced in the amendments to Division 4 Lake Auburn Watershed Overlay District. Staff recommends this map amendment. This map will serve as a guide for the city to plan inspections in a timely way according to their proximity and risk to Lake Auburn.

The planning board recommended two minor amendments in the motion to forward a favorable recommendation to city council to adopt the Lake Auburn Watershed Overlay District Septic Inspection Map. The recommended amendments included 1.) to remove the dots from the map as they don't provide specific information relative to the actual areas that are being tested and the focus should be on the zones/color-coded areas, 2.) Update the dates on the map to reference year 1 through year 5 and eliminate actual dates. These amendments were made and passed at the first reading held on July 1, 2024.

A public hearing notice was placed for second reading and public hearing to be held at the July 15, 2024 meeting.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Second Reading and Public Hearing.

Previous Meetings and History: Recommendations originate from approximately ten stakeholder meetings from February through May. The Planning Board held a workshop on this text amendment on May 14, and made a positive recommendation on June 18. Amended and passed first reading on July 1, 2024.

City Manager Comments:

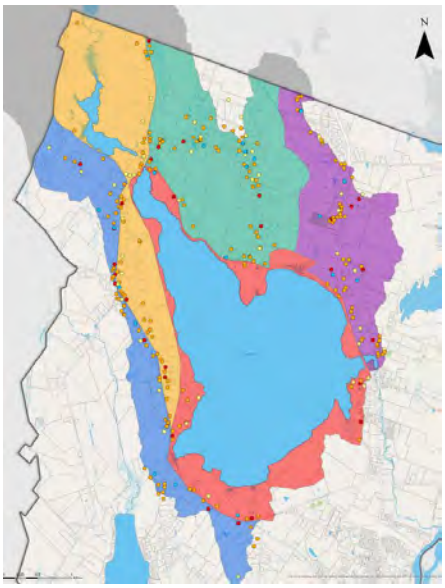
I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

June 18 Planning Board Motion, Staff Report, Cost estimation sheet, Ordinance, Division 4- Lake Auburn Watershed Overlay District Septic Inspection Map (as amended)

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director of Planning & Permitting
Re: Item #6 Map Amendment Related to Lake Auburn Stakeholders Group
Date: May 14, 2024



I. PROPOSAL: The Planning Board is to review Septic System Inspection Map in relation to Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024. (See attached map)

II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

III. SUGGESTED FINDINGS OF FACT:

1. The amendments are consistent with the growth pattern specified in the Future Land Use Plan in Auburn's Comprehensive Plan.
2. The proposed map and text amendments serve Goal A.1 in the Comprehensive Plan to maintain the exceptional water quality of Lake Auburn and existing waiver from filtration to avoid or delay the need for costly treatment (pages 4-9)
3. These proposed amendments are in service of Goal B.1 in the Comprehensive plan, to ensure sufficient clean water supplies to meet current and future needs (pages 20-21).
4. These amendments align with the Lake Auburn Study, 2021; and the report by FB Environmental: Lake Auburn Memo from August 2022.
5. These amendments are the result of several public meetings with the Lake Auburn Stakeholders Group as ordered by City Council.

IV. PLANNING BOARD ACTION/STAFF RECOMMENDATIONS:

E.) Lake Auburn Watershed Overlay District Septic Systems Inspection Map: This item proposes adopting a map which lays out a timeline for a new septic system inspection program referenced in the amendments to Division 4 Lake Auburn Watershed Overlay District. Staff recommends this map amendment. This map will serve as a guide for the city to plan inspections in a timely way according to their proximity and risk to Lake Auburn.

POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to adopt the Lake Auburn Watershed Overlay District Septic Systems Inspection Map in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/24/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Lake Auburn Watershed Map Amendment (Septic System Inspection Program)

The following is the report from the Planning Board regarding adopting the Septic System Inspection map. After notice and Public Hearings held on June 18th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ MAP AMENDMENT: Consider adopting the Lake Auburn Watershed Overlay District Septic Systems Inspection Map. This map will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Summary and Discussion: John Blais clarifies that if either the house or the septic system is partly in the watershed, it would be subject to inspection. The dots on the map are only for reference. Staff recommends that this map become an interactive GIS layer for he public to reference. There is more discussion about updating records of septic systems as the inspection program roles out. There was also discussion about the possibility of submitting a septic inspection before the deadline prescribed on the map. Staff answered that getting the inspection earlier and counting it in the inspection program will be permitted. They made the motion, made two (2) amendments to their original motion, and then voted to forward a favorable recommendation to the Council.

Motion: I make a motion to forward a favorable recommendation to city council to adopt the Lake Auburn Watershed Overlay District Septic Inspection Map in accordance with Ch. 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map **Second:** Bob Hayes seconds the motion.

Amendment 1: Dave Trask makes an amendment to update the dates on the map to reference year 1 through year 5 rather than date certain given our previous discussions **Second:** Riley Bergeron seconds the amendment.
Amendment passes 5-0-0

Amendment 2: Dave Trask makes an amendment to remove the dots from the map as they don't provide specific information relative to the actual areas that are being tested and the focus should be on the color-coded areas. **Second:** Bob Hayes seconds.
Amendment passes 5-0-0

Final Motion: Dave Trask seeks motion for the original motion with the two (2) amendments. **Second:** Darren Finnegan Seconds**.**
Vote 5-0-0 motion passes.

Number of Septic Systems:

Number of Rate Payers in Auburn & Lewiston:

Number of Customers in Auburn & Lewiston

Year	Number of Inspection	Cost of Inspection
1	50	$ 425.00
2	46	$ 425.00
3	78	$ 425.00
4	78	$ 425.00
5	79	$ 425.00

Mike Locombe
Pillar to Post
949 Sabattus Street
Lewiston, Maine
207.754.1724
$ 375.00
michael.lacombe@pillartopost.com

Stanleys Septic Tank Service
187 Norridgwock Rd.
Fairfield, ME
Inspection & Pump Tank

*$475 includes pumping
stanleysseptic@roadrunner.com

Septic Inspection Cost Worksheet

	330
	18,000
	39000

Cost per Year	Cost Per Customer (Year)	Rate Payer Cost (Year)	Cost Per Quarter
$ 21,250.00	$ 0.54	$ 1.18	$ 0.30
$ 19,550.00	$ 0.50	$ 1.09	$ 0.27
$ 33,150.00	$ 0.85	$ 1.84	$ 0.46
$ 33,150.00	$ 0.85	$ 1.84	$ 0.46
$ 33,575.00	$ 0.86	$ 1.87	$ 0.47

Focused Property Inspections
347 Main Street. Unit 1B
Gorham, Maine
Inspection Only
207-839-6595
$ 325.00
jeffreyfpi-web.com

W.E. Fenderson

Tank Pumping
207.782.4265
$ 350.00

Ordinance #14-07102024

City Council Ordinance

IN CITY COUNCIL

Creating the Lake Auburn Watershed Overlay District Septic Inspection Map

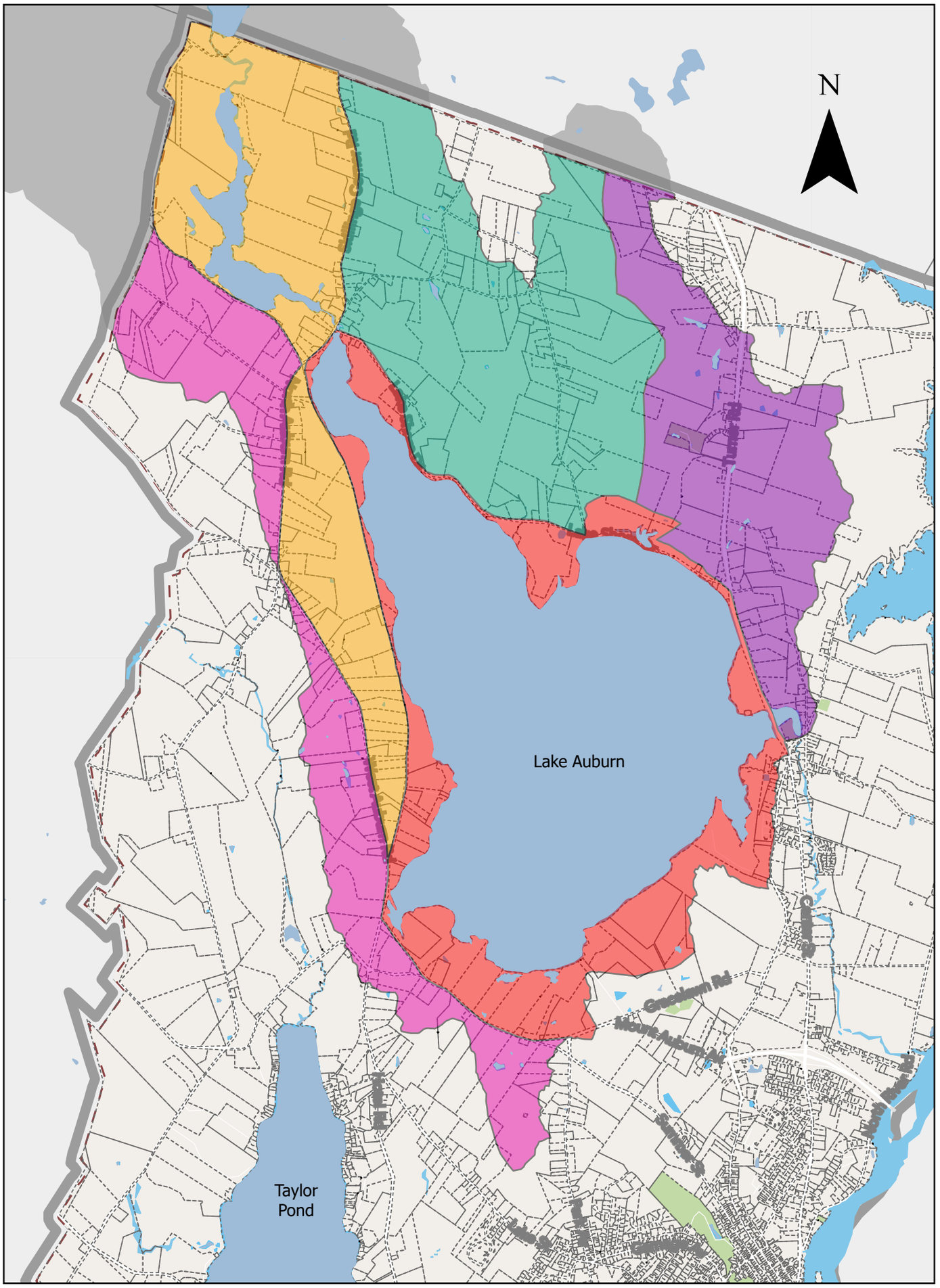
Be it ordained, by the Auburn City Council, that the Official Zoning Map of the City of Auburn to be amended to create the Lake Auburn Watershed Overlay District Septic Inspection Map. This map will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and appears as attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Lake Auburn Watershed Overlay
District Septic System Inspection Map



Septic Inspection Areas by Year

- Year 1
- Year 2
- Year 3
- Year 4
- Year 5
- Remaining Area

auburnmaine.gov

June 24, 2024

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 15, 2024** **Ordinance: 15-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: Second Reading on a Zoning Map Amendment adopting the Lake Auburn Watershed Overlay District 400-foot setback to Lake, Stream & Brook, for Subsurface Wastewater Fields Map as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024.

Information: This item proposes codifying a visual to show the proposed 400-foot buffers from the high-water mark of any lake, pond, stream or brook as identified on the USGS 7.5 minute series map. Staff recommends this map amendment. This map will serve as a reference to property owners and for city staff to ensure that new subsurface wastewater disposal systems are located a safe distance away from tributaries which feed Lake Auburn. The language requiring septic systems be at least 400 feet away from a tributary of Lake Auburn was already passed in the previous text amendment and the map is a visual representation of the text.

The planning board voted to forward a favorable recommendation to city council to adopt the Lake Auburn Watershed Overlay District 400 feet setback to Lake, Stream, and Brook for Subsurface Wastewater Fields, attached in this meeting's materials. This item was given first reading and passed on July 1, 2024. A public hearing notice was placed for second reading and public hearing to be held at the July 15, 2024 meeting.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Second Reading and Public Hearing.

Previous Meetings and History: Recommendations originate from approximately ten stakeholder meetings from February through May. The Planning Board made a favorable recommendation on June 18. This item was given first reading and passed on July 1, 2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

Division 4- Lake Auburn Watershed Overlay District 400 feet setback to Lake, Stream, and Brook for Subsurface Wastewater Fields, June 18 Planning Board Motion, Ordinance

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/24/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on Lake Auburn Watershed Map Amendment (400 Foot Resource Setback)

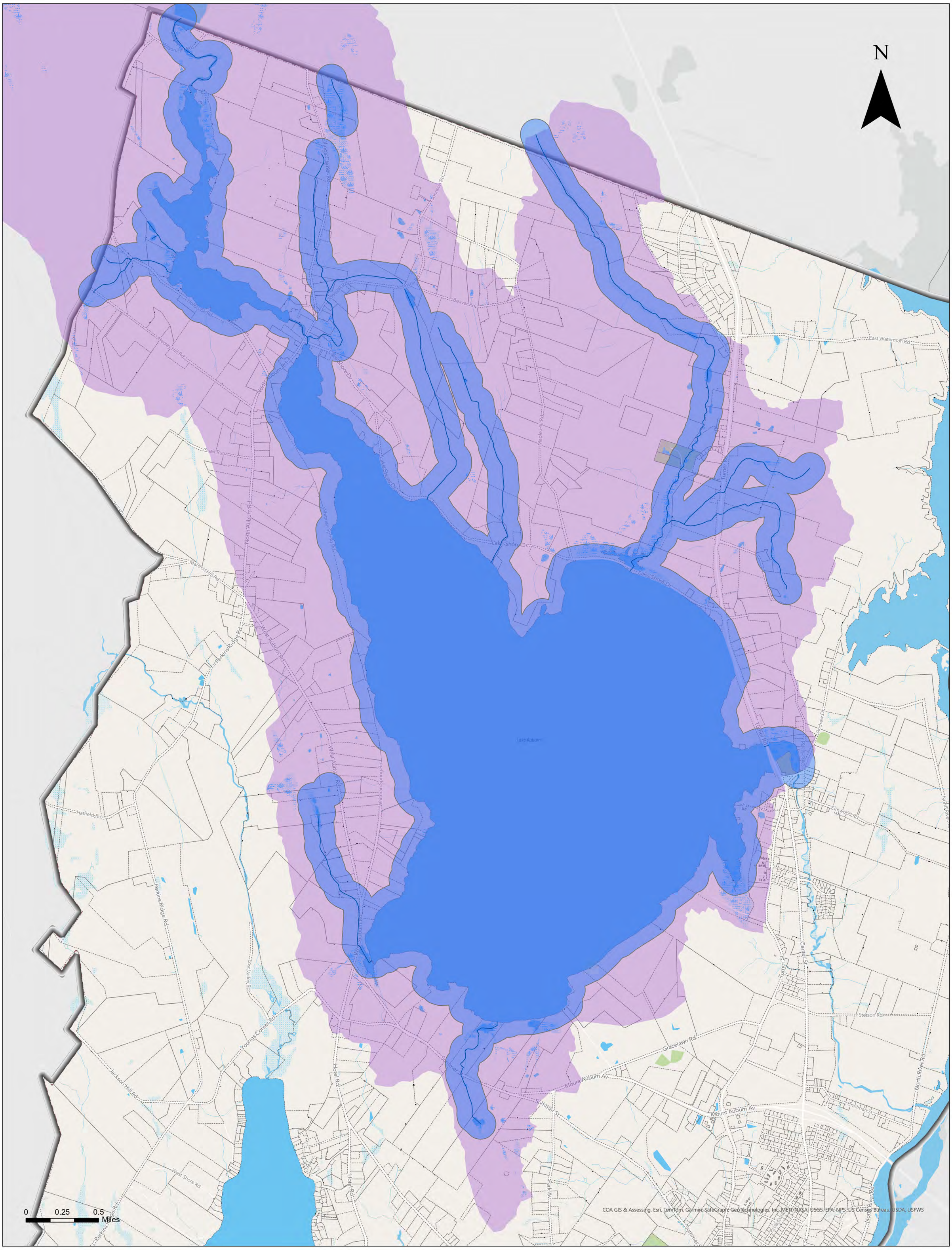
The following is the report from the Planning Board regarding adopting the Septic System Resource Setback Map for new, expanded, and replacement septic systems. After notice and Public Hearings held on June 18th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ MAP AMENDMENT: Consider adopting the Official Lake Auburn Overlay District 400 ft. Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields map. This map will be referenced in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Summary and Discussion: Discussion about whether this amendment means that ADUs or home expansions cannot be added if they require a new or expanded septic system within one of the mapped buffer areas. Staff confirms, but also points out that this language requiring septic systems be at least 400 feet away from a tributary of Lake Auburn was already passed in the previous text amendment and the map is a visual representation of the text. They made a favorable recommendation to the Official Lake Auburn Overlay District 400' setback to Lake, Stream and Brook for Subsurface Wastewater Fields Map.

Motion: Darren Finnegan makes a motion to forward a favorable recommendation to city council to adopt the Official Lake Auburn Watershed Overlay District 400 feet setback to Lake, Stream & Brook, for Subsurface Wastewater Fields Map in accordance with Ch. 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map **Second:** Bob Hayes seconds the motion.
Vote: 5-0-0 motion passes.

Official Lake Auburn Overlay District 400' setback to Lake, Stream, and Brook for Subsurface Wastewater Fields



Lake Auburn Watershed
USGS 7.5 Minute Streams
Lake Auburn Watershed Streams Buffer 400 ft
Wetlands

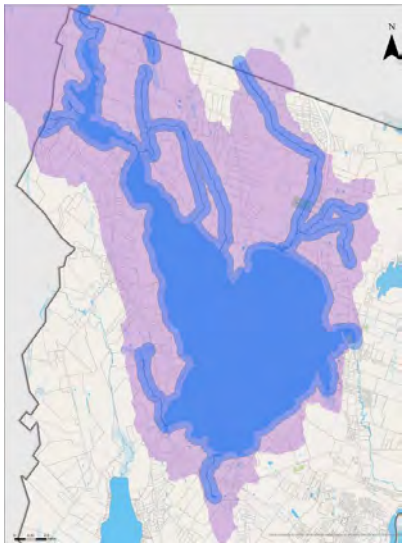
auburnmaine.gov

* This Map was created on April 23, 2024 using USGS 7.5 minute lakes and streams

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director of Planning & Permitting
Re: Item #7 Map Amendments Related to Lake Auburn Stakeholders Group
Date: June 18, 2024

I. PROPOSAL: The Planning Board is to review resource 400' setback map for septic systems to support language Article II General Provisions, Division 2, Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 and order 71-05062024. (See attached map)



II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

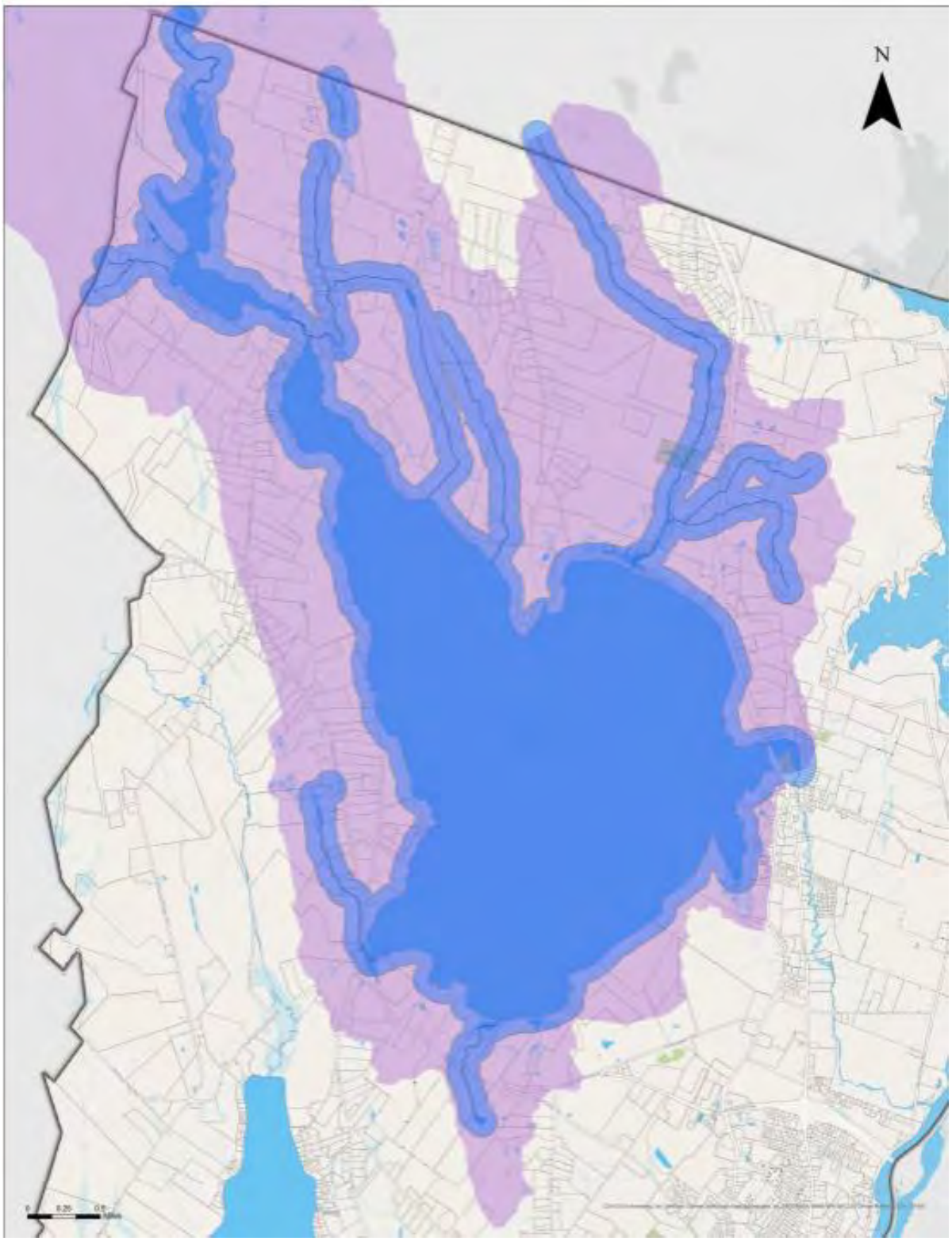
III. SUGGESTED FINDINGS OF FACT:

1. The amendments are consistent with the growth pattern specified in the Future Land Use Plan in Auburn's Comprehensive Plan.
2. The proposed map and text amendments serve Goal A.1 in the Comprehensive Plan to maintain the exceptional water quality of Lake Auburn and existing waiver from filtration to avoid or delay the need for costly treatment (pages 4-9)
3. These proposed amendments are in service of Goal B.1 in the Comprehensive plan, to ensure sufficient clean water supplies to meet current and future needs (pages 20-21).
4. These amendments align with the Lake Auburn Study, 2021; and the report by FB Environmental: Lake Auburn Memo from August 2022.
5. These amendments are the result of several public meetings with the Lake Auburn Stakeholders Group as ordered by City Council.

IV. PLANNING BOARD ACTION/STAFF RECOMMENDATIONS:

D.) Official Lake Auburn Overlay District 400-foot setback to Lake, Stream, and Brook for Subsurface Wastewater Fields: This item proposed codifying a visual to show the proposed 400-foot buffers from the high-water mark of any lake, pond, stream or brook. Staff recommends this map amendment. This map will serve as a reference to property owners and for city staff to ensure that new subsurface wastewater disposal systems are located a safe distance away from tributaries which feed Lake Auburn. This buffer is referenced in the Division 4 Lake Auburn Watershed Overlay District Text Amendment. Staff recommends adopting this resource setback map as an official zoning map.

POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to adopt the Official Lake Auburn Overlay District 400 ft. Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields map in accordance with Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.



Ordinance #15-07012024

City Council Ordinance

IN CITY COUNCIL

Creating the Official Lake Auburn Overlay District 400-foot Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields:

Be it ordained, by the Auburn City Council, that the Official Zoning Map of the City of Auburn to be amended to create the Official Lake Auburn Overlay District 400 ft. Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields map in accordance with Chapter 60 Article XVII Division 2- and appears as follows:

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

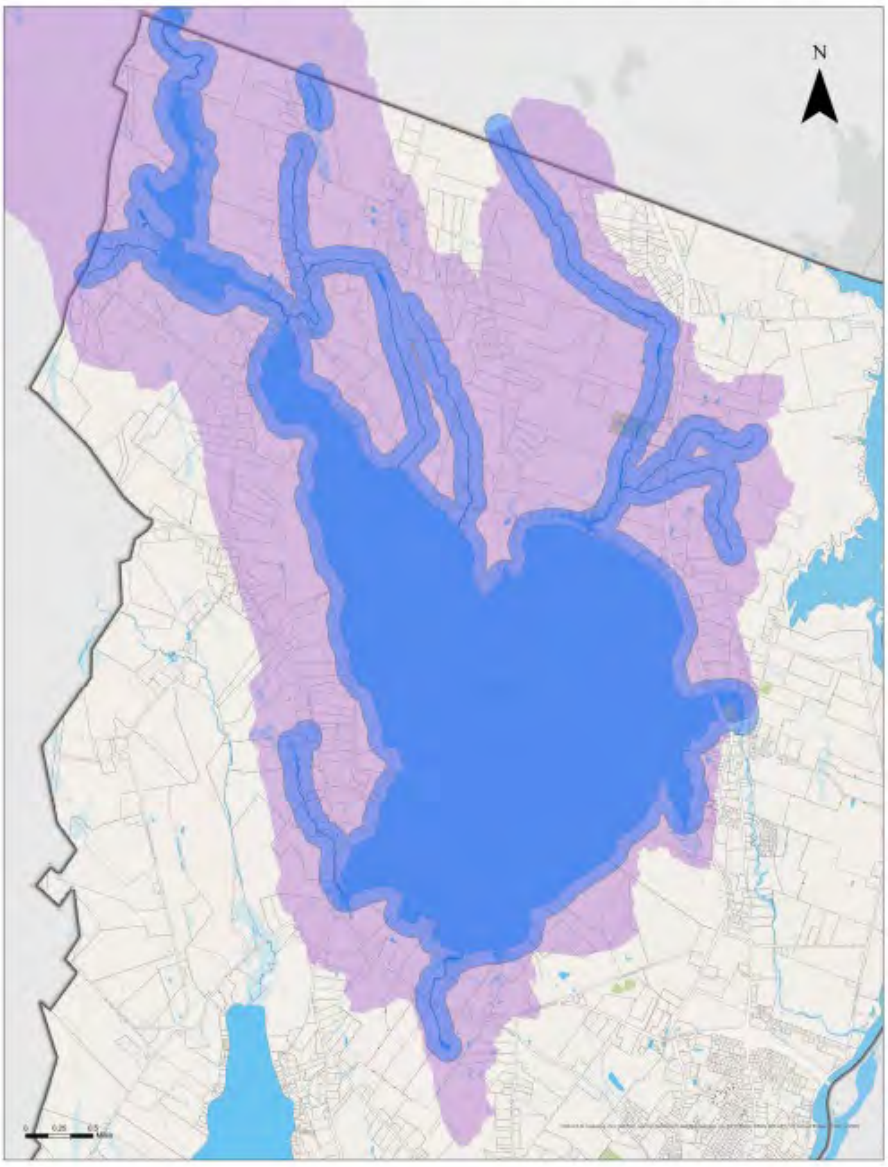
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Ordinance #15-07012024

City Council Ordinance

Official Lake Auburn Overlay District 400' setback to
Lake, Stream, and Brook for Subsurface Wastewater Fields



Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 15, 2024** **Ordinance 16-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: Second Reading on proposed text amendment to Article XVI Administration and Enforcement.

Information: The zoning text amendment extends the timeframe for initially accepting an application for processing to reflect the existing review schedule within the City of Auburn. The amendment also guides the process to communicate either the deficiency, conditional acceptance, or full acceptance of the application. This amendment clarifies the date of acceptance as the date the director verifies that all required submittals have been turned in and are satisfactory.

This zoning text amendment removes the provision that a project is automatically approved if no action's taken within 60 days after a complete application submittal in recognition that there are several occasions in which the period of review is reasonably extended or delayed. For example, they may request the applicant to provide a traffic analysis or other information pertaining to the safety and functionality of a site. Beyond the information required by the city, the applicant may also be required to get additional state permits depending on the size and impact of the project. Possible additional permitting may include Natural Resource Protection Act (NRPA), State review for anything outside of delegated review authority including projects with impervious area exceeding 10 acres and projects generating over 200 trips at peak hour, Review and approval by the Army Corps of Engineers, Air Emissions License, and extends the timeline of approval for solar energy projects which frequently required approval extension due to delays in securing the CMP interconnection agreement. This item was given first reading and passed on July 1, 2024. A public hearing notice was placed for second reading and public hearing to be held at the July 15, 2024 meeting.

City Budgetary Impacts: None anticipated

Staff Recommended Action: Second Reading and Public Hearing.

Previous Meetings and History: Planning Board held a workshop on this text amendment on May 14, 2024 and made a positive recommendation at the planning board public hearing, June 18, 2024. This item was given first reading and passed on July 1, 2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Ordinance, Article XVI Division 2 Draft Text Amendment, Planning Board Recommendation, Order, Planning Board Staff Report

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/24/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board motion on timelines and processes surrounding planning board site plan review.

The following is the report from the Planning Board regarding adopting new and clarifying language regarding Site Plan Review. After notice and Public Hearings held on June 18th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ MAP AMENDMENT: City Council initiated a zoning text amendment to Chapter 60, Division 2 Site Plan Review pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Summary and Discussion: Discussion about previous workshops the planning board has had on this item. Staff discusses the reason for this amendment which is to add flexibility to the timeline for approving projects where needed. There was also a short discussion on the meaning of "unreasonable delay" from existing case law. The Planning Board made a favorable recommendation to the City Council to adopt this text change.

Motion: Riley Bergeron makes a motion to forward a favorable recommendation to the city council on Chapter 60, Division 2 Site Plan Review to reflect the language specified in this meeting's materials. **Second:** Bob Hayes seconds the motion.
Vote: 5-0-0 motion passes.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: June 18th 2024
Auburn Planning Board
Author: Katherine Cook, Planning Coordinator
Subject: Item # 8 Planning Board Public Hearing text amendment to Article XVI Administration and Enforcement

I. **Proposal:** Public Hearing on City Council initiated amendment to Chapter 60, Article XVI, Division 2 Site Plan Review

II. **Background:** Staff had a discussion with the planning board in 2023 related to the City of Auburn's ordained procedures to accept, review, and make a decision to approve or deny development review applications. Among the prompts for this ordinance text amendment were 1.) the longer timeline required between application and construction for solar energy generating systems, 2.) the occasional need to extend planning board review time due to reasonable delays, and 3.) the need to update Auburn's Ordinance to reflect city staff's practiced timeline and process of development review.

The text proposed text amendment is intended to address shortcomings in the ordinance that may result in automatic approvals being identified based on project reviews that may take more than one Planning Board Meeting. This amendment considers that the Planning Board is empowered to request more information if needed to make a final decision on a development review application.

The zoning text amendment extends the timeframe for initially accepting an application for processing to reflect the existing review schedule within the City of Auburn. The amendment also guides the process to communicate either the deficiency, conditional acceptance, or full acceptance of the application. This amendment clarifies the date of acceptance as the date the director verifies that all required submittals have been turned in and are satisfactory.

This zoning text amendment removes the provision that a project is automatically approved if no action's taken within 60 days after a complete application submittal in recognition that there are several occasions in which the period of review is reasonably extended or delayed. For example, they may request the applicant to provide a traffic analysis or other information pertaining to the safety and functionality of a site. Beyond the information required by the city, the applicant may also be required to get additional state permits depending on the size and impact of the project. Possible additional permitting may include

- Natural Resource Protection Act (NRPA)
- State review for anything outside of delegated review authority including projects with impervious area exceeding 10 acres and projects generating over 200 trips at peak hour,
- Review and approval by the Army Corps of Engineers,
- Air Emissions License.

Finally, this amendment also extends the timeline of approval for solar energy projects which frequently required approval extension due to delays in securing the CMP interconnection agreement.

Suggested Ordinance Amendments:

Sec. 60-1300. File for site plan review
- Replace "~~department of community development and planning~~" with "planning, permitting and code department"
- Remove clause "~~such plans shall be filed not less than 30 days prior to a regularly scheduled meeting~~"

Sec. 60-1303. Approval-Timeline for Review.

- Remove "~~planning, permitting and code enforcement~~" before "director"
- Extend the initial application completeness review time from ~~five~~ days to 10 business days and notify the applicant that either 1.) The application is not accepted for processing as it has not met the requirements of Sec. 60-1300 and Sec. 60-1301 and shall enumerate the materials that are missing; or 2.) The application has been conditionally accepted for processing as one or more required elements, as required by Sec. 60-1300 or 60-1301, are missing or inadequate and must be submitted within five business days or the application will not be accepted for processing; or 3.) The application has met the requirements of Sec. 60-1300 and Sec. 60-1301 and is accepted for processing.
- Clarify method for distribution and review within departments of the city. Options include 1.) Request additional information from the applicant in order to assist with the director's review of the submitted site plan and/or 2.) Make recommendations to the applicant for changes to the submitted site plan that, in the director's opinion, will cause the site plan to conform to city requirements.
- Specify that the director shall, upon completion of the director's review of the site plan, but no later than 60 days after the notification to the applicant that the application is accepted for processing, request the planning board chair to schedule a public hearing by the planning board at a regularly scheduled planning bard meeting.

Sec. 60-1304. Same—Public hearing; findings.

- Establish a timeline of at least 15 days between the director's request to schedule a public hearing, and the date of the public hearing scheduled by the planning board chair.
- Specify that the planning board shall not unreasonably delay taking final action on a site plan after the closure of the public hearing.

Sec. 60-1306. Signed copies.

- Remove the sentence, "~~if no action is taken within 60 days after submittal of a completed application, the site plan shall be deemed to have been approved.~~"
- Specify that the approved plan shall be signed by the planning board chair on behalf of the planning board.

Sec. 60-1307. Findings in writing

- Specify that the findings for the decision shall be signed by the planning board chair on behalf of the planning board.

Sec. 60-1308. Expiration of approval.

- Extends the date of expiration for solar energy generating systems from one year until two years after the date of approval.
- In the case that the project is litigated, specify that the approval will not commence until a nonappealable court judgement is issued.
- Replace "~~his~~" with "the developer's"

Sec. 60-1313. Correction of off-site deficiencies.

- Replace "~~his~~" with "the developer's"

III. **Staff Recommendation/ Planning Board Action:** Review the proposed text amendment, discuss, hold a public hearing, and forward a recommendation to the city council. Staff Recommends the Planning Board favor a favorable recommendation as the amendment gives the planning board, applicants and staff more flexibility in project review.

IV. **Potential Motion:** I make a motion to forward a favorable recommendation to the city council Chapter 60, Article XVI, Division 2 Site Plan Review to reflect the language specified in this meeting's materials.

ORDER

City Council Order

IN CITY COUNCIL

Ordered, that the Auburn City Council initiate an amendment to City of Auburn Ordinances Chapter 60, Article XVI, Division 2 Site Plan Review and refer the proposed(attached) text to the Planning Board for a public hearing and recommendation on the proposed text amendment pursuant to Chapter 60, Article XVII. Amendments.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

DIVISION 2. SITE PLAN REVIEW

Subdivision I. In General

Sec. 60-1276. Purpose.

The purpose of site plan review is to ensure that the design and layout of certain developments permitted by special exceptions, or other developments noted herein, will constitute suitable development and will not result in a detriment to city, neighborhood or the environment.

(Ord. of 9-21-2009, § 7.1A)

Sec. 60-1277. Objective.

In considering a site plan, the planning board shall make findings that the development has made provisions for:

(1) Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air;

(2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;

(3) Adequacy of the methods of disposal for wastes; and

(4) Protection of environment features on the site and in adjacent areas.

(Ord. of 9-21-2009, § 7.1B)

Sec. 60-1278. Applicability.

A site plan review shall be required for the following projects:

(1) All uses permitted by special exception.

(2) Any other uses for which site plan review is required by any other provision contained in this or other ordinances.

(Ord. of 9-21-2009, § 7.1C)

Secs. 60-1279—60-1299. Reserved.

Subdivision II. Procedure

Sec. 60-1300. File for site plan review.

An applicant for site plan review shall file with the ~~department of community development and planning~~planning, permitting and code department a completed site plan application along with an original and 15 copies of the site plan and the required processing fee. ~~Such plans shall be filed not less than 30 days prior to a regularly scheduled meeting~~. Plans shall be folded at a size not to exceed 8½ inches by 11 inches.

(Ord. of 9-21-2009, § 7.1D(1); Ord. No. 11-03012021, 3-15-2021)

Sec. 60-1301. Scale; required information.

The original plan shall be drawn on reproducible Mylar at a scale of no more than 100 feet to the inch. Each site plan shall contain the following information:

(1) Name and address of owner and developer and interest of the applicant if other than the owner or developer.

(2) Name of development, scale and meridian arrow, with specific definition of representation, date of plan and legend.

(3) Names and addresses of all owners of record of all adjacent property as appear on assessor's records.

(4) Current zoning boundaries and 100-year floodplain boundaries including surrounding areas to a distance of 300 feet from the perimeter of the site.

(5) Easements; rights-of-way, existing, planned or proposed; or other reservations adjacent to or intersecting the property.

(6) Topographic map of the site, containing the following:

a. Existing contours, where the slope of existing ground surface is generally two percent or more, the topographic map shall show contours at intervals of five feet of elevation (or lesser intervals as the planning board or engineering department may prescribe). Where the slope of the existing ground surface is generally less than two percent, contour intervals of one foot shall be shown. These contours shall not be copied from the city topographic maps and shall be determined from an on-site survey certified by a registered land surveyor.

b. Proposed contours shall be shown at intervals to be determined by the city engineer.

(7) Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees with a diameter of ten inches measured three feet from the base of the trunk.

(8) Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of 100 feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed.

(9) Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow, existing within 200 feet of the subject property.

(10) Existing soil conditions and soil suitability test results.

(11) Locations of proposed buildings and uses thereof.

(12) Proposed traffic circulation system including streets, parking lots, driveways and other access and egress facilities, curblines, sidewalk lines and existing streets, including the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.

(13) Location of existing and proposed public utility lines, indicating whether proposed lines will be placed underground.

(14) Site developments requiring stormwater permits pursuant to 38 M.R.S.A. § 420-D shall include the required plan and to the extent permitted under 38 M.R.S.A. § 489-A, be reviewed under the procedures of article XVI of this chapter; and they shall meet and comply with 38 M.R.S.A. § 484(4-A) and those Rules promulgated by the Maine Department of Environmental Protection pursuant to the Site Law and section 420-D, specifically Rules 500, 501 and 502, as last amended August 12, 2015. If a project proposes infiltration and the standards in Rule 500, appendix D are not met, then a waste discharge license may be required from the Maine Department of Environmental Protection. An infiltration system serving a development regulated under the Site Location of Development Act may be required to meet standards in addition to those in appendix D.

(15) Location and design of proposed off-street parking and loading areas indicating number and size of stalls.

(16) Proposed location and direction of and time of use of outdoor lighting.

(17) Existing and proposed planting, fences and walls, including all landscaping and screening and indicating existing trees to be retained and areas to be left undisturbed, including design features intended to integrate the proposed new development into the existing landscape to enhance aesthetic assets and to screen objectionable features from neighbors.

(18) Location, size, design and manner of illumination of signs.

(19) Disposal of sewage, trash, solid waste, oil waste, hazardous waste or radioactive waste showing disposal facilities, receptacles or areas.

(20) Perimeter boundaries of the site giving complete descriptive lot data by bearings, distances and radii of curves including the name and seal of the registered land surveyor who prepared the plan.

(21) Description and plan of capacity and location of means of sewage disposal together with approval of sewer district engineer or evidence of soil suitability for such disposal (test pit locations shall be shown on the plans) similarly approved by the city engineer department.

(22) A statement of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, the total number of parking spaces required by the zoning chapter for the uses proposed, the number of employees expected per shift and the total floor area of proposed commercial or industrial uses.

(23) Description and plan of a phase development concept detailing the areas and sequence of phasing.

(24) A statement by the developer assuring that he has the financial capabilities to fully carry out the project and to comply with the conditions imposed by the planning board.

(Ord. of 9-21-2009, § 7.1D(2); Ord. No. 10-10172016, 11-7-2016)

Sec. 60-1302. Exemption for information.

Upon request, the planning board, or the ~~planning, permitting and code enforcement~~ director, acting for the board, may waive the necessity of providing any of the foregoing planning information which is not relevant to the proposed development. The planning board or the ~~planning, permitting and code enforcement~~ director, acting for the board, may waive the site plan review fee if the purpose of the site plan review is to determine the adaptive reuse of a structure of community significance.

(Ord. of 9-21-2009, § 7.1D(3); Ord. No. 05-04032017, § 3, 4-24-2017)

Sec. 60-1303. Approval—Time line for review.

The planning, permitting and code enforcement director shall, within five 10 business days of receipt, review the application and notify the applicant that either:

1.) The application is not accepted for processing, as it has not met the requirements of Sec. 60-1300 and 60-1301, and shall enumerate the materials that are missing; or

2.) The application has been conditionally accepted for processing as one or more required minor elements, as required by Sec. 60-1300 or 60-1301, are missing or inadequate and must be submitted within five business days or the application will not be accepted for processing; or

3.) The application has met the requirements of Sec. 60-1300 and 60-1301 and is accepted for processing.

The planning, permitting and code enforcement director shall, at the time of notification to the applicant that the application is accepted for processing, transmit copies of the application and site plan to those city departments that, in his the director's view opinion, requires such information to provide recommendations regarding the application to the planning board. The agencies departments receiving these copies shall have up to 15 business days to make provide their recommendations to the planning, permitting and code enforcement director.

The planning, permitting and code enforcement director shall review the submitted site plan and any recommendations made by the city departments and may:

1.) Request additional information from the applicant in to order assist with the director's review of the submitted site plan.

2.) Make recommendations to the applicant for changes to the submitted site plan that, in the director's opinion, will cause the site plan to conform to city requirements.

The planning, permitting and code enforcement director shall, upon completion of the director's review of the site plan, but not later than 60 days after notification to the applicant that the application is accepted for processing, request the planning board chair to schedule a public hearing by the planning board at a regularly scheduled planning board meeting.

(Ord. of 9-21-2009, § 7.1D(4))

Sec. 60-1304. Same—Public hearing; findings.

The planning board chair shall, upon request of the planning, permitting and code enforcement director, schedule a public hearing at the next regularly scheduled planning board meeting that occurs at least 16 days after receipt of the request from the directorwithin 30 days of receipt of a completed application, hold a public hearing. Notice of a public hearing shall be given in the manner provided for in division 3 of article XVII of this chapter. The planning board will not unreasonably delay the takinge of final action on the site plan within 60 days of receiving a completed application, or within such other time limit as may be mutually agreed toafter the public hearing. Such final action shall consist of either:

(1) A finding and determination that the proposed project will constitute a suitable development and will not result in a detriment to the neighborhood or the environment; or

(2) A written denial of the application stating the reasons for such denial, upon a finding that:

a. The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will create hazards to safety.

b. The bulk, location or operation of proposed buildings and structures will be detrimental to and adversely affect the use and values of existing development in the neighborhood or the health or safety of persons residing or working therein.

c. The provisions for on-site landscaping are inadequate to screen neighboring properties from unsightly features of the development.

d. The site plan does not adequately provide for the soil and drainage problems which the development may give rise to in accordance with section 60-1301(14).

e. The provisions for exterior lighting create safety hazards for motorists traveling on adjacent streets, or are inadequate for the safety or occupants or users of the site, or will create a nuisance affecting adjacent properties.

f. The proposed development will unduly burden off-site sewer drainage or water systems.

g. The proposed development will create a fire hazard by failing to provide adequate access to the site, or to buildings on the site, for emergency vehicles.

h. The proposed development violates provisions of the zoning regulations applicable to the site or other applicable laws, regulations or ordinances.

i. The proposed development will unduly impact the ability to provide municipal services.

(Ord. of 9-21-2009, § 7.1D(5))

Sec. 60-1305. Same—Subject to conditions, modification, restrictions, etc.

Approval may be made subject to conditions, modifications and restrictions as the planning board may deem necessary; and any construction, reconstruction, alteration or addition shall be carried on only in conformity to such conditions, modifications or restrictions and in conformity with the application and site plan.

(Ord. of 9-21-2009, § 7.1D(6))

Sec. 60-1306. Signed copies.

~~If no action is taken within 60 days after submittal of a completed application, the site plan shall be deemed to have been approved.~~ An original of the approved plan signed by the planning board chair, on behalf of the planning board, and one signed copy shall be delivered to the applicant, the assessor's department, the engineering department and to the building inspector on which basis building permits may be issued when all other required plans have been approved.

(Ord. of 9-21-2009, § 7.1D(7))

Sec. 60-1307. Findings in writing.

The findings of the planning board shall be in writing, signed by the planning board chair on behalf of the planning board, with a copy being forwarded to the applicant. The planning board's written report shall also include a statement as to how any deficiencies in the site plan might be resolved and what conditions, modifications and restrictions are to be complied with in executing the plan.

(Ord. of 9-21-2009, § 7.1D(8))

Sec. 60-1308. Expiration of approval.

Approval of a site plan shall expire one year after the date of approval, except for approved site plans for solar energy generating systems, which shall expire ~~in~~ two years after the date of approval, unless all building permits have been obtained to begin construction in accordance with the approved site plan. If a development is contested with litigation, the approval period of this section shall not commence until a final, nonappealable court judgment is issued or until the litigation has been dismissed with prejudice. This provision shall apply retroactively to all projects approved after January 1, 2007. Any site plan that contains a phase concept approved by the planning board shall not be required to obtain all building permits within the time sequence established for completion of each phase. No building permits or other permits shall be issued until all improvements are substantially completed for the preceding phase. A single one-year extension may be given upon a showing of good cause in writing by the applicant to the planning board not less than 30 days before the expiration of approval of ~~his~~ the applicant's existing plan. ~~.~~ The planning board shall approve or disapprove the requested extension at its next regular meeting.

(Ord. of 9-21-2009, § 7.1D(9); Ord. No. 02-04012013, att. D, 4-16-2013)

Sec. 60-1309. No building permitted without approval.

No permit shall be issued for the construction of any building in an area included in the site plan or in any development for which a site plan is required until such site plan has been approved by the planning board and unless the construction plans and specifications presented to the building inspector with the application for the permit are consistent with the approved site plan.

(Ord. of 9-21-2009, § 7.1D(10))

Sec. 60-1310. Certificate of occupancy.

No certificate of occupancy shall be issued with respect to any building until all construction called for by the site plan is completed, except by special permission of the planning board granted upon a showing of special circumstances warranted the issuance of the certificate and that the remaining construction will be completed within a reasonable time.

(Ord. of 9-21-2009, § 7.1D(11))

Sec. 60-1311. Deposit of surety.

The planning board may require the applicant with the submission of the site plan to tender a certified check payable to the city and issued by a surety company or secured by deposits issued by institutions authorized to issue the same by the laws of the state or the United States or irrevocable letters of credit issued by said banking institutions in an amount of money determined by the city planner, with the advice of the various city departments and agencies concerned, to be sufficient to ensure compliance with the approved site plan.

(Ord. of 9-21-2009, § 7.1D(12))

Sec. 60-1312. Review of planning board needed for variance.

For those developments subject to site plan review (division 2 of article XVI of this chapter) the relaxation of the dimensional requirements of any use district shall be reviewed by the planning board. The modifications of the

dimensional requirements shall be allowed as the planning board may deem necessary to carry out the objectives and intent of site plan review as specified in division 2 of article XVI of this chapter.

(Ord. of 9-21-2009, § 7.1D(13))

Sec. 60-1313. Correction of off-site deficiencies.

The planning board shall have the right to require the developer, at ~~his~~ the developer's expense, to correct any off-site deficiencies either created or aggravated by the developer's proposed project.

(Ord. of 9-21-2009, § 7.1D)

Secs. 60-1314—60-1334. Reserved.

Ordinance #16-07012024

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

Chapter 60 ZONING

● ● ●

ARTICLE XVI. ADMINISTRATION AND ENFORCEMENT

● ● ●

DIVISION 2. SITE PLAN REVIEW

● ● ●

Sec. 60-1300. File for site plan review.

An applicant for site plan review shall file with the ~~department of community development and planning~~planning, permitting and code department a completed site plan application along with an original and 15 copies of the site plan and the required processing fee. ~~Such plans shall be filed not less than 30 days prior to a regularly scheduled meeting~~. Plans shall be folded at a size not to exceed 8½ inches by 11 inches.

(Ord. of 9-21-2009, § 7.1D(1); Ord. No. 11-03012021, 3-15-2021)

● ● ●

Sec. 60-1303. Approval—Time-line for review.

The ~~planning, permitting and code enforcement~~ director shall, within ~~five~~ 10 business days of receipt, review the application and notify the applicant that either:

1.) The application is not accepted for processing, as it has not met the requirements of Sec. 60-1300 and 60-1301, and shall enumerate the materials that are missing; or

2.) The application has been conditionally accepted for processing as one or more required minor elements, as required by Sec. 60-1300 or 60-1301, are missing or inadequate and must be submitted within five business days or the application will not be accepted for processing; or

3.) The application has met the requirements of Sec. 60-1300 and 60-1301 and is accepted for processing.

The ~~planning, permitting and code enforcement~~ director shall, at the time of notification to the applicant that the application is accepted for processing, transmit copies of the application and site plan to those city departments that, in ~~his~~ the director's ~~view~~ opinion, requires such information to provide recommendations regarding the application to the planning board. The ~~agencies~~ departments receiving these copies shall have up to

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

15 business days to ~~make~~ provide their recommendations to the ~~planning, permitting and code enforcement~~ director.

The ~~planning, permitting and code enforcement~~ director shall review the submitted site plan and any recommendations made by the city departments and may:

1.) ~~-~~Request additional information from the applicant in to order assist with the director's review of the submitted site plan.
2.) Make recommendations to the applicant for changes to the submitted site plan that, in the director's opinion, will cause the site plan to conform to city requirements.

The ~~planning, permitting and code enforcement~~ director shall, upon completion of the director's review of the site plan, but not later than 60 days after notification to the applicant that the application is accepted for processing, request the planning board chair to schedule a public hearing by the planning board at a regularly scheduled planning board meeting.

(Ord. of 9-21-2009, § 7.1D(4))

● ● ●

Sec. 60-1303. Approval—Time~~-~~line for review.

The ~~planning, permitting and code enforcement~~ director shall, within ~~five~~ 10 business days of receipt, review the application and notify the applicant that either:

1.) The application is not accepted for processing, as it has not met the requirements of Sec. 60-1300 and 60-1301, and shall enumerate the materials that are missing; or

2.) The application has been conditionally accepted for processing as one or more required minor elements, as required by Sec. 60-1300 or 60-1301, are missing or inadequate and must be submitted within five business days or the application will not be accepted for processing; or

3.) The application has met the requirements of Sec. 60-1300 and 60-1301 and is accepted for processing.

The ~~planning, permitting and code enforcement~~ director shall, at the time of notification to the applicant that the application is accepted for processing, transmit copies of the application and site plan to those city departments that, in ~~his~~ the director's ~~view~~ opinion, require~~s~~ such information to provide recommendations regarding the application to the planning board. The ~~agencies~~ departments receiving these copies shall have up to 15 business days to ~~make~~ provide their recommendations to the ~~planning, permitting and code enforcement~~ director.

The ~~planning, permitting and code enforcement~~ director shall review the submitted site plan and any recommendations made by the city departments and may:

1.) ~~-~~Request additional information from the applicant in to order assist with the director's review of the submitted site plan.
2.) Make recommendations to the applicant for changes to the submitted site plan that, in the director's opinion, will cause the site plan to conform to city requirements.

City Council Ordinance

The ~~planning, permitting and code enforcement~~ director shall, upon completion of the director's review of the site plan, but not later than 60 days after notification to the applicant that the application is accepted for processing, request the planning board chair to schedule a public hearing by the planning board at a regularly scheduled planning board meeting.

(Ord. of 9-21-2009, § 7.1D(4))

● ● ●

Sec. 60-1304. Same—Public hearing; findings.

The planning board chair shall, upon request of the ~~planning, permitting and code enforcement~~ director, schedule a public hearing at the next regularly scheduled planning board meeting that occurs at least 16 days after receipt of the request from the director~~within 30 days of receipt of a completed application, hold a public hearing~~. Notice of a public hearing shall be given in the manner provided for in division 3 of article XVII of this chapter. The planning board will not unreasonably delay the taking of final action on the site plan ~~within 60 days of receiving a completed application, or within such other time limit as may be mutually agreed to~~after the public hearing. Such final action shall consist of either:

(1) A finding and determination that the proposed project will constitute a suitable development and will not result in a detriment to the neighborhood or the environment; or

(2) A written denial of the application stating the reasons for such denial, upon a finding that:

a. The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will create hazards to safety.

b. The bulk, location or operation of proposed buildings and structures will be detrimental to and adversely affect the use and values of existing development in the neighborhood or the health or safety of persons residing or working therein.

c. The provisions for on-site landscaping are inadequate to screen neighboring properties from unsightly features of the development.

d. The site plan does not adequately provide for the soil and drainage problems which the development may give rise to in accordance with section 60-1301(14).

e. The provisions for exterior lighting create safety hazards for motorists traveling on adjacent streets, or are inadequate for the safety or occupants or users of the site, or will create a nuisance affecting adjacent properties.

f. The proposed development will unduly burden off-site sewer drainage or water systems.

g. The proposed development will create a fire hazard by failing to provide adequate access to the site, or to buildings on the site, for emergency vehicles.

h. The proposed development violates provisions of the zoning regulations applicable to the site or other applicable laws, regulations or ordinances.

i. The proposed development will unduly impact the ability to provide municipal services.

(Ord. of 9-21-2009, § 7.1D(5))

● ● ●

Sec. 60-1306. Signed copies.

~~If no action is taken within 60 days after submittal of a completed application, the site plan shall be deemed to have been approved.~~ An original of the approved plan signed by the planning board chair, on behalf of the planning board, and one signed copy shall be delivered to the applicant, the assessor's department, the engineering department and to the building inspector on which basis building permits may be issued when all other required plans have been approved.

(Ord. of 9-21-2009, § 7.1D(7))

● ● ●

Sec. 60-1307. Findings in writing.

The findings of the planning board shall be in writing, signed by the planning board chair on behalf of the planning board, with a copy being forwarded to the applicant. The planning board's written report shall also include a statement as to how any deficiencies in the site plan might be resolved and what conditions, modifications and restrictions are to be complied with in executing the plan.

(Ord. of 9-21-2009, § 7.1D(8))

● ● ●

Sec. 60-1308. Expiration of approval.

Approval of a site plan shall expire one year after the date of approval, except for approved site plans for solar energy generating systems, which shall expire ~~in~~ two years after the date of approval, unless all building permits have been obtained to begin construction in accordance with the approved site plan. If a development is contested with litigation, the approval period of this section shall not commence until a final, nonappealable court judgment is issued or until the litigation has been dismissed with prejudice. This provision shall apply retroactively to all projects approved after January 1, 2007. Any site plan that contains a phase concept approved by the planning board shall not be required to obtain all building permits within the time sequence established for completion of each phase. No building permits or other permits shall be issued until all improvements are substantially completed for the preceding phase. A single one-year extension may be given upon a showing of good cause in writing by the applicant to the planning board not less than 30 days before the expiration of approval of ~~his~~ the applicant's existing plan. ~~.~~ The planning board shall approve or disapprove the requested extension at its next regular meeting.

● ● ●

City Council Ordinance

Sec. 60-1313. Correction of off-site deficiencies.

The planning board shall have the right to require the developer, at ~~his~~ the developer's expense, to correct any off-site deficiencies either created or aggravated by the developer's proposed project.

(Ord. of 9-21-2009, § 7.1D)

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **July 15, 2024** **Ordinance 17-07012024**

Author: Eric J. Cousens, Planning & Permitting Director

Subject: Second reading of a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district.

Information: On June 16, the planning board made a motion to forward a favorable recommendation to City Council approve a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district. Discussion about this item touched on occasions waivers have been requested to allow for a larger setback than the 25-feet maximum setback allowed in the zone. The planning board agreed with city staff that the General Business 2 zone would allow for better functionality of the proposed city public safety use.

This item was given first reading and passed on July 1, 2024. A public hearing notice was placed for second reading and public hearing to be held at the July 15, 2024 meeting.

City Budgetary Impacts: None anticipated.

Staff Recommended Action: Second Reading and Public Hearing.

Previous Meetings and History: Planning Board Public Hearing June 16, 2024. This item was given first reading and passed on July 1, 2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

Ordinance, Proposed Zoning Map, June 18 Planning Board Recommendation, June 16, 2024 Staff Report.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 06/24/2024
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Motion on amending the zoning map for two certain parcels on Minot Av from T-4.2B to GBII

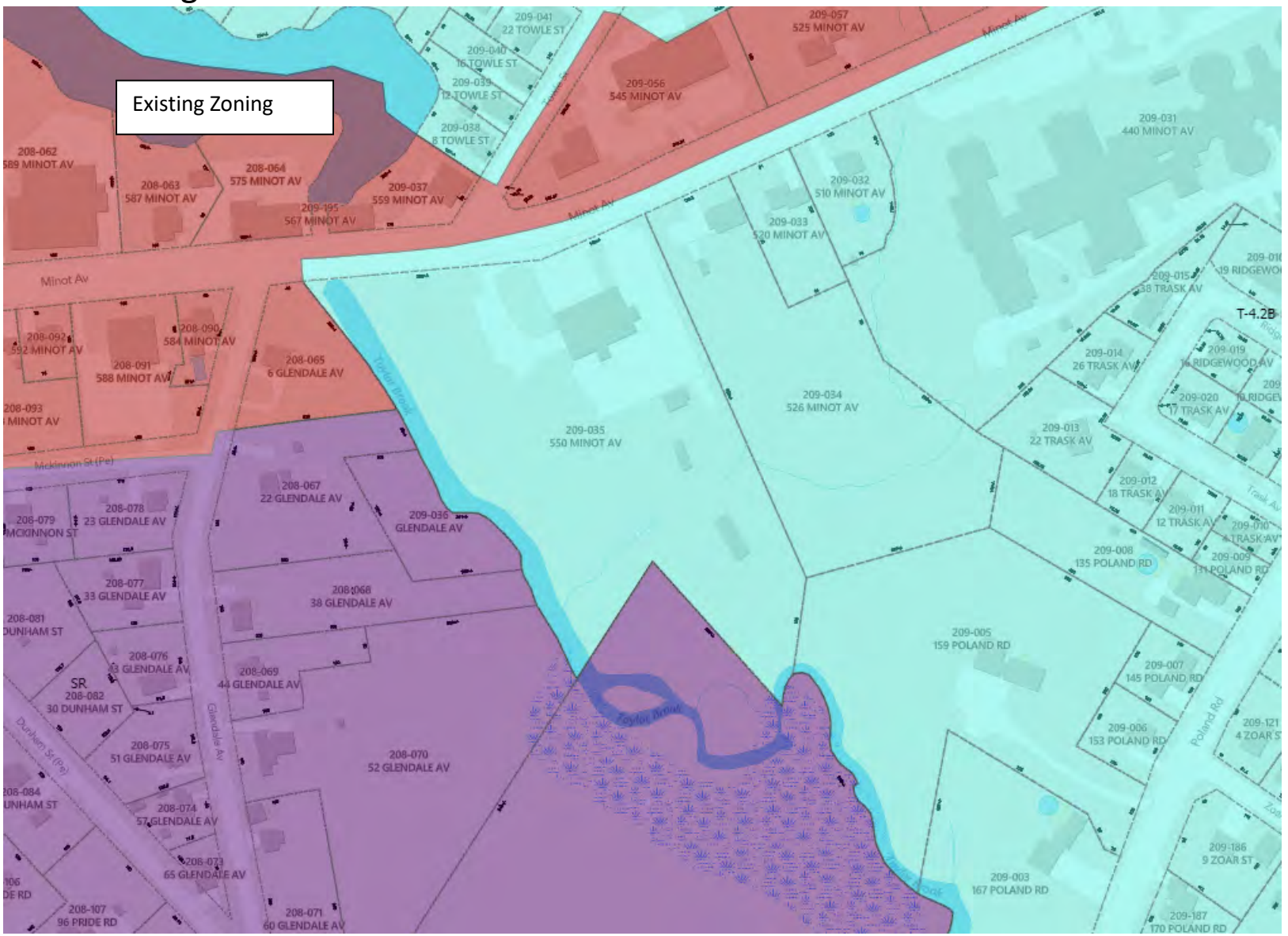
The following is the report from the Planning Board regarding a map amendment in service of future public safety facility on Minot Av. After notice and Public Hearings held on June 18th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ MAP AMENDMENT: Consider a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district. The City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

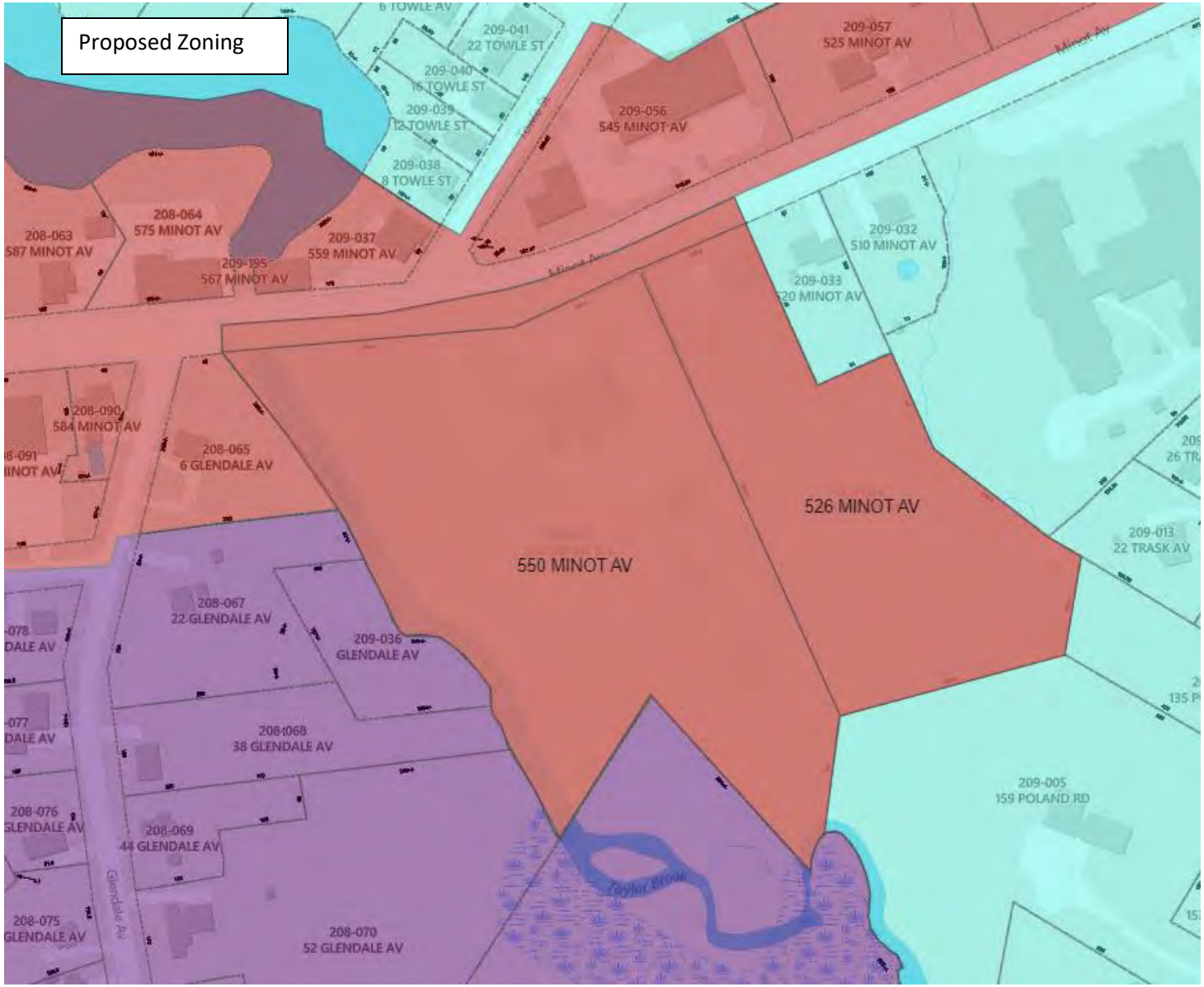
Summary and Discussion: Discussion about the possible necessity for an eventual amendment to the T-4.2B zoning district because of requests for waivers specifically for the front setback requirements. Staff suggests a good time to update this would be during the process of revising the Comprehensive Plan over the next year or so. The Planning Board made a favorable recommendation to the City Council to adopt this map amendment.

Motion: Riley Bergeron makes a motion to forward a favorable recommendation to City Council approve a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district. **Second:** Bob Hayes seconds the motion.
Vote: 5-0-0 motion passes.

Consideration of Proposed Zoning Map Amendment - 526 and 550 Minot Avenue
Change from T4.2B to General Business II



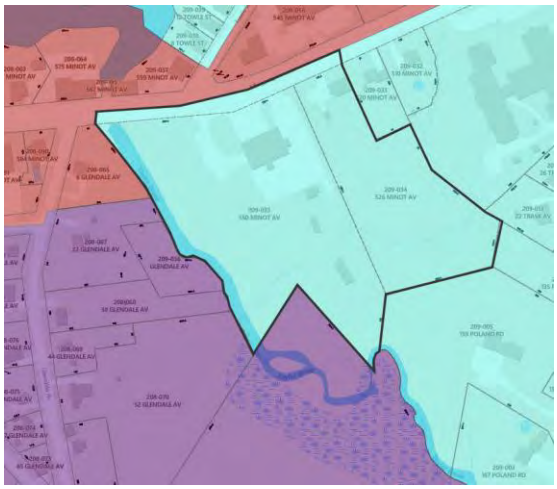
Consideration of Proposed Zoning Map Amendment - 526 and 550 Minot Avenue
Change from T4.2B to General Business II



City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

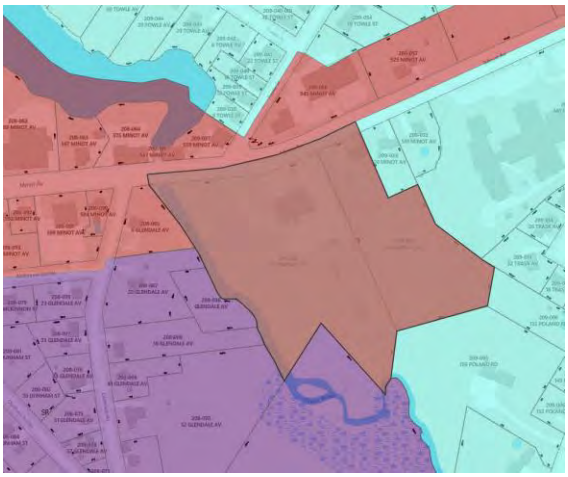
To: Auburn Planning Board
From: Department of Planning, Permitting and Code
Re: Item #9 Map Amendments for public safety facility.
Date: June 18, 2024

I. **Proposal/ Map Amendment**: Consider a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B-Traditional Neighborhood Development zoning district to General Business II zoning district. The City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.



II. **Background:** This item is considering a zoning map amendment to amend approximately 8.17 acres from T-4.2B Traditional Neighborhood Development zoning district to the General Business II (Minot Ave) zoning district. The area proposed to be rezoned encompasses all the City Assessor's parcel I.D.s 209-035 and 209-034.

The purpose of this proposal is to better support a new public safety facility by allowing flexibility in form and design to best serve the needs of public employees. Municipal services and facilities are permitted in all zoning districts, but form-based code, the current zoning, requires that new structures be built close to the public right of way. The design standards in form-based code are intended to encourage new development to emphasize the relationship between the public and private realm. While it is well suited to residential and commercial areas within the City of Auburn, form-based code may not allow for the flexibility necessary to build a functional and efficient public safety facility that is designed around the movement of large vehicles inside and outside of the buildings.



The General Business II District is in alignment with the surrounding area and is compatible with the 2021 Comprehensive Plan. The provision stating that "The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development" can allow the flexibility to find the proposed change to be consistent with the Comprehensive Plan. This proposed zoning also allows for flexibility in facility layout to best serve the needs of the fire department and the police department, such as the ease and safety of movement of the fire apparatus on the properties.

III. Suggested Findings of Fact:

a. The zoning map amendment is consistent with the comprehensive plan
b. The zoning map amendment is consistent with Comprehensive Plan Policy C 3, to explore a cost-effective plan for housing and delivering public safety services including regional considerations.

IV. **Planning Board Action & Staff Recommendations:** Hold a public hearing, review the proposal and make a recommendation to the city council on whether to amend the zoning map as described.

V. **Potential Motion:** I make a motion to forward a favorable recommendation to City Council approve a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district.

ORDER 84-06032024

City Council Order

IN CITY COUNCIL

ORDERED, that the Auburn City Council directs staff to prepare a zoning map amendment for Public Hearing and a Recommendation by the Auburn Planning Board pursuant to Chapter 60, Article XVII, Division 2, Amendment to the Zoning Ordinance or Zoning Map. The intent is to amend the map on approximately 8.17 acres from T-4.2B Traditional Neighborhood Development zoning district to the General Business II (Minot Ave) zoning district as shown on the attached map. The area proposed to be rezoned encompasses all of City Assessor's parcel I.D.s 209-035 and 209-034. The purpose of this proposal is to better support a new public safety facility by allowing the flexibility in form and design to best serve the needs of public employees.

Passage on 6/3/2024 6-0 (Weisner absent)

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

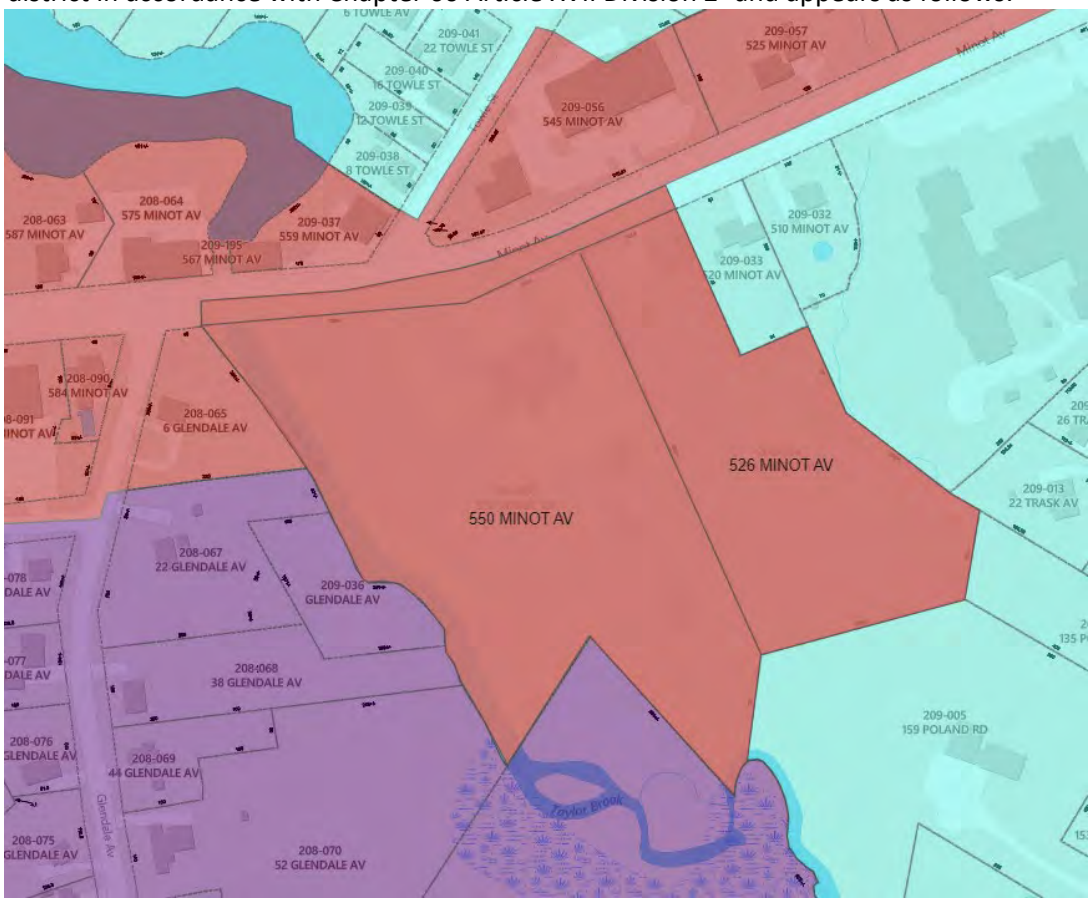
Ordinance #17-07012024

City Council Ordinance

IN CITY COUNCIL

Amending the Zoning District at 526 and 550 Minot Ave from T-4.2B to GBII:

Be it ordained, by the Auburn City Council, that the Official Zoning Map of the City of Auburn to be amended to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B- Traditional Neighborhood Development zoning district to General Business II zoning district in accordance with Chapter 60 Article XVII Division 2- and appears as follows:



Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 15, 2024 **Order:** 91-07152024

Author: Emily F. Carrington, City Clerk

Subject: Maine Municipal Association's Legislative Policy Committee – District 20 Representative

---

Information: The Auburn City Council is being asked to select one District 20 representative for the Maine Municipal Assocation's Legislative Policy Committee. There are two candidates appearing on the ballot. Alternatively, the Council may vote for a write-in candidate, so long as that candidate resides within District 20, is an elected or appointed official from an MMA member municipality, and is willing to serve.

The order must be amended prior to passage to insert the name of the chosen representative. Following passage, the City Clerk will return the ballot to MMA.

City Budgetary Impacts: N/A

Staff Recommended Action: Appointment of a representative.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: MMA memo and ballot, Order (requires amendment prior to passage)

MAINE MUNICIPAL ASSOCIATION SINCE 1936

60 Community Drive | Augusta, ME 04330-9486
1-800-452-8786 (in state) | (t) 207-623-8428
(f) 207-624-0129

To: Key Municipal Officials of MMA's Member Municipalities
From: Diane Hines, President, Maine Municipal Association
Date: June 13, 2024
Re: Ballot for Election to MMA's Legislative Policy Committee



MMA's member municipalities have made their nominations for the 2024-2026 Legislative Policy Committee (LPC). It is now time to elect your representatives to serve on the committee. The enclosed election ballot must be completed by the Select Board or Town/City Council of your municipality.

Number of votes

A majority of municipalities are being asked to vote for two candidates, because there are two elected LPC members for most districts. Some municipalities only vote for one candidate, because the other LPC member in that district is appointed. ***You are instructed on the ballot (above the list of candidates) whether to vote for two candidates or just one.***

Candidate profiles

If you are not familiar with any of the candidates, please review the Candidate Profiles on the back of the ballot. Feel free, also, to contact the candidates directly.

Write-in candidates

In addition to the candidates listed on the ballot, you may vote for a candidate whose name is not on the ballot by writing that person's name in. The write-in candidate need not be from your municipality but must be an elected or appointed official from a MMA member municipality in your Senate/LPC District. *Check to be sure the write-in candidate is willing to serve if elected!* Write-in candidates should be communicating their interest in serving among the municipal officers within their district.

If you are instructed to vote for two candidates and only one candidate is on the ballot, please use the "write-in" line for your second vote if you know of someone who is willing to serve.

Deadline for returning ballot

Return to ballot by 5:00 p.m. on **August 1, 2024** to Laura Ellis either in the enclosed envelope, via email (lellis@memun.org) or FAX: 624-0129

Your participation is important – Thank You!

OFFICIAL BALLOT – District 20

Maine Municipal Association's Legislative Policy Committee
July 1, 2024 – June 30, 2026

VOTE FOR ONE: *(Auburn appoints one member)*

- ☐ Matthew Garside, Town Manager, Town of Poland
- ☐ William H. Kerbin, Jr., Town Manager, Town of New Gloucester
- ☐ _____ (✎ write in)
  (name) (position) (municipality)

Candidate Profiles Are On Reverse Side

MUNICIPALITY: _____ DATE: _____

✍ BY SELECTMEN/COUNCILORS:

_____ signature	_____ print name
_____ signature	_____ print name
_____ signature	_____ print name
_____ signature	_____ print name
_____ signature	_____ print name

Return by 5:00 p.m., August 1, 2024 to:

Laura Ellis, Maine Municipal Association
lellis@memun.org
Fax: 624-0129

LPC Senate District 20 *(Auburn appoints one member)*

Auburn	New Gloucester
Durham	Poland

Candidate Profile:

Matthew Garside has served as Manager in the Town of Poland for more than six years. Prior to that he served as CEO of an oil and gas firm and was a Captain in the U.S. Navy. Matthew also served on local boards and committees, including the Executive Committee of the Androscoggin Valley Council of Governments, MWTE Executive Committee, Auburn/Lewiston Airport Board of Directors and the Lewiston/Auburn Economic Growth Committee. He served this past term on the LPC and would like to continue his service because he believes strongly that presenting a united consensus on municipal issues serves everyone's interest and that the reasoned, well thought out approach to lobbying the Legislature is a good model and it should be continued, and he would like to continue to advocate for legislation that will benefit municipal government.

William H. Kerbin, Jr. has served as town manager in the Town of New Gloucester since 2022, also previously serving as a municipal manager in the town of Woodstock, VT for two years. He would like to serve on the LPC to advocate for increased funding for state mandates and more consideration of how mandates like LD 2003's housing law and others like it will affect the rural character of small towns.

ORDER 91-07152024

City Council Order

IN CITY COUNCIL

ORDERED, that the Auburn City Council hereby selects _____ as the District 20 representative of Maine Municipal Association's Legislative Policy Committee, for a term serving July 1, 2024 through June 30, 2026.

BE IT FURTHER ORDERED, that the City Clerk is directed to return the ballot to Maine Municipal Association immediately following passage of this order.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 15, 2024 **Order 92-07152024**

Author: Phillip L. Crowell, Jr., City Manager

Subject: Confirming City Manager's appointment of Assistant City Manager

---

Information: As required by the Auburn City Charter, Sec. 6.1., the City Manager shall appoint an assistant city manager who shall be confirmed by a majority vote of the city council.

The City Manager has selected Denis D'Auteuil to serve as Assistant City Manager, effective July 16, 2024.

Sec. 6.1. - Appointment.
The city council shall appoint a city manager by an affirmative vote of at least five councilors. The city manager shall appoint an assistant city manager who shall be confirmed by a majority vote of the city council.

City Budgetary Impacts: N/A

Staff Recommended Action: Confirming the appointment of the assistant city manager.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 92-07152024

City Council Order

IN CITY COUNCIL

ORDERED, that Denis D'Auteuil, having been appointed by the City Manager, be and hereby is confirmed by the Auburn City Council to serve as the Assistant City Manager, effective July 16, 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting **Date: July 15, 2024** **Order 93-07152024**

Author: Jason D. Moen, Chief of Police

Subject: Confirming Chief Moen's appointments of Constables with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests City Council appointment of Martin Moreau, Justin Le, Marie West, and Amirah Daugherty as Constables with firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of Martin Moreau, Justin Le, Marie West, and Amirah Daugherty as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:
I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Order

ORDER 93-07152024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoint Martin Moreau, Justin Le, Marie West, and Amirah Daugherty as Constable with firearm/arrest powers for the Auburn Police Department.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 15, 2024 **Order: 94-07152024**

Author: Jennifer Boenig, Downtown Coordinator

Subject: Approving the temporary liquor license for an Incorporated Civic Organization for Auburn's LA Balloon Festival event.

Information: The LA Balloon Festival is scheduled for Friday, August 16 through Sunday, August 18 in Simard Payne Park in Lewiston with an Auburn event on Saturday, August 17 from 12-5 PM in Festival Plaza and on Main Street. This event is organized by the Cities of Auburn and Lewiston.

The City of Auburn is applying for a Liquor License for an Incorporated Civic Organization to allow the sale of alcohol within the designated area of Festival Plaza and Main Street for the LA Balloon Festival on Saturday, August 17 from 12-5 PM only.

Per MRS Title 28-A Liquor § 1071. INCORPORATED CIVIC ORGANIZATIONS 2. Up to 5 licensed events per year; one event per license. An incorporated civic organization may obtain up to 5 licenses under this section per calendar year.

City Budgetary Impacts: This event is budgeted through the Communications Department and the City of Lewiston.

Staff Recommended Action: Motion to approve the temporary liquor license for Auburn's LA Balloon Festival event.

Previous Meetings and History: NA

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

- Application for a License for an Incorporated Civic Organization
- Public hearing ad
- Order

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for a License for an Incorporated Civic Organization

Section A: Applicant Information:

1. Legal Name of Applicant: City of Auburn
2. Contact Name for Applicant: Lt. Barry Schmieks
3. Mailing Address of Primary Office of Applicant: 60 Court St. Auburn, ME 04210
4. Contact Name Telephone/Mobile Number: 207. 333. 6650 ext. 20606
5. Email Address of Contact: bschmieks@auburnmaine.gov

Section B: Event Information:

1. Title Event: L/A Balloon Festival
2. Purpose of Event: Community event featuring a car show, food, breweries
3. Duration of Event (check one): ☑ One Day ☐ Multiple Days (only 1 permitted per year)
4. Type of Event: (check one) ☐ Indoor ☑ Outdoor
5. Town or City where Event will take place: Auburn
6. Complete Physical Address of Event: Festival Plaza, 112 main Street, Auburn and part of Main Street (see map included)
7. Date of Event: August 17, 2024 Time: From 12 pm To 5 pm

Under Maine liquor laws, alcoholic beverages can **only** be served from 5:00 am to 1:00 am of the next day, Sunday through Saturday; event times cannot deviate from this statutory requirement.

8. Number of Persons Attending: estimated 750-1,000

9. Describe specific indoor and/or outdoor area to be licensed: (for an outdoor event, please include a diagram of the outside space in Section F below.)

See map included - dotted line represents alcohol permitted area boundaries

10. Will dancing be part of the event? Yes ☐ No ☑

a. Does the venue have a dance license? Yes ☐ No ☐

b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

Section C: Signature of Applicant

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to $2,000 or by both.

Please sign and date in blue ink.

Dated: 7/8/24

LT. B

Signature of Duly Authorized Person

LT. BARRY D. Schmieks Jr.

Printed Name of Duly Authorized Person

Section D: For use by Municipal Officers and County Commissioners only
Approval of an Application for a License for an Incorporated Civic Organization

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this catering event application on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
☐ County Commissioners of _____ County

☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of license to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

Section E: Application Fee; Other Information

1. The license fee is $50.00 plus a $10.00 filing fee; make checks payable to Treasurer State of Maine.
2. The law requires the application to be submitted at least 24 Hours prior to the function, however, a longer notice is appreciated to allow additional time for processing.
3. Once issued, this permit is not assignable and is valid only for use by the licensee named in this application and for the date, time, and location listed in this application. This permit is issued subject to Maine liquor laws under Title 28-A and the Bureau's Administrative Rules. Penalties for failure to comply with the laws and rules are provided in Chapter 33 of Title 28-A.
4. The Division is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.
5. Payments to the Division by check subject to penalty provided by 28-A MRS Section 3-B.

Section F: Diagram for Outdoor Events

The following restrictions apply to outdoor events:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the event to control and monitor the area.

In an effort to clearly define the area that consumption and storage of liquor will occur during this outdoor event, diagrams must be submitted on this form and should be as accurate as possible. Be sure to label the areas of consumption and storage on your diagram.

See map included

For Division Use Only

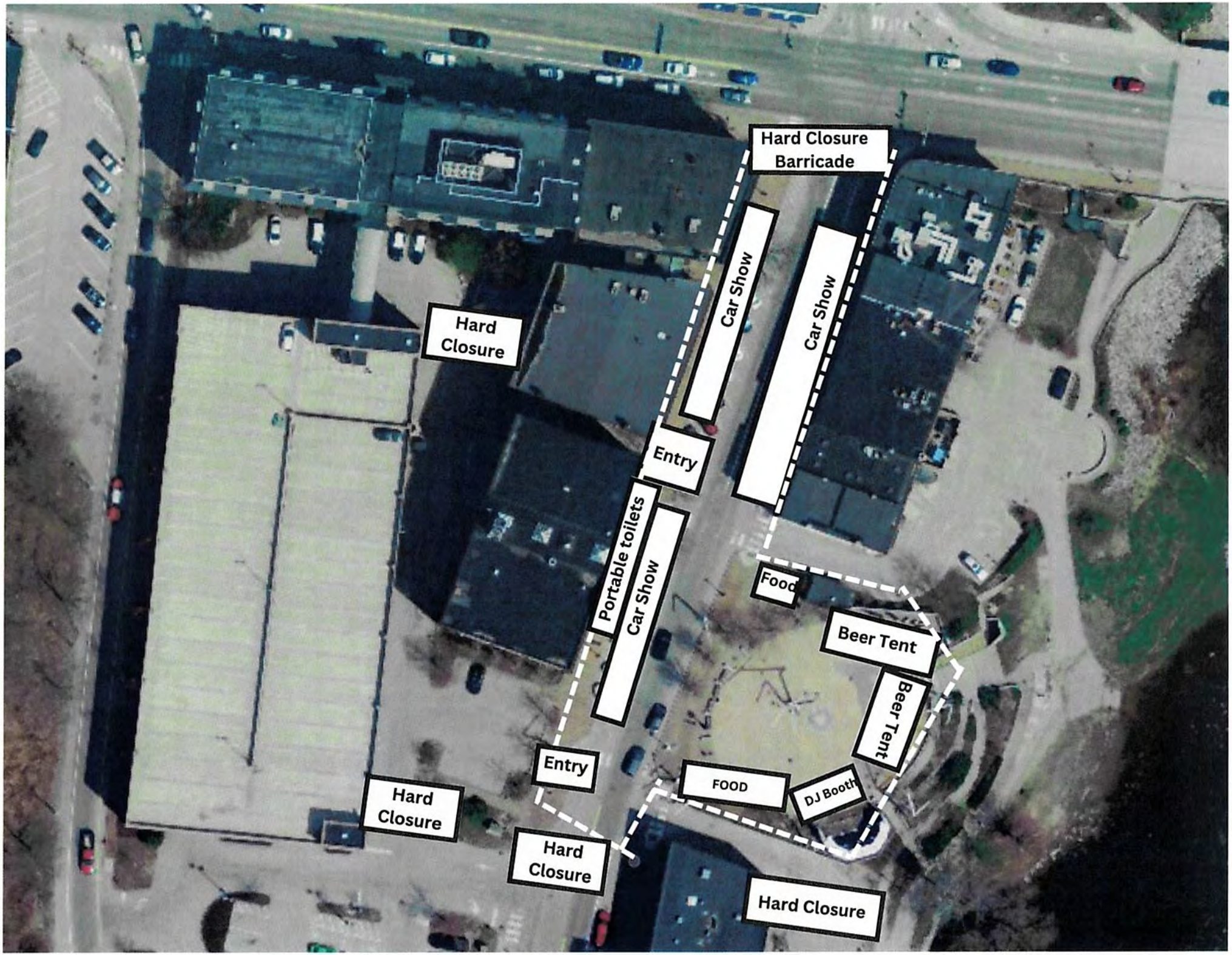
Date Filed: _____

☐ Approved ☐ Not Approved

Date Approved: _____

Approved By: _____

License No:
Deposit Date:
Amt. Deposited:
Payment Type:


Hard Closure Barricade
Car Show
Car Show
Hard Closure
Entry
Portable toilets
Car Show
Food
Beer Tent
Beer Tent
Entry
FOOD
DJ Booth
Hard Closure
Hard Closure
Hard Closure

CITY OF AUBURN
PUBLIC HEARING CITY COUNCIL

A public hearing will be held on Monday, July 15, 2024 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Auburn Hall to consider granting a Temporary Liquor License for the Lewiston-Auburn Balloon Festival event to be held August 16, 17, & 18, 2024. All persons may appear to show cause, if any they may have, why said license should not be granted.

ORDER 94-07152024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the temporary liquor license for an Incorporated Civic Organization for the City's Balloon Festival event to be held August 17, 2024 in Festival Plaza from 12:00pm until 5:00pm.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Workshop & Meeting
Agenda
August 5, 2024
Auburn Hall, Council Chambers

5:30 PM Workshop

- National Incident Management System (NIMS) Training

7:00 PM Meeting

Pledge of Allegiance & Roll Call - *Roll call votes will begin with Councilor Gerry*

I. **Consent Items –** *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Passage of items on the Consent Calendar require majority vote.*

1. **ORDER 95-08052024* –** Appointing Mayor Jeffrey Harmon to serve as the Auburn Representative for Maine Municipal Association's 2024-2026 Legislative Policy Committee, and appointing City Manager, Phillip L. Crowell, as alternate.

2. **ORDER 96-08052024* -** Casting Auburn's ballot for the Maine Municipal Association's Vice President & Executive Committee members.

II. **Minutes** – July 15, 2024 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

IV. **Open Session –** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. **Unfinished Business**

VI. **New Business**

1. **ORDER 97-08052024 –** Establishing an ad-hoc committee to review city fees and bring forward a recommendation of changes to the City Council for adoption. *Passage requires majority vote.*

2. **ORDER 98-08052024 –** Adopting changes to EMS billing rates. *Passage requires majority vote.*

VII. Reports

a. **Mayor's Report**
b. **City Councilors' Reports**
c. **Student Representative Report**
d. **City Manager Report**

VIII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

IX. Executive Sessions –

Pursuant to 1 M.R.S.A. Section 405(6)(E) to consult with the City attorney regarding the City's legal rights and duties concerning a pending litigation matter. No action to follow. *Passage requires 3/5 majority vote to enter executive session.*

Pursuant to 1 M.R.S.A. Section 405(6)(A) to discuss a personnel matter. No action to follow. *Passage requires 3/5 majority vote to enter executive session.*

Pursuant to 1 M.R.S.A. Section 405(6) (A) to discuss annual evaluation of the City Manager. No action to follow. *Passage requires 3/5 majority vote to enter executive session.*

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 5, 2024 **Order:** 95-08052024

Author: Emily F. Carrington, City Clerk

Subject: Appointing Auburn's Representative to the 2024-2026 MMA LPC

Information: MMA's legislative platforms, policies, and positions are developed by a 70-member Legislative Policy Committee (LPC), which is made up of two municipal officials from each of the state's 35 Senate Districts. The purpose of the LPC is to define municipal interests and to maximize those interests through effective participation in the legislative process.

In addition to the Senate District 20 seat, the City of Auburn appoints one member to serve as a representative of the City of Auburn, and one alternate member who may serve in absence of the appointed LPC member. The LPC members serve for a two-year term, running from July 1st of each even-numbered year to June 30th of the next subsequent even-numbered year.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage of the order.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Order

ORDER 95-08052024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby officially votes to appoint Mayor Jeffrey Harmon to serve as Auburn's Representative on the Maine Municipal Association's 2024-2026 Legislative Policy Committee, and City Manager Phillip L. Crowell, Jr. to serve as alternate member.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 5, 2024 **Order:** 96-08052024

Author: Emily F. Carrington, City Clerk

Subject: Casting the City of Auburn's ballot for MMA's Vice President & Executive Committee members

---

Information: The City Council is being asked to return the ballot for MMA's Annual Election for Vice President & Executive Committee members. There is only one candidate running for Vice President. Three candidates are running for three seats on the Executive Committee. There are no write-in candidates available for this election.

Upon passage, the City Clerk will return the completed ballot to MMA.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage of the order.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Order

ORDER 96-08052024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby officially votes to cast the City of Auburn's ballot for the Election of MMA Vice President and Executive Committee members as shown on the attached.

BE IT FURTHER ORDERED, that the City Clerk is hereby directed to return the completed ballot to Maine Municipal Association by August 23, 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

MAINE MUNICIPAL ASSOCIATION SINCE 1936

60 Community Drive | Augusta, ME 04330-9486
1-800-452-8786 (in state) | (t) 207-623-8428

To: Key Municipal Officials of MMA Member Municipalities

From: Catherine Conlow, Executive Director

Date: July 16, 2024

Subject: MMA Annual Election: Vice President & Executive Committee Members

DEADLINE: Friday August 23, 2024, 12:00 p.m.

It is time for each member municipality to cast its official vote!

Election Process. Enclosed you will find a ballot listing the nominees for service on the Maine Municipal Association's (MMA) Executive Committee, which is elected by member municipal select boards and councils to oversee the Association's operations.

Pursuant to MMA by-laws, these candidates were interviewed by a six-member Nominating Committee, which includes a former Executive Committee past president, an elected municipal officer, a municipal employee, a town or city manager, an MMA affiliate group representative, and an individual from a community-based organization representing the interests of an underrepresented group. As you will note, unlike municipal elections MMA does not provide an option for write-in candidates since our process includes an opportunity to nominate a candidate by petition. The petition process expires 40 days before the date of the election, which for this year was July 15.

A brief biography for each nominee is enclosed for your reference.

The ballot must be signed by a majority of the municipal officers (e.g., select board or council), or a municipal official designated by a majority of the municipal officers and received by MMA no later than **12:00 p.m. (noon) on Friday, August 23, 2024**. We have enclosed a self-addressed, stamped envelope for your convenience. Ballots will be counted on the afternoon of August 23, with the election results confirmed by MMA President Diane Hines, Ludlow town manager.

Election results will be available on August 26 and can be accessed by either contacting the MMA Executive Office or visiting MMA's website at www.memun.org. A formal announcement of the election results will be made at the MMA Annual Business Meeting and the newly elected members will be introduced at the Awards Luncheon, both of which will be held during MMA's annual convention on Wednesday, October 2.

The newly elected Executive Committee members will take office on January 1, 2025.

If you have any questions on the election process, please do not hesitate to contact me or Kelly Maines at 1-207-623-8428 or by e-mail at kmaines@memun.org. Thank you.

MAINE MUNICIPAL ASSOCIATION

BALLOT

Election of MMA Vice President and Executive Committee Members

Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 23, 2024

VICE-PRESIDENT - 1 YEAR TERM — **Vote for One**

Proposed by MMA Nominating Committee:

Justin Poirier, Monmouth Town Manager ☐

EXECUTIVE COMMITTEE MEMBERS - 3 YEAR TERM — **Vote for Three**

Proposed by MMA Nominating Committee:

David Cyr, Frenchville Town Manager ☐

Michele Varuolo Cole, Selectperson for the Town of Bethel ☐

Matthew Garside, Poland Town Manager ☐

Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.

The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ **Municipality:** _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Print Name: _____ Signature: _____

Position: _____

OR Signed by a Majority of Municipal Officers **Current # of Municipal Officers:** _____

Print Names: Signatures:

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Return To:

MMA Annual Election
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
Email: *kmaines@memun.org*

Maine Municipal Association
Biographical Sketch for
PROPOSED SLATE OF NOMINEES FOR
2025 EXECUTIVE COMMITTEE

MMA VICE PRESIDENT
One-Year Term

Justin Poirier – Town Manager, Town of Monmouth, Maine

Professional Experience:

Monmouth Town Manager	2022-present
Town Administrator, Town of Chebeague Island	2020-2022
Urban Development Specialist, City of Auburn	2020
Director, Maine Revenues Services, Property Tax Division (Deputy Dir 2014-2017)	2017-2020
Member, Town of Winthrop, Planning Board	2019-2020
Member, City of Augusta, Planning Board (Chair 2017-2018)	2013-2018
Director, Community Development Coordinator; City of Bath	2012-2014
Administrative Assistant, Board of Selectpersons, Town of Pownal	2010-2011
Administrative Coordinator, Building Services Department, Belmont, MA	2007-2010

Education & Certificates:

Master of Public Policy	University of Massachusetts -Dartmouth
Bachelor of Arts in Public Management	University of Maine - Orono

Affiliations & Certifications:

- Maine Municipal Association Executive Board Member
- Member, Maine Town, City and County Management Association
- International City Managers' Association
- Maine Association of Assessing Officers
- Maine Chapter of the International Association of Assessing Officers
- Central Maine Association of Assessing Officers
- MMA Legislative Policy Committee
- Board of Directors, Kennebec Valley Council of Governments
- Certified Maine Assessor
- Certified Community Development Block Grant Administrator

MMA EXECUTIVE COMMITTEE
Three-Year Term

David Cyr – Town Manager, Town of Frenchville, Maine

Professional Experience:

Frenchville Town Manager	2021-present
Mars Hill Town Manager	2014-2021

NicCait Construction Services, Presque Isle, Maine	2008-2011
Soderberg Construction, Caribou, Maine	2007-2009
Criterium Brown Engineers, Washburn, Maine	2003-2007
Town of Fort Kent – Public Works Director	2003-2004
Civil Engineering Services, Brewer, Maine	2001-2003
County of Aroostook Public Works, Caribou, Maine	1991-2000
Cianbro Corporation, Pittsfield, Maine	1987-1991
Brescia Construction/Caribou Soils, Inc, Caribou, Maine	1984-1987

Education & Certificates:

Bachelor's degree – Engineering	University of Maine - Orono

Affiliations & Certifications:

- Maine Municipal Association Executive Committee Member
- Northern Maine Solid Waste Management Committee Chair
- Maine Department of Transportation Regional Advisory Committee
- Public Advisory Committee – Maine Department of Transportation
- American Public Works Association – Executive Board
- Northern Maine Development Committee – Revolving Loan Committee
- Aroostook Municipal Association
- Budd Lake Volunteer Fire Company
- Caribou Fire and Ambulance
- Town of Woodland, Maine – Selectman
- Mars Hill Rotary Club – President

Michele Varuolo Cole - Selectperson Town of Bethel, Maine

Professional Experience:

LBO Holdings, Chief Administrator/Manager	2001-present
American Ski Company, Executive Assistant	1997-2001
Sunday River Corporation, Multiple Positions	1984-1997

Education:

Bachelor of Science	University of Vermont
Diploma	Mt. Blue High School

Affiliations & Certifications:

- Bethel Board of Selectpersons
- Bethel Board of Assessors
- Maine Notary Public
- Rotary Club of Bethel – various clubs and district positions
- Project Opportunity – Telstar High School, Chair
- American Legion Auxiliary, Post # 81 – various positions
- Maine Adaptive Sports & Rec. – past board member
- Bethel Chamber of Commerce – past board member and officer positions
- Bethel Comprehensive Plan Development
- Bethel Ordinance Codification Development

- Bethel Budget Committee

Matthew Garside – Town Manager, Town of Poland, Maine

Professional & Municipal Experience & Committees:

Poland Town Manager	2017-present
Elder Care	2013-2017
Reflect Geophysical, Chief Executive Officer & Board Director	2012-2013
Logistics Group Western Pacific, Chief of Staff	2005-2012

Education:

MPA – Public Administration (finance & economics)	Harvard University
Fellowship-Security Studies Program	Massachusetts Institute of Technology
Bachelor of Science	Massachusetts Maritime Academy

Affiliations and Certifications:

- Maine Town and City Managers' Association
- United States Naval Institute

Mayor Harmon called the meeting to order at 7:00P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. Consent Items

None.

II. Minutes – July 1, 2024 Regular Council Meeting

Mayor Harmon submitted to the City Clerk a list of corrections of names of speakers during public comment and one clerical error. Councilor Milks moved to adopt as amended, seconded by Councilor Walker. Motion passed 7-0.

III. Communications, Presentations and Recognitions

Official Results of the July 9, 2024 Special Election to fill At-Large School Committee seat

IV. Open Session

None.

V. Unfinished Business

1. **ORDINANCE 11-07012024** - City Council initiated a text amendment to Chapter 60 Article XIII Division 2- Phosphorous Control. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. Amended and passed first reading on July 1, 2024. Second reading/public hearing. ROLL CALL VOTE.

The following spoke:
Stephen Beale, Johnson Rd

Councilor Walker moved for passage, seconded by Councilor Whiting. Motion passed 7-0 on a roll call vote.

2. **ORDINANCE 12-07012024** - City Council initiated a text amendment to Chapter 60 Article IV Division 3- Low Density Country Residential District. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. Passed first reading on July 1, 2024. Second reading/public hearing. ROLL CALL VOTE.

There was no comment from the public.

Councilor Walker moved for passage, seconded by Councilor Cowan. Motion passed 7-0 on a roll call vote.

3. ORDINANCE 13-07012024 - City Council initiated a text amendment to Chapter 60 Article XII Division 4-Lake Auburn Watershed Overlay District. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. Passed first reading on July 1, 2024. Second reading/public hearing. ROLL CALL VOTE.

There was no comment from the public.

Councilor Weisner moved for passage, seconded by Councilor Walker. Motion passed 7-0 on a roll call vote.

4. ORDINANCE 14-07012024 - Consider adopting the Lake Auburn Watershed Overlay District Septic Systems Inspection Map. This map will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. Amended and passed first reading on July 1, 2024. Second reading/public hearing. ROLL CALL VOTE.

There was no comment from the public.

Councilor Walker moved for passage, seconded by Councilor Cowan. Motion passed 7-0 on a roll call vote.

5. ORDINANCE 15-07012024 - Consider adopting the Official Lake Auburn Overlay District 400 ft. Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields map. This map will be referenced in Chapter 60 Article XII Division 4-Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. Passed first reading on July 1, 2024. Second reading/public hearing.ROLL CALL VOTE.

There was no comment from the public.

Councilor Cowan moved for passage, seconded by Councilor Whiting. Motion passed 7-0 on a roll call vote.

6. ORDINANCE 16-070102024 - City Council initiated a zoning text amendment to Chapter 60, Division 2 Site Plan Review pursuant to Chapter 60, Article XVII Division 2-Amendment to the Zoning Ordinance or Zoning Map. Passed first reading on July 1, 2024. Second reading/public hearing. ROLL CALL VOTE.

There was no comment from the public.

Councilor Walker moved for passage, seconded by Councilor Whiting. Motion passed 7-0 on a roll call vote.

7. ORDINANCE 17-07012024 – Consider a zoning map amendment to convert City Assessor's Parcel I.D.s 201-034 and 209-035 with addresses of 526 and 550 Minot Ave from T-4.2B-Traditional Neighborhood Development zoning district to General Business II zoning district. The City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map. Passed first reading on July 1, 2024. Second reading/public hearing. ROLL CALL VOTE.

There was no comment from the public.

Councilor Walker moved for passage, seconded by Councilor Cowan. Motion passed 7-0 on a roll call vote.

VI. New Business

1. **ORDER 91-07152024** – Appointing an MMA Legislative Policy Committee Representative. Passage requires majority vote.

Councilor Weisner moved to insert the name of Matthew Garside to the order and pass as amended. Seconded by Councilor Walker. Motion passed 7-0.

2. **ORDER 92-07152024** – Confirming the appointment of Denis D'Auteuil as Assistant City Manager. Passage requires majority vote.

Councilor Walker moved for passage, seconded by Councilor Whiting. Motion passed 7-0.

3. **ORDER 93-07152024** – Confirming the appointment of Martin Moreau, Justin Le, Marie West, and Amirah Daugherty as Constables with firearm/arrest powers for the Auburn Police Department. Passage requires majority vote.

Councilor Milks moved for passage, seconded by Councilor Cowan. Motion passed 7-0.

4. **ORDER 94-07152024** – Approving the temporary liquor license for an Incorporated Civic Organization for the Lewiston-Auburn Balloon Festival event to be held in Festival Plaza on August 17, 2024 from 12:00pm until 5:00pm. Public hearing. Passage requires majority vote.

Councilor Walker moved for passage, seconded by Councilor Weisner. Motion passed 7-0.

VII. Open Session

None.

VIII. Reports

a. Mayor's Report – Mayor Harmon thanked staff for the Philbrick Square dedication ceremony held on July 7. Thanked all involved with the PAL Center groundbreaking ceremony held on July 12.

b. City Councilors' Reports – Councilor Whiting commented on the informative Absolutely Auburn podcast series. Councilor Cowan commended on the Philbrick memorial event and PAL center groundbreaking ceremony. Gave an update on the homeless committee. Councilor Milks commented on the PAL center groundbreaking ceremony. Councilor Weisner commented on the PAL center groundbreaking ceremony and asked for clarification regarding the ability for the public to attend the 9-1-1 committee meeting on Thursday at 4:00pm. Mayor Harmon responded to the inquiries. Councilor Walker commented on the 9-1-1 committee, neighborhood watch meeting and the Age-Friendly Commmunity Committee's concessions stand on Wednesday evenings in Festival Plaza. Councilor Platz gave an update on the School Committee and commented on ELHS graduation rate and congratulated Sam Boss on his work for the recent award of a $3.5 million grant to Auburn for environmental and conservation improvements.

c. Student Representative Report – None.

d. City Manager Report – Welcomed Denis D'Auteuil as the new Assistant City Manager, recognized the work of Sam Boss and the work of many on the award of the $3.5 million grant; thanked everyone for attending the recent ceremonies recognizing fallen officer Norman Philbrick and the groundbreaking of the PAL center.

IX. Executive Session – None.

X. Adjournment

Councilor Milks moved to adjourn, seconded by Councilor Walker. Motion passed 7-0; Council adjourned at 7:42pm.

A TRUE COPY ATTEST

Emily F. Carrington, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 5, 2024 **Order:** 97-08052024

Author: Emily F. Carrington, City Clerk

Subject: Creation of an ad-hoc committee to review city fees

Information: As set forth in Sec. 3.3 of the City Charter, "*The mayor may create committees and appoint persons to serve on such committees. The mayor shall coordinate the actions of such boards, committees, and commissions as they may exist to promote the effective administration of the city's interests. Except as otherwise directed by state statute, this Charter, city ordinance, or interlocal agreement, the mayor may appoint councilors to serve, either in his or her stead or independently, on all boards, committees, commissions, and quasi-municipal corporations when required.*"

This order creates an ad-hoc committee to be tasked with reviewing city fees and bringing forward a recommendation of changes to the City Council for adoption. The appointed committee members will be Emily Carrington (City Clerk), Denis D'Auteuil (Assistant City Manager), Councilor Platz, and Mayor Harmon.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage of the order.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Order

ORDER 97-08052024

City Council Order

IN CITY COUNCIL

ORDERED, that an ad-hoc committee be established to review city fees and bring forward a recommendation of changes to the City Council for adoption. The appointed committee members shall be: Emily Carrington, City Clerk; Denis D'Auteuil, Assistant City Manager; Councilor Adam Platz, and Mayor Jeffrey Harmon. The ad-hoc committee shall be dissolved upon making its final recommendations to the City Council.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 5, 2024 **Order:** 98-08052024

Author: Robert Chase, Fire Chief

Subject: Update to EMS Billing Rates

Information:

EMS agencies are limited to a maximum of 5% increase to EMS rates per calendar year. Insurance companies are required to pay 180% to 200% of the allowable Medicare reimbursement rate, or the established rate, **whichever is lower**. We routinely adjust our EMS rates to ensure they remain at or above 200% of the Medicare rates to maximize reimbursements from insurance companies.

In addition, this year we have added clarifying language for the "On Scene" rate. New legislation now allows EMS agencies to bill for services even when the patient is not transported to the hospital. This routinely happens at motor vehicle accidents along with other scenarios.

Lastly, we added language that clarifies that we intend to bill residential care facilities when EMS resources are used to lift uninjured patients. These calls are a burden to our service, defer the employee injury risk from the nursing homes on to City of Auburn staff and results in EMS units being unavailable for true emergency calls.

City Budgetary Impacts: Estimated increase EMS revenue of $10,000

Staff Recommended Action: Staff recommends the City Council vote for passage of this Order.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: EMS Transport Rate Schedule as of January 1, 2025 (Proposed)
EMS Transport Rate Schedule as of April 1, 2024 (Currently adopted rates for reference)
Order

Auburn Fire Department
550 Minot Avenue | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6633

City of Auburn EMS Transport Rate Schedule as of April 1, 2024:

SERVICE	ALL INCLUSIVE RATE
Basic Life Support (A0429)	$882
Advanced Life Support (A0427)	$1,100
Advance Life Support Level 2 (A0433)	$1,600
Basic Life Support Non-Emergency	$497
Advanced Life Support Non-Emergency	$552
Specialty Care Transport (PIFT)	$2,800
Loaded Miles (A0425)	$20 per mile
Paramedic Intercept	$300
On Scene	$300

Auburn utilizes Medical Reimbursement Services (MRS) in Windham, Maine as our billing service. If you have a question regarding an ambulance bill, please contact MRS at 1.800.734.6677.

Auburn Fire Department
550 Minot Avenue | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6633

City of Auburn EMS Transport Rate Schedule effective January 1, 2025:

SERVICE	ALL INCLUSIVE RATE
Basic Life Support (A0429)	$926
Advanced Life Support (A0427)	$1155
Advanced Life Support Level 2 (A0433)	$1680
Basic Life Support (Non-Emergency)	$521
Advanced Life Support (Non-Emergency)	$579
Specialty Care Transport (PIFT)	$2940
Loaded Mile (A0425)	$21 per mile
Paramedic Intercept	$300
**On Scene	$300

*On Scene: Calls in which EMS units respond, have patient contact and provide assessment and/or treatment, but the patient does not get transported.

** Lift Assists: EMS response to residential care facilities will be billed to the facility at the "On Scene" rate

a) A residential care facility is defined as a facility that provides housing and services to residents who need care, supervision or assistance with activities of daily living.

ORDER 98-08052024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby adopts the City of Auburn EMS Transport Rate Schedule effective January 1, 2025, as shown on the attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 5, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (E) to consult with the City attorney regarding the City's legal rights and duties concerning a pending litigation matter.

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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 5, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (A) to discuss a personnel matter.

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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 5, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (A) to discuss annual evaluation of the City Manager.

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 Workshop & Meeting
Agenda
August 19, 2024
Auburn Hall, Council Chambers

5:30 PM Workshop

- Maine DOT Washington Street Safety Demonstration Project – Jonathan LaBonte, Transportation Director
- Discussion of hunting complaints & Archery/Firearm restriction zones
- **Executive Session** pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter. *Passage requires 3/5 majority vote to enter executive session.*

7:00 PM Meeting

Pledge of Allegiance & Roll Call **-** *Roll call votes will begin with Councilor Gerry*

I. **Consent Items –** *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Passage of items on the Consent Calendar require majority vote.*

1. **ORDER 99-08192024* –** Appointing Edward Little High School Junior, Mubarik Abdulahi, to serve as City Council Student Representative with a term expiration of 6/30/2026, as nominated by the Appointment Committee.

2. **ORDER 100-08192024* -** Appointing Whitney Poulin to serve on the Auburn-Lewiston Municipal Airport Board of Directors for the unexpired term ending 1/1/2026, as nominated by the Appointment Committee.

3. **ORDER 101-08192024* -** Appointing Dana Staples to serve on the Zoning Board of Appeals for a term that expires 5/1/2027, as nominated by the Appointment Committee.

4. **ORDER 102-08192024*** - Appointing Robert Hayes to serve on the Planning Board for the unexpired term ending 1/1/2027, as nominated by the Appointment Committee.

II. **Minutes** – August 1, 2024 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

- Sustainability and Natural Resource Management Board - Solid Waste & Recycling Plan

IV. **Open Session –** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. **Unfinished Business**

VI. **New Business**

1. **ORDER 103-08192024 –** Accepting the Solid Waste & Recycling Plan as presented by the Sustainability and Natural Resource Management Board. *Passage requires majority vote.*

2. **ORDER 104-08192024 –** Property donation acceptance of Carrier Court (Parcel ID 184-032-000-000). *Passage requires majority vote.*

3. **ORDER 105-08192024** – Reallocating Capital Improvement Plan (CIP) funds for Airport projects. *Passage requires majority vote.*

4. **ORDER 106-08192024 –** Adopting the process for appointments to the Comprehensive Plan Committee. *Passage requires majority vote.*

5. **PUBLIC HEARING -** CDBG Action Plan Amendment for Program Year 2024. *No action.*

VII. **Reports**

a. **Mayor's Report**
b. **City Councilors' Reports**
c. **Student Representative Report**
d. **City Manager Report**

VIII. **Open Session -** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

IX. **Executive Session** - pursuant to 1 M.R.S.A. Section 405(6) (A) to discuss City Manager's annual review. No action to follow. *Passage requires 3/5 majority vote to enter executive session.*

X. **Adjournment**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 19, 2024 **Workshop Item**
Author: Jonathan P. LaBonte, Transportation Systems Director
Subject: Washington Street Corridor Planning (Exit 75 to Downtown) and Safety Demonstration Project

---

Information: Comprehensive Plans have regularly referenced a policy to improve Washington Street as a gateway. The most recent Plan laid out a specific recommendation that related to the original plans for Washington Street in the 1950's but never fully implemented. Washington Street South, a controlled access highway from Brickyard Circle to approximately Beech Hill Road was to become a two-way highway with limited to no curb openings, and Washington Street North was to return to a two-way local street. Given the critical importance of Washington Street (Routes 202/4) for statewide and regional mobility (75% of all traffic destined for downtown Lewiston-Auburn utilizes Washington Street), stakeholder engagement and endorsement of City concepts has taken place since the summer of 2002. This includes the Federal Highway Administration (FHWA), MaineDOT, Maine Turnpike Authority, AVCOG/ATRC, and the City of Lewiston.

In parallel to the corridor planning, the City worked with ATRC/AVCOG and Lewiston to secure FHWA funding under the Safe Streets and Roads for All program. The goal of the action plan under development is to eliminate all serious injuries and fatalities from Auburn streets. Because Washington Street is home to several High Crash Locations, including some with very high rates of serious injuries and fatalities, we have worked with MaineDOT to test one approach to improving safety; the elimination of left-turns at the intersections of Beech Hill /Danville Corner Roads and East Hardscrabble with Washington Street. The demonstration safety project would see the installation of concrete barriers and safety barrels to continue to allow right in and right out traffic movements, but no traffic crossing Washington Street. The Washington Street study will evaluate alternative intersection designs, including retaining the closure, and following the demonstration project and completion of the study, public input and City Council direction will determine next steps for capital improvements. The workshop will cover all of this in more detail.

City Budgetary Impacts: No current impact, future CIP (Federal, State, Local)

Staff Recommended Action:
The City Manager is requesting the city council review the MDOT Cooperative Agreement which is attached. Over these multiple years of discussions regarding Washington Street safety improvements, MDOT has now identified these intersections as locations for traffic signals. Signing the agreement for the Demonstration Project, would delay the Traffic Signal Project for one-year (during the Demonstration Project period or permanently after reviewing the data from the demonstration project).

City Council will need to provide the manager direction on proceeding with the Demonstration Project or rejecting the agreement and directing MDOT to proceed with the Traffic Signal Project.

Previous Meetings and History:
June 6, 2022 – City Council Meeting Allocating ARPA Funds for Small Area Plans
July 28, 2022 - ATRC Policy Votes Endorses Washington Street Corridor Concept in Auburn Comprehensive Plan
August 15, 2022 – City Council Workshop on Transportation Safety Initiatives
August 24, 2023 – ATRC Policy Votes to Appropriate Funding for Washington Street Corridor Study
September 6, 2022 – City Council Meeting Approving Safe Streets and Roads for All/Vision Zero Resolve
November 15, 2023 – ATRC Policy Meeting Approving Federal Funding for Study and issues RFP

City Manager Comments:
I concur with the recommendation. Signature: 

Attachments: July 2022 City Manager Memo to ATRC, August 2024 Transportation Director Memo to Council, Demonstration Project Agreement

City of Auburn, Maine
Office of the City Manager
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

TO: Jennifer Williams, ATRC Director
FROM: Phil Crowell, City Manager
RE: Exit 75 and Washington Street Corridor Evaluation Request for Support
DATE: July 25, 2022

This memo represents the City of Auburn's request that ATRC support the effort to convert the flow of traffic Washington Street (Route 202/4) from Exit 75 to downtown Auburn. This conversion, with Washington Street North becoming two-way local traffic and Washington Street South becoming two-way through traffic, will improve safety, maintain regional mobility, and align with Auburn's Comprehensive Plan goals for pedestrian scale development and environmental improvements in the area between Washington Street and the Little Androscoggin River. The evaluation would also include the configuration of Exit 75 of the Maine Turnpike and its ability to serve the industrial airport area and regional mobility.

This section of highway is a critical corridor connecting the Maine Turnpike's Exit 75 with not only downtown Auburn and Lewiston but also western Maine. Existing inbound land uses already conflict with the traffic volumes and speeds in the northbound segment, and changes in Auburn's zoning to pursue more mixed-use development and improve stewardship of the Little Androscoggin River watershed further enhance this conflict. Shifting this high volume of thru traffic (approaching 20,000 AADT) to a controlled access highway presents an historic opportunity to restore a major Maine riverfront (Little Androscoggin) and convert a corridor with existing utilities and impervious area to mixed uses with new housing to serve the region and southern Maine.

The 2019 ATRC Metropolitan Transportation Plan projects growth of traffic into our region from the south at 52%. In fact, the most recent Maine Turnpike Origin and Destination Study (2010) noted that over 50% of the traffic at Exit 75 was destined for the Portland region.

Growing traffic volumes are also likely to exacerbate the safety challenges that extend from Exit 75 into downtown Auburn. There are currently three high crash location intersections and two high crash location road sections on this corridor. Since 2020, there have been over 80 crashes along this corridor from Kittyhawk to the rotary, including Exit 75.

Auburn staff have already met with MaineDOT and Maine Turnpike officials to review this proposal and request their involvement in the evaluation. As the regional transportation agency in our community, we request ATRC's support and involvement. Staff will be available to provide a similar briefing for the ATRC Committees on Thursday.

City of Auburn, Maine
Transportation Systems Department
Jonathan P. LaBonté, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TO: Mayor Harmon and the Auburn City Council
FROM: Jonathan P. LaBonte, Transportation Systems Director
CC: Phil Crowell, Auburn City Manager
DATE: August 19, 2024
RE: Washington Street Safety Demonstration Project – Beech Hill and East Hardscrabble Roads

This memo serves as a summary of the city plans for a safety demonstration project on Washington Street (U.S. Route 202/Maine Route 4) at its intersections with East Hardscrabble Road and Beech Hill/Danville Corner Roads. The details that follow below mirror the MaineDOT guidance document on requesting demonstration projects and have been reviewed and approved by MaineDOT.

With appreciation to MaineDOT's safety office, which evaluated the High Crash Location (HCL) at Beech Hill and Danville Corner Roads, the graphic below is based on a scenario of a right-in right-out approach to restricting movements at this intersection during the demonstration project. While curb work would not be done, signage and barricades preventing other movements would be installed.

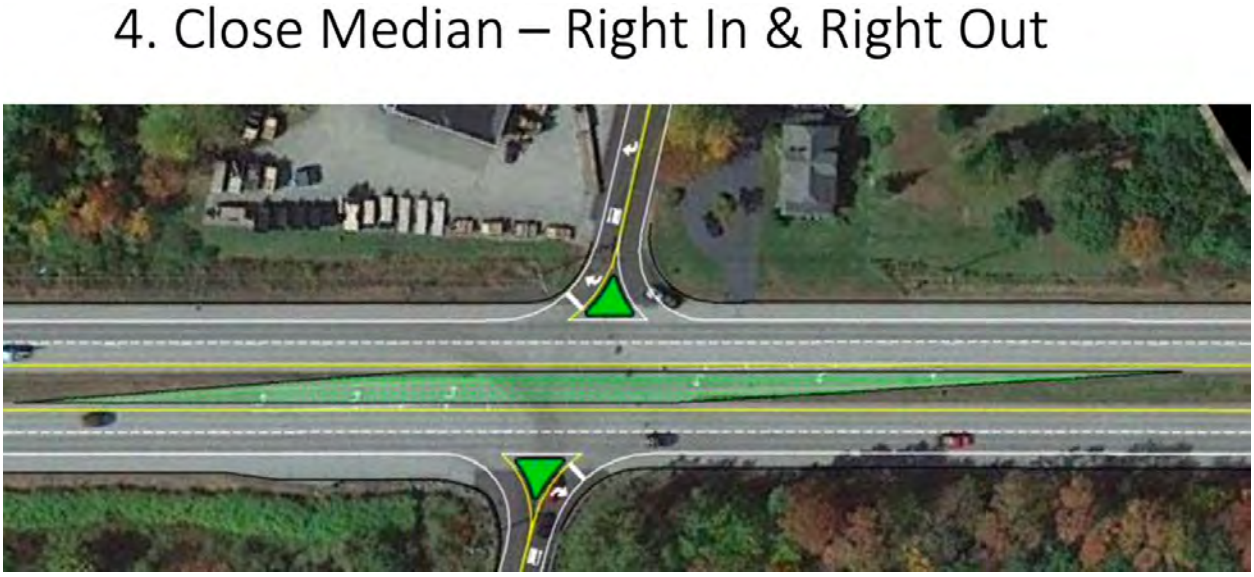


Figure 1. Graphic showing median closure at Beech Hill and Danville Corner Roads, taken from MaineDOT Safety Office presentation on HCL

While we do not have a similar graphic, the city would implement a similar restriction at the intersection of East Hardscrabble Road, allowing only right in and right out traffic entering Washington Street South.



Figure 2. Graphic showing where a second median closure would occur at East Hardscrabble Road and Washington Street.

The materials to be utilized include temporary concrete barriers and sand-filled barrels. Access to materials during the term of the demonstration project is being negotiated, and the city's public works department would complete the installation.

Each intersection's installation would be completed in accordance with AASHTO guidance, and the city has Gorrill-Palmer, the lead engineering firm on the larger Washington Street Corridor Study, creating the stamped plans for the project and assisting in data review during the trial period.

Given the nature of the Washington Street corridor in this section, installation timing and protection for installers and the public would mirror that utilized during the mill and fill on this section of the corridor during 2022. Due to the proposal to close full access at the subject intersections, conflict points during installation will be reduced as traffic will not be allowed to cross Washington Street.

The city partnered with ATRC/AVCOG to collect traffic counts at intersections likely to see detoured traffic, this will allow us to gather additional counts during the trial period to further assess how traffic was rerouted to find access to Washington Street or their intended destinations.

Though this area is outside of the urban compact zone, the Public Works Department does handle maintenance activities in this area and would have primary responsibility for monitoring the installation, as they do other infrastructure in the city. Any impacts from crashes would trigger an evaluation of the installation as well as reviews post winter storm events that could influence the retroreflective elements of the installation.

Public Works does run multiple shifts and has a work order system that would allow not only for prioritizing response to this installation, but to allow for inclusion of work order evaluations in the one-year review process we note below.

As the Auburn City Council endorsed a Vision Zero policy in the fall of 2022, and we advance the Safe Streets and Roads for All (SS4A) action plan process, we are targeting eliminate crashes that lead to serious injury and fatalities at these two intersections. Year over year net crash reductions would also be a goal.

Given that we project traffic to find alternative routes, we would also monitor year over year crash number changes at key detour-related intersections, those include Moose Brook Road/Washington Street, Station Road/Kittyhawk Ave/Washington Street, Kittyhawk Ave/Hotel Road, Chasse Street/Washington Street, Allied Road and Washington Street, Exit 75 Ramps and Washington Street, and Hackett Road and Washington.

We would also be monitoring traffic counts at key detour intersections/road segments, given early feedback from the community and the City Council. Those intersections include Hackett Road/Washington Street, Woodbury Road/Danville Corner Road, Old Danville Road/Danville Corner Road

Through advance discussion with our public safety agencies (Auburn Fire/Rescue and Auburn Police), we would monitor calls, response times, and routes that may have otherwise traversed these turn movements proposed to be eliminated. Neither agency saw a concern given existing routing from Auburn Hall (PD headquarters) or our respective Auburn Fire stations.

The city intends to host an in-person and a virtual neighborhood meeting to discuss the who, what, why, and when associated with this project if MaineDOT supports it advancing. Given that a 2015 neighborhood engagement effort led to their request to close the Beech Hill/Danville Corner Road intersection, we expect a predominantly positive response from

those living in these areas, though recognize for some residents there will be an inconvenience to reducing full access at these intersections.

The city's Transportation Systems Director would be available to respond to comments, and the city has online contact forms that would be a means to aggregate feedback from the public. In addition, the city will conduct a follow-up neighborhood meeting after the one-year anniversary of the closure to provide a report out on the impact of the closure (based on performance measures noted above) and potential next steps if support remains to make these closures permanent.

An item related to public awareness involves updated GIS databases associated with highway and street layouts. Given the use of mapping software in smart phones and vehicles, the city recognizes we need to communicate to these platforms the closure of particular legs of these intersections, beyond the signage that would be installed during the demonstration project period. MaineDOT has agreed to assist with its relationships with those routing systems.

The city would sign detour routes and would like to coordinate a review of detour mapping with MaineDOT's internal system for review of detours. The city's public works department does have some fabrication capabilities but would welcome MaineDOT detour signage loans if needed. City of Auburn variable message boards could also be deployed in the early stages of the project.

There have been numerous meetings of city staff, organizational partners, and briefings to the Auburn City Council. This latest briefing will initiate our implementation efforts, starting with public awareness and engagement through public meetings in the month of September and the establishment of feedback processes for residents during the demonstration period.

Internal Use Only	
TEDOCS #:	
CTM #:	
CSN #:	
Vendor #:	

(Non-Monetary Agreement)

Demonstration Project Lead Agency: City of Auburn		**Agreement Begin Date:** Upon full execution
Municipality Vendor Number:		**Agreement Completion Date:** Estimated at June 30, 2026
Funding Sources: • *100% municipally funded. No state or federal share*		**Estimated Total Project Cost:** $ N/A
AMS Advantage #:		**Program:** Planning – Demonstration Project

NOTE: The information in the table above is for administrative purposes only and is not a legal component of the attached agreement.

Administrative Cover Page
Demonstration Project
Washington Street Intersections, Auburn, Maine
(contract begins on following page)

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
COOPERATIVE AGREEMENT

Demonstration Project
Washington Street Intersections, Auburn, Maine

This Cooperative Agreement (the "Agreement") is entered into by and between the **MAINE DEPARTMENT OF TRANSPORTATION** ("MaineDOT"), an agency of state government with its principal administrative offices located on Child Street, Augusta, Maine, and the **CITY OF AUBURN** (the "Municipality"), a municipal corporation with its principal administrative offices located at 60 Court Street, Auburn, Maine (MaineDOT and the Municipality are collectively the "Parties" or individually a "Party").

RECITALS

A. MaineDOT has identified the intersection of Beech Hill Road and Danville Corner Road (both town ways) with Washington Street (traffic signal node #3497) (a state highway also known as Route 202) as a high-crash location (the "Beech Hill/Danville Intersection"). Washington Street is a four lane highway divided by a median with strategic breaks in the median allowing traffic to access connecting side roads.

B. MaineDOT's Work Plan includes implementation of certain traffic signal upgrades to the Beech Hill/Danville Intersection (the "Traffic Signal Project").

C. The Municipality is working to implement control of access and mobility goals along the Washington Street corridor. In support of those goals, the Municipality's preference is to forgo the Traffic Signal Project in exchange for the testing of a so-called demonstration project, whereby alternative traffic control measures may be tested before more costly investments are made in permanent infrastructure improvements or less-preferable alternatives are implemented.

D. The proposed demonstration project would include closing off the existing median break at the Beech Hill/Danville Intersection, as well as Washington Street's intersection with East Hardscrabble Road, eliminating the ability for vehicular traffic to exit Washington Street via a left turn maneuver at either of these intersections, and creating a right-in/right-out traffic pattern for vehicles exiting and entering Beech Hill Road, Danville Corner Road, and East Hardscrabble Road to and from Washington Street (the "Demonstration Project").

E. MaineDOT is open to postponing the Traffic Signal Project in favor of the proposed Demonstration Project, provided that the Municipality follows the conditions set out in this Agreement.

F. If the Parties determine that the Demonstration Project satisfactorily improves the existing safety concerns while achieving the Municipality's mobility goals, a project to permanently

implement the temporary aspects of the Demonstration Project will be scheduled in an upcoming MaineDOT Work Plan.

G. The purpose of this Agreement is to set out the roles, responsibilities, and financial obligations of the Parties throughout all phases of the Demonstration Project to implement the Demonstration Project and to monitor and report its effect on the existing safety concerns and mobility goals.

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

1. **Project Scope:**

   a. The Demonstration Project's "Scope of Work" shall consist of designing and installing compliant traffic control devices along the Washington Street median breaks at the Beech Hill/Danville Intersection and the East Hardscrabble Road intersection (the "Temporary Infrastructure") and installing appropriate signage at the affected intersections to advise users of right-in/right-out limitations and designated detour routes, all in accordance with design plans reviewed in advance by MaineDOT.

   b. The Municipality will consult with MaineDOT before implementing any substantive adjustments to the Scope of Work.

2. **Detours at Municipality's Risk:** The Municipality hereby assumes full responsibility for any impacts to town ways caused by designated detour routes made necessary by the implementation of the Demonstration Project and, notwithstanding the provisions of 23 M.R.S. § 654, the Municipality hereby releases MaineDOT from all responsibility for signage, maintenance, or selection of the designated detour routes or any impacts to town ways caused by the operation of such detour routes.

3. **Temporary Location Rights Granted:** Through execution of this Agreement, MaineDOT grants the Municipality temporary location rights allowing for the Municipality's installation of the Temporary Infrastructure within the Route 202 right of way limits (the "Temporary Location Rights"). If, at any time, MaineDOT determines that the Temporary Infrastructure presents a safety hazard to the travelling public, or if the Temporary Infrastructure is not being properly maintained during the Demonstration Period, MaineDOT will direct the Municipality to immediately remove the Temporary Infrastructure and restore the median break and associated traveled way to a condition acceptable to MaineDOT, and this Agreement will be void and of no further effect unless acceptable repairs or remedies approved by MaineDOT at its sole discretion are immediately implemented by the Municipality.

4. Project Monitoring and Reporting:

a. The Temporary Infrastructure, once installed, shall remain in place for a period of one (1) year, during which time the Municipality will monitor the Demonstration Project's impact on safety at the affected intersections and general mobility improvement on the Washington Street corridor (the "Demonstration Period"). During the Demonstration Period, the Municipality shall undertake the following activities:

   i. At least two (2) public hearings shall be held at different stages of the Demonstration Period to seek public input on the perceived effectiveness of the Demonstration Project.

   ii. Statistical analysis of crash data to objectively evaluate improvements or degradation directly resulting from the Demonstration Project implementation.

   iii. General monitoring of mobility improvements or degradation directly resulting from the Demonstration Project implementation, to the extent that this information is helpful to the Municipality in objectively measuring attainment of its mobility goals;

b. Upon completion of the Demonstration Period, the Municipality shall report its findings to MaineDOT, and the Parties will jointly determine whether the Demonstration Project has successfully met the Parties' intended goals.

   i. If the goals are satisfactorily achieved, MaineDOT will incorporate a project into its work plan to replace the Demonstration Project's temporary installations with permanent infrastructure (the "Permanent Project"). Upon such determination to proceed to a Permanent Project, the Temporary Infrastructure will remain in place and maintained by the Municipality until construction of the Permanent Project is initiated (the "Interim Period")

   ii. If the goals are not satisfactorily achieved, MaineDOT will direct the Municipality to immediately remove the Temporary Infrastructure, restore the median break and associated traveled way to a condition acceptable to MaineDOT, and this Agreement will be void and of no further effect. MaineDOT shall then determine how best to proceed with safety improvements at the Beech Hill/Danville Intersection, including without limitation the possibility of proceeding with the postponed Traffic Signal Project.

5. Project Financing:

a. All costs associated with the Demonstration Project implementation shall be borne by the Municipality. Such cost shall include, without limitation, all costs associated with removing the Temporary Infrastructure and restoring the median break and associated

travel way to a condition acceptable to MaineDOT if the Demonstration Project does not advance to a Permanent Project.

b. If the Parties jointly determine that the Permanent Project will be implemented, the Parties will enter into a subsequent cooperative agreement setting out the roles, responsibilities, and cost-sharing parameters of the Permanent Project.

6. <u>Project Development:</u>

a. <u>Design.</u>

i. The Demonstration Project shall be designed by a Professional Engineer licensed in the State of Maine and all Demonstration Project plans and specifications shall be reviewed by MaineDOT's State and Region Traffic Engineers before the Demonstration Project can proceed to the construction/installation phase. MaineDOT's review shall be focused on ensuring that the Demonstration Project will achieve the anticipated benefits and will not degrade safety and may result in MaineDOT recommending or requiring that changes be made to the plans to address identified concerns. The Municipality shall further provide MaineDOT with the opportunity to review any substantive changes to the initial design before proceeding with implementation of such changes.

ii. It is expected that the Demonstration Project can be constructed as designed within the existing right-of-way limits. If that is not the case, the Municipality must provide MaineDOT with a detailed explanation of the property rights required for the Project and shall acquire any such property rights in accordance with all applicable state and federal laws.

iii. The Municipality shall coordinate with affected utilities to identify existing utility locations and/or any utility relocation impacts that may be created by the development of the Project.

iv. The Municipality shall perform all necessary federal, state, and local permitting activities required in connection with the Project.

b. <u>Construction/Installation of Temporary Infrastructure.</u>

i. The Municipality intends to use its own public works resources to construct the Demonstration Project. If the Municipality instead elects to hire an outside contractor, the Municipality shall advertise, procure, and award a contract to construct the Demonstration Project in accordance with the approved plans and specifications (the "Construction Contract")following a competitive bidding process that is consistent with the procedures set out in MaineDOT's Standard Specifications (March 2020 Edition), Section 102, "Bidding." The Municipality shall be the sole administrator of any Construction Contract procured.

ii. The Municipality shall assign or hire a qualified Professional Engineer licensed in the State of Maine to oversee all Demonstration Project activities (the "Project Engineer").

iii. During construction, the Municipality shall:

- Provide a Project Resident to perform inspection and documentation work who is either a municipal employee qualified to perform such work or a consultant hired through a qualifications-based selection method;

- Hold a pre-construction meeting with notice of at least 5 working days with representatives of MaineDOT, the contractor, and any utilities affected by the work;

- Coordinate materials testing, if applicable, to meet the minimum testing requirements for the Project;

iv. Construction Initiation and Completion. The Municipality shall initiate Demonstration Project construction by **June 30, 2024** and complete Demonstration Project construction by **October 31, 2024** (the "Project Initiation and Completion Dates"), unless MaineDOT, in its sole discretion, agrees to extend the Project Initiation and/or Completion Dates at the Municipality's request. Failure to meet the Project Initiation and/or Completion Dates may result in MaineDOT's revocation of the Temporary Location Rights and termination of this Agreement, at MaineDOT's sole discretion.

7. Public Involvement:

The Municipality shall be responsible for implementing and leading any and all required public involvement processes and activities and any necessary media coordination associated with the Demonstration Project.

8. Termination:

a. The Municipality reserves the right to terminate the Demonstration Project and this Agreement for any reason upon written notice to MaineDOT.

b. MaineDOT reserves the right to postpone, suspend, abandon, or otherwise terminate this Agreement upon thirty (30) days written notice to the Municipality and, in no event, will any such action be deemed a breach of contract. Postponement, suspension, abandonment, or termination may be taken by MaineDOT for any reason or specifically as the result of the Municipality's failure to perform as required under

the terms of this Agreement after receiving written notice from MaineDOT and the right to cure within 7 days of Municipality's receipt of such notice.

c. This Agreement may be terminated at any time by mutual written agreement of all Parties.

d. Upon termination for any reason, if MaineDOT is not advancing the Demonstration Project to a Permanent Project, MaineDOT will direct the Municipality to immediately remove the Temporary Infrastructure, restore the median break and associated traveled way to a condition acceptable to MaineDOT, and this Agreement will be void and of no further effect. MaineDOT shall then determine how best to proceed with safety improvements at the Beech Hill/Danville Intersection, including without limitation the possibility of proceeding with the postponed Traffic Signal Project.

9. Post-Construction Maintenance:

Upon completion of Demonstration Project construction, the Municipality agrees to maintain, at its sole expense, all Temporary Infrastructure constructed, installed, or furnished in connection with the Demonstration Project in such manner as necessary to preserve the use and function thereof, and in a manner that preserves the safety of the travelling public for the duration of the Demonstration Period and the Interim Period, if applicable.

10. Term of Agreement: This Agreement shall be effective upon full execution by all Parties and shall expire upon completion of the Demonstration Period and any applicable Interim Period.

11. General Provisions:

a. Debarment. By signing this Agreement, the Municipality agrees that it will not hire a consultant or contractor, or allow the hiring of any subconsultant or subcontractor, who is now debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal or state department or agency.

b. Indemnification.

i. The Municipality, to the extent permitted by law, shall indemnify, defend subject to the Maine Attorney General's approval, and hold harmless MaineDOT, its agents and employees from any and all claims, suits, or liabilities of every kind or nature attributable to, resulting from, or arising out of the design, construction, implementation, or maintenance of the Demonstration Project. Nothing herein shall waive any defense, immunity, or limitation of liability that may be available to either Party under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.)

or any other privileges or immunities provided by law. *This provision shall survive any termination or expiration of this Agreement.*

ii. The Municipality shall require any contractors hired in connection with the Construction Contract (the "Contractor") to indemnify, defend subject to the Maine Attorney General's approval, and hold harmless MaineDOT, its agents and employees from any and all claims, suits, or liabilities of every kind or nature attributable to, resulting from, or arising out of the Contractor's involvement in the design, construction, implementation, or maintenance of the Demonstration Project. Nothing herein shall waive any defense, immunity, or limitation of liability that may be available to the State of Maine under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. *This provision shall survive any termination or expiration of this Agreement.*

c. Insurance.

i. The Municipality shall require its Contractor(s) to carry and provide MaineDOT and the Municipality with signed, valid, and enforceable certificate(s) of insurance consistent with the requirements set out in MaineDOT's Standard Specifications (March 2020 Edition), Section 110.3 *et seq*, "Insurance."

ii. The Municipality shall, at all times, carry sufficient liability insurance to adequately cover its risks arising from or related to actions performed in connection with the Demonstration Project and this Agreement, including all indemnification obligations.

iii. Each insurance policy, with the exception of Workers' Compensation and Professional Liability insurance, shall list the State of Maine Department of Transportation as an additional insured.

d. Assumption of Responsibility. The Municipality hereby assumes responsibility for all damage to public or private property of any kind resulting from any act, omission, neglect, or misconduct of the Municipality, its employees, agents, or representatives, and shall ensure that its Contractor(s) assume the same responsibility for all damage to public or private property of any kind resulting from any act, omission, neglect, or misconduct of its own employees, agents, or representatives.

e. Obligation of Municipal Funds. The Municipality represents that it has received all necessary approvals or authorizations by its governing authorities to approve and implement the Demonstration Project and enter into this Agreement, and that it has obligated the necessary funds to cover the costs of the Demonstration Project.

f. Amendments. This Agreement may be amended when such an amendment is agreed to in writing by all Parties.

g. Assignment. No assignment of this Agreement is contemplated, and in no event shall any assignment be made without the Parties' express written permission.

h. Independent Capacity. The Municipality, its employees, agents, representatives, consultants, and contractors shall not act as officers, employees, or agents of MaineDOT.

i. Applicable Federal and State Laws. The Municipality shall keep itself informed of and comply with all applicable federal, state, and local laws, rules, regulations, orders, ordinances, and decrees affecting the Demonstration Project including without limitation all environmental, wage, labor, equal opportunity, safety, patent, copyright, and trademark laws.

j. Entire Agreement. This document represents the entire Agreement between the Parties. Neither MaineDOT nor the Municipality will be bound by any statement, correspondence, agreement, or representation not expressly contained in this Agreement.

k. Points of Contact and Notices. Each Party has designated a Point of Contact for the Demonstration Project, as identified below. Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending Party. Alternatively, communication may be sent via email and shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving Party. Said communications, requests or notices shall be sent to the other Party as follows:

City of Auburn
Jonathan P. LaBonté
60 Court Street
Auburn, ME 04210
Phone: 207-333-6601 x1070
Email: j.labonte@auburn.maine.gov

MaineDOT
Matthew Drost, Bureau of Planning
16 State House Station
Augusta, ME 04333-0016
Phone: 207-441-1879
Email: matthew.drost@maine.gov

Each Party agrees to promptly notify the other Party of any changes to the above referenced contact information.

l. Counterparts and Electronic Signatures. This Agreement may be implemented in one or more counterparts, each of which will be deemed to be an original copy and all of which, when taken together, will be deemed to constitute one and the same Agreement, and will be effective when counterparts have been signed by each of the Parties and delivered to the other Parties. Each Party agrees that this Agreement and any other documents to be executed in connection herewith may be electronically signed and that any electronic signatures appearing on this Agreement or the associated documents are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the day and date last signed below.

CITY OF AUBURN

*Date:*_____ By*:_____
Print Name:
Title:
Duly authorized

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

Date:_____ By*:_____
Print Name: Nathan Moulton, Acting Director
Bureau of Planning
Duly authorized

**I certify that the foregoing signature is true and accurate, and if electronic, I further certify that it (a) is intended to have the same force as a manual signature; (b) is unique to me; (c) is capable of verification; and (d) is under my sole control.*

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 19, 2024 **Workshop**

Author: Phillip Crowell Jr, City Manager

Subject: Discussion of hunting complaints & Archery/Firearm restriction zones

---

Information:

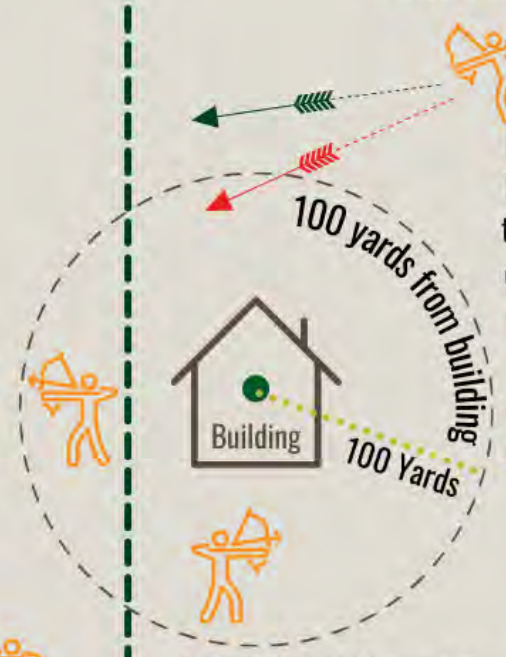
Councilor Whiting and Gerry requested this item be brought before the city council for discussion. Councilor Whiting has received complaints regarding a city owned parcel on Summer Street (parcel ID 277-037-001). The parcel is located within the city's restricted firearm zone and is within the state's expanded archery hunting zone. The police department was requested to review complaints related to hunting in this area – no off-season hunting complaints were located, repeated complaints of vehicles parked on the side of the road during hunting season and some complaints of hunters walking through private property. In addition to concerns about hunting near buildings, the councilor also received complaints about no hunting signs being removed. No complaints were discovered regarding signs being taken down or firearm discharges on Summer St specifically. Approximately ten complaints were received in the last three years, all from areas immediately surrounding the specified parcel.

There are 16 parcels surrounding this city owned parcel – one property has a building (1018 Summer Street) within 300 feet of the city owned parcel. There are two homes on Hotel Road which are approximately 400 – 425 feet away. This information is being shared to demonstrate that a hunter could walk into the area on city property and hunt on the private properties and be within the law to hunt if those property owners have not posted the property in accordance with the law. To restrict hunting access to the parcel identified, we would need to post approximately 170 signs on the 60- acre parcel being considered. See the diagram below for the 100-yard restriction and the expanded archery zone for our area.

The diagram below illustrates when an archer is legally required to obtain landowner permission to discharge a bow and arrow.

Landowner A

Landowner B



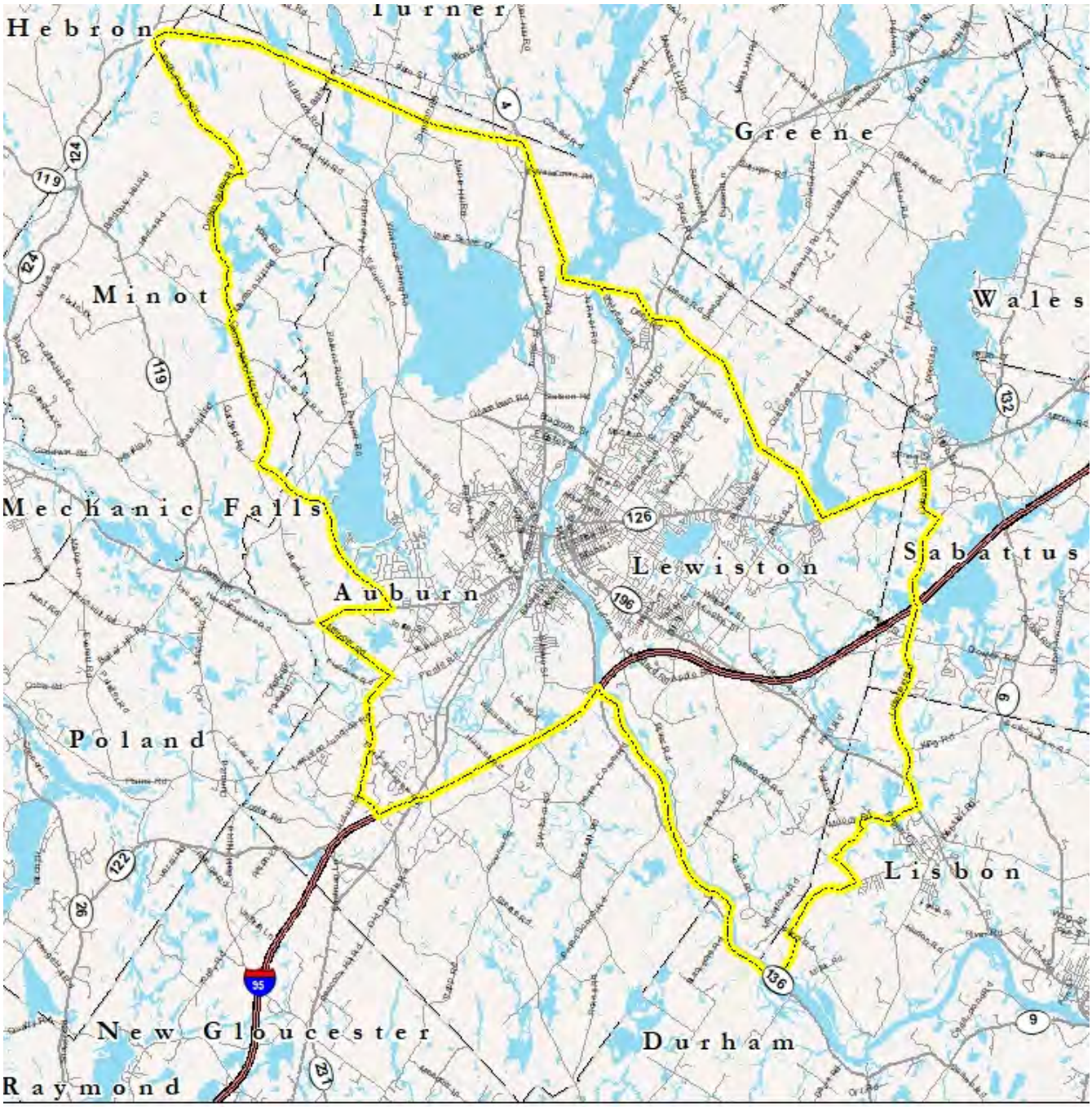
If an **arrow** will pass within 100 yards of a building, **and** the archer is on that building owner's land, **permission is required**. If the arrow will pass more than 100 yards from the building, **no permission required**.

If the archer is within 100 yards of a building that is on a different landowner's land: **No permission required**.

If the archer is more than 100 yards away from a building, **no permission is required** to discharge the bow.

When within 100 yards of a building, **and** the archer is on that same building owner's land, **permission is required**.

The above diagram assumes the archer is in a place they can legally access considering trespass and tree stand laws. View all of Maine's hunting laws at mefishwildlife.com/huntinglaws



MAINE EXPANDED ARCHERY DEER ZONE

LEWISTON

Expanded Archery Area

Miles

0 30 60 120 180 240



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 19, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (C) for an economic development matter.

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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 19, 2024 **Order(s):** 99 through 102 - 08192024

Author: Emily F. Carrington, City Clerk

Subject: Appointing Board & Committee Members as recommended by the Appointment Committee

---

Information: The Appointment Committee met on August 8, 2024 to review applications received for vacancies posted due to recent resignations on various boards & committees. The Appointment Committee is bringing forward the following nominations:

1. **ORDER 99-08192024* –** Appointing Edward Little High School Junior, Mubarik Abdulahi, to serve as City Council Student Representative with a term expiration of 6/30/2026, as nominated by the Appointment Committee.

2. **ORDER 100-08192024* -** Appointing Whitney Poulin to serve on the Auburn-Lewiston Municipal Airport Board of Directors for the unexpired term ending 1/1/2026, as nominated by the Appointment Committee.

3. **ORDER 101-08192024* -** Appointing Dana Staples to serve on the Zoning Board of Appeals for a term that expires 5/1/2027, as nominated by the Appointment Committee.

4. **ORDER 102-08192024*** - Appointing Robert Hayes to serve on the Planning Board for the unexpired term ending 1/1/2027, as nominated by the Appointment Committee.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage of the orders (Consent Item).

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

Rec'd 7/9/24

CITY COUNCIL STUDENT REPRESENTATIVE

Applicant Information:

_Name: _

___Mubarik Abdulahi_____

Home Address: _521 Tuner St. Apt 4 Auburn, ME
04210_____

E-mail Address:
____fowsiam@hotmail.com_____

Phone Number: 2074020391_____

School: _Eward little High school_____ Current Grade:
___11_____

Applicant Experience: *Please list activities in which you have participated. Include organizations, school-related activities, and community activities.*

Name of Organization: _Maine Community Integration
_____

Title or Position: __Sprout Lewiston and We
Matter_____

Period of Involvement: ___2021_____ Hours per week: 22hrs_____

Name of Sponsor: __Fowsia Musse_____ Phone Number:
_2075766329_____

Name of Organization:

__Maine Community Integration_____

Title or Position: ___

Executive Director_____

Period of Involvement: _____ Hours per week: _____

Name of Sponsor: _____ Phone Number: _____

Employment: *Beginning with your present or most recent job if any, please list your employment history.*

Name of Employer: ___N/A_____ **Phone Number:** _____

Type of Work: _____

Period of Work: _____ Hours per week: _____

CITY COUNCIL STUDENT REPRESENTATIVE

Name of Employer: N/A **Phone Number:** _____

Type of Work: _____

Period of Work: _____ Hours per week: _____

Personal References: (Teachers, Coaches, or Counselor - please attach a separate sheet)

Student Essay

To give each applicant the opportunity to demonstrate his or her eligibility for the City Council Student Representative, answer the following questions limiting each response to 100 words or less.

Use separate sheet of paper if necessary and attach response sheet to the application and submit together.

1. Why do you believe that you would be a good candidate for the City Council? Any special qualities?
   I believe I am a strong candidate for the City Council due to my deep commitment to community service and understanding of our diverse population's needs. As a first-generation member of our community, I have a unique perspective and strong connection to the experiences of New Mainers, enabling me to represent and advocate for their needs effectively. Since the age of eight, I have been actively volunteering under my mother's guidance, accumulating over 60 hours of door-to-door canvassing and outreach to encourage voter turnout among New Mainer communities, trained by the Maine People's Alliance. My volunteer work at local community events includes managing tables to educate residents about lead poisoning prevention and promoting COVID-19 vaccinations, demonstrating my dedication to public health and effective communication skills. I have extensive volunteer experience with Maine Community Integration, Maine People's Alliance, Healthy Neighborhoods, and Healthy Androscoggin, giving me a deep understanding of community issues and strong relationships with various stakeholders. My commitment to service and proactive approach to addressing community needs highlight my leadership qualities and passion for making a positive impact, which I am eager to bring to the City Council.

2. What do you envision a Student Representative as being? Why should there be one?

I envision a Student Representative as a vital bridge between the student body and the decision-making authorities, ensuring that the voices, concerns, and ideas of students are heard and considered in relevant discussions. A Student Representative would actively gather input from their peers, advocate for student interests, and work collaboratively with school officials to address issues affecting the student community.

Having a Student Representative is important because it empowers students by giving them a direct role in shaping their educational experience. It fosters a sense of responsibility and engagement among students, encouraging them to take an active interest in their school environment. Additionally, it promotes a more inclusive and democratic decision-making process, ensuring that policies and initiatives reflect the needs and perspectives of the student body. This representation can lead to more effective and relevant solutions to issues such as academic stress, mental health support, extracurricular activities, and overall school climate.

3. In your opinion, what is the most critical issue facing youth in your school, in your neighborhood, and in our city? What can a Student Representative do to solve such a problem?

In my opinion, the most critical issue facing youth in our school is the urgent need for more school guidance counselors. Post COVID-19, there has been a significant increase in mental health issues and suicides among my peers. Another pressing issue is the high rate of students skipping classes, often congregating in bathrooms, which contributes to academic gaps.

In our neighborhood, a key concern is the need for road repairs and increased beautification through the addition of more trees. For the city at large, addressing these infrastructure issues can significantly improve the quality of life for residents.

CITY COUNCIL STUDENT REPRESENTATIVE

I, the undersigned, do hereby consent to my child's participation in the Auburn City Council. I acknowledge that I have read and understand the Auburn City Council Ordinance and allow my child to attend all meetings and events relative to this program; and that I understand that my child will be removed from membership for failure to do so. I also acknowledge that upon submission of the application, my child will be considered for membership with all other applicants and that my child may or may not be selected for membership. I further acknowledge that my child's participation in this program is voluntary and I agree to release the City of Auburn and all of their employees, officials, and any and all individuals and organizations assisting or participating in the program from any and all claims for personal injuries and property damage which my child may suffer while participating as a member of the Auburn Youth Council.



7-9-2024

Signature of Parent or Guardian

Date

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Thursday, July 25, 2024 4:52 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

Planning Board

First Name: Robert

Middle Initial: HWR

Last Name: Hayes

Residence Address: 172 Allen Ave

Ward: Ward 2

City: Auburn

Home Phone: 2077821386

Cell Phone: 2072323903

E-mail Address: jlhayes1868@yahoo.com

Current Occupation: Hard copy submitted separately

Previous Occupation (if retired or no longer working): Hard copy submitted separtely

Education and/or experience: Hard copy submitted separately

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Desire to move from an alternate/associate to full member

Briefly describe why you want to serve on a board/committee (1,000 character limit): Earlier I submitted for appointment to the Planning Board as an Associate Member. I was selected to fill that position and have appreciated the opportunity to serve in that compacity. I would now look forward to serving as a full member.

What do you hope to accomplish?: I would appreciate the opportunity to continue to add to the conversation and discussion addressing planning and development issues facing the Auburn community. Hopefully, my upbringing in Auburn and involvement in Auburn affairs would allow me to contribute beneficially to the dialogue concerning the City's social, environmental and economic issues.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Associate Planning Boai Member

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Yes, as outlined in hard copy submitted separately

Dates served (if known): As shown by separate submittal

How did you learn of this vacancy?: On line and knowing of this now vacancy

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Robert Hayes

Date of Electronic Signature: 7/25/2024

July 25

~~January 29~~, 2024

From: Robert P Hayes (residing at 172 Allen Ave., Auburn in Ward 2 with home phone #782-1386, cell phone #232-3903 and email address:)

To: City of Auburn as a submittal application for the open seat for an ~~alternate~~ full member on the Planning Board as appears in the City's web site.

I am now retired, working part time as a driver for Mobility Works (Gray, ME) and as a ski instructor at Lost Valley. Previously, I was owner/manager of J.L.Hayes/Agway, originally in Lewiston but most recently in Auburn at 807 Minot Ave.

I am still dedicated to this community in which have grown up in and have lived and worked in. I would like to be responsibly and thoughtfully involved in contributing to Auburn's healthy growth, by being a respectful and knowledgeable voice as a Planning Board member.

As to my background, I submit the following:

EDUCATION:

- Auburn Public Schools (ELHS 65)
- Union College, Schenectady, NY (Industrial Economics)
- Univ. of Southern Maine (Business Administration)
- Univ. of Maine – Augusta (Public Administration)
- Navy Officer Candidate School, Newport, RI
- Navy Supply School, Athens, GA

COMMUN ITY INVOLVEMENT:

- Chamber of Commerce (1975-2015)
- Auburn Planning Board (Member '77-'90, Chairperson '88-'90)
- Lewiston Downtown Development & Management Corp. (Director '80-'87, Chairperson '85-'87)
- Auburn City Council (Ward 2, 2005-2015)

PROFESSIONAL EXPERIENCE:

- United States Navy (Active '70-'73; Reserve '73-'95; Retired Commander, Supply Corps)
- E.C.Jordan Co., Portland, ME (Community and Regional Land-Use Planner '69-'70, '73-'75)
- J.L.Hayes/Agway (Small Business Manager 1975-2015)

For more than 60 years, I have been involved in our community,

- as student in the Auburn Public Schools,
- as owner/manager of J.L.Hayes/Agway,
- as member of the Chamber of Commerce,
- as member/chairperson of the Planning Board,
- as Ward 2 City Councilor,
- as member of the L/A Railroad Co. Board,
- as City representative to the L/A Airport Board,
- as a certified ski instructor at Lost Valley.

Respectfully,

Bob Hayes

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Tuesday, July 30, 2024 8:03 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Whitney

Middle Initial:

Last Name: Poulin

Residence Address: 2288 Hotel Rd

Ward: Ward 4

City: Auburn

Home Phone: 2075357646

Cell Phone: 2075357646

E-mail Address: whitneyrbrite@gmail.com

Current Occupation: Scientist I

Previous Occupation (if retired or no longer working):

Education and/or experience: Bachelor of Science in Human Biology from USM; Pursuing a Master's of Science in medical microbiology and bioinformatics at UF

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Airport Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to serve on the airport board because I am interested in improving the quality of life for the residents of Auburn and Lewiston. I would like to help with the growth and development of the airport and give the residents different transportation options. I think this airport has potential for growth and I would like to contribute to the vision to make that happen. I would also like to share my fundraising ideas to help fund the development of the airport.

What do you hope to accomplish?: I would like to promote initiatives that will help with more job creation, more transportation options, and more revenue for the twin cities. I would like to provide opportunities for residents and

visitors to engage more with the airport with events that would generate revenue and community involvement. I would like to look into ways to bring quality and economical transportation businesses to the airport.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: NA

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: NA

Dates served (if known):

How did you learn of this vacancy?:

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Whitney Poulin

Date of Electronic Signature: 07/30/2024

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Thursday, July 18, 2024 2:20 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

Follow Up Flag: Follow up
Flag Status: Flagged

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Dana

Middle Initial: N

Last Name: Staples

Residence Address: 32 Greenfield Drive

Zoning Board of Appeals

Ward: Ward 5

City: Auburn

Home Phone: 2072401671

Cell Phone: 2072401671

E-mail Address: dana.staples@gmail.com

Current Occupation: Software management

Previous Occupation (if retired or no longer working):

Education and/or experience: MS, computer science

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Zoning Board of Appeals

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I'm very interested in land use and Auburn's zoning. I think that a citizen's right to appeal a decision is very important, and the work of this board is vital. I have previously served on this board before it was disbanded.

What do you hope to accomplish?: I hope to give people a chance to appeal.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: none currently

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: all kinds. Most recently City Council

Dates served (if known): various since 2014. City Council from 2021-2023

How did you learn of this vacancy?: website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Dana Staples

Date of Electronic Signature: 07-18-24

Appointment Committee Meeting
Agenda
August 8, 2024
Auburn Hall, Room 204
3:30 PM Meeting

Present:
Councilors Belinda Gerry, Richard Whiting, Adam Platz (Members)
City Clerk Emily Carrington

1. Appointing a Committee Chair

Councilor Platz was unanimously declared Chair.

2. Acceptance of Minutes from the May 23, 2024 Meeting

Motion to accept the minutes by Councilor Whiting, seconded by Councilor Gerry. Passed 3-0.

3. Open Session

No members of the public were present.

4. Review of Applications and Nominations

Councilor Whiting moved to go into executive session pursuant to 1 M.R.S.A. §405(6)(A) to discuss applications, seconded by Councilor Gerry. Passed 3-0. Entered executive session at 3:33pm.

Declared out of executive session at 3:44pm.

Councilor Whiting nominated Robert Hayes to Planning Board to fill the unexpired term of Ryan Smith. Seconded by Councilor Gerry. Passed 3-0.

Councilor Platz moved to nominate Whitney Poulin to the Airport Board of Directors for the unexpired term of Jonathan LaBonte; seconded by Councilor Gerry. Passed 3-0.

Councilor Gerry moved to nominate Dana Staples to the Zoning Board of Appeals for the unexpired 3 year term, seconded by Councilor Whiting. Passed 3-0.

Councilor Platz moved to nominate Mubarik Abdulahi as the Student Council Representative (Junior), for a two year term expiring 6/30/2026. Seconded by Councilor Gerry. 3-0.

5. Other Business

Another meeting will be held in September.

6. Adjournment

Motion to adjourn by unanimous consent at 3:49pm.

ORDER 99-08192024

City Council Order

IN CITY COUNCIL

ORDERED, that Edward Little High School Junior, Mubarik Abdulahi, be appointed to serve as the City Council Student Representative with a term expiration of June 30, 2026, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 100-08192024

City Council Order

IN CITY COUNCIL

ORDERED, that Whitney Poulin be appointed to serve on the Auburn-Lewiston Municipal Airport Board of Directors for the unexpired term ending January 1, 2026, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 101-08192024

City Council Order

IN CITY COUNCIL

ORDERED, that Dana Staples be appointed to serve on the Zoning Board of Appeals for a term that expires May 1, 2027, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 102-08192024

City Council Order

IN CITY COUNCIL

ORDERED, that Robert Hayes be appointed to serve on the Planning Board for the unexpired term that expires January 1, 2027, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL WORKSHOP & MEETING AUGUST 1, 2024 VOL 37 PAGE 183

Mayor Harmon called the meeting to order at 7:00P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. Consent Items

1. ORDER 95-08052024* – Appointing Mayor Jeffrey Harmon to serve as the Auburn Representative for Maine Municipal Association's 2024-2026 Legislative Policy Committee, and appointing City Manager, Phillip L. Crowell, as alternate.

2. ORDER 96-08052024* - Casting Auburn's ballot for the Maine Municipal Association's Vice President & Executive Committee members.

Councilor Gerry moved for passage of the Consent Items, seconded by Councilor Whiting. Motion passed 7-0.

II. Minutes – July 15, 2024 Regular Council Meeting
Councilor Walker moved to accept the minutes, seconded by Councilor Cowan. Motion passed 7-0.

III. Communications, Presentations and Recognitions

IV. Open Session
Larry Pelletier, Second St – Expressed concerns about dog waste, fireworks, and unleashed dogs

V. Unfinished Business

VI. New Business

1. ORDER 97-08052024 – Establishing an ad-hoc committee to review city fees and bring forward a recommendation of changes to the City Council for adoption. Passage requires majority vote.

Councilor Milks moved for passage, seconded by Councilor Walker. Motion passed 7-0.

2. ORDER 98-08052024 – Adopting changes to EMS billing rates. Passage requires majority vote.

Councilor Walker moved for passage, seconded by Councilor Cowan. Motion passed 7-0.

VII. Reports
a. Mayor's Report – Attended the Opioid Response Summit with Governor Mills.
b. City Councilors' Reports – Councilors Gerry and Cowan gave an update on the homeless committee. Councilor Milks spoke about an upcoming fundraising event titled the Matt Closson scholarship fund at Lost Valley. Councilor Weisner reminded the public about the balloon festival later taking place August 16-18.

c. Student Representative Report - Representative Egge encouraged the public to attend the Balloon Festival and said many ELHS student clubs will be present.
d. City Manager Report – Acknowledged National Night Out to be held on August 6.

VIII. Open Session
Stephen Beale, Johnson Rd

IX. Executive Sessions –

Councilor Walker moved to enter Executive Sesssion pursant to 1 M.R.S.A. Section 405(6)(A) to discuss a personnel matter. Seconded by Councilor Weisner. Motion passed 7-0; Council entered Executive Session at 7:15pm.

Pursuant to 1 M.R.S.A. Section 405(6)(E) to consult with the City attorney regarding the City's legal rights and duties concerning a pending litigation matter. No action to follow. Passage requires 3/5 majority vote to enter executive session.

Pursuant to 1 M.R.S.A. Section 405(6) (A) to discuss annual evaluation of the City Manager. No action to follow. Passage requires 3/5 majority vote to enter executive session.

Council came out of Executive Session at 8:19pm.

X. Adjournment

Councilor Milks moved to adjourn at 8:20pm, seconded by Councilor Walker.
Motion passed 7-0.

A TRUE COPY ATTEST

Emily F. Carrington, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 19th, 2024

Author: Sustainability and Natural Resource Management Board ("Solid Waste Taskforce")

Subject: Solid Waste and Recycling Report

Information: Subcommittee members of the Sustainability and Natural Resource Management Board will present a Solid Waste and Recycling report to City Council. This plan will include recommendations for the City's Request for Proposal that will be issued for potential contract services for Solid Waste and Recycling.

City Budgetary Impacts: Unknown

Staff Recommended Action: Discussion

Previous Meetings and History: City Council Order 14-01162024, Public Hearing 6/27/2024, 15+ subcommittee meetings between March and August of 2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

Auburn Solid Waste Task Force
Final Report

August 19, 2024

Taskforce Members

Sharon Benoit - Sustainability Working Group

Jane Costlow – Sustainability Natural Resources Board

Brian Cullen - Sustainability Working Group

Dave Griswold - Sustainability Natural Resources Board

Ralph Harder - Sustainability Working Group/Sustainability Natural Resources Board

Ben Lounsbury - Sustainability Working Group

Camille Parrish - Sustainability Working Group

Minutes of Task Force meetings may be found at
https://www.auburnmaine.gov/pages/government/sustainabilityworkinggroup

The Sustainability and Natural Resources Board endorsed the Taskforce Report unanimously at its July 18, 2024, meeting.

Auburn Solid Waste Taskforce
Final Report – Contents

Executive Summary – pp. 3 - 4

Detailed Report – pp. 5 - 15

Figures – pp. 16 - 18

List of Interviews – p. 19

2024 SOLID WASTE TASK FORCE | EXECUTIVE SUMMARY

Current household solid waste management contracts for the City of Auburn are expiring at the end of this year. The City Council has instructed the Sustainability and Natural Resources Board to evaluate Auburn's solid waste management system, including how household solid waste is collected, processed and disposed of. The findings in this report are intended to support the city in its writing of new solid waste agreements. An important context for these recommendations is the state's soon-to-be-launched EPR (Extended Producer Responsibility) program. In a volatile and rapidly changing market for recyclables, the Maine EPR will provide new revenue to support recycling programs and other solid waste initiatives in participating municipalities. This is an optimal moment for Auburn to re-evaluate its approach to the "recycle-recovery-disposal" sections of the waste hierarchy, pictured above.



1. GENERAL RECOMMENDATIONS

A. **Prepare Auburn households for Maine Extended Producer Responsibility (EPR) Program** [https://www.maine.gov/dep/waste/recycle/epr.html]: By recycling all items on Maine's EPR list of recyclable commodities, Auburn can access new funding to offset collection and processing costs for household solid waste. Reimbursement for these costs through the EPR program will increase with increasing recycling participation rates and tons of material recycled.

B. **Data management:** Provide support for accurate, verifiable data collection on all aspects of Auburn's solid waste management including fixed and variable costs. Report data to key stakeholders in a timely manner.

C. **Staffing:** Assign a qualified individual primary responsibility for setting goals and managing performance improvement of Auburn's solid waste programs using data referenced above (1.B). This individual could also manage other city sustainability programs.

D. Create a robust **public engagement program.** Inform and involve Auburn households in all aspects of the city's solid waste program using data, regular data reports, restructured staffing, revisions to the Auburn solid waste ordinance and Comprehensive Plan.

E. Limit the duration of new **solid waste contract(s)** to allow for improved data collection and analysis (1.B) and evaluation of how EPR (1.A), the public engagement program (1.D) and new trash-collecting technologies will impact future city budgets and sustainability efforts.

2. DOMESTIC TRASH RECOMMENDATIONS

A. Continue current service level for curbside collection of household trash.

B. Use bid (RFP/Request for Proposal) process to analyze feasibility and costs of various solid waste collection and divergence strategies including:
   - Contracted vs city operated curbside collection
   - Incentives for increased food-scrapping (IV. B-F) and recycling such as limiting the size of the trash collection container
   - Controlled access cards for Auburn resident payment, accurate recording and classification of waste stream weights at Auburn and MWE transfer stations
   - City-developed markets for collection and sale of some readily recyclable commodities
C. Increase participation in Product Stewardship programs to divert more waste from household trash. [https://www.maine.gov/dep/waste/productstewardship/index.html]
D. Incentivize and support existing reuse programs for household items.

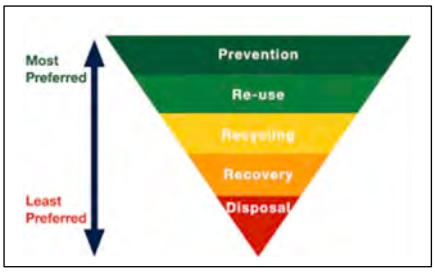
3. RECYCLING RECOMMENDATIONS

A. Institute weekly curbside collection of recyclables.
B. Auburn's recycling program should include recycling of all commodities on the state EPR list.
C. Curbside recycling should include city-provided wheeled, lidded containers.
D. Keep Gracelawn open as a supplemental site, consider adding additional such sites.
E. Create targets for increased household participation, based on analysis of data collected (1.B).
F. Create unified messaging as part of the Public Engagement Program (1.D), with easy-to-understand instructions and advice available via social and other media.

4. FOOD WASTE PROGRAM RECOMMENDATIONS

A. Continue with Gracelawn Road and South Main Street drop off locations.
B. Add additional drop-off location(s) in more highly traveled and accessible sites to increase convenience and participation.
C. Enhance drop off locations with larger signs (kiosks) that include information (pictures and writing) about what can and cannot be placed in the bins.
D. Use multiple modes of communication to promote the program, as part of the public engagement program (1.D)
E. Include schools in the food waste collection program, including mini lessons in the classrooms and picking up food waste from the cafeterias by the contractor.
F. Incentivize food waste collection by subsidizing the cost/or purchasing of backyard compost bins and/or kitchen compost containers.

Auburn Solid Waste Task Force: Detailed Recommendations



Authority of Solid Waste Task Force to Issue Report

Ordered, that the Sustainability and Natural Resources Board will work with all relevant subcommittees with support from city staff to create a Solid Waste and Recycling plan for the City of Auburn. (partial text, City Council order January 16, 2024).[1]

Introduction

This report focuses on solid waste generated by households in Auburn. What the task force refers to in the report as the household solid waste stream is composed of domestic trash, recycling, food scraps and organic waste.

Domestic trash – waste not recycled - is collected curbside and trucked to a waste to energy incinerator in Auburn. Trash incineration generates electricity used to run the plant, with excess sold to the power grid. Incineration reduces trash volume by 80%; the ash from incineration is then trucked to the Lewiston landfill for disposal.

Recycling in this report is solid waste separated from domestic trash for special processing. Auburn's recycling is separated by homeowners for curbside or drop-off site collection and trucked to a recycling facility in Lewiston, where it is further processed and sold to brokers of recycled commodities.

Food scraps and organic waste can also be separated from trash by homeowners, taken to a drop-off site and trucked to a facility for anaerobic digestion - a process that captures gas from decomposing food and generates electricity.

Like many Maine municipalities, Auburn's current management of solid waste has evolved over time. It is a complex of component entities, geographically dispersed, with varied ownership and business models. *Do these component parts currently operate to optimally balance municipal budget impacts (taxpayer dollars) with responsible environmental*

[1] *City Council Order 14-01162024*. Retrieved from auburnmaine.gov: https://www.auburnmaine.gov/CMSContent/City_Council/Actions/0%20ORDERS%201-94%20current%20as%20of%207-15-24.pdf

stewardship? This question is timely, since Auburn is about to enter into new agreements for household trash and recycling hauling and processing.

Our investigation of these issues suggests that Auburn needs to dedicate ongoing resources for study, data collection, reorganized staffing and public involvement before writing a long-term Solid Waste Plan. Revenue to support this work is on the way, thanks to a pioneering state law [Extended Producer Responsibility, or EPR] designed to reduce the amount of packaging waste introduced to Maine and help Maine towns fund their solid waste costs. The task force recommends that Auburn negotiate shorter term commitments with its solid waste contractor(s) as it prepares for the implementation of EPR and responds to the changing environment of solid waste management.

1. General Recommendations for The Council

A. Prepare Auburn households for **Maine Extended Producer Responsibility (EPR) Program** https://www.maine.gov/dep/waste/recycle/epr.html.

Starting in 2026, EPR will charge producers of non-recyclable packaging a per ton fee based on the tonnage of such packaging sold in Maine.[2] Beginning in 2027, municipalities with established recycling programs who choose to participate will be reimbursed a per ton amount for specified packaging types (plastic, metal etc.) that are recycled. In addition, they will be reimbursed on a per capita basis for the amount of nonrecyclable packaging processed in domestic household trash. Final rules are still being written, but it is anticipated that per-ton reimbursement for recycled packaging will be higher than for nonrecyclable packaging. Reimbursement for nonrecyclable packaging sent to waste to energy incinerators, like Auburn's, will be higher than that sent to landfills.

By recycling all items on Maine's EPR list of recyclable commodities, Auburn can access new funding to offset collection and processing costs for household solid waste. Reimbursement for these costs through the EPR program will increase with increasing recycling participation rates and tons of material recycled.

On average Auburn sends 8,000-9,000 tons of domestic trash to its incinerator and 400-700 tons of recycling to the recycling plant per year. Accordingly, Auburn's recycling tonnage is only 7.5% of its trash disposal tonnage. Maine law sets an annual goal of recycling or composting 50% of a municipality's solid waste.

Under EPR, the city and its waste and recycling contractors must agree to audits of the municipal waste streams by the agency governing the program. These audits will verify municipal collection and processing costs for both trash and recycling and revenue generated for each recycled commodity. This should result in increased transparency for municipal solid waste managers tracking solid waste expenses. Once implemented the

[2] Natural Resources Council Maine. Retrieved from nrcm.org: https://www.nrcm.org/sustainability/how-extended-producer-responsibility-for-packaging-will-benefit-maine/

EPR program will provide incentives for producers to make more recyclable packaging and for municipalities to separate as much recyclable packaging from the household trash as possible in order to maximize reimbursement under the program and to further invest in their solid waste programs.

B. Data management: Provide support for accurate, verifiable data collection on all aspects of Auburn's solid waste management including fixed and variable costs. Report data to key stakeholders in a timely manner.

During the study period for this report, it was difficult to get data on basic aspects of Auburn's solid waste programs. This challenge was also noted in 2014 and 2020 reports to the Council on solid waste. Data is critical for setting goals and tracking continuous improvement and will be key to successful public engagement. This in turn will be key to maximizing reimbursement in the EPR program. Use of a data "dashboard" or scorecard visible to staff, elected officials and the public should help promote the program.[3]

C. Staffing: Assign a qualified individual primary responsibility for setting goals and managing performance improvement of Auburn's solid waste programs, using data referenced in 1.B above. This individual could also manage other city sustainability programs.

Future EPR reimbursement will depend on coordinated efforts and compliance with EPR rules from all of the system's current parts. Staffing a coordinator position will be essential to this effort. Other Maine communities have tasked sustainability managers with this type of coordination across multiple business entities and municipal departments and achieved cost-saving efficiencies.

D. Create a robust **public engagement program.** Inform and involve Auburn households in all aspects of the city's solid waste program using regular data reports, targeted goals, restructured staffing, neighborhood networks, enforcement or revision of Auburn's solid waste ordinance and updates to the solid waste sections of the city's Comprehensive Plan.

"Public Engagement" involves **communication *with* the public** using social media, direct mailing, public forums, and feedback on household compliance with trash collection regulations. It also involves **communication *from* the public** regarding the quality and performance of the city's solid waste programs. Through encouragement of volunteers with an interest in the topic, to leadership from elected officials and city staff, a robust Public Engagement program would include targeted goals for increased participation in the city's recycling program and in the organic and food scrap program. Progress toward these goals could be publicly reported on the city website or in a special solid waste data dashboard.

[3] See for example: Town of Brunswick Maine Recycling Data: https://www.brunswickme.gov/270/Recycling-Data

The City should consider forming a solid waste advisory committee composed of Auburn residents, city councilors and public works or other appropriate staff to advise the council on solid waste policy. Such a committee could work with the public by conducting household surveys and listening sessions to explore alternative and less costly collection strategies for both trash and recycling.

Finally, the current Auburn solid waste ordinance requires that households separate recyclable material from city trash.[4] It also specifies limits to the weight of trash and the size of the trash container put out for weekly collection. While these regulations may represent aspirational goals to improve recycling participation rates, none of them corresponds to current practice. As the Council considers new solid waste policies the task force recommends that the solid waste ordinance be updated to align with those policies.

There are numerous **benefits** from increasing participation and adherence to the current ordinance:

- Increased sanitation and improved aesthetics on city streets
- Increased efficiency at Maine Waste to Energy (MWE): Organic and food waste diversion will reduce the weight of collected trash and therefore the tipping fees at the incinerator (food waste is both wet and heavy and diminishes the efficiency of the waste to energy process). The EPA estimates organic waste comprises 34% of the weight of domestic trash. MWE will burn better without organic and food waste.[5]
- Financial benefits to the city for improved recycling rates once EPR is in place. Increasing the number of households recycling and recycling correctly (only the right commodities in the recycling bin) will be key to increased EPR program dollars coming to Auburn.

E. Limit the duration of new **solid waste contracts** to allow for improved data collection and analysis (1.B) an evaluation of EPR (I.A), implementation of the public engagement program (1.D) and an assessment of new trash-collecting technologies, all of which will impact future city budgets and sustainability efforts.

What data is needed and who would manage it for success in the EPR program is not known and likely will not be known before the current solid waste contracts expire. Likewise alternative trash and recycling collection strategies will need further study. Should the city get back into the trash collection business? If so, should they lease trucks or buy them? These questions with large budget impacts require return on investment analysis. Long-term agreements with current solid waste contractors do not seem advisable at this time.

---

[4] Auburn, Maine - Code of Ordinances Chapter 44 - SOLID WASTE. (n.d.). Retrieved from auburnmaine.gov: https://library.municode.com/me/auburn/codes/code_of_ordinances?nodeId=PTIICOOR_CH44SOW

[5] *National Overview: Facts and Figures on Materials, Waste and Recycling*. US Environmental Protection Agency. Retrieved from https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-

2. Domestic Trash recommendations

The challenges Auburn faces in managing solid waste in general and domestic trash in particular are not unique. These are well summarized in a January 2024 comprehensive solid waste status report from the Maine Department of Environmental Protection to the state legislature. Rising collection and processing costs for both trash and recycling coupled with shrinking disposal options are stressing municipal budgets. Statewide, generation of solid waste is increasing year over year while total diversion of trash (includes repair, reuse, recycling, composting and anerobic digestion) from landfill and incineration remains flat. The net result is more Maine trash requiring final disposal. [See Figure 1]

Maine has set a goal to limit solid waste disposal, the bottom of the inverted pyramid of the Solid Waste Hierarchy, to 0.55 tons of solid waste per person per year. [See Figure 2]

Currently the per capita rate is 0.69 tons and rising. A rough estimate for Auburn is 0.71 tons per year. [See Figure 3.]

A. Continue current service level for curbside collection of household trash.

Curbside trash collection currently is weekly, recycling is every other week. There are drop-off options for both trash (MWE), recycling (Gracelawn) and food scraps (Gracelawn and South Main Street). Having trash and recycling both collected weekly would aid in compliance and increase homeowner satisfaction given experience in other communities. Having more drop-off locations for all three waste streams for those preferring these methods would minimize driving distances and increase customer satisfaction.

B. Use bid (Request for Proposal) process to analyze feasibility and costs of various solid waste collection and diversion strategies including:

- contracted vs. city operated curbside collection.
- incentives for increased food-scrapping (4. B-F) and recycling such as limiting the size of the trash collection container.
- controlled access cards for Auburn resident payment, accurate recording and classification of waste stream weights at Auburn and MWE transfer stations.
- city-developed markets for collection and sale of some readily recyclable commodities

On average, Auburn collects and disposes of between 600 and 800 tons of **domestic trash** per month at a cost of roughly $46 per ton for disposal and $77 per ton for curbside collection. [See Figure 4]

Statewide median trash disposal costs are $82 per ton (collection costs not reported). [See Figure 5]

For the first four months of 2024, Auburn reported 24 tons of **recycling** per month collected at the curbside at a cost of roughly $800 per ton for collection and $106 per ton for processing (these figures are exclusive of recycling drop-off tons at Gracelawn). This is the most up-to-date information from the Auburn Public Works Department.

Trucking costs are a large portion of Auburn's solid waste budget, not surprising given the geographic size of the municipality. Collecting both trash and recycling on the same weekday in a split body truck, as Biddeford and other communities do, would limit route miles and reduce hauling cost.

Other municipalities in Maine have had success using a variety of **positive and negative incentives** to limit trash generation and increase participation rates in recycling and other diversion programs. [See Figure 6]

These incentive programs include the following:

- Trash containers that are smaller than recycling containers encourage households to separate recycling from the trash to make more room for non-recyclable trash for curbside pick-up.
- Periodic monitoring of recycling containers for contamination
- Charging for trash amounts that exceed the size of the trash bins (so-called "Pay-to-Throw")

Biddeford operates and staffs its own transfer station, open on certain days for resident-sorted recycling and food scrap drop-off and oversized bulky waste (OBW) drop-off. Access with a card swipe system limits use to Biddeford residents. The staff person ensures recycling is sorted in the proper bin limiting contamination. The card swipe identifies users by residential address and ensures that each household is abiding by limits for free OBW and special waste disposal (4 tires per year, for example).

Biddeford also collects and markets some recyclable commodities that are dropped off at the transfer station independent of what is collected by their recycling contractor.

C. Increase participation in Product Stewardship programs to divert more waste from household trash. https://www.maine.gov/dep/waste/productstewardship/index.htmls.

D. Incentivize and support existing reuse programs (thrift shops, social service agencies) for household items.

It is important not to lose sight of the other portions of the Waste Hierarchy that divert materials from the waste stream. Like the soon to be implemented EPR program there are a number of so-called product stewardship programs in existence. The most obvious and successful diversion program is the Maine bottle bill which diverts glass, plastic and metal deposit containers from disposal. There are also ongoing programs that collect electronic waste, tires, paint and lithium batteries to name a few.

The Auburn area also hosts a plethora of nonprofit donation centers and agencies that collect clothing, household goods, furniture, food and other reuseable items for gifting or reselling. These programs should be supported and promoted for their impact on waste diversion.

3. Recycling recommendations

Recycling is the process of diverting post-consumer materials that would otherwise be included in the solid waste stream and converting them into new materials and new objects. Recycling directly reduces the amount of waste that is sent to landfills and incinerators, which in turn reduces the amount of harmful chemicals that are released into the soil and air. Another environmentally significant benefit of recycling is that it conserves natural resources such as trees, minerals, and fossil fuels by *reusing* materials, including cardboard, paper, metals, and plastic. Those materials constitute a significant portion of the weight of the waste stream and increase the tipping fees charged by landfills and incinerators. Reusing these materials instead diminishes the need to harvest, mine, or extract *new* raw materials, thus conserving natural resources and reducing energy use and environmental degradation.

In addition to these well-established environmental benefits, Maine's new EPR Law will give money back to municipalities that operate robust recycling programs. Participating municipalities will in effect be subsidized by the packaging industry for operating recycling programs.

Currently, Auburn contracts with Casella to send its recyclables to Casella's Material Recovery Facility (MRF) in Lewiston. In the summer of 2023, the Council cancelled Auburn's curbside recycling program. The Council revisited the decision in late 2023 and restored the curbside recycling program.

Since restoration, the curbside recycling program has not yet returned to its precancellation tonnage but is steadily increasing. Auburn residents also have the option of dropping off their recyclables at Gracelawn and the combined tonnage of curbside and drop off recycling nearly equal precancellation levels.

To further increase recycling levels, which is vital for achieving long term solid waste reduction goals and to obtain significant future reimbursements from the State via EPR, Auburn needs to expand its public engagement efforts. The program must be well thought out and easy to comply with.

Here is a short elaboration of some of the points in our Executive Summary.

A. Auburn should initiate weekly curbside collection of recyclables.

Although curbside trash collection occurs weekly, recycling occurs only biweekly, weather permitting (see C. below). Collecting trash and recycling on the same day would eliminate residents' confusion over their biweekly recycling date. Indeed, public attendees at the Solid Waste Task Force's June 27, 2024, meeting for public comment were adamant that recycling pick-up should occur every week, on the same day that trash is picked up. Weekly curbside collection will almost certainly increase recycling participation.

Assuming the city participates in EPR as the Solid Waste Task Force recommends, the city will receive higher reimbursements for its increased recycling participation rates and tons of material recycled.

Additionally, the expense of weekly curbside collection may be significantly mitigated if the city adopts the use of automated collection trucks; Casella and other vendors now offer automated split trucks that can collect both trash and recycling at the same time. This would eliminate the separate (and redundant) recycling route currently required for biweekly curbside collection.

Lastly, weekly collection will promote compliance with Auburn's recycling ordinance which prohibits the disposal of recyclables in household trash.

B. Auburn's recycling program should include recycling of all commodities on the state EPR list.

Auburn will be eligible for funding through EPR only if its recycling program includes all commodities on the state EPR list (Elena Bertocci, Maine DEP, presentation to the task force on 6/18/2024). If the city does not recycle everything on the state list, all recycling expenses will be borne by the city. The DEP has not yet finalized the list of commodities.

C. Curbside recycling should include city-provided wheeled, lidded containers to keep recyclables dry.

According to Casella, all recyclables need to be clean and dry. Wet materials are considered contaminated and are likely brought to the landfill for disposal instead of recycled. Providing lidded recycling containers will alleviate this problem during inclement weather. Wheeled containers are easier and safer for Auburn residents to bring recycling material to the curb.

D. Keep Gracelawn open as a supplemental site, consider adding additional such sites.

The Gracelawn drop-off site has already proven to be popular with many Auburn residents, particularly given the flexibility of anytime drop off vs. adhering to the biweekly curbside collection schedule. Gracelawn also offers food waste containers which makes it an efficient stop for residents and promotes cross-utilization of the available options.

Some cities operate recycling centers with designated containers for recycling specific items such as various plastics, metals, cardboard, paper, glass, batteries, etc. Recyclables are less likely to be contaminated where individual containers are available for depositing specific materials. In addition, presorted recyclables may command a higher price in the commodities market. Biddeford operates such a facility and directly sells its sorted recyclables to commodities dealers.

E. Create targets for increased household participation, based on analysis of data collected.

Presently Auburn has no mechanism for directly measuring the number of households that participate in biweekly curbside collection. For the period December 11, 2023, through May 24, 2024, Casella personnel performed visual inspections and prepared an estimate of the household participation rate. According to that data, the participation rate almost always exceeded 10% and frequently exceeded 13%. Significantly, these participation rates do not include the households that perform their own drop-off recycling at Gracelawn. Although neither Auburn nor Casella have computed a participation rate for the Gracelawn drop-off recycling location, the monthly tonnage of dropped off recycling is nearly as high as that generated by the curbside collection system. Based on this information, the task force conservatively estimates that the household recycling participation rate for Auburn is approximately 15% of households (including both curbside and drop-off participants and those who do both). In other words, of the roughly 9,900 households in Auburn, approximately 1,500 participate in municipally sponsored recycling.

Auburn should set a goal of increasing its recycling participation rate by at least 10% per year (or approximately 150 households) per year for at least 5 years. There are a variety of resources easily available to help City Staff and/or a Sustainability Manager establish goals, create programs to achieve them and measure progress.[6] Indeed, the State's EPR program will require municipalities to collect cost and tonnage data on their recycling operations. See discussion at Section I.B. Auburn should also consider re-establishing its citizen Recycling Committee to further help with outreach to particular neighborhoods and civic organizations.

F. Create unified messaging as part of the Public Engagement Program (I.D), with easy-to-understand instructions and advice available via social and other media.

Recycling rules can be confusing. Municipal recycling programs differ from community to community and variables include the frequency of pick up, the type of materials that will be picked up, whether the materials are to be separated or commingled, and the type of container the materials can be placed in. Most programs do not collect plastic bags, Styrofoam, soiled or wet paper, certain metals or plastics that can get entangled in the

[6] https://www.c40knowledgehub.org/s/article/How-cities-can-boost-recycling-rates?language=en_US
https://recyclingpartnership.org/small-town-america-part-in-boosting-us-recycling-rates/

recycling machinery and so-called contaminated recyclables. Even the definition of contaminated recyclables may differ between communities. Commonly it denotes wet, greasy, and unaccepted type of material.

In order to simplify the recycling process for its residents, Auburn's recycling rules should be publicized in clear and precise language, prominently communicated and readily accessible. Auburn should also develop a comprehensive Public Engagement Program as discussed in Section I.

4. Food Waste Program recommendations

In order to reduce the amount of solid waste collected and disposed of per capita Auburn needs to expand its current collection program for food scraps and other organic materials (paper towels and napkins, etc.) and work to increase citizen participation in the program. Twenty percent of the city's solid waste is food waste and 15 to 18% of the recycling is contaminated with food scraps, non-recyclable materials, or moisture.[7] An increase in the collection of Auburn's food waste and other organics would reduce the overall tonnage of our household solid waste collected. A reduction in tonnage leads to savings in disposal costs. In addition, removing food waste will improve recycling contamination rates, eliminate the source of methane generation, a very potent greenhouse gas, when Auburn's solid waste is diverted from Maine Waste to Energy to a landfill, and contribute to more efficient energy use during incineration, reducing overall costs.

Currently, Auburn's food waste collection program is contracted to Agricycle which processes the organics in an anaerobic digester to create natural gas that is captured and used for the production of electricity. Auburn should also consider implementing an additional composting program, city or contractor provided, which would allow citizens to contribute their foods scraps and other organic waste and, in exchange, receive compost for their personal use.

Recommendations to accomplish these goals are as follows.

A. Continue to offer food scraps/organic materials disposal drop off locations at Gracelawn Avenue and South Main Street. These locations are adjacent to the recycling drop off location and/or serve separate areas of the city making them convenient for some residents.

[7] Auburn Ad Hoc Recycling and Sustainability Committee. (2020). *https://www.auburnmaine.gov/CMSContent/Boards_and_Committees/Recycling%20Ad%20Hoc/Recycling%20Committee%20FINAL%20REPORT.pdf*.
Previous recycling report to Auburn City Council in 2020. Table 3, page 14 of this report compares greenhouse gas emissions for processing strategies for household solid waste depicted in the solid waste hierarchy: recycling, composting, waste to energy incineration and landfilling.

B. Add drop off bins in more accessible locations, ones that are heavily trafficked, in order to increase convenience and participation. Adding drop-off locations in areas that are adjacent to streets with major vehicular use, such as community centers (schools, Pettingill Park, etc.), or in areas that serve citizens who rely on other types of transportation, e.g. walking, will increase the visibility of the program and accessibility.

C. Include large signage, kiosks with written and pictorial information about what and what cannot be placed in the bins.
Large eye-catching signs with easily understood information will draw attention to the drop off bins and provide citizens with the type of information they need to fully utilize the program. Directional signs pointing to the locations of the drop off bins at street corners, etc. will also lead to ease of participation.

D. Provide multiple modes of communication to increase public awareness and knowledge in newspapers, on a new food waste and organics website, via fliers in schools and on community bulletin boards.

E. Include schools in the food waste collection program. Increase awareness of the program by providing mini-lessons in the classroom and enable easier participation by having Auburn's contractor pick up food waste and organics from the cafeterias. Educating the youth in our community is an important way to create habits for a lifetime and to include their families in the food waste and organics program. In addition, school cafeterias are a large source of food waste and organics. Collecting their food waste and organics will facilitate more efficient solid waste disposal and create an energy source through anaerobic digestion.

F. Incentivize food waste collection by subsidizing the cost/or purchasing backyard compost bins and/or kitchen containers for home collection of food scraps.
Other cities either provide food scrap collection bins at no cost or a reduced cost to their citizens. Providing this service would be an avenue for educating the public and highlight the city's commitment to the program at a reasonable cost.

FIGURES

FIGURE 1.

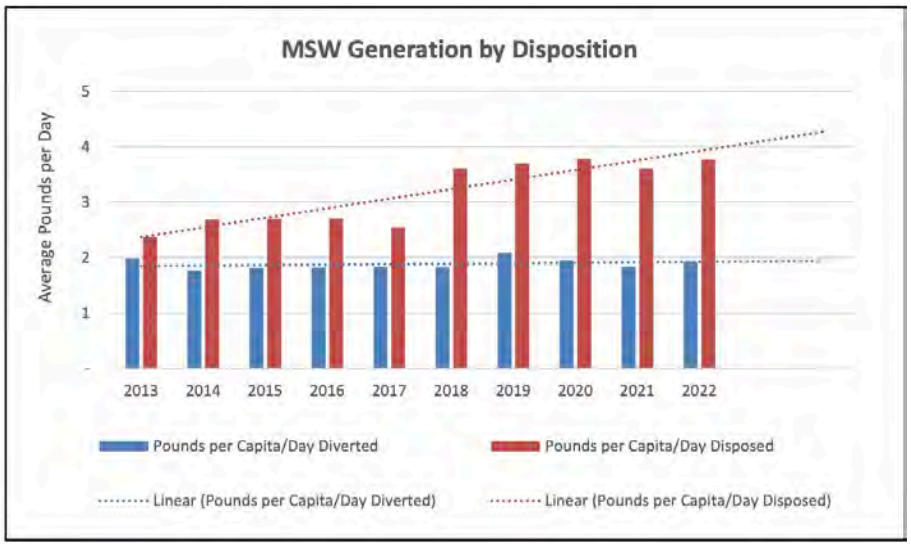


Figure 1. Department of Environmental Protection. *Maine Materials Management Plan: 2024 State Waste Management and Recycling Plan Update and 2022 Waste Generation and Disposal Capacity Report,* p. 7. https://www.maine.gov/dep/publications/reports/index.html

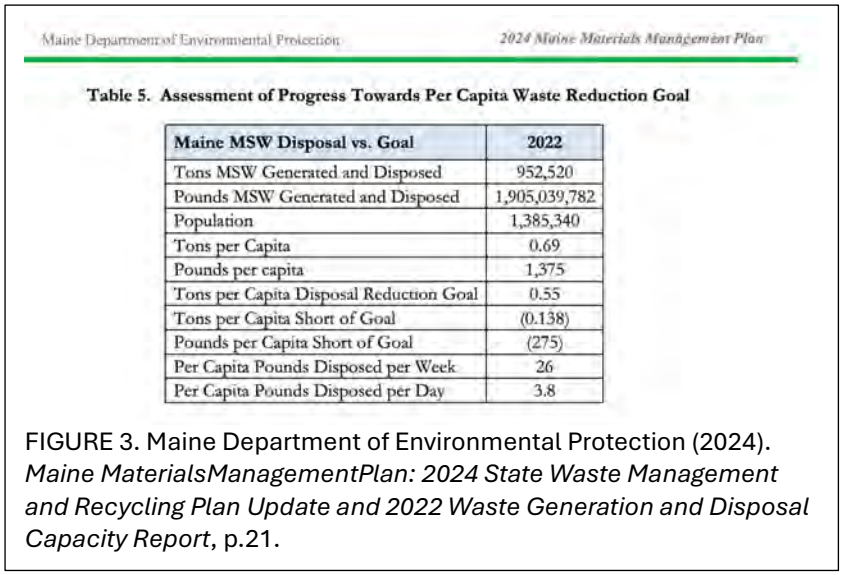
Figure 2.



Priorities. It is the policy of the State to plan for and implement an integrated approach to solid waste management for solid waste generated in this State and solid waste imported into this State, which must be based on the following order of priority: **A.** Reduction of waste generated at the source, including both amount and toxicity of the waste**; B.** Reuse of waste; **C**. Recycling of waste; **D**. Composting of biodegradable waste; **E**. Waste processing that reduces the volume of waste needing land disposal, including incineration; and **F.** Land disposal of waste. It is the policy of the State to use the order of priority in this subsection as a guiding principle in making decisions related to solid waste management. Waste reduction and diversion. It is the policy of the State to actively promote and encourage waste reduction measures from all sources and maximize waste diversion efforts by encouraging new and expanded uses of solid waste generated in this State as a resource.

Maine Department of Environmental Protection. (n.d.). *2020 & 2021 Municipal Solid Waste Generation & Disposal Capacity Report*. Appendix A, p. 52. Retrieved from https://www.maine.gov/dep/publications/reports/index.htm]

Figure 3.



Maine Department of Environmental Protection 2024 Maine Materials Management Plan

Table 5. Assessment of Progress Towards Per Capita Waste Reduction Goal

Maine MSW Disposal vs. Goal	2022
Tons MSW Generated and Disposed	952,520
Pounds MSW Generated and Disposed	1,905,039,782
Population	1,385,340
Tons per Capita	0.69
Pounds per capita	1,375
Tons per Capita Disposal Reduction Goal	0.55
Tons per Capita Short of Goal	(0.138)
Pounds per Capita Short of Goal	(275)
Per Capita Pounds Disposed per Week	26
Per Capita Pounds Disposed per Day	3.8

FIGURE 3. Maine Department of Environmental Protection (2024). *Maine MaterialsManagementPlan: 2024 State Waste Management and Recycling Plan Update and 2022 Waste Generation and Disposal Capacity Report*, p.21.

Figure 4.

	Jan-24	Feb-24	Mar-24	Apr-24
Household Waste - by ton				
Disposal - Tons	663.24	550.45	637.11	770.13
Collection Cost	$53,745.60	$53,745.60	$53,745.60	$56,997.21
Disposal Cost	$30,515.36	$25,396.26	$29,311.01	$35,425.98
Recycling - Curbside	26.31	23.77	23.52	23.36
Disposal	$2,827.80	$2,554.80	$2,376.46	$2,390.20
Collection	$19,189.14	$19,189.14	$19,189.14	$20,350.08
Fuel Fees - Collection	$387.37	$412.36	$508.72	$557.48
Recycling @ APW per ton	16.30	11.3	11.21	13.65
Price per ton	120.97	107.48	107.48	109.93
Cost to dispose	$8,529.51	$6,714.52	$6,704.84	$7,824.21
"Demo" - tonnage	1.63	2.85	0.27	2.4
Bulky Waste/Spring Clean Up - Tonnage	51.65	40.27	65.00	93.75
Cost	$8,142.00	$6,342.75	$10,110.75	$14,048.25
Composting - # dumps per month				
Gracelawn Rd		7	8	10
S Main St Fire Station		6	3	4
135-150 lbs per tote				

Figure 4. Internal data, Auburn Public Works, Denis D'Auteuil, Director via e-mail

Figure 5.

Table 8. Municipal Costs Reported for Recycling and Disposal

Cost Comparison Per Ton - Recycling vs. Disposal[29]				
	Recycling (Hauling)	Recycling (Processing)	Disposal (MSW)	Disposal (CDD)
Min	$55.00	$ -	$0.50	$17.00
Max	$900.00	$384.00	$225.00	$225.00
Median	$391.43	$85.00	$82.70	$95.86
Average	$440.80	$99.25	$86.90	$96.64

Figure 5. Maine Department of Environmental Protection. (2024). *Maine Materials Management Plan: 2024 State Waste Management and Recycling Plan Update and 2022 Waste Generation and Disposal Capacity Report,* p. 24.

Figure 6.

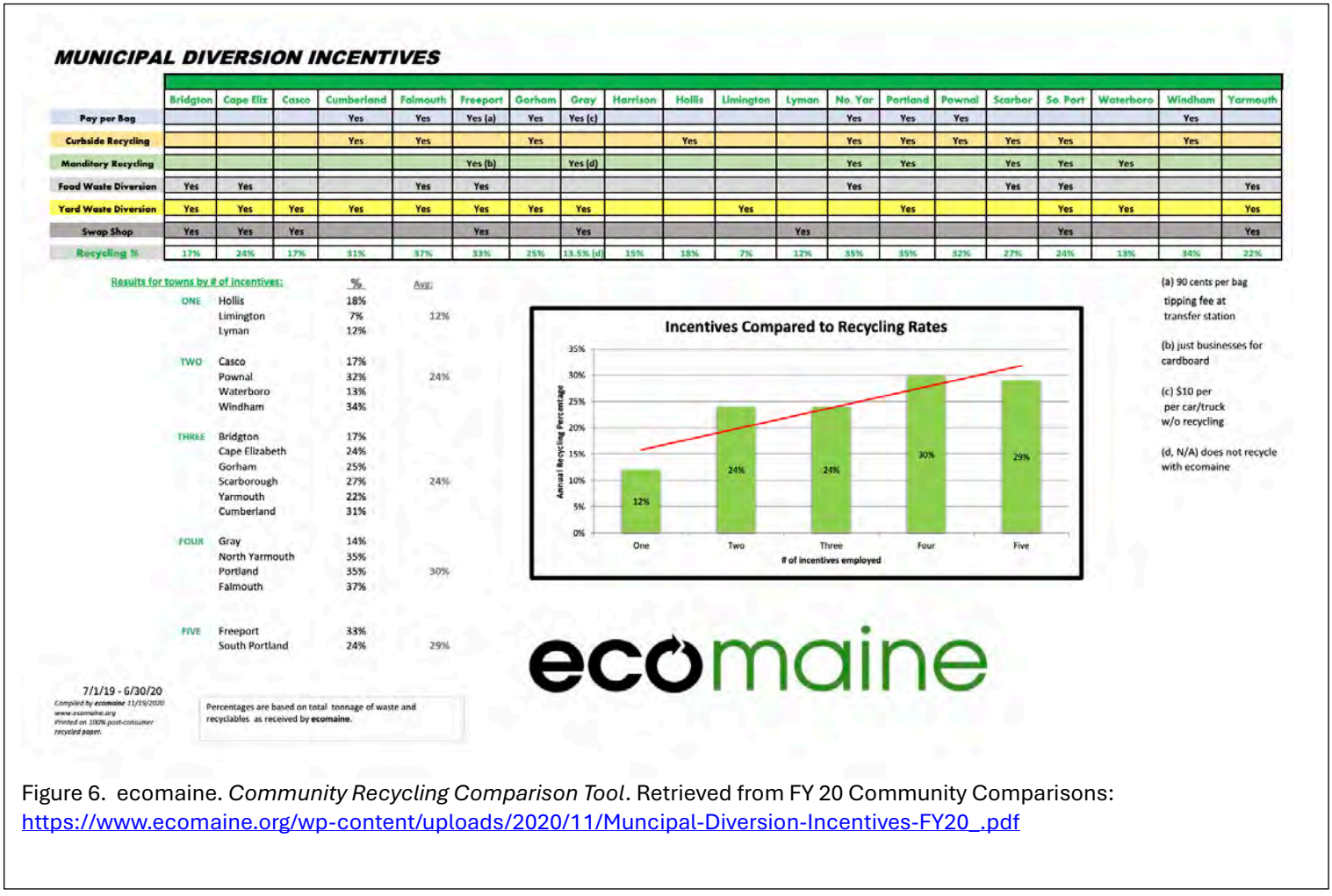


Figure 6. ecomaine. *Community Recycling Comparison Tool*. Retrieved from FY 20 Community Comparisons: https://www.ecomaine.org/wp-content/uploads/2020/11/Muncipal-Diversion-Incentives-FY20_.pdf

LIST OF INTERVIEWS CONDUCTED BY AUBURN SOLID WASTE TASK FORCE

Julie Rosenbach, Sustainability Director, South Portland, February 6, 2024

Susan Parmelee, Sustainability Program Manager, South Portland, February 6, 2024

John Kuchinski, Lewiston DPW Environmental Services Superintendent, February 21, 2024

Megan Bates, Lewiston DPW Deputy for Maintenance and Operations, February 21, 2024

Phil Crowell, Auburn City Manager, March 12, 2024

Dennis D'Auteuil, Auburn Executive Director of Public Services, March 12, 2024

Jeffrey Harmon, Auburn Mayor, April 2, 2024

Talya Bent, Casella Municipal Account Manager, April 16, 2024

Chris McHale, Casella Market Area Manager, April 16, 2024

Jeff Demers, Biddeford Public Works Director, April 23, 2024

John King, Executive Director, Maine Waste to Energy, May 2, 2024

Gunnar Heckler, Agri-Cycle Program Support Associate, May 7, 2024

Elena Bertocci, Environmental Specialist, Maine DEP, June 18, 2024

SOLID WASTE & RECYCLING

Final report to the Auburn City Council



GENERAL RECOMMENDATIONS

A. **Prepare Auburn households for Maine Extended Producer Responsibility (EPR) Program.** By recycling all items on Maine's EPR list of recyclable commodities, Auburn can access new funding to offset collection and processing costs for household solid waste. Reimbursement for these costs through the EPR program will increase with increasing recycling participation rates and tons of material recycled.
B. **Data management:** Provide support for accurate, verifiable data collection on all aspects of Auburn's solid waste management including fixed and variable costs. Report data to key stakeholders in a timely manner.
C. **Staffing:** Assign a qualified individual primary responsibility for setting goals and managing performance improvement of Auburn's solid waste programs using data referenced above (1.B). This individual could also manage other city sustainability programs.
D. **Create a robust public engagement program.** Inform and involve Auburn households in all aspects of the city's solid waste program using data, regular data reports, restructured staffing, revisions to the Auburn solid waste ordinance and Comprehensive Plan.
E. **Limit the duration of new solid waste contract(s)** to allow for improved data collection and analysis (1.B) and evaluation of how EPR (1.A), the public engagement program (1.D) and new trash-collecting technologies will impact future city budgets and sustainability efforts.

DOMESTIC TRASH RECOMMENDATIONS

A. **Continue current service level for curbside collection of household trash.**
B. **Use bid (RFP/Request for Proposal) process to analyze feasibility and costs of various solid waste collection and divergence strategies including:**
    - Contracted vs city operated curbside collection
    - Incentives for increased food-scrapping (IV. B-F) and recycling such as limiting the size of the trash collection container
    - Controlled access cards for Auburn resident payment, accurate recording and classification of waste stream weights at Auburn and MWE transfer stations
    - City-developed markets for collection and sale of some readily recyclable commodities
C. **Increase participation in Product Stewardship programs to divert more waste from household trash.**
D. **Incentivize and support existing reuse programs for household items.**

auburnmaine.gov

RECYCLING RECOMMENDATIONS

A. **Institute weekly curbside collection of recyclables.**
B. **Auburn's recycling program should include recycling of all commodities on the state EPR list.**
C. **Curbside recycling should include city-provided wheeled, lidded containers.**
D. **Keep Gracelawn open as a supplemental site, consider adding additional such sites.**
E. **Create targets for increased household participation, based on analysis of data collected (1.B).**
F. **Create unified messaging as part of the Public Engagement Program (1.D), with easy-to-understand instructions and advice available via social and other media.**

auburnmaine.gov

FOOD WASTE PROGRAM RECOMMENDATIONS

A. **Continue with Gracelawn & So. Main Street drop off locations.**
B. **Add additional drop-off location(s) in more highly traveled and accessible sites to increase convenience and participation.**
C. **Enhance drop off locations with larger signs (kiosks) that include information (pictures and writing) about what can and cannot be placed in the bins.**
D. **Use multiple modes of communication to promote the program, as part of the public engagement program (1.D)**
E. **Include schools in the food waste collection program, including mini lessons in the classrooms and picking up food waste from the cafeterias by the contractor.**
F. **Incentivize food waste collection by subsidizing the cost/or purchasing of backyard compost bins and/or kitchen compost conta**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 19, 2024

Order: 103-08192024

Author: Sustainability and Natural Resource Management Board

Subject: Accepting the Solid Waste & Recycling Plan from the Sustainability and Natural Resource Management Board

---

Information: This order formally accepts the Solid Waste & Recycling Plan of the Sustainability and Natural Resource Management Board as presented earlier at the August 19, 2024 meeting.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage of the orders (Consent Item).

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Order, Report

Auburn Solid Waste Task Force
Final Report

August 19, 2024

Taskforce Members

Sharon Benoit - Sustainability Working Group

Jane Costlow – Sustainability Natural Resources Board

Brian Cullen - Sustainability Working Group

Dave Griswold - Sustainability Natural Resources Board

Ralph Harder - Sustainability Working Group/Sustainability Natural Resources Board

Ben Lounsbury - Sustainability Working Group

Camille Parrish - Sustainability Working Group

Minutes of Task Force meetings may be found at
https://www.auburnmaine.gov/pages/government/sustainabilityworkinggroup

The Sustainability and Natural Resources Board endorsed the Taskforce Report unanimously at its July 18, 2024, meeting.

Auburn Solid Waste Taskforce
Final Report – Contents

Executive Summary – pp. 3 - 4

Detailed Report – pp. 5 - 15

Figures – pp. 16 - 18

List of Interviews – p. 19

2024 SOLID WASTE TASK FORCE | EXECUTIVE SUMMARY

Current household solid waste management contracts for the City of Auburn are expiring at the end of this year. The City Council has instructed the Sustainability and Natural Resources Board to evaluate Auburn's solid waste management system, including how household solid waste is collected, processed and disposed of. The findings in this report are intended to support the city in its writing of new solid waste agreements. An important context for these recommendations is the state's soon-to-be-launched EPR (Extended Producer Responsibility) program. In a volatile and rapidly changing market for recyclables, the Maine EPR will provide new revenue to support recycling programs and other solid waste initiatives in participating municipalities. This is an optimal moment for Auburn to re-evaluate its approach to the "recycle-recovery-disposal" sections of the waste hierarchy, pictured above.



1. GENERAL RECOMMENDATIONS

A. **Prepare Auburn households for Maine Extended Producer Responsibility (EPR) Program** [https://www.maine.gov/dep/waste/recycle/epr.html]: By recycling all items on Maine's EPR list of recyclable commodities, Auburn can access new funding to offset collection and processing costs for household solid waste. Reimbursement for these costs through the EPR program will increase with increasing recycling participation rates and tons of material recycled.

B. **Data management:** Provide support for accurate, verifiable data collection on all aspects of Auburn's solid waste management including fixed and variable costs. Report data to key stakeholders in a timely manner.

C. **Staffing:** Assign a qualified individual primary responsibility for setting goals and managing performance improvement of Auburn's solid waste programs using data referenced above (1.B). This individual could also manage other city sustainability programs.

D. Create a robust **public engagement program.** Inform and involve Auburn households in all aspects of the city's solid waste program using data, regular data reports, restructured staffing, revisions to the Auburn solid waste ordinance and Comprehensive Plan.

E. Limit the duration of new **solid waste contract(s)** to allow for improved data collection and analysis (1.B) and evaluation of how EPR (1.A), the public engagement program (1.D) and new trash-collecting technologies will impact future city budgets and sustainability efforts.

2. DOMESTIC TRASH RECOMMENDATIONS

A. Continue current service level for curbside collection of household trash.

B. Use bid (RFP/Request for Proposal) process to analyze feasibility and costs of various solid waste collection and divergence strategies including:
   - Contracted vs city operated curbside collection
   - Incentives for increased food-scrapping (IV. B-F) and recycling such as limiting the size of the trash collection container
   - Controlled access cards for Auburn resident payment, accurate recording and classification of waste stream weights at Auburn and MWE transfer stations
   - City-developed markets for collection and sale of some readily recyclable commodities
C. Increase participation in Product Stewardship programs to divert more waste from household trash. [https://www.maine.gov/dep/waste/productstewardship/index.html]
D. Incentivize and support existing reuse programs for household items.

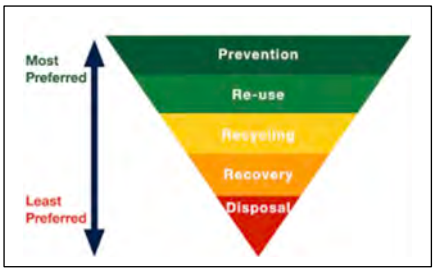
3. RECYCLING RECOMMENDATIONS

A. Institute weekly curbside collection of recyclables.
B. Auburn's recycling program should include recycling of all commodities on the state EPR list.
C. Curbside recycling should include city-provided wheeled, lidded containers.
D. Keep Gracelawn open as a supplemental site, consider adding additional such sites.
E. Create targets for increased household participation, based on analysis of data collected (1.B).
F. Create unified messaging as part of the Public Engagement Program (1.D), with easy-to-understand instructions and advice available via social and other media.

4. FOOD WASTE PROGRAM RECOMMENDATIONS

A. Continue with Gracelawn Road and South Main Street drop off locations.
B. Add additional drop-off location(s) in more highly traveled and accessible sites to increase convenience and participation.
C. Enhance drop off locations with larger signs (kiosks) that include information (pictures and writing) about what can and cannot be placed in the bins.
D. Use multiple modes of communication to promote the program, as part of the public engagement program (1.D)
E. Include schools in the food waste collection program, including mini lessons in the classrooms and picking up food waste from the cafeterias by the contractor.
F. Incentivize food waste collection by subsidizing the cost/or purchasing of backyard compost bins and/or kitchen compost containers.

Auburn Solid Waste Task Force: Detailed Recommendations



Authority of Solid Waste Task Force to Issue Report

Ordered, that the Sustainability and Natural Resources Board will work with all relevant subcommittees with support from city staff to create a Solid Waste and Recycling plan for the City of Auburn. (partial text, City Council order January 16, 2024).[1]

Introduction

This report focuses on solid waste generated by households in Auburn. What the task force refers to in the report as the household solid waste stream is composed of domestic trash, recycling, food scraps and organic waste.

Domestic trash – waste not recycled - is collected curbside and trucked to a waste to energy incinerator in Auburn. Trash incineration generates electricity used to run the plant, with excess sold to the power grid. Incineration reduces trash volume by 80%; the ash from incineration is then trucked to the Lewiston landfill for disposal.

Recycling in this report is solid waste separated from domestic trash for special processing. Auburn's recycling is separated by homeowners for curbside or drop-off site collection and trucked to a recycling facility in Lewiston, where it is further processed and sold to brokers of recycled commodities.

Food scraps and organic waste can also be separated from trash by homeowners, taken to a drop-off site and trucked to a facility for anaerobic digestion - a process that captures gas from decomposing food and generates electricity.

Like many Maine municipalities, Auburn's current management of solid waste has evolved over time. It is a complex of component entities, geographically dispersed, with varied ownership and business models. *Do these component parts currently operate to optimally balance municipal budget impacts (taxpayer dollars) with responsible environmental*

[1] *City Council Order 14-01162024*. Retrieved from auburnmaine.gov: https://www.auburnmaine.gov/CMSContent/City_Council/Actions/0%20ORDERS%201-94%20current%20as%20of%207-15-24.pdf

stewardship? This question is timely, since Auburn is about to enter into new agreements for household trash and recycling hauling and processing.

Our investigation of these issues suggests that Auburn needs to dedicate ongoing resources for study, data collection, reorganized staffing and public involvement before writing a long-term Solid Waste Plan. Revenue to support this work is on the way, thanks to a pioneering state law [Extended Producer Responsibility, or EPR] designed to reduce the amount of packaging waste introduced to Maine and help Maine towns fund their solid waste costs. The task force recommends that Auburn negotiate shorter term commitments with its solid waste contractor(s) as it prepares for the implementation of EPR and responds to the changing environment of solid waste management.

1. General Recommendations for The Council

A. Prepare Auburn households for **Maine Extended Producer Responsibility (EPR) Program** https://www.maine.gov/dep/waste/recycle/epr.html.

Starting in 2026, EPR will charge producers of non-recyclable packaging a per ton fee based on the tonnage of such packaging sold in Maine.[2] Beginning in 2027, municipalities with established recycling programs who choose to participate will be reimbursed a per ton amount for specified packaging types (plastic, metal etc.) that are recycled. In addition, they will be reimbursed on a per capita basis for the amount of nonrecyclable packaging processed in domestic household trash. Final rules are still being written, but it is anticipated that per-ton reimbursement for recycled packaging will be higher than for nonrecyclable packaging. Reimbursement for nonrecyclable packaging sent to waste to energy incinerators, like Auburn's, will be higher than that sent to landfills.

By recycling all items on Maine's EPR list of recyclable commodities, Auburn can access new funding to offset collection and processing costs for household solid waste. Reimbursement for these costs through the EPR program will increase with increasing recycling participation rates and tons of material recycled.

On average Auburn sends 8,000-9,000 tons of domestic trash to its incinerator and 400-700 tons of recycling to the recycling plant per year. Accordingly, Auburn's recycling tonnage is only 7.5% of its trash disposal tonnage. Maine law sets an annual goal of recycling or composting 50% of a municipality's solid waste.

Under EPR, the city and its waste and recycling contractors must agree to audits of the municipal waste streams by the agency governing the program. These audits will verify municipal collection and processing costs for both trash and recycling and revenue generated for each recycled commodity. This should result in increased transparency for municipal solid waste managers tracking solid waste expenses. Once implemented the

[2] Natural Resources Council Maine. Retrieved from nrcm.org: https://www.nrcm.org/sustainability/how-extended-producer-responsibility-for-packaging-will-benefit-maine/

EPR program will provide incentives for producers to make more recyclable packaging and for municipalities to separate as much recyclable packaging from the household trash as possible in order to maximize reimbursement under the program and to further invest in their solid waste programs.

B. Data management: Provide support for accurate, verifiable data collection on all aspects of Auburn's solid waste management including fixed and variable costs. Report data to key stakeholders in a timely manner.

During the study period for this report, it was difficult to get data on basic aspects of Auburn's solid waste programs. This challenge was also noted in 2014 and 2020 reports to the Council on solid waste. Data is critical for setting goals and tracking continuous improvement and will be key to successful public engagement. This in turn will be key to maximizing reimbursement in the EPR program. Use of a data "dashboard" or scorecard visible to staff, elected officials and the public should help promote the program.[3]

C. Staffing: Assign a qualified individual primary responsibility for setting goals and managing performance improvement of Auburn's solid waste programs, using data referenced in 1.B above. This individual could also manage other city sustainability programs.

Future EPR reimbursement will depend on coordinated efforts and compliance with EPR rules from all of the system's current parts. Staffing a coordinator position will be essential to this effort. Other Maine communities have tasked sustainability managers with this type of coordination across multiple business entities and municipal departments and achieved cost-saving efficiencies.

D. Create a robust **public engagement program.** Inform and involve Auburn households in all aspects of the city's solid waste program using regular data reports, targeted goals, restructured staffing, neighborhood networks, enforcement or revision of Auburn's solid waste ordinance and updates to the solid waste sections of the city's Comprehensive Plan.

"Public Engagement" involves **communication *with* the public** using social media, direct mailing, public forums, and feedback on household compliance with trash collection regulations. It also involves **communication *from* the public** regarding the quality and performance of the city's solid waste programs. Through encouragement of volunteers with an interest in the topic, to leadership from elected officials and city staff, a robust Public Engagement program would include targeted goals for increased participation in the city's recycling program and in the organic and food scrap program. Progress toward these goals could be publicly reported on the city website or in a special solid waste data dashboard.

[3] See for example: Town of Brunswick Maine Recycling Data: https://www.brunswickme.gov/270/Recycling-Data

The City should consider forming a solid waste advisory committee composed of Auburn residents, city councilors and public works or other appropriate staff to advise the council on solid waste policy. Such a committee could work with the public by conducting household surveys and listening sessions to explore alternative and less costly collection strategies for both trash and recycling.

Finally, the current Auburn solid waste ordinance requires that households separate recyclable material from city trash.[4] It also specifies limits to the weight of trash and the size of the trash container put out for weekly collection. While these regulations may represent aspirational goals to improve recycling participation rates, none of them corresponds to current practice. As the Council considers new solid waste policies the task force recommends that the solid waste ordinance be updated to align with those policies.

There are numerous **benefits** from increasing participation and adherence to the current ordinance:

- Increased sanitation and improved aesthetics on city streets
- Increased efficiency at Maine Waste to Energy (MWE): Organic and food waste diversion will reduce the weight of collected trash and therefore the tipping fees at the incinerator (food waste is both wet and heavy and diminishes the efficiency of the waste to energy process). The EPA estimates organic waste comprises 34% of the weight of domestic trash. MWE will burn better without organic and food waste.[5]
- Financial benefits to the city for improved recycling rates once EPR is in place. Increasing the number of households recycling and recycling correctly (only the right commodities in the recycling bin) will be key to increased EPR program dollars coming to Auburn.

E. Limit the duration of new **solid waste contracts** to allow for improved data collection and analysis (1.B) an evaluation of EPR (I.A), implementation of the public engagement program (1.D) and an assessment of new trash-collecting technologies, all of which will impact future city budgets and sustainability efforts.

What data is needed and who would manage it for success in the EPR program is not known and likely will not be known before the current solid waste contracts expire. Likewise alternative trash and recycling collection strategies will need further study. Should the city get back into the trash collection business? If so, should they lease trucks or buy them? These questions with large budget impacts require return on investment analysis. Long-term agreements with current solid waste contractors do not seem advisable at this time.

---

[4] Auburn, Maine - Code of Ordinances Chapter 44 - SOLID WASTE. (n.d.). Retrieved from auburnmaine.gov: https://library.municode.com/me/auburn/codes/code_of_ordinances?nodeId=PTIICOOR_CH44SOW

[5] *National Overview: Facts and Figures on Materials, Waste and Recycling*. US Environmental Protection Agency. Retrieved from https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-

2. Domestic Trash recommendations

The challenges Auburn faces in managing solid waste in general and domestic trash in particular are not unique. These are well summarized in a January 2024 comprehensive solid waste status report from the Maine Department of Environmental Protection to the state legislature. Rising collection and processing costs for both trash and recycling coupled with shrinking disposal options are stressing municipal budgets. Statewide, generation of solid waste is increasing year over year while total diversion of trash (includes repair, reuse, recycling, composting and anerobic digestion) from landfill and incineration remains flat. The net result is more Maine trash requiring final disposal. [See Figure 1]

Maine has set a goal to limit solid waste disposal, the bottom of the inverted pyramid of the Solid Waste Hierarchy, to 0.55 tons of solid waste per person per year. [See Figure 2]

Currently the per capita rate is 0.69 tons and rising. A rough estimate for Auburn is 0.71 tons per year. [See Figure 3.]

A. Continue current service level for curbside collection of household trash.

Curbside trash collection currently is weekly, recycling is every other week. There are drop-off options for both trash (MWE), recycling (Gracelawn) and food scraps (Gracelawn and South Main Street). Having trash and recycling both collected weekly would aid in compliance and increase homeowner satisfaction given experience in other communities. Having more drop-off locations for all three waste streams for those preferring these methods would minimize driving distances and increase customer satisfaction.

B. Use bid (Request for Proposal) process to analyze feasibility and costs of various solid waste collection and diversion strategies including:

- contracted vs. city operated curbside collection.
- incentives for increased food-scrapping (4. B-F) and recycling such as limiting the size of the trash collection container.
- controlled access cards for Auburn resident payment, accurate recording and classification of waste stream weights at Auburn and MWE transfer stations.
- city-developed markets for collection and sale of some readily recyclable commodities

On average, Auburn collects and disposes of between 600 and 800 tons of **domestic trash** per month at a cost of roughly $46 per ton for disposal and $77 per ton for curbside collection. [See Figure 4]

Statewide median trash disposal costs are $82 per ton (collection costs not reported). [See Figure 5]

For the first four months of 2024, Auburn reported 24 tons of **recycling** per month collected at the curbside at a cost of roughly $800 per ton for collection and $106 per ton for processing (these figures are exclusive of recycling drop-off tons at Gracelawn). This is the most up-to-date information from the Auburn Public Works Department.

Trucking costs are a large portion of Auburn's solid waste budget, not surprising given the geographic size of the municipality. Collecting both trash and recycling on the same weekday in a split body truck, as Biddeford and other communities do, would limit route miles and reduce hauling cost.

Other municipalities in Maine have had success using a variety of **positive and negative incentives** to limit trash generation and increase participation rates in recycling and other diversion programs. [See Figure 6]

These incentive programs include the following:

- Trash containers that are smaller than recycling containers encourage households to separate recycling from the trash to make more room for non-recyclable trash for curbside pick-up.
- Periodic monitoring of recycling containers for contamination
- Charging for trash amounts that exceed the size of the trash bins (so-called "Pay-to-Throw")

Biddeford operates and staffs its own transfer station, open on certain days for resident-sorted recycling and food scrap drop-off and oversized bulky waste (OBW) drop-off. Access with a card swipe system limits use to Biddeford residents. The staff person ensures recycling is sorted in the proper bin limiting contamination. The card swipe identifies users by residential address and ensures that each household is abiding by limits for free OBW and special waste disposal (4 tires per year, for example).

Biddeford also collects and markets some recyclable commodities that are dropped off at the transfer station independent of what is collected by their recycling contractor.

C. Increase participation in Product Stewardship programs to divert more waste from household trash. https://www.maine.gov/dep/waste/productstewardship/index.htmls.

D. Incentivize and support existing reuse programs (thrift shops, social service agencies) for household items.

It is important not to lose sight of the other portions of the Waste Hierarchy that divert materials from the waste stream. Like the soon to be implemented EPR program there are a number of so-called product stewardship programs in existence. The most obvious and successful diversion program is the Maine bottle bill which diverts glass, plastic and metal deposit containers from disposal. There are also ongoing programs that collect electronic waste, tires, paint and lithium batteries to name a few.

The Auburn area also hosts a plethora of nonprofit donation centers and agencies that collect clothing, household goods, furniture, food and other reuseable items for gifting or reselling. These programs should be supported and promoted for their impact on waste diversion.

3. Recycling recommendations

Recycling is the process of diverting post-consumer materials that would otherwise be included in the solid waste stream and converting them into new materials and new objects. Recycling directly reduces the amount of waste that is sent to landfills and incinerators, which in turn reduces the amount of harmful chemicals that are released into the soil and air. Another environmentally significant benefit of recycling is that it conserves natural resources such as trees, minerals, and fossil fuels by *reusing* materials, including cardboard, paper, metals, and plastic. Those materials constitute a significant portion of the weight of the waste stream and increase the tipping fees charged by landfills and incinerators. Reusing these materials instead diminishes the need to harvest, mine, or extract *new* raw materials, thus conserving natural resources and reducing energy use and environmental degradation.

In addition to these well-established environmental benefits, Maine's new EPR Law will give money back to municipalities that operate robust recycling programs. Participating municipalities will in effect be subsidized by the packaging industry for operating recycling programs.

Currently, Auburn contracts with Casella to send its recyclables to Casella's Material Recovery Facility (MRF) in Lewiston. In the summer of 2023, the Council cancelled Auburn's curbside recycling program. The Council revisited the decision in late 2023 and restored the curbside recycling program.

Since restoration, the curbside recycling program has not yet returned to its precancellation tonnage but is steadily increasing. Auburn residents also have the option of dropping off their recyclables at Gracelawn and the combined tonnage of curbside and drop off recycling nearly equal precancellation levels.

To further increase recycling levels, which is vital for achieving long term solid waste reduction goals and to obtain significant future reimbursements from the State via EPR, Auburn needs to expand its public engagement efforts. The program must be well thought out and easy to comply with.

Here is a short elaboration of some of the points in our Executive Summary.

A. Auburn should initiate weekly curbside collection of recyclables.

Although curbside trash collection occurs weekly, recycling occurs only biweekly, weather permitting (see C. below). Collecting trash and recycling on the same day would eliminate residents' confusion over their biweekly recycling date. Indeed, public attendees at the Solid Waste Task Force's June 27, 2024, meeting for public comment were adamant that recycling pick-up should occur every week, on the same day that trash is picked up. Weekly curbside collection will almost certainly increase recycling participation.

Assuming the city participates in EPR as the Solid Waste Task Force recommends, the city will receive higher reimbursements for its increased recycling participation rates and tons of material recycled.

Additionally, the expense of weekly curbside collection may be significantly mitigated if the city adopts the use of automated collection trucks; Casella and other vendors now offer automated split trucks that can collect both trash and recycling at the same time. This would eliminate the separate (and redundant) recycling route currently required for biweekly curbside collection.

Lastly, weekly collection will promote compliance with Auburn's recycling ordinance which prohibits the disposal of recyclables in household trash.

B. Auburn's recycling program should include recycling of all commodities on the state EPR list.

Auburn will be eligible for funding through EPR only if its recycling program includes all commodities on the state EPR list (Elena Bertocci, Maine DEP, presentation to the task force on 6/18/2024). If the city does not recycle everything on the state list, all recycling expenses will be borne by the city. The DEP has not yet finalized the list of commodities.

C. Curbside recycling should include city-provided wheeled, lidded containers to keep recyclables dry.

According to Casella, all recyclables need to be clean and dry. Wet materials are considered contaminated and are likely brought to the landfill for disposal instead of recycled. Providing lidded recycling containers will alleviate this problem during inclement weather. Wheeled containers are easier and safer for Auburn residents to bring recycling material to the curb.

D. Keep Gracelawn open as a supplemental site, consider adding additional such sites.

The Gracelawn drop-off site has already proven to be popular with many Auburn residents, particularly given the flexibility of anytime drop off vs. adhering to the biweekly curbside collection schedule. Gracelawn also offers food waste containers which makes it an efficient stop for residents and promotes cross-utilization of the available options.

Some cities operate recycling centers with designated containers for recycling specific items such as various plastics, metals, cardboard, paper, glass, batteries, etc. Recyclables are less likely to be contaminated where individual containers are available for depositing specific materials. In addition, presorted recyclables may command a higher price in the commodities market. Biddeford operates such a facility and directly sells its sorted recyclables to commodities dealers.

E. Create targets for increased household participation, based on analysis of data collected.

Presently Auburn has no mechanism for directly measuring the number of households that participate in biweekly curbside collection. For the period December 11, 2023, through May 24, 2024, Casella personnel performed visual inspections and prepared an estimate of the household participation rate. According to that data, the participation rate almost always exceeded 10% and frequently exceeded 13%. Significantly, these participation rates do not include the households that perform their own drop-off recycling at Gracelawn. Although neither Auburn nor Casella have computed a participation rate for the Gracelawn drop-off recycling location, the monthly tonnage of dropped off recycling is nearly as high as that generated by the curbside collection system. Based on this information, the task force conservatively estimates that the household recycling participation rate for Auburn is approximately 15% of households (including both curbside and drop-off participants and those who do both). In other words, of the roughly 9,900 households in Auburn, approximately 1,500 participate in municipally sponsored recycling.

Auburn should set a goal of increasing its recycling participation rate by at least 10% per year (or approximately 150 households) per year for at least 5 years. There are a variety of resources easily available to help City Staff and/or a Sustainability Manager establish goals, create programs to achieve them and measure progress.[6] Indeed, the State's EPR program will require municipalities to collect cost and tonnage data on their recycling operations. See discussion at Section I.B. Auburn should also consider re-establishing its citizen Recycling Committee to further help with outreach to particular neighborhoods and civic organizations.

F. Create unified messaging as part of the Public Engagement Program (I.D), with easy-to-understand instructions and advice available via social and other media.

Recycling rules can be confusing. Municipal recycling programs differ from community to community and variables include the frequency of pick up, the type of materials that will be picked up, whether the materials are to be separated or commingled, and the type of container the materials can be placed in. Most programs do not collect plastic bags, Styrofoam, soiled or wet paper, certain metals or plastics that can get entangled in the

[6] https://www.c40knowledgehub.org/s/article/How-cities-can-boost-recycling-rates?language=en_US
https://recyclingpartnership.org/small-town-america-part-in-boosting-us-recycling-rates/

recycling machinery and so-called contaminated recyclables. Even the definition of contaminated recyclables may differ between communities. Commonly it denotes wet, greasy, and unaccepted type of material.

In order to simplify the recycling process for its residents, Auburn's recycling rules should be publicized in clear and precise language, prominently communicated and readily accessible. Auburn should also develop a comprehensive Public Engagement Program as discussed in Section I.

4. Food Waste Program recommendations

In order to reduce the amount of solid waste collected and disposed of per capita Auburn needs to expand its current collection program for food scraps and other organic materials (paper towels and napkins, etc.) and work to increase citizen participation in the program. Twenty percent of the city's solid waste is food waste and 15 to 18% of the recycling is contaminated with food scraps, non-recyclable materials, or moisture.[7] An increase in the collection of Auburn's food waste and other organics would reduce the overall tonnage of our household solid waste collected. A reduction in tonnage leads to savings in disposal costs. In addition, removing food waste will improve recycling contamination rates, eliminate the source of methane generation, a very potent greenhouse gas, when Auburn's solid waste is diverted from Maine Waste to Energy to a landfill, and contribute to more efficient energy use during incineration, reducing overall costs.

Currently, Auburn's food waste collection program is contracted to Agricycle which processes the organics in an anaerobic digester to create natural gas that is captured and used for the production of electricity. Auburn should also consider implementing an additional composting program, city or contractor provided, which would allow citizens to contribute their foods scraps and other organic waste and, in exchange, receive compost for their personal use.

Recommendations to accomplish these goals are as follows.

A. Continue to offer food scraps/organic materials disposal drop off locations at Gracelawn Avenue and South Main Street. These locations are adjacent to the recycling drop off location and/or serve separate areas of the city making them convenient for some residents.

[7] Auburn Ad Hoc Recycling and Sustainability Committee. (2020). *https://www.auburnmaine.gov/CMSContent/Boards_and_Committees/Recycling%20Ad%20Hoc/Recycling%20Committee%20FINAL%20REPORT.pdf*.
Previous recycling report to Auburn City Council in 2020. Table 3, page 14 of this report compares greenhouse gas emissions for processing strategies for household solid waste depicted in the solid waste hierarchy: recycling, composting, waste to energy incineration and landfilling.

B. Add drop off bins in more accessible locations, ones that are heavily trafficked, in order to increase convenience and participation. Adding drop-off locations in areas that are adjacent to streets with major vehicular use, such as community centers (schools, Pettingill Park, etc.), or in areas that serve citizens who rely on other types of transportation, e.g. walking, will increase the visibility of the program and accessibility.

C. Include large signage, kiosks with written and pictorial information about what and what cannot be placed in the bins.
Large eye-catching signs with easily understood information will draw attention to the drop off bins and provide citizens with the type of information they need to fully utilize the program. Directional signs pointing to the locations of the drop off bins at street corners, etc. will also lead to ease of participation.

D. Provide multiple modes of communication to increase public awareness and knowledge in newspapers, on a new food waste and organics website, via fliers in schools and on community bulletin boards.

E. Include schools in the food waste collection program. Increase awareness of the program by providing mini-lessons in the classroom and enable easier participation by having Auburn's contractor pick up food waste and organics from the cafeterias. Educating the youth in our community is an important way to create habits for a lifetime and to include their families in the food waste and organics program. In addition, school cafeterias are a large source of food waste and organics. Collecting their food waste and organics will facilitate more efficient solid waste disposal and create an energy source through anaerobic digestion.

F. Incentivize food waste collection by subsidizing the cost/or purchasing backyard compost bins and/or kitchen containers for home collection of food scraps.
Other cities either provide food scrap collection bins at no cost or a reduced cost to their citizens. Providing this service would be an avenue for educating the public and highlight the city's commitment to the program at a reasonable cost.

FIGURES

FIGURE 1.

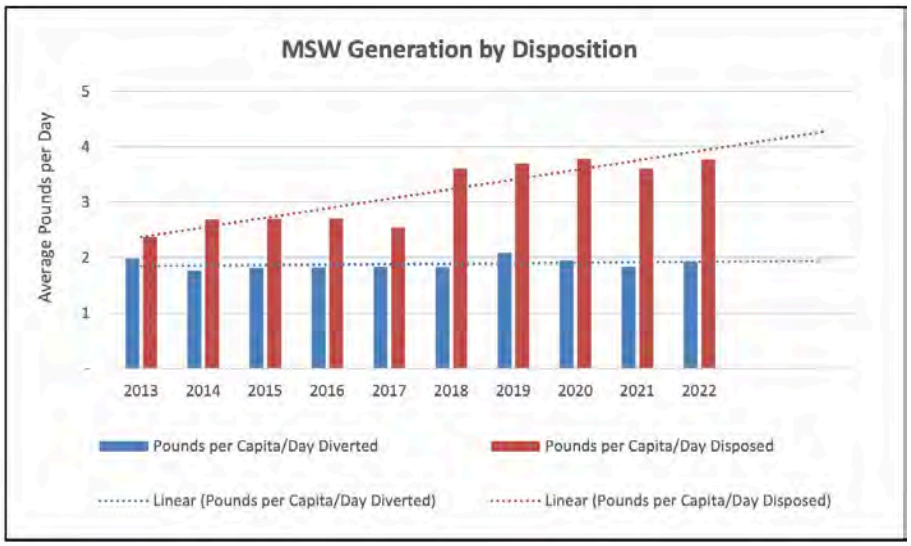


Figure 1. Department of Environmental Protection. *Maine Materials Management Plan: 2024 State Waste Management and Recycling Plan Update and 2022 Waste Generation and Disposal Capacity Report,* p. 7. https://www.maine.gov/dep/publications/reports/index.html

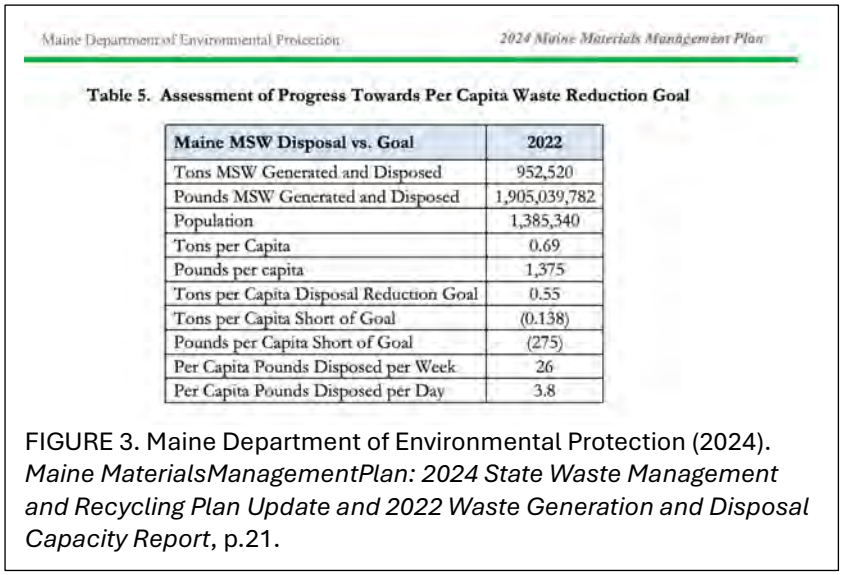
Figure 2.



Priorities. It is the policy of the State to plan for and implement an integrated approach to solid waste management for solid waste generated in this State and solid waste imported into this State, which must be based on the following order of priority: **A.** Reduction of waste generated at the source, including both amount and toxicity of the waste**; B.** Reuse of waste; **C**. Recycling of waste; **D**. Composting of biodegradable waste; **E**. Waste processing that reduces the volume of waste needing land disposal, including incineration; and **F.** Land disposal of waste. It is the policy of the State to use the order of priority in this subsection as a guiding principle in making decisions related to solid waste management. Waste reduction and diversion. It is the policy of the State to actively promote and encourage waste reduction measures from all sources and maximize waste diversion efforts by encouraging new and expanded uses of solid waste generated in this State as a resource.

Maine Department of Environmental Protection. (n.d.). *2020 & 2021 Municipal Solid Waste Generation & Disposal Capacity Report*. Appendix A, p. 52. Retrieved from https://www.maine.gov/dep/publications/reports/index.htm]

Figure 3.



Maine Department of Environmental Protection 2024 Maine Materials Management Plan

Table 5. Assessment of Progress Towards Per Capita Waste Reduction Goal

Maine MSW Disposal vs. Goal	2022
Tons MSW Generated and Disposed	952,520
Pounds MSW Generated and Disposed	1,905,039,782
Population	1,385,340
Tons per Capita	0.69
Pounds per capita	1,375
Tons per Capita Disposal Reduction Goal	0.55
Tons per Capita Short of Goal	(0.138)
Pounds per Capita Short of Goal	(275)
Per Capita Pounds Disposed per Week	26
Per Capita Pounds Disposed per Day	3.8

FIGURE 3. Maine Department of Environmental Protection (2024). *Maine MaterialsManagementPlan: 2024 State Waste Management and Recycling Plan Update and 2022 Waste Generation and Disposal Capacity Report*, p.21.

Figure 4.

	Jan-24	Feb-24	Mar-24	Apr-24
Household Waste - by ton				
Disposal - Tons	663.24	550.45	637.11	770.13
Collection Cost	$53,745.60	$53,745.60	$53,745.60	$56,997.21
Disposal Cost	$30,515.36	$25,396.26	$29,311.01	$35,425.98
Recycling - Curbside	26.31	23.77	23.52	23.36
Disposal	$2,827.80	$2,554.80	$2,376.46	$2,390.20
Collection	$19,189.14	$19,189.14	$19,189.14	$20,350.08
Fuel Fees - Collection	$387.37	$412.36	$508.72	$557.48
Recycling @ APW per ton	16.30	11.3	11.21	13.65
Price per ton	120.97	107.48	107.48	109.93
Cost to dispose	$8,529.51	$6,714.52	$6,704.84	$7,824.21
"Demo" - tonnage	1.63	2.85	0.27	2.4
Bulky Waste/Spring Clean Up - Tonnage	51.65	40.27	65.00	93.75
Cost	$8,142.00	$6,342.75	$10,110.75	$14,048.25
Composting - # dumps per month				
Gracelawn Rd		7	8	10
S Main St Fire Station		6	3	4
135-150 lbs per tote				

Figure 4. Internal data, Auburn Public Works, Denis D'Auteuil, Director via e-mail

Figure 5.

Table 8. Municipal Costs Reported for Recycling and Disposal

Cost Comparison Per Ton - Recycling vs. Disposal[29]				
	Recycling (Hauling)	Recycling (Processing)	Disposal (MSW)	Disposal (CDD)
Min	$55.00	$ -	$0.50	$17.00
Max	$900.00	$384.00	$225.00	$225.00
Median	$391.43	$85.00	$82.70	$95.86
Average	$440.80	$99.25	$86.90	$96.64

Figure 5. Maine Department of Environmental Protection. (2024). *Maine Materials Management Plan: 2024 State Waste Management and Recycling Plan Update and 2022 Waste Generation and Disposal Capacity Report,* p. 24.

Figure 6.

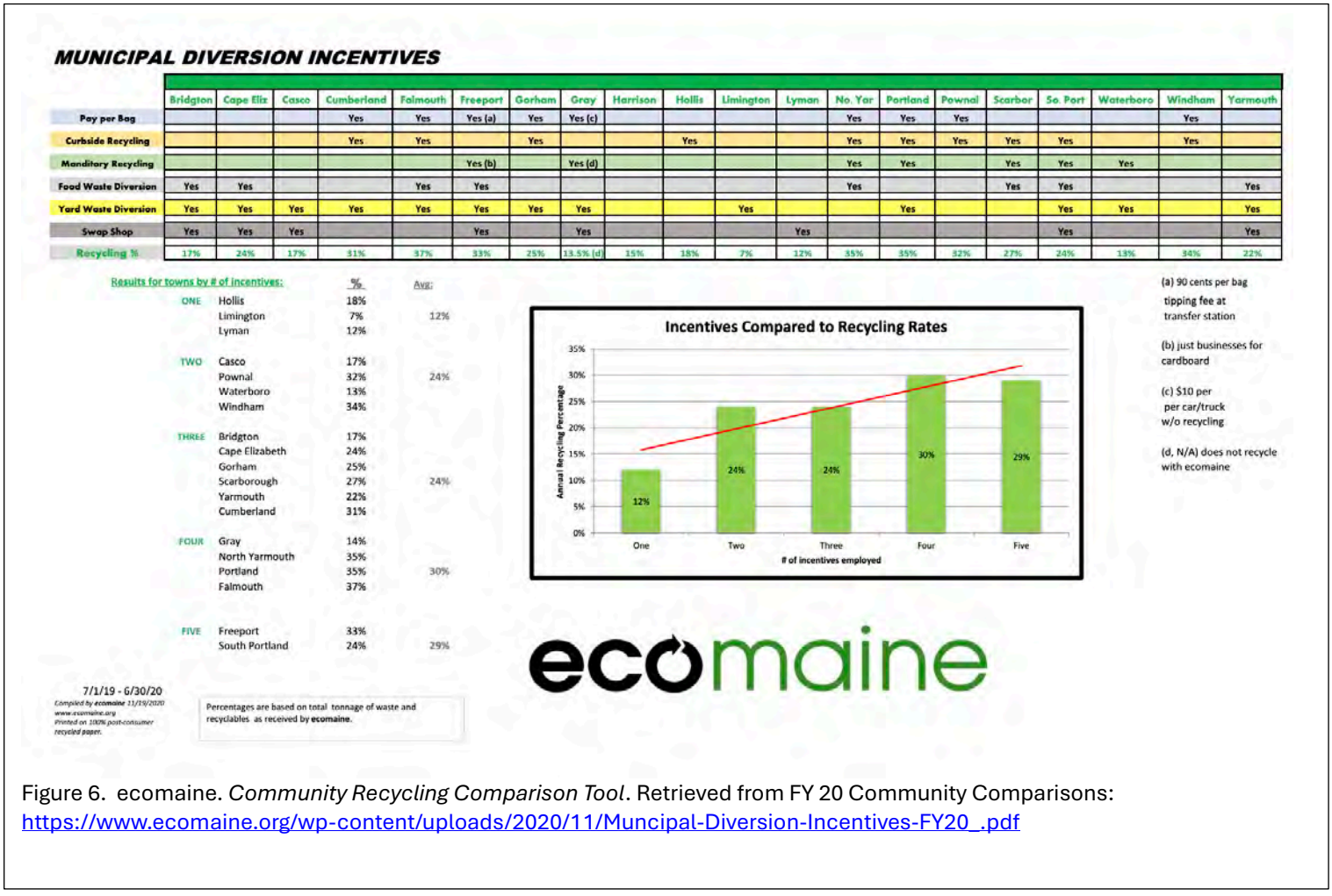


Figure 6. ecomaine. *Community Recycling Comparison Tool*. Retrieved from FY 20 Community Comparisons: https://www.ecomaine.org/wp-content/uploads/2020/11/Muncipal-Diversion-Incentives-FY20_.pdf

LIST OF INTERVIEWS CONDUCTED BY AUBURN SOLID WASTE TASK FORCE

Julie Rosenbach, Sustainability Director, South Portland, February 6, 2024

Susan Parmelee, Sustainability Program Manager, South Portland, February 6, 2024

John Kuchinski, Lewiston DPW Environmental Services Superintendent, February 21, 2024

Megan Bates, Lewiston DPW Deputy for Maintenance and Operations, February 21, 2024

Phil Crowell, Auburn City Manager, March 12, 2024

Dennis D'Auteuil, Auburn Executive Director of Public Services, March 12, 2024

Jeffrey Harmon, Auburn Mayor, April 2, 2024

Talya Bent, Casella Municipal Account Manager, April 16, 2024

Chris McHale, Casella Market Area Manager, April 16, 2024

Jeff Demers, Biddeford Public Works Director, April 23, 2024

John King, Executive Director, Maine Waste to Energy, May 2, 2024

Gunnar Heckler, Agri-Cycle Program Support Associate, May 7, 2024

Elena Bertocci, Environmental Specialist, Maine DEP, June 18, 2024

SOLID WASTE & RECYCLING

Final report to the Auburn City Council



GENERAL RECOMMENDATIONS

A. **Prepare Auburn households for Maine Extended Producer Responsibility (EPR) Program.** By recycling all items on Maine's EPR list of recyclable commodities, Auburn can access new funding to offset collection and processing costs for household solid waste. Reimbursement for these costs through the EPR program will increase with increasing recycling participation rates and tons of material recycled.
B. **Data management:** Provide support for accurate, verifiable data collection on all aspects of Auburn's solid waste management including fixed and variable costs. Report data to key stakeholders in a timely manner.
C. **Staffing:** Assign a qualified individual primary responsibility for setting goals and managing performance improvement of Auburn's solid waste programs using data referenced above (1.B). This individual could also manage other city sustainability programs.
D. **Create a robust public engagement program.** Inform and involve Auburn households in all aspects of the city's solid waste program using data, regular data reports, restructured staffing, revisions to the Auburn solid waste ordinance and Comprehensive Plan.
E. **Limit the duration of new solid waste contract(s)** to allow for improved data collection and analysis (1.B) and evaluation of how EPR (1.A), the public engagement program (1.D) and new trash-collecting technologies will impact future city budgets and sustainability efforts.

DOMESTIC TRASH RECOMMENDATIONS

A. **Continue current service level for curbside collection of household trash.**
B. **Use bid (RFP/Request for Proposal) process to analyze feasibility and costs of various solid waste collection and divergence strategies including:**
    - Contracted vs city operated curbside collection
    - Incentives for increased food-scrapping (IV. B-F) and recycling such as limiting the size of the trash collection container
    - Controlled access cards for Auburn resident payment, accurate recording and classification of waste stream weights at Auburn and MWE transfer stations
    - City-developed markets for collection and sale of some readily recyclable commodities
C. **Increase participation in Product Stewardship programs to divert more waste from household trash.**
D. **Incentivize and support existing reuse programs for household items.**

auburnmaine.gov

RECYCLING RECOMMENDATIONS

A. **Institute weekly curbside collection of recyclables.**
B. **Auburn's recycling program should include recycling of all commodities on the state EPR list.**
C. **Curbside recycling should include city-provided wheeled, lidded containers.**
D. **Keep Gracelawn open as a supplemental site, consider adding additional such sites.**
E. **Create targets for increased household participation, based on analysis of data collected (1.B).**
F. **Create unified messaging as part of the Public Engagement Program (1.D), with easy-to-understand instructions and advice available via social and other media.**

auburnmaine.gov

FOOD WASTE PROGRAM RECOMMENDATIONS

A. **Continue with Gracelawn & So. Main Street drop off locations.**
B. **Add additional drop-off location(s) in more highly traveled and accessible sites to increase convenience and participation.**
C. **Enhance drop off locations with larger signs (kiosks) that include information (pictures and writing) about what can and cannot be placed in the bins.**
D. **Use multiple modes of communication to promote the program, as part of the public engagement program (1.D)**
E. **Include schools in the food waste collection program, including mini lessons in the classrooms and picking up food waste from the cafeterias by the contractor.**
F. **Incentivize food waste collection by subsidizing the cost/or purchasing of backyard compost bins and/or kitchen compost conta**

ORDER 103-08192024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the Solid Waste Taskforce Final Report from the Sustainability and Natural Resource Management Board, as shown on the attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 19, 2024 **Order:** 104-08192024

Author: Kelsey Earle, Finance Director

Subject: Acceptance consideration of gifted property- Carrier Court

Information: The property owners of Carrier Court (PID 184-032) approached the City with the offer of gifting the parcel as they had acquired it when purchasing their property, but it has very little value to the owners. City staff reviewed the parcel and determined that the location between City right-of-way and MTA right-of-way were favorable reasons to accept for potential future planning.

City Budgetary Impacts: None

Staff Recommended Action: Acceptance of the gifted property.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

·Parcel Map
·Parcel Record Card
·Order


546 RIVERSIDE DR
Vickery Rd
Vickery Rd
Riverside Dr
Androscoggin River
184-028
327 VICKERY RD
184-031
794 RIVERSIDE DR
184-021
311 VICKERY RD
184-027
5 CARRIER CT
Carrier Ct
184-026
7 CARRIER CT
Riverside Dr
Maine Tmpk
Maine Tmpk
Eagle View Dr
184-022
16 EAGLE VIEW DR
184-025
15 CARRIER CT
184-032
CARRIER CT
184-023
26 EAGLE VIEW DR
184-024
29 CARRIER CT
Eagle View Dr
Maine Tmpk
184-018
29 EAGLE VIEW DR
Carrier Ct
184-001
52 CARRIER CT
RR
184-033
RIVERSIDE DR
184-035
RIVERSIDE DR
184-034
841 RIVERSIDE DR
184-002
56 CARRIER CT
184-003

Unofficial Property Record Card - Auburn, ME

General Property Data

Parcel ID	184-032	**Account Number**	184032000
Prior Parcel ID			
Property Owner	BEAL PROPERTIES LLC	**Property Location**	CARRIER CT
		Property Use	UNDEVELOPED
Mailing Address	794 RIVERSIDE DR	**Most Recent Sale Date**	6/29/2018
		Legal Reference	9871-321
City	AUBURN	**Grantor**	FRISBIE KEVIN D
Mailing State	ME **Zip** 04210	**Sale Price**	135,000
ParcelZoning	N/A	**Land Area**	0.150 acres

Current Property Assessment

Card 1 Value	Building Value 0	Xtra Features Value 0	Land Value 100	Total Value 100

Building Description

Building Style	N/A	**Foundation Type**	N/A	**Flooring Type**	N/A
# of Living Units	0	**Frame Type**	N/A	**Basement Floor**	N/A
Year Built	N/A	**Roof Structure**	N/A	**Heating Type**	N/A
Building Grade	N/A	**Roof Cover**	N/A	**Heating Fuel**	N/A
Building Condition	N/A	**Siding**	N/A	**Air Conditioning**	0%
Finished Area (SF)	0	**Interior Walls**	N/A	**# of Bsmt Garages**	0
Number Rooms	0	**# of Bedrooms**	0	**# of Full Baths**	0
# of 3/4 Baths	0	**# of 1/2 Baths**	0	**# of Other Fixtures**	0

Legal Description

UNBUILDABLE

Narrative Description of Property

This property contains 0.150 acres of land mainly classified as UNDEVELOPED with a(n) N/A style building, built about N/A , having N/A exterior and N/A roof cover, with 0 commercial unit(s) and 0 residential unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images

SKETCH

IMAGE

Disclaimer: This information is believed to be correct but is subject to change and is not warranteed.

ORDER 104-08192024

City Council Order

IN CITY COUNCIL

Ordered, that the City Manager be, and hereby is, authorized to accept delivery on behalf of the City from Beal Properties LLC conveying, as a gift, real property approximately 0.15 acres in size located on Carrier Court and currently shown as Assessor's Map 184, Lot 032; and

Be it further Ordered, that the City Manager be, and hereby is, authorized to execute any necessary paperwork reasonable incident to Beal Properties LLC's gift to the City.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 19, 2024 **Order:** 105-08192024

Author: Jonathan P. LaBonte, Transportation Systems Director

Subject: Reallocation of Unspent Airport Appropriated Capital Funds

---

Information: The Auburn City Council appropriated $75,000 in FY2023 to the Auburn Lewiston Municipal Airport for the replacement of a hangar door on Hangar #2 (former FBO Hangar). As part of the ongoing reforms and growth at the Airport, a tenant (Dirigo Aerospace Solutions LLC) expanded from 400 square feet of hangar space to leasing the entire hangar. The tenant has made necessary repairs for the hangar door to function without issue.

To seek to deploy this local capital as efficiently as possible, the Airprot Board of Directors voted unanimously at its July 2024 meeting to request that each sponsor/city reallocate capital to support an upcoming hangar development project at the Airport. The included memo sent to City Manager Crowell and City Administrator O'Malley highlights the Board of Directors' request in more detail.

City Budgetary Impacts: No net impact, reallocation of $75,000 in Airport Capital from Hangar Door to Apron Rehabilitation and Expansion

---

Staff Recommended Action:

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
August 8, 2024 Memo to City Manager/Administrator from Airport Sponsors
FY25 Capital Improvement Project Description Form (using City of Lewiston template)
Concept Site Plan for Apron Expansion (to facilitate four new hangars to be constructed)

ORDER 105-08192024

City Council Order

IN CITY COUNCIL

Ordered, that the Auburn City Council hereby authorizes the reallocation of $75,000 from the FY2023 Capital Improvement Plan for Airport Hangar Door to an FY2025 project of Apron Rehabilitation and Expansion

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Auburn Lewiston Municipal Airport
80 Airport Drive, Auburn, ME 04210
(207) 786 0631 FAX: (207) 782 3024
www.flytomaine.com

TO: Phil Crowell, Auburn City Manager and Brian O'Malley, Acting Lewiston City Administrator
FROM: Jonathan P. LaBonte, Airport Director
RE: FY25 Capital Allocation Change Request
DATE: August 8, 2024

The Airport annually submits to the two sponsors (the Cities of Auburn and Lewiston) a capital program including current fiscal year requests. We have been slowly rebuilding the long-term capital planning efforts at the Airport and intend, with the help of the Airport Master Plan Update and MaineDOT-funded pavement assessment, to have a full five-year CIP for the FY2026 budget process. In the meantime, it is recommended that we focus on continuing to deliver on investments that improve the Airport's operations and financial position. On July 11th, the Airport Board of Directors voted unanimously to request that the Cities of Auburn and Lewiston reallocate capital from two previously approved projects to two project ready for delivery in FY2025.

The two projects currently funded by the cities that are not to be pursued are the Hangar #2 Door Repair ($75,000 per city) and the Hangar #2 Roof Repair ($30,000 – Lewiston, Auburn funding was blended with other projects). With Hangar #2 leased fully to a private business now, ongoing maintenance is the responsibility of the tenant. The hangar door has been repaired by that tenant, Dirigo Aerospace Solutions, and the Airport utilized existing staff in FY24, along with funds from the Building Maintenance budget, to make roof repairs to address leaks.

The two emergent projects are the expansion of the aircraft apron near the Cold Storage/WWII hangar and the purchase of a new truck for our Operations team.

The Airport entered into a joint development agreement with Fielding Properties LLC for their development of a box hangar site next to the Cold Storage Hangar off Flight Line Drive. This agreement allowed the airport to co-invest to secure three additional, pre-approved, pre-permitted box hangar sites to list for land lease. To prepare to move to construction as the planning process concludes, the Airport requests that both cities re-allocate funding for the expansion of the apron in front of the Cold Storage Hangar. The Airport will leverage the pavement maintenance funding from both cities in FY25 to reconstruct the apron in front of Cold Storage at the same time and achieve some economies of scale.

The current 2007 Silverado truck cannot secure a sticker and leaves Airport staff needing to use personal vehicles to trailer equipment to vendors or to secure parts/supplies off-site. We are also limited in bringing guests/customers to different areas of the Airport given the condition of this truck. Unlike in previous years, there is strong confidence in the care given to our equipment by our maintenance team, and investing in a quality truck for their use is a priority.

In advance of FY2026, we should have completed or have awarded contracts for the outstanding CIP (through FY2024) items and will prioritize reallocation of any unexpended capital dollars before requesting additional, recognizing the fiscal challenges ahead for each of our sponsors.

FY25 Capital Improvement Program
Project Description Form

Project Title: **Hangar Development Site Work**

Operational Funding Division: Auburn Lewiston Municipal Airpo **Project Name:**

Est. Total Cost FY25:	150,000	**Est. Total Cost FY25-FY29:**	150,000
City Share FY25:	75,000	**City Share FY25-FY29:**	75,000

Project Description:
The Airport Board of Directors has entered into a public private partnership to advance the construction of up to four additional private box hangars on the west ramp of the Airport (along Flight Line Drive). This project will fund expanded pavement south of the apron at the Cold Storage/WWII Hangar. There will also be utility expansion to serve the additional sites so they will be shovel ready (gas, water, sewer, electrical, communications).

Consistency with the Comprehensive or Strategic Plans or other related planning documents:
The Airport's previous plans, and early understanding in the current Master Plan process confirms a need for expanded aircraft storage capacity. Private hangars are the preferred means to increased based-aircraft, as the Airport will generate land lease income as well as increased fuel sales and other business activity. The path to financial sustainability hinges on increase aviation activity and based tenants.

Justification for project implementation/construction and segments, if applicable:
The Airport has a current investor ready to construct on the first of four box hangar sites. The Airport is seeking the ability to leverage previous city allocated capital to advance this project in the current fiscal year. The Airport will cost share with the initial investor for this project. The Airport will NOT be proceeding with the hangar door project, as we have fully leased this building to a private business. The Board has voted unanimously to request both cities reallocate that capital to deliver this project in FY25.

Future maintenance costs if known, including contracts and special service requirements:
The Airport will integrate this added pavement into our pavement maintenance capital program under development with MaineDOT during this fiscal year.

How were cost estimates obtained and expenditure commitment:
Preliminary estimates from design engineers working on project permitting.

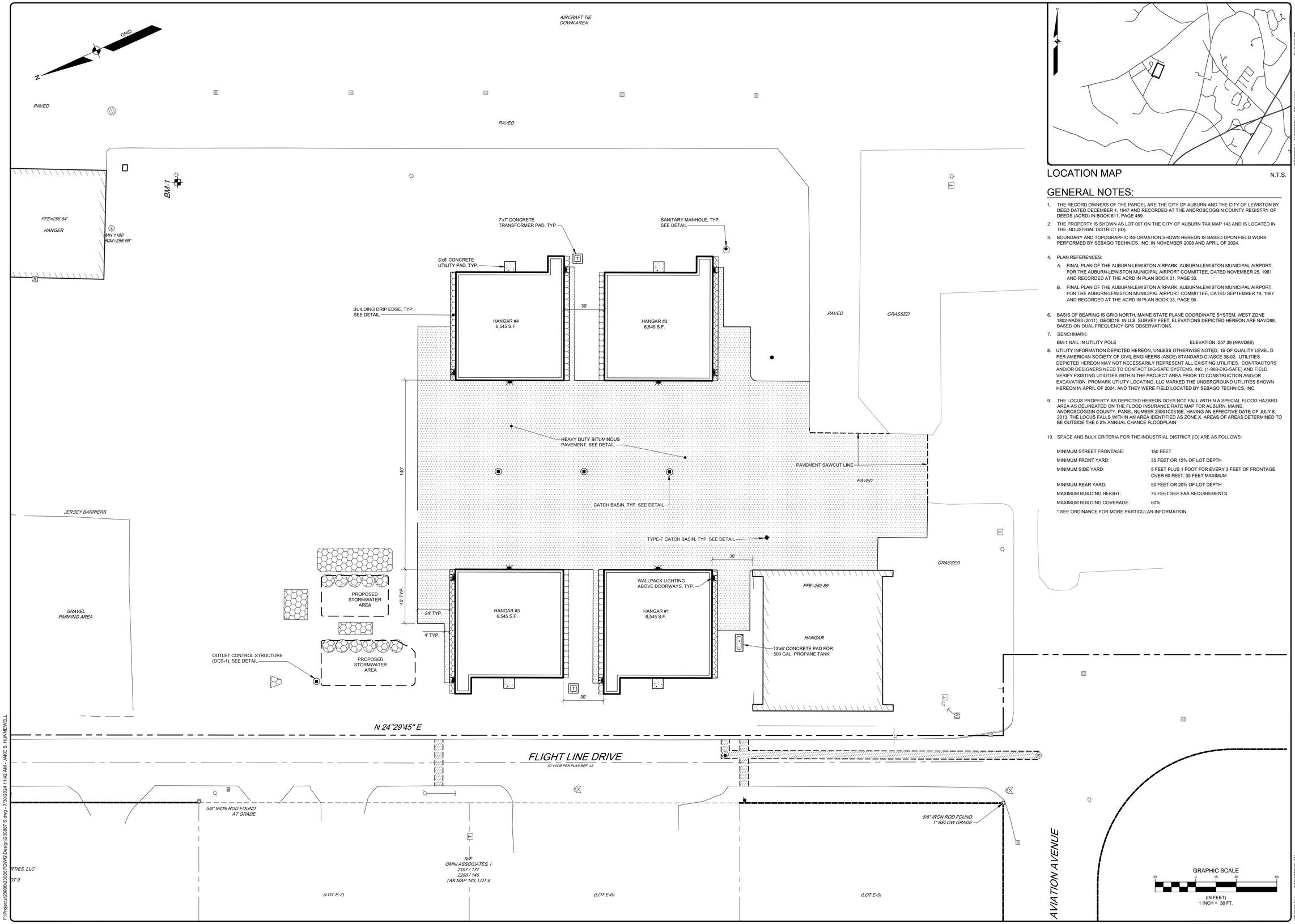
FUNDING SOURCES

Source	Amount					
City Operating Budget						
Existing City CIP	75,000					
Federal/State Funding		**Agency:**		**Approval Received?**	Yes	No
Other Agency/Municipality	75,000	**Agency:**		**Approval Received?**	Yes	No
Total Project Costs	**150,000**					

IMPLEMENTATION SCHEDULE (Fiscal Years)

	2025	2026	2027	2028	2029	Future
Total Project Cost	150,000					
Non-City Share	75,000					
City Share	75,000	0	0	0	0	0

Attach on separate page(s)/sheet additional information (if needed)



LOCATION MAP N.T.S.

GENERAL NOTES:

1. THE RECORD OWNERS OF THE PARCEL ARE THE CITY OF AUBURN AND THE CITY OF LEWISTON BY DEED DATED DECEMBER 1, 1947 AND RECORDED AT THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS (ACRD) IN BOOK 611, PAGE 459.
2. THE PROPERTY IS SHOWN AS LOT 007 ON THE CITY OF AUBURN TAX MAP 143 AND IS LOCATED IN THE INDUSTRIAL DISTRICT (ID).
3. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHNICS, INC. IN NOVEMBER 2008 AND APRIL OF 2024.
4. PLAN REFERENCES:
   A. FINAL PLAN OF THE AUBURN-LEWISTON AIRPARK, AUBURN-LEWISTON MUNICIPAL AIRPORT, FOR THE AUBURN-LEWISTON MUNICIPAL AIRPORT COMMITTEE, DATED NOVEMBER 25, 1981 AND RECORDED AT THE ACRD IN PLAN BOOK 31, PAGE 33.
   B. FINAL PLAN OF THE AUBURN-LEWISTON AIRPARK, AUBURN-LEWISTON MUNICIPAL AIRPORT, FOR THE AUBURN-LEWISTON MUNICIPAL AIRPORT COMMITTEE, DATED SEPTEMBER 19, 1987 AND RECORDED AT THE ACRD IN PLAN BOOK 33, PAGE 96.
6. BASIS OF BEARING IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83 (2011), GEOID18 IN U.S. SURVEY FEET, ELEVATIONS DEPICTED HEREON ARE NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
7. BENCHMARK:
   BM-1 NAIL IN UTILITY POLE ELEVATION: 257.39 (NAVD88)
8. UTILITY INFORMATION DEPICTED HEREON, UNLESS OTHERWISE NOTED, IS OF QUALITY LEVEL D PER AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) STANDARD CI/ASCE 38-02. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES WITHIN THE PROJECT AREA PRIOR TO CONSTRUCTION AND/OR EXCAVATION. PROMARK UTILITY LOCATING, LLC MARKED THE UNDERGROUND UTILITIES SHOWN HEREON IN APRIL OF 2024, AND THEY WERE FIELD LOCATED BY SEBAGO TECHNICS, INC.
9. THE LOCUS PROPERTY AS DEPICTED HEREON DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR AUBURN, MAINE, ANDROSCOGGIN COUNTY, PANEL NUMBER 2300103316E, HAVING AN EFFECTIVE DATE OF JULY 8, 2013. THE LOCUS FALLS WITHIN AN AREA IDENTIFIED AS ZONE X, AREAS OF AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
10. SPACE AND BULK CRITERIA FOR THE INDUSTRIAL DISTRICT (ID) ARE AS FOLLOWS:

MINIMUM STREET FRONTAGE:	150 FEET
MINIMUM FRONT YARD:	35 FEET OR 15% OF LOT DEPTH
MINIMUM SIDE YARD:	5 FEET PLUS 1 FOOT FOR EVERY 3 FEET OF FRONTAGE OVER 60 FEET. 35 FEET MAXIMUM
MINIMUM REAR YARD:	50 FEET OR 20% OF LOT DEPTH
MAXIMUM BUILDING HEIGHT:	75 FEET SEE FAA REQUIREMENTS
MAXIMUM BUILDING COVERAGE:	60%

* SEE ORDINANCE FOR MORE PARTICULAR INFORMATION.

PROGRESS PRINT

NOT FOR CONSTRUCTION DATE

ROBERT A. MCSORLEY, PE # 8588 P.S OR PE

REV.	BY	DATE:	STATUS:
A	JLG	07/02/2024	PRELIMINARY PLANS ISSUED TO CLIENT FOR REVIEW

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. (ANY ALTERATIONS, ADDITIONS OR OTHER USE SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

SEBAGO TECHNICS
SEBAGOTECHNICS.COM
75 John Roberts Rd. Suite 4A
South Portland, ME 04106
207-200-2100
South Portland, Bridgton, Sanford and Bath

SITE PLAN

OF:
AUBURN-LEWISTON MUNICIPAL AIRPORT HANGARS
80 WHITE HANGAR DRIVE
AUBURN, ME 04210

FOR:
FIELDING PROPERTIES, LLC
PO BOX 6951
SCARBOROUGH, ME 04074

DESIGNED	JSH
DRAWN	RGL
CHECKED	RAM
DATE	04-22-2024
SCALE	1" = 30'
PROJECT	230887

SHEET 4 OF10

F:\Projects\2300\230887\DWG\Design\230887 S.dwg, 7/30/2024 11:42 AM, JAKE S. HUNNEWELL

230887 S.dwg, TAB:SITE PLAN

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **August 19, 2024** **Order:** 106-08192024

Author: Eric J. Cousens, Planning & Permitting Director

Subject: Defining and initiating the appointment process for the Comprehensive Plan Committee and directing the City Manager to provide staff support for selecting a consultant, the planning process and provide facilities for meetings.

Information: The City Council approved funding to draft an updated comprehensive Plan for the City in the FY 25 Budget. This Order defines the committee selection process and membership and directs the City Manager to provide staff support for selecting a consultant, the planning process and provide facilities for meetings. Staff is already working on a draft RFP for consultant services and that will be ready in early September. The first step of adopting the attached order will allow the committee selection process to begin while the RFP for services is completed and then allow for work on the plan to start this fall.

City Budgetary Impacts: Comprehensive Plan Update funding is approved and we are implementing the Councils budget directive.

Staff Recommended Action: Staff recommends that the Council initiate the process for the proposed committee by adopting this order to begin the process.

Previous Meetings and History: Council Budget process.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Proposed Committee directive, Order to adopt

Comprehensive Plan Committee Membership

- The mayor (voting member)
- Up to two city councilors, appointed by the City Council (voting members)
- Up to two members of the Planning Board, nominated by the Planning Board and appointed by the City Council (voting members)
- Up to 10 residents of Auburn, who are not a member of the City Council or Planning Board, including at least one resident residing in each Ward, nominated by the Appointment Committee and appointed by the City Council (voting members)
- Up to two residents of the State of Maine who have expertise in municipal comprehensive or master planning and/or land use regulation, nominated jointly by the Mayor and City Manager and appointed by the City Council (voting if an Auburn resident, non-voting if not an Auburn resident)
- The city manager (non-voting)
- The assistant city manager (non-voting)

Comprehensive Plan Committee Schedule

- Nominations for members of the Comprehensive Plan Committee shall be forwarded to the City Council within 35 days of the enactment of this order.
- The Comprehensive Plan Committee shall meet within 30 days of the enactment of the order confirming nominated members to the Comprehensive Plan Committee.
- The Comprehensive Plan Committee shall elect, from their voting membership, a chairperson and a vice-chairperson at their first meeting.
- The Comprehensive Plan Committee shall submit a draft comprehensive plan to the Planning Board for their review within 12 months of the Committee's first meeting.
- The Planning Board shall review the draft comprehensive plan and submit their recommendations regarding the draft plan to the City Council within 65 days of receipt of the draft plan from the Comprehensive Plan Committee.

Comprehensive Plan Committee Charge

- Shall prepare a comprehensive plan and implementation strategies in compliance with 30-A MRSA Chapter 187, Subchapter 2.
- Shall review the current zoning district regulations and zoning maps and prepare recommendations for revised zoning district regulations and maps.
- Shall review all relevant local municipal information related to the comprehensive planning process including but not limited to maps, data, capital plans, city services, inventories, and analysis.

Directive to City Manager

- The city manager shall provide staff support and meeting facilities to the Comprehensive Plan Committee.
- The city manager shall provide subject matter experts from the city staff to assist the Comprehensive Plan Committee with the preparation of the comprehensive plan.
- The city manager shall develop a request for proposal to secure the services of a comprehensive planning consultant to assist the Comprehensive Plan Committee with the preparation of the comprehensive plan.
- The city manager shall create a proposal review committee to review the responses from the consultants to the RFP, and to select a successful proposer, which includes an equal number of city staff and members of the Comprehensive Plan Committee.

ORDER 106-08192024

City Council Order

IN CITY COUNCIL

Ordered, that the Auburn City Council adopt the attached Membership, Schedule, Charge and Directive defining and initiating the appointment process for the Comprehensive Plan Committee and directing the City Manager to provide staff support for selecting a consultant, the planning process and to provide facilities for meetings.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 19, 2024 **Public Hearing**

Author: Glen E. Holmes, Director of Business & Community Development

Subject: CDBG Action Plan Amendment for Program Year 2024

Information:
Each year the Business & Community Development Department presents the Annual Action Plan, detailing the use of Auburn's CDBG funds. This plan is designed to address community needs as detailed in the 5 year Consolidated Plan which was adopted in 2020.

This amendment is intended to reallocate available funds to address the identified commuinity needs outlined within the amendment. This Public Hearing will accompany a 30 day public comment period prior to the submittal of the amended plan to the U.S. Department of Housing & Urban Development.

City Budgetary Impacts:
Funds included within this budget are covered by grants provided by the U.S. Department of Housing and Urban Development. This includes projects, activities and related staff time administering programs.

Staff Recommended Action:
Hold Public Hearing.

Previous Meetings and History:
PRO Housing Grant Workshop October 16, 2023
PRO Housing Grant approval October 23, 2023
Action Plan Public Hearing February 20, 2024
Action Plan Public Comment Period April 26 - May 30, 2024
Action Plan Adoption May 20, 2024
Council Workshop 121 Mill St June 24, 2024
Council Approval of Auburn Resource Center July 1, 2024
Action Plan Amendment Public Comment Period July 30-August 30, 2024

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
PY24 CDBG Action Plan Amendment

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
Program Year 2024
Revised ACTION PLAN and BUDGET

The City of Auburn is amending its PY24 Action Plan with the U. S. Department of Housing and Urban Development (HUD). This Action Plan revision is in response to emergent community needs described in detail below. These new CDBG funded activities still meet and advance the goals and objectives set forth in the Auburn 2020-2024 Consolidated Plan.

2020-2024 CONSOLIDATED PLAN

The City of Auburn has adopted a 2020-2024 Consolidated Plan for the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program which includes both the City of Auburn and Lewiston. The Consolidated Plan identifies many community challenges, establishes priorities, and describes how Community Development resources will address these needs. Although this plan was adopted prior to Covid-19 and many housing-related crises, these amendments still meet the original four goals:

Goal 1: Provide Safe & Affordable Housing
Goal 2: Improve Infrastructure & Reduce Blight
Goal 3: Promote Economic Opportunities
Goal 4: Provide Essential Services

2024 FUNDING

Funding for the Community Development Program is derived from Community Development Block Grant and HOME Investment Partnerships Program allocations for both Auburn and Lewiston. These yearly allocations are supplemented by their respective program income derived from current loan principal paybacks expected within the program year and unspent funds carried over from previous years. Allocations are presented as indicated on our FY24 allocation letter from HUD and internal reports designating available program income and available carryover funds.

Annual Community Development Block Grant Funds: The proposed budget for FFY2024 is $1090,629 from the following sources of Community Development funds:

CDBG Allocation	$508,342
Anticipated Program Income	$100,000
Carry Over Funds	$482,287

DRIVERS OF CHANGE

After the adoption of the PY24 Action Plan there were three substantial changes which predicate the modification of the annual budget. By amending the CDBG budget the city will be better able to respond to the changing needs of the community.

a. **Winter Oaks PRO Housing Grant application:** On June 26, 2024 staff received final notice that the pending $9.5 Million PRO Housing grant application for the Winter Oaks project was not funded. In October 2023 the City Council approved a plan and grant application to develop a sizable portion of city owned property into a mixed income housing development. In the approved PY24 budget is funding for the master planning services needed to begin surveying and engineering this development. These funds are proposed to be reallocated to another project.
b. **Auburn Resource Center:** On July 1st, 2024, the City Council approved the use of the city owned building located at 121 Mill St to be repurposed into a community resource center. During this planning process and proposal staff was working with Maine State Housing Authority (MSHA) to utilize $250,000 of Community Solutions Grant funds which the city was already awarded for the Accessory Dwelling Unit Development program do develop a portion of this building for use by non-profit partners to deliver housing services.
c. **MSHA Funding Determination:** On July 2, 2024, MSHA informed staff that the funding from the Community Solutions Grant, or other funding from MSHA, would not be available to use on the development of the Auburn Community Resource Center.

FUND Re-ALLOCATION

Considering the changes itemized above the Community Development Department is seeking to re-allocate available funding within the PY24 budget funded by the U.S. Department of Housing & Urban Development from the previously presented Winter Oaks & Spot blight activities towards the redevelopment and build-out of the Auburn Community Resource Center located at 121 Mill St.

Budget Detail:

City of Auburn PY2024 Amended Budget			
ACTIVITIES	**PY24 Budget**	**PY24 Amendment**	**DELTA**
PLANNING AND ADMINISTRATION	**$111,618.13**	**$111,618.13**	**$0.00**
PROGRAM ADMINISTRATION SALARIES	$90,618.13	$90,618.13	$0.00
GOODS AND SERVICES	**$21,000.00**	**$21,000.00**	**$0.00**
Office Supplies & Software	$14,500.00	$14,500.00	$0.00
Fair Housing Marketing	$2,500.00	$2,500.00	$0.00
Training (Professional Development)	$4,000.00	$4,000.00	$0.00
AFFORDABLE HOUSING	**$242,695.94**	**$92,695.94**	**-$150,000.00**
Affordable Housing Program Delivery	$37,695.94	$37,695.94	$0.00
ALHHP Critical System Repair Program	$50,000.00	$50,000.00	$0.00
LMI LEAD Match Grants	$0.00	$0.00	$0.00
LEAD TESTING/CLEARANCE/TRAINING	$5,000.00	$5,000.00	$0.00
Winter Oaks Affordable Housing	$150,000.00	$0.00	-$150,000.00
PUBLIC IMPROVEMENTS	**$636,315.42**	**$786,315.42**	**$150,000.00**
PI Program Delivery	$46,315.42	$46,315.42	
Mill St Resource Center	$0.00	$300,000.00	$300,000.00
Blight Remediation Program	$150,000.00	$0.00	-$150,000.00
PAL Center (Chestnut St Demo & URA)	$440,000.00	$440,000.00	$0.00
PUBLIC SERVICES	**$100,000.00**	**$100,000.00**	**$0.00**
Homeless Services	$80,000.00	$80,000.00	$0.00
Recreation Scholarships	$20,000.00	$20,000.00	$0.00
Safe Voices	$0.00	$0.00	$0.00
Seniors Plus	$0.00	$0.00	$0.00
Contingency	**$0.00**	**$0.00**	**$0.00**
TOTAL EXPENDITURES	**$1,090,629.49**	**$1,090,629.49**	**$0.00**
CDBG Allocation	$508,342.00	$508,342.00	$0.00
CDBG Program Income	$100,000.00	$100,000.00	$0.00
CDBG Funds Rolled Forward	$482,287.49	$482,287.49	$0.00
Administrative CAP 20% Allocation and PI	**$ 121,668.40**	**$ 121,668.40**	
Public Services CAP 15% Allocation and PI	**$ 106,251.30**	**$ 106,251.30**	
			BALANCE
TOTAL FUNDS AVAILABLE TO BUDGET	**$1,090,629.50**	**$1,090,629.50**	**$0.01**
Cross Checks			
Admin Cap	Good	Good	
Public Service Cap	Good	Good	
Total Budget	Good	Good	

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 19, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (A) to discuss the City Manager's annual review.

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 Workshop & Meeting
Agenda
September 3, 2024
Auburn Hall, Council Chambers

5:30 PM Workshop

- Review of Updates to Chapter 12 Article IV. Property Maintenance and Housing Code
- Blasting Ordinance Review
- Washington Street Safety Measure Options

7:00 PM Meeting

Pledge of Allegiance & Roll Call - *Roll call votes will begin with Councilor Gerry*

I. **Consent Items –** *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Passage of items on the Consent Calendar require majority vote.*

1. ORDER 107-09032024* – Confirming Chief Moen's appointments of Constable without firearms/arrest powers for the Auburn Police Department and Constable with firearm/arrest powers within the City of Auburn.

II. **Minutes** – August 19, 2024 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

- Proclamation recognizing International Paper on their 50th anniversary
- Presentation regarding recent tax bills

IV. **Open Session –** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. **Unfinished Business**

VI. New Business

1. **ORDER 108-09032024 –** Initiating Planning Board review of proposed zoning amendments to the Lake Auburn Watershed Overlay District related to Agriculture and Forestry. *Passage requires majority vote.*

2. **ORDER 109-09032024 –** Authorizing the City Manager to execute a lease of City owned Property to Auburn Riverwalk, LLC. *Passage requires majority vote.*

VII. Reports

a. Mayor's Report
b. City Councilors' Reports
c. Student Representative Report
d. City Manager Report

VIII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

IX. Executive Session – *Requires 3/5 majority vote to enter executive session.*

1. Executive Session pursuant to 1 M.R.S.A. Section 405(6) (C) for an economic development matter. *No action to follow.*
2. Executive Session pursuant to 1 M.R.S.A. Section 405(6) (A) for City Manager's Annual Evaluation. *Possible action to follow.*

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 3, 2024

Author: Kris Beaudoin, Code Compliance Team Leader

Subject: Chapter 12 Article IV.- Housing Code, ordinance update

---

Information: Updates to Chapter 12 Article IV. Housing Code to clarify it's applicability to all building types and address challenges with vacant buildings. The proposed amendments include the addition of a definition for vacant buildings, requirements specific to vacant buildings, and the addition of language in Division 2 expanding inspection areas to vacant buildings and structures utilized for the purpose of conducting business. The proposed changes to the ordinance will clarify the applicability of standards to vacant and non-residential buildings and expand the enforcement ability of staff on vacant buildings.

City Budgetary Impacts: None-easier enforcement

Staff Recommended Action: Consider the recommended text changes and direct staff to schedule it for initiation at an upcoming council meeting. If initiated by the Council, it would return to the Council for the mandatory two readings with one as a public hearing.

Previous Meetings and History: None

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments: Draft Chapter 12 Article IV. document outlining changes.

ARTICLE IV. PROPERTY MAINTENANCE AND HOUSING CODE

DIVISION 1. GENERALLY

Sec. 12-145. Purpose.

The purpose of this article is to establish minimum standards for all ~~dwellings~~ buildings and ~~property~~ incident thereto in the city to ~~insure~~ ensure safety, health, and public welfare through the proper construction, maintenance, and use thereof.

(Code 1967, § 20-A(1.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-146. Definitions and rules of construction.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Chief of police means the legally designated head of the police department of the city or his authorized representative.

Dwelling or *dwelling unit* means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

Fire chief means the legally designated head of the fire department of the city or his authorized representative.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, game rooms, foyers or communicating corridors and permanent built-in closets and storage spaces.

Health officer means the legally designated health authority of the city or his authorized representative.

Infestation means the presence or evidence of the presence within or around a dwelling, of any insects, rodents, or other pests.

Manufactured housing means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site, the term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. Manufactured housing shall include newer mobile homes and modular homes as defined in city zoning regulations.

Mobile homes, older, means any factory-built home that fails to meet the definition of manufactured housing and more specifically, any mobile home constructed prior to June 15, 1976. These units shall be restrict to location in approved mobile home parks.

Mobile home park means a parcel of land under single ownership in rural residence, suburban residence and cluster development districts that has been planned and improved for the placement of not less than three mobile homes for non-transient use.

Multiple dwelling means any dwelling containing more than three dwelling units.

Occupant means any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person, who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are rented or let or of an area where spaces are rented or let for mobile homes.

Owner means any person who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

Paint stabilization means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint to the affected areas.

Plumbing means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwasher, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents , and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Rooming house means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living, and sleeping, but not for cooking or eating purposes.

Rubbish means combustible and non-combustible waste materials except garbage, including, without limitation, residue from the burning of wood, coal, coke, or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and others.

Structural elements means all of the following components of a structure, including but not limited to: foundation, framing, sheathing, siding, roofing material, windows, doors, trim, eaves, porches, stairs, railings, guards; and interior surfaces such as sheetrock, plaster, ceiling tiles, countertops, and floors.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations but not to exceed 30 days.

Supplied means paid for, furnished, installed or provided by or under the control of the owner or operator.

Temporary housing means any tent, trailer, or other structure used for human shelter that is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

Vacant building means any building that is unoccupied, unattended, and is not actively used as a place of residence or business or is frequently open or unsecured so that unauthorized entrance may be gained.

(b) Whenever the words "dwelling," "dwelling unit," "lodging house," "rooming unit," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

(Code 1967, § 20-A(art. V); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016; Ord. No. 10-11022020, 11-16-2020)

Sec. 12-147. Compliance required.

(a) No dwelling or dwelling unit shall be deemed to conform with the requirements of this article until it meets all of the minimum standards of this article as specified herein.

(b) It is unlawful to construct, alter, maintain, occupy, let for occupancy, or use a building or structure, or part thereof, in violation of the provisions of this article.

(Code 1967, §§ 20-A(1.2), 20A(1.3); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-148. Validity of other laws.

Nothing in this article shall be construed to prevent the enforcement of other laws that prescribe more restrictive limitations.

(Code 1967, § 20-A(1.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-149. Exceptions permitted.

In seasonal dwellings, mobile homes, buildings erected prior to the original adoption of this article, or in agriculture and resource protection district as defined by the zoning provisions of the city, or in areas where public water or sewerage systems are not available, the code compliance officer shall upon application grant an exception for the use of buildings for dwelling purposes that do not meet the minimum standards set forth in this article when he determines that:

(1) It is not feasible or practicable to comply with such minimum standards;

(2) The safety, health, or general welfare of the occupants and the public will not be adversely affected; and

Formatted: List 1

Formatted: Indent: Left: 0", First line: 0"

(3) The effect of the granting of the exception will not adversely affect adequate light, air, overcrowding, of persons or property, the provision for public utilities, the character of the neighborhood, or traffic conditions as applied to the welfare of the occupants or the general public.

(Code 1967, § 20-A(1.6); Ord Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-150. Procedure for granting exceptions.

(a) The code compliance officer shall issue such exception in writing setting forth the date of granting, the reasons for granting the same, the date it shall expire, and the location of the premises.

(b) No such exceptions shall be granted for a period of more than five years. Any exception may be renewed one or more times, upon application to the board of appeals. Each renewal shall not exceed additional periods of five years for such renewal. Each renewal shall contain the requirements of the original exception and in addition thereto the date of issuance of the original exception and the statement that it is a renewal.

(Code 1967, § 20-A(1.7); Ord Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-151—12-169. Reserved.

DIVISION 2. INSPECTIONS

Sec. 12-170. Authority of code compliance officer.

The code compliance officer ~~,~~ is hereby authorized to make inspections to determine the condition of vacant buildings, structures used for the purpose of conducting business, dwellings, dwelling units, rooming houses, rooming units and premises located within this city in order that ~~he~~ the code compliance officer may perform ~~his~~ their dut~~y~~ies of safeguarding the health and safety of the occupants of dwellings and of the general public.

(Code 1967, § 20-A(2.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-171. Right of entry for inspection.

For the purpose of making such inspections, the code compliance officer is hereby authorized to enter, examine, and survey any or all vacant buildings, buildings and structures used for the purpose of conducting business, dwelling units, rooming houses, rooming units, and premises at any mutually agreeable time but in any case within 20 days of notice to the owners or occupant of the intention to make such an inspection.

(Code 1967, § 20-A(2.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-172. Owner and occupant to give free access.

(a) *Access of code compliance officer.* The owner and occupant of every dwelling, dwelling unit, lodging house and rooming unit or the person in charge thereof, shall give the code compliance officer free access to such dwellings, dwelling unit, lodging house or rooming unit and premises at any mutually agreeable time for the

purpose of such inspection, examination, or survey, but in any case within 20 days of notice to the owner or occupant of the intention to make such an inspection, examination, or survey.

(b) *Access of owner.* Every occupant of a dwelling, dwelling unit, lodging house and rooming unit shall give the owner, and his agent or employee, access at all reasonable times to any part of the dwelling, dwelling unit, lodging house, rooming unit or premises for the purpose of compliance with the provisinos of this article or any lawful order issued pursuant to this article.

(Code 1967, §§ 20-A(2.3), 20-A(2.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-173—12-194. Reserved.

DIVISION 3. ENFORCEMENT

Sec. 12-195. Procedure generally.

(a) If the code compliance officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, he shall initiate enforcement proceedings in accordance with the citation system established in this Code. Alternatively, he may initiate a land use complaint pursuant to state law, in which case the penalties therein provided shall apply.

(b) Any notice issued pursuant to this article shall:

(1) Be in writing;

(2) Include a statement of the reasons why it is being issued;

(3) Set a reasonable time for the performance of any act it requires;

(4) Be served upon the owner or his agent, or the occupant, as the case may require; provided, however, that:

a. Complaints under this article be deemed properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally or by leaving a copy thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or

b. If a copy thereof is sent by registered or certified mail to his last known address or the address as shown on the records in the tax assessor's office of the city of auburn; and

c. If service is made personally or by leaving at his dwelling house or usual place of abode a statement signed by the person so serving stating the date of service shall be filed in the office of planning and development.

(5) May contain an outline of remedial action that, if taken, will effect compliance with the provision of this article.

(c) After service of such notice, the owner or occupant to whom it is directed shall correct the condition constituting the violation within the time specified and promptly give notice to the code compliance officer that such corrective action has been taken.

(Code 1967, § 20-A(3.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-196. Method of petitioning for hearing.

(a) Any person affected by any notice issued in connection with the enforcement of any provision of this article, may request and shall be granted a hearing on the matter before the board of appeals; provided that such person shall file in the office of the board of appeals a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served.

(b) Upon receipt of such petition, the board of appeals shall set a time and place for such hearing and shall give the petitioner notice thereof in person or by mail.

(c) At such hearing, the board of appeals shall take evidence to determine whether such notice should be sustained, modified, or withdrawn.

(d) The hearing shall be commenced not later than 30 days after the day on which the petition was filed; provided that upon application of the petitioner the board of appeals may postpone the date of the hearing for a reasonable time beyond such 30 day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

(Code 1967, § 20-A(3.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-197. Power of board of appeals to alter notice.

After such hearing, the board of appeals shall sustain, modify, or withdraw the notice, depending upon its findings as to the compliance with the provisions of this chapter. If the board of appeals sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall automatically become an order if a written petition for a hearing is not filed in the office of the board of appeals within ten days after such notice is served. There shall be an appeal from the board of appeals to the superior court in the manner provided by state law.

(Code 1967, § 20-A(3.3); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-198. Recording of public hearing.

The proceedings at such hearing, including the findings and decision of the board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the board of appeals. Such record shall also include a copy of every notice or order issued in connection with the matter.

(Code 1967, § 20-A(3.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-199. Notice of intent to sell, transfer or rent property subject to order.

(a) *When required.* Any person who proposes to sell, transfer or otherwise dispose of lease or sublet any dwelling unit, lodging house, rooming unit, or other premises against which there is any existing lawful order of the code compliance officer, the board of appeals or any court of competent jurisdiction shall furnish the proposed grantee or transferee a true copy of such order and shall notify the office of planning and development in writing of the intent to so sell, transfer, or otherwise dispose of lease or sublet in writing giving the name and address of the person to whom such transfer is proposed within three days of the proposed transfer.

(b) *Penalty.* Any person who violates the terms of this section shall be in violation of this chapter and shall be subject to a penalty or fine of not less than $50 and not more than $100 to be enforced by complaint in a court of competent jurisdiction.

(Code 1967, § 20-A(3.5); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-200. Placarding of buildings unfit for human habitation.

(a) *Authority of code compliance officer.* If the person so affected fails to appeal to the board of appeals or if after an appeal, the board of appeals sustains the decision of the code compliance officer, the dwelling, dwelling unit, lodging house, or rooming unit so affected may be declared unfit for human habitation and placarded by the code compliance officer.

(b) *Procedure.* To placard, the code compliance officer shall issue to the occupants and the owner or operator a written notice to vacate the premises within such time as the code compliance officer may deem reasonable, but not less than seven days, and a placard prohibiting continued occupancy or re-occupancy may be conspicuously posted on the premises, and a copy of such notice may be filed with the police department.

(c) *Use of placarded buildings prohibited.* No dwelling or dwelling units, lodging house, or rooming unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the code compliance officer. The code compliance officer shall remove such placard whenever the defect or defects upon which the placarding action is based have been eliminated.

(d) *Defacement and removal of placard prohibited.* No person shall deface or remove the placard from any dwelling or dwelling unit, lodging house or rooming unit, which has been declared unfit for human habitation and placarded as such.

(Code 1967, § 20-A(3.6); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-201. Order to vacate dangerous premises.

In instances where the health officer, fire chief, and chief of police, or their duly qualified deputies, determine in writing that extreme danger or menace to the occupants or the public health exists, the code compliance officer, health officer, fire chief, and chief of police, or their duly qualified deputies may order immediate correction to be made or, if the circumstances warrant, may order that the occupants vacate the premises as provided in this article.

(Code 1967, § 20-A(3.7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-202—12-224. Reserved.

DIVISION 4. MINIMUM STANDARDS

Sec. 12-225. Compliance with city codes and state law required.

All structures and structural elements of buildings and the construction, use and occupancy thereof shall be in accordance with the requirements of this Code, including the building and technical codes adopted by the city, and with state law and regulations.

(Code 1967, §§ 20-A(6.1), 20-A(12.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-226. Maintenance.

(a) All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

(b) All painted exterior surface areas of pre 1978 properties must be maintained in a manner to not cause a public nuisance or affect the health and safety of the occupants of the property where the condition exists or of surrounding properties. Paint stabilization must occur if the potential for such a condition exists.

(Code 1967, § 20-A(6.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 10-11022020, 11-16-2020)

Sec. 12-227. Plumbing.

Every dwelling unit shall contain a kitchen sink and a bathtub or shower. In addition, every dwelling unit shall contain, within a room which affords privacy, a flush water closet and a lavatory basin. All plumbing facilities required by this Code shall be in accordance with the requirements of the plumbing code adopted by the city as of date of installation and maintained in good sanitary working condition; water-related plumbing facilities required by this Code shall be connected to adequate supply of water.

(Code 1967, § 20-A(art. 7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-228. Heating and ventilation.

(a) *Maintenance.* All heating and ventilating facilities shall be maintained in safe operating condition for use without danger of asphyxiation or of overheating combustible material.

(b) *Requirements when central heating plant not available.* When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the basic building code to permit the use of heating equipment capable of providing heat as required by this section.

(c) *Heating facilities required in rented or leased premises.* Every habitable room, let for occupancy, shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of three feet from the exterior walls, five feet above floor level, as required by prevailing weather conditions. In addition, the heating facilities must be operated to protect the building equipment and systems from freezing.

(d) *Window specifications.* Every habitable room shall have a window or windows with a total sash area equal to at least eight percent of its floor area opening on a street, alley, yard, or court open to the sky and constructed and maintained so that at least one-half of the sash area can be opened, except that an approved method of mechanical ventilation may be substituted for such window or windows

(Code 1967, § 20-A(art. 8); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-229. Electrical and lighting.

All lighting and other electrical facilities shall be in accordance with the requirements of the electrical code adopted by the city and shall be maintained in good, safe and suitable electrical order.

(Code 1967, §§ 20-A(9.1), 20-A(9.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-230. Passageways, stairways and exits.

(a) *Exits.* Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading from the interior of the building to safe and open spaces at ground level in accordance with applicable statutes and ordinances.

(b) *Lighting.* Every passageway and stairway shall have at least one ceiling-type or wall-type electric light fixture adequate to provide safe passage.

(c) *Obstructions.* Every hallway, stairway, corridor, exit, fire escape door or other means of egress hall be kept clear of obstructions at all times.

(Code 1967, §§ 20-A(9.3), 20-A(12.3), 20-A(12.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-231. Garbage and rubbish.

(a) *Method of disposal.* Every responsible occupant of a dwelling or dwelling unit shall dispose of all his garbage and rubbish in a clean and sanitary manner. Every owner of rental property shall provide his tenants with suitable waste containers as required by city ordinance.

(b) *Accumulations prohibited.* Every dwelling shall be clean and free from garbage or rubbish. When a dwelling or dwelling unit is not reasonably clean or free from garbage or rubbish, the code compliance officer may cause the responsible person to put the dwelling or dwelling unit in a clean and sanitary condition.

(Code 1967, § 20-A(10.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-232. Insect and rodent control.

(a) *Owner responsible for extermination in multiple dwellings.* If infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(b) *Occupant responsible for extermination.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises.

(Code 1967, § 20-A(10.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-233. Space and occupancy.

(a) *Floor space requirements.* The total area of every dwelling unit shall contain at least 250 square feet of floor area, with an additional 125 square feet for each occupant over two.

(b) *Ceiling height.* At least one half of the floor area of every habitable room shall have a room ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(c) *Use of basement.* No basement space shall be used as a habitable room or dwelling unit unless it conforms to the minimum requirements of this article.

(Code 1967, § 20-A(art. 11); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-234. Dwelling occupancies prohibited adjacent to hazardous establishments.

No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids or producing toxic gases or vapors in any quantity that may endanger the lives or safety of the occupants.

(Code 1967, § 20-A(12.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-235. Vacant Buildings.

(a)~~(a)~~ All vacant buildings shall be weather- protected from the elements to prevent deterioration of the interior and exterior of the building.

(b) All vacant buildings shall be secured to prevent rodent infestation and entry by unauthorized individuals.

(c) Sprinkler systems located in vacant buildings must be maintained and remain operational unless a removal request is approved in writing by the Authority Having Jurisdiction (AHJ).

Formatted: Section

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 3, 2024

Author: Robert Chase, Fire Chief

Subject: Blasting Ordinance Review

Information:

There is currently no ordinance regulating blasting operations in the City of Auburn. The Fire Department does require a blasting permit to ensure blasting is conducted by licensed professionals who have liability insurance and who have also conducted a "dig safe" survey of the blast site.

This draft ordinance would establish a new, more complete and robust permitting process, administered by the Planning and Permitting department:

- Permits would be required for all blasting
- Requires notifications to properties within 500-900 feet of the blast site (based on size of blast)
    - Certified mail 10-14 days prior to initiating blasting
- Require pre-blast surveys by a third party, offered to all properties within 100-300 feet (based on size of blast)
- Require 24-hour notice prior to blast, to all property owners within 300 feet (2000 feet for quarries) as well as notification to the 911 dispatch center
- Require well water testing within a defined perimeter (based on size of blast)
- Require seismological measurements of all blast with ground performance standards based on NFPA 495 "Explosive Materials Code"

City Budgetary Impacts: N/A

Staff Recommended Action: No action recommended at this time. Requesting further guidance on ordinance development

---

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Draft Ordinance
NFPA 495 Chapter 11: Ground Vibration, Air Overpressure, Flyrock, and Gases

NFPA 495

Ground Vibration, Air Overpressure, Flyrock, and Gases

11.1* Basic Requirements.

11.1.1*

This chapter shall apply to buildings and other structures.

11.1.2

This chapter shall not apply to buildings or other structures owned, leased, or contracted by the blasting company or on property for which the owner has provided a written waiver to the blasting company.

11.1.3*

Blasting seismographs used to monitor ground vibrations and air overpressure shall comply with the ISEE document, "Performance Specifications for Blasting Seismographs."

11.1.4*

Where used, blasting seismographs shall be deployed in the field according to the ISEE document, "Field Practice Guidelines for Blasting Seismographs."

11.2* Ground Vibration.

11.2.1

At all blasting operations, the ground vibration on any axis (particle velocity) shall not exceed the limitations specified in **Figure 11.2.1** at the location of any building or structure.

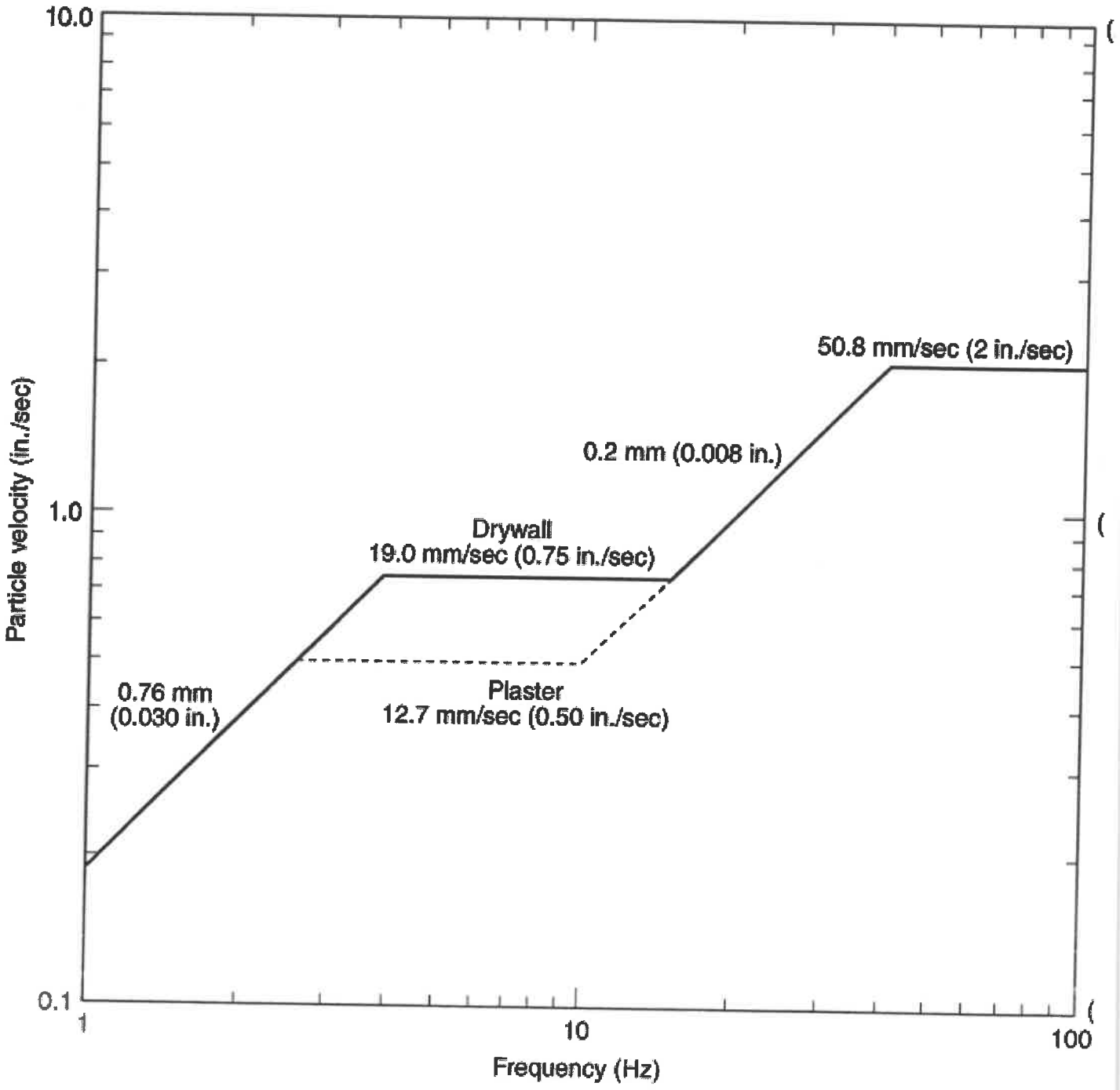


Figure 11.2.1 Frequency vs. Particle Velocity Graph.

11.2.2*

When blasting is not monitored with a blasting seismograph, the operation shall comply with the scaled distance factors at the nearest building or structure as shown in **Table 11.2.2**.

Table 11.2.2 Scaled Distance Equations

Distance from Blasting Site		Scaled I
ft	m	lb
0–300	0–91.4	W (lb) = [*D* (ft)/50]^2
301–1000	91.7–304.8	W (lb) = [*D* (ft)/55]^2
≥1001	≥305.1	W (lb) = [*D* (ft)/65]^2

(1) *W* equals the maximum weight of explosives in pounds (or kilograms) that can be detonated per
(2) *D* equals the distance in feet (or meters) from the blast to the nearest building, not owned, lease
on property for which the owner has not provided a written waiver to the blasting operation.
*To convert U.S. units of scaled distances (ft/lb$^{1/2}$) to metric units (m/kg$^{1/2}$), divide by a factor of 2.2

11.2.3

Ground vibration limits for buildings and other structures or for structures not defined in **11.1.1**, such as public utilities, shall be permitted to be independently established based on technical justifications by engineers or qualified personnel familiar with blasting-related projects, subject to the approval of the AHJ.

11.3* Air Overpressure.

11.3.1*

Air overpressure due to blasting operations shall not exceed the maximum limit of 133 dB(L) (0.013 psi) at the location of any building or structure.

11.3.2

Air overpressure limits for buildings and other structures or for structures not defined in **11.1.1**, such as public utilities, shall be permitted to be independently established based on technical justifications by engineers or qualified personnel familiar with blasting related projects, subject to the approval of the AHJ.

11.4 Flyrock.

11.4.1

Flyrock traveling in the air or along the ground shall not be cast from the blast site in an uncontrolled manner that could result in personal injury or property damage.

11.4.2

Flyrock shall not be propelled from the blast site onto property not contracted by the blasting operation or onto property for which the owner has not provided a written waiver to the blasting operation.

11.4.3

Where blasting operations do not conform to **11.4.1** and **11.4.2**, the AHJ shall require that special precautions be employed to reduce or control flyrock.

11.5 Gases.

11.5.1

Gases traveling in the air or through the ground shall be controlled in a manner to prevent injury to persons or damage to property outside the blast area.

11.5.2

To minimize hazardous carbon monoxide exposure produced by blasting, blasters shall be responsible for the following:

- (1)

  Being aware that lack of ground displacement can prevent venting of the blasted material and result in the entrapment of gases

- (2)*

  Excavating blasted material as soon as practical after blasting

- (3)

  Being aware of and look for geologic pathways for gases such as old trenches, horizontal partings, faults, joints, hillseams, unconsolidated material, water, and voids that would allow movement of gas towards underground enclosed spaces

- (4)

  Being aware that when blasting very close to underground enclosed spaces, fractures caused by the detonation can create a pathway for the gases to enter the enclosed space

- (5)

  Conducting a preblast survey to determine any possible problem areas when blasting near inhabited buildings or underground facilities (tunnels, manholes, etc.)

- (6)

  Monitoring possible problem areas to determine if any gases have migrated from the blasting operation

- (7)

If gases are detected, using positive ventilation (open windows and exhaust fans) to limit the accumulation of gases at inhabited buildings or other facilities from the blasting operation until the gas is removed from the ground

See A.11.1.3.

A.11.2

The ground vibration requirements of this chapter are based upon scientific visual observations of cosmetic cracking as documented in U.S. Bureau of Mines RI 8507 and 8896, and any change requires similar documented technical justification.

A.11.2.2

Scaled distance is defined as the distance to the building or structure in feet divided by the square root of the maximum charge weight in pounds detonated within any 8 millisecond interval. The use of the scaled distance factors provides a high level of confidence for the prevention of damage. However, seismograph monitoring provides the best data for gauging the effect of vibrations. Thus, monitoring with a blasting seismograph supersedes the necessity of designing blasts with the ultraconservative scaled distance factors.

A.11.3

The air overpressure requirements of this chapter are based upon scientific visual observations of window damage as documented in U.S. Bureau of Mines RI 8485, and any change requires similar documented technical justification.

Chapter 14

BUSINESS LICENSES AND PERMITS

Article XIX

BLASTING

Sec. 14-700. - Purpose; statutory authority; enforcement.

A. Blasting is an activity essential to the economic viability of Auburn. Unregulated blasting and/or irresponsible blasting may cause undue damage to the people, property and environment of the City.

B. This chapter establishes specific standards for blasting operations, notice requirements, instrument monitoring requirements of blasting operations, a permit process for blasting and other associated standards and requirements.

C. It is intended to minimize the effects of airblast overpressure, ground vibration, dust, and noise associated with blasting which may be detrimental to the enjoyment of life, property and the conduct of business for those individuals affected.

D. It is also intended to provide standards that will prevent permanent damage to the geologic, hydrogeologic and wildlife resources and ecological balance in the region outside the immediate blast area. The chapter is intended to protect the quality of life and the homes of residents, neighborhoods, property, groundwater, wildlife resources, scenic beauty and/or businesses, all lying outside the approved work area and potentially affected by the blasting.

E. It is intended to be effectively and efficiently administered without causing undue financial and administrative hardship to blasting operators.

F. This chapter is enacted pursuant to 30-A M.R.S.A. § 3001, Ordinance power, as well as the City's Home Rule authority under the Maine Constitution, and shall be administered by the Planning, Permitting, and Cide Department.

G. The city planning, permitting, and code department shall have authority to enforce all requirements of this Chapter in accordance with section 60-1403.

Sec. 14-701. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Airblast means an airborne shock wave resulting from detonation of explosives. Airblast may be caused by burden movement or the release of expanding gas into the air. Airblast may or may not be audible.

Applicant means the owner or other individual, corporation or other business entity who or which applies for the legal right to conduct blasting at real property which it has the legal right to use.

Blast site means the area where explosive material is handled during the loading of drilled blastholes, including the perimeter formed by the loaded blastholes and 50 feet in all directions from loaded blastholes.

Blast size means, for a

A. Small blast: trench blast or under 50 cubic yards of rock removed.

B. Medium blast: removal of 50 to 300 cubic yards of rock material.

C. Large blast: removal of over 300 cubic yards of rock material.

Blaster means an applicant who has been awarded a permit to conduct blasting.

Blasting means the use of explosives to break up or otherwise aid in the extraction or removal of rock or other consolidated material.

Blasting operations means all processes conducted in association with site or other preparation for blasting, and the detonation of explosives.

Decibel means the unit of sound pressure commonly used to measure airblast from explosives. The decibel scale is logarithmic.

Explosives means any substance, chemical compound or mechanical mixture that is used for the purpose of producing an explosion to fragment rock for mining, quarrying, excavation and construction. Initiating devices (detonators, detonating cords, etc.) are also included under this definition.

Extractive industry means any operation engaged in the removal of more than 20 cubic yards, in a twelve-month period, of topsoil, sand, gravel, clay, rock, peat or other like material from its natural location and for transportation off lot within any twelve-month period, except as may be exempted within the extractive industry performance standards in this chapter.

Flyrock means rock that is propelled through the air or along the ground, which leaves the secured blast area as a result of the detonation of explosives.

Ground vibrations means shaking of the ground caused by blasting. Ground vibrations are to be measured along three principal axes (x, y, z); namely, transverse, vertical, and longitudinal, all of which are subject to the performance standards herein.

Groundwater means water beneath the earth's surface often between saturated soil and rock that supplies wells and streams.

Hertz means a term used, in the case of blasting, to express the frequency of ground vibrations and airblast. One hertz is one cycle per second.

Particle velocity means a measure of ground vibration in the case of blasting. Particle velocity describes the velocity at which a particle of ground vibrates when excited by a seismic wave. It is measured in inches per second.

Pre-blast Survey means an inspection of the dwellings, water supplies, and other structures within the blasting notice area for the purpose of documenting the physical conditions prior to the commencement of blasting.

Quarry means the property designated in the application and permit where rock is excavated in an extractive industry operation.

Secured blast area means the area that may be affected by flyrock, dust, or fumes from an explosion that may cause personal injuries, damages to property, or losses in the process. The minimum distance for personnel is 500 feet. Safe distances will be determined based on conditions for each blast by the blasting foreman or designee.

Seismograph means an instrument that measures and has the capability to provide a permanent

record of hertz and decibel readings concerning ground vibrations caused by blasting.

Source water means bodies of water (such as rivers, streams, lakes, reservoirs, springs, and ground water) that provide water to public drinking-water supplies and private wells.

Sec. 14-702. - Blasting permit required; effect on other regulations.

A. No blasting within the City of Auburn shall be allowed unless a permit has been obtained from the city planning, permitting, and code department, except as otherwise exempted per this chapter.

B. The requirements of this chapter are in addition to any other applicable ordinances, regulations, and statutes. This includes adherence to the standards set forth in NFPA 495. Where different standards are contained within these documents or any other relevant regulations, the more restrictive standards shall apply

C. This chapter does not replace or negate federal and/or state requirements pertaining to explosives including OSHA CFR 1923.900 and 1910.109

Sec. 14-703. - Permit requirements.

A. Blasting permit required.

(1) The following shall require a permit:

(a) Site plan/subdivisions. If the Planning Board determines that a project involves or may require blasting, it shall expressly state and set out in its conditions of approval for such project that the applicant/developer secure from the director of the city planning, permitting, and code department, or their designee, a proper blasting permit in advanced of blasting, and as required herein.

(b) General construction. For any specific construction project, whether reviewed or not reviewed by the Planning Board as part of site plan or subdivision, that is found to need blasting at any time, the owner/developer, or responsible general contractor, shall secure a blasting permit, as described herein, from the director of the city planning, permitting, and code department, or their designee, prior to any blasting.

(c) Extractive industry and gravel pits. Any party who operates a gravel pit or who otherwise engages in extractive industry or earth removal operations shall secure from the director of the city planning, permitting, and code department, or their designee, a blasting permit, as described herein, prior to any blasting.

(d) All other blasting locations. Any other person or party, regardless of prior review, and regardless of purposes, that may need to conduct blasting shall be required to obtain a blasting permit, as described herein, from the city planning, permitting, and code department.

(2) No person or party may conduct any blasting within the boundaries of the City of Auburn without first having obtained review and approval from the director of the city planning, permitting, and code department, or their designee.

B. Notice required. All proposed blasting activities in the City of Auburn shall require notice of blasting to be given to the city planning, permitting, and code department, in writing, at least 10 business days prior to the proposed start of blasting. This notice is in addition to and not in lieu of the fourteen-day review notice detailed in Subsection C below. Notice of the blasting shall be made public in at least one newspaper of general circulation in the area at least 10 days

before such blasting is scheduled to take place.

C. Blasting application information. All applications for permits to conduct blasting shall contain the following information, referred to as the "blast plan." All blast plan applications shall be submitted at least 14 calendar days prior to the proposed start of any drilling or blasting operation:

(1) Applicant: the applicant's name, address, daytime telephone number, fax number, and e-mail address.

(2) Owner's name, address, daytime telephone number, fax number, and e-mail address.

(3) Blasting contractor: the blasting contractor's name, address, daytime telephone number, fax number, and e-mail address (if other than the blaster). Contractor shall submit written evidence of license(s) held, experience and qualifications of the individual who will be responsible for loading and firing each shot.

(4) General contractor: the general contractor's name, address, daytime telephone number, fax number, and e-mail address.

(5) Work site: the street address and Tax Assessor's map and lot number for the proposed blasting activity. If the blast plan is for a property shown on a plan reviewed by the Planning Board, the blast area for which the permit is requested shall be included on the plan.

(6) Information about the blast plan to include the following:

(a) Purpose of blast: a brief description of the work for which the blasting activity is requested.

(b) Volume of material: the estimated number of cubic yards (measured in place) of material to be loosened or fragmented by blasting.

(c) Number of blasts: the estimated number of blasts required to loosen or fragment the specified amount of material.

(d) Blast period: the planned starting and ending dates of the blasting activity.

(e) Site diagram: a sketch or diagram showing the property where blasting will be conducted, including: the location of adjacent structures and distance to those structures; description and location of blasting signs.

(f) Description of test blast drill pattern.

(g) Explosives to be used during both wet and dry conditions.

(h) Description of matting that will be used to prevent flyrock.

(i) Type, number, and planned locations of seismograph, and any other instrumentation proposed for use to monitor vibrations and airblast overpressures.

(j) Description of proposed transport and storage of explosives.

(k) Description of safety procedures, security measures, and warning procedures to be employed before, during and after the blast period.

(l) Signature of blasting contractor testifying to the accuracy of the blast plan.

(m) Dig safe number

D. Liability insurance. Blasting contractors and/or applicants shall carry general liability insurance in accordance with the following:

(1) The amount insured must be a minimum amount of $2,000,000 combined single limit per occurrence.

(2) The insurance policy must contain specific reference to blasting as an activity covered by the insurance.

(3) The policy shall indemnify and hold harmless the City, its agents and/or representatives, employees, and residents from and against any or all claims, damages, losses and expenses including legal fees arising out of or resulting from performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury or death, or to injury to or destruction to tangible personal or real property, including the loss of use, resulting in whole or in part from the blasting activity by any negligent act or omission of the contractor or any of its officers, agents, employees, representatives, subcontractors, and/or anyone directly or indirectly employed by any of them or anyone for whose acts any of them would be liable regardless of whether it is caused in part by a party indemnified hereunder and the contractor shall, at its own expense, defend and protect said indemnified parties against all such claims and demands.

(4) The City shall be named as a certificate holder to ensure the liability insurance is maintained throughout the duration of the blasting operation. The certificate must provide that the City of Auburn shall be notified at least 10 days prior to any cancellation

E. Public hearing. A public hearing is not required prior to the issuance of a blasting permit by the director of the city planning, permitting, and code department, or their designee.

F. Fees. Fees for blasting permits shall be as determined, and amended from time to time, by City Council order.

G. Permit duration.

(1) Permits shall be valid for a period of 90 days. No blasting after 90 days shall occur except as permitted herein.

(2) Lapse and extension. Any party that does not complete its blasting within the ninety-day time period may apply to the director of the city planning, permitting, and code department, or their designee, for a reasonable extension, not to exceed 60 days. The director shall have full discretion as to the length and condition of any extension. If the ninety-day period lapses prior to a request for extension, the director may require that the party reapply for a new blasting permit.

(3) In consideration of the safety hazards and community concerns associated with adverse weather conditions, this ordinance permits the adjustment of blasting operations in response to lightning-related disruptions, wind-related community concerns, and atmospheric conditions, including pressure variations. When such conditions are present, operators are authorized to modify the timing and duration of blasting activities as necessary to ensure the safety of all personnel, minimize impacts on the surrounding community, and maintain compliance with regulatory requirements. Any adjustments made must be promptly communicated to the appropriate authorities and property owners.

H. Notice and pre-blast survey.

(1) The following notification and pre-blast survey requirements shall be required for all blasting permits prior to commencing blasting:

	Small blast (feet)	Medium blast (feet)	Large blast (feet)
Notice required	500	700	900
Pre-blast survey to be offered	100	300	500

(2) The blasting contractor will hire an independent qualified seismologist, blasting consultant or engineer to perform pre-blast surveys on all structures and wells in the areas outlined in Subsection H(1) above, contingent upon property owner agreement. The independent seismologist or blasting consultant shall not be an employee of the contractor, subcontractor, explosives manufacturer, or explosives distributor.

(3) Pre-blast survey offer notice: Prior to commencement of the pre-blast surveys, the blasting contractor shall provide the following documentation to the city planning, permitting, and code department:

(a) A list of property owners to be contacted (in accordance with the distances listed in the table, above).

(b) Verification that the subject property owners were notified of the pre-blast survey work.

(c) A copy of the pre-blast survey offer notice.

(d) Whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response. The blasting contractor shall retain a copy of each pre-blast survey offer notice for their records until the development project receives a final certificate of occupancy or is otherwise deemed complete by the City. Nothing herein shall be construed to discourage repeated efforts by the blasting contractor to contact eligible property owners via phone, hand delivery, or other method in addition to provision of the required offer notice letter.

(4) Pre-blast survey documentation. All pre-blast surveys shall include documentation of interior subgrade and above-grade accessible unobscured walls, ceilings, floors, roof and visible exterior as viewed from the grade level. Where significant cracks or damage exist, or for more complex structural defects, photographs or video shall be taken. A high-quality digital video or videotape survey with appropriate audio description of the locations, conditions, and defects may substitute for a written pre-blast survey. Where necessary, notes and sketches may also be used as part of a video pre-blast survey in order to highlight or elaborate on certain aspects of the video documentation.

(5) Pre-blast survey conditions report. All pre-blast surveys shall include an existing conditions report for each property. The conditions report may be presented as narrative, photographs, video or a combination thereof. Conditions reports shall summarize the condition of each building and define areas of concern, including deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations.

(6) Verification that all pre-blast surveys and conditions reports have been completed shall be submitted to the city planning, permitting, and code department at least two weeks

prior to commencing any drilling and/or blasting operations.

(7) The blasting contractor shall maintain a copy of the pre blast survey conditions report for a minimum of six years after the conclusion of blasting.

(8) The blasting contractor shall make a copy of the pre-blast survey conditions report available to the property owner.

Sec. 14-704. - Performance standards.

All blasters shall comply with the following performance standards:

A. Hours of detonation.

(1) Extractive industry blasting. Hours of detonation are limited to between 11:00 a.m. and 3:00 p.m., Monday through Friday inclusive, excluding the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving and Christmas

(2) All other blasting. Hours of detonation are limited to between sunrise and sunset but no earlier than 7:00 a.m. and no later than 7:00 p.m., Monday through Friday inclusive, excluding the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving and Christmas, unless otherwise more restrictive hours of detonation are specified by the Planning Board.

(3) Emergency situations. Blasting of any type may occur at any time in situations deemed to be emergencies by the director of the city planning, permitting, and code department, or their designee, after consultation with other City staff as may be determined to be necessary by the director. Emergency situations may include, but are not limited to, blasting to install utilities damaged by weather events, unanticipated needs for blasting to complete City infrastructure project when the delay would significantly affect project timelines or City services, or blasting to correct a misfire of explosives in an otherwise permitted blast event.

B. Water quality protection. Water is a precious resource, and the applicant must take measures to assure that the quality of source water is protected. Prior to the initial blast, the applicant must conduct water quality tests on all non-applicant-owned wells within distances outlined in Sec. 14-703(H) above. Water quality testing must also be done post-blast if requested by the property owner because of evidence of a substantive change in water quality. Turbidity in wells tested shall be no greater than that which existed prior to the blasting as established in the pre-blast survey.

C. Ground vibration, Air Overpressure, Flyrock and Gases

(1) Ground vibration, Air Overpressure, Flyrock and gases shall be controlled and shall not exceed the limits defined in NFPA 495.

(2) Measurements shall be required for all blasts. Ground vibration shall be measured as particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions (x, y, z). The maximum allowable peak particle velocity shall apply to each of the three measurements.

(3) Seismographic record. A seismographic record for all blasts shall be retained by the applicant and provided to the city planning, permitting, and code department or the Planning Board, if requested. The applicant is responsible for such record and for providing

proper instrumentation as specified in this chapter. Personnel conducting such monitoring shall be properly trained in the operation of the equipment being used.

(4) Measurements. The requirements established herein shall be measured at the closest building(s) on abutting properties as determined by the director of the city planning, permitting, and code department, or their designee,

D. Other permits. The applicant must also comply with all standards and conditions contained in other permits issued for such projects and local, state and federal statutes and regulations.

Sec. 14-705. - Notices.

A. Required notification of blasting. The following notice requirements for any blast requiring a blasting permit shall be adhered to by the blaster.

(1) Initial notice. The blaster must send initial notice by first-class mail an advisory notice to all property owners within the distances outlined in Sec. 14-703H(1) of the secured blasting area. Notification shall be mailed no later than 10 calendar days and no earlier than 14 calendar days prior to the initiation of blasting. A certificate of mailing shall be submitted to the city planning, permitting, and code department as verification that said mailings were done. Said notice must include the description of the blasting signals to be utilized during the operation. The blaster of either an earth removal operation or other project must provide notice to a property owner who has made a written request to the blaster.

(2) Twenty-four-hour notice. Prior to every blast, the blaster shall notify all property owners within 300 feet of the secured blasting area for project blasting and 2,000 feet for production quarries. This will be done whether or not the property owners requested to be notified. The blaster shall also notify all others who have requested in writing to be so notified. Such notification shall be given by telephone, or by door hangers on the door of the residence or business, between 24 hours and 48 hours prior to the blast. The notification shall state the time the blast is proposed to occur, and the blast may occur as early as one hour prior to the noticed time and as late as one hour after the noticed time. The burden of proof of notification is the responsibility of the blaster.

(3) Emergency Services Notification: The Lewiston/Auburn 911 dispatch center must be notified at least 24 hours prior to any explosive detonation. The notification shall include the address for the blast site as well as the anticipated start time for blasting and anticipated time that blasting will conclude for the day.

Sec. 14-706. - Inspection, monitoring, and recordkeeping.

A. Entry . The director of the city planning, permitting, and code department, or their designee, may enter the secured blasting area or adjacent area to conduct site evaluations and observe any authorized blasting operations and may order that additional ground vibration and airblast overpressure measurements using approved instrumentation be made by persons responsible for blasting operations to ensure that the limits specified in this chapter are not exceeded, if excess readings are indicated.

B. Additional monitoring. The blaster shall maintain a record of each blast. All records shall be retained at least three years following cessation of the blasting operation, and shall be available for inspection by the director of the city planning, permitting, and code department, or their designee, or any property owner within the distances outlined in Sec. 14-703H(1) of the secured blasting area, and shall contain the following minimum data for traceability purposes:

(1) Name and contact information of responsible party: the name and contact information of the person(s) responsible for the blasting operation.

(2) Location, date, time, number and pattern/spacing of blast holes, total charge weight, charge weight per delay, date and time of each blast.

(3) Blaster: the name(s) of blaster in charge.

(4) Weather: the weather conditions (including such factors as wind direction, cloud cover, etc.).

(5) Data: seismograph and airblast readings, including date, time, and location of instrument.

(6) Notice: name, addresses, date and time of all persons who were notified prior to every blast.

Sec. 14-707. - Compliance schedule.

A. Applicability. Upon adoption of this chapter, all existing and new blasting operations are subject to the terms herein and must obtain a permit to conduct any further blasting.

B. Review. A complete review of all activities under this chapter shall be undertaken by the director of the city planning, permitting, and code department 12 months after adoption of this chapter to determine if the levels are adequate and reasonable to achieve the purpose for which this chapter is intended. The results of this review shall be reported to the City Manager, who will report to the City Council with recommendations of the review.

Sec. 14-708. - Exceptions for undue hardship.

A. Application. Applications for a permit for exception from the performance standards designated in this chapter may, on the basis of hardship, be made to the director of the city planning, permitting, and code department, or their designee. Any permit granted hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective.

B. Standards. The director of the city planning, permitting, and code department, or their designee, may grant the exception as applied for only if:

(1) Limited in scope: the activity or operation will be of a temporary duration, i.e., a limited number of blasts at a specific site, and cannot be done in a manner that would comply with this chapter;

(2) Reasonable alternative: no other reasonable alternative is available to the applicants; and

(3) Safety: the applicants represent, and the director of the city planning, permitting, and code department, or their designee, finds, that blasting as permitted will not violate recognized safety standards.

C. Conditions. Upon the issuance of any exception permit, the director of the city planning, permitting, and code department, or their designee, may limit the scope of the exception and prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects.

Sec. 14-709. - Violations and penalties.

A. Penalties. The submission of false information required by this chapter, or the violation of this chapter or the violation of any condition attached to a permit granted under this chapter shall

constitute a land use violation for which an enforcement action may be commenced by the City in accordance with 30-A M.R.S.A. § 4452.

B. Reporting. A copy of the violation report and consent agreement reached between the City and the person or entity found in violation of any portion of this chapter will be filed in the permit or license file.

Sec. 14-710. - Conflict.

Blasting in Auburn shall be conducted in compliance with all pertinent section of the City Code of Ordinances, and, except as superseded by the provision of this article, the NFPA 1 Fire Prevention Code, and NFPA 495 Explosive Materials Code as adopted by the State of Maine. In any particular instance where these regulations are in conflict with any other rules, regulations or ordinances of the City, the more restrictive regulation or provision shall prevail.

Sec. 14-711. - Appeal of denial of a blasting permit.

If the city planning, permitting, and code department has denied a blasting permit under this article, the applicant may appeal the denial to the Zoning Board of Appeals within 30 days of the decision by filing a written notice of appeal.

Sec. 14-712 to 725 Reserved.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 3, 2024
Author: Phillip Crowell, Jr., City Manager
Subject: Washington Street Safety Options

Information: At the August 19th, 2024 workshop, Jonathan LaBonte, Transportation Systems Director shared information about a Washington Street Safety Demonstration Project. The demonstration safety project would include entering into an agreement with MaineDOT to install temporary closures on Washington Street to restrict any left turns from Beech Hill, Danville Corner Road, and East Hardscrabble.

As a follow-up to the workshop, the costs for the demonstration project will be funded in the following accounts:

- Washington Street Corridor Study (Exit 75 to Brickyard) - $175,000 (FHWA and Local Match from ATRC)
- Washington Street North Land Use Plan - $83,300 (ARPA Funds Allocated by Auburn City Council)
- Safety Project Design and Traffic Review - $30,100 (ARPA Funds Allocated by Auburn City Council)
- Implementation of Safety Project– FY2024 Traffic Safety Account: ~$50,000

Staff has identified three options for the city council to consider:

1. Implement the MaineDOT agreement for the Safety Demonstration Project.
2. Amend the agreement with MaineDOT to implement the demonstration project at East Hardscrabble and request MaineDOT to expediate the implementation of a traffic signal at Beech Hill and Danville Corner Road.
3. Notify MaineDOT to not move forward with the agreement and to expediate the traffic signal at Beech Hill and Danville Corner Road and East Hardscrabble Road.

City Budgetary Impacts: No current impact other than already authorized funds
Washington Street Corridor Study (Exit 75 to Brickyard) - $175,000 (FHWA and Local Match from ATRC)
Washington Street North Land Use Plan - $83,300 (ARPA Funds Allocated by Auburn City Council)
Safety Project Design and Traffic Review - $30,100 (ARPA Funds Allocated by Auburn City Council)
Implementation of Safety Project– FY2024 Traffic Safety Account: ~$50,000

Staff Recommended Action: Discuss and determine which options should be considered.

Previous Meetings and History:
June 6, 2022 – City Council ARPA Funds; July 28, 2022 - ATRC Vote on Corridor Concept; August 15, 2022 – City Council Transportation Safety Initiatives; September 6, 2022 – City Council Approves Safe Streets/Vision Zero; August 24, 2023 – ATRC Votes on Funding Corridor Study; November 15, 2023 – ATRC issues Corridor RFP

City Manager Comments:
I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: July 2022 City Manager Memo to ATRC, September 2024 Transportation Director Memo

City of Auburn, Maine
Transportation Systems Department
Jonathan P. LaBonté, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TO: Mayor Harmon and the Auburn City Council
FROM: Jonathan P. LaBonte, Transportation Systems Director
CC: Phil Crowell, Auburn City Manager
DATE: September 3rd, 2024
RE: Washington Street Safety Demonstration Project – Beech Hill and East Hardscrabble Roads

This memo serves as a summary of the city plans for a safety demonstration project on Washington Street (U.S. Route 202/Maine Route 4) at its intersections with East Hardscrabble Road and Beech Hill/Danville Corner Roads, with additional context for the overall corridor planning underway.

Comprehensive Plans have regularly referenced a policy to improve Washington Street as a gateway. The most recent Plan laid out a specific recommendation that related to the original plans for Washington Street in the 1950's but were never fully implemented. Washington Street South, a controlled access highway from Brickyard Circle to approximately Beech Hill Road was to become a two-way highway with no curb openings, and Washington Street North was to return to a two-way local street. Given the critical importance of Washington Street (Routes 202/4) for statewide and regional mobility (75% of all traffic destined for downtown Lewiston-Auburn utilizes Washington Street), stakeholder engagement and endorsement of City concepts has taken place since the summer of 2022. This includes the Federal Highway Administration (FHWA), MaineDOT, Maine Turnpike Authority, AVCOG/ATRC, and the City of Lewiston.

In parallel to the corridor planning, the City worked with ATRC/AVCOG and Lewiston to secure FHWA funding under the Safe Streets and Roads for All program. The goal of the action plan under development is to eliminate all serious injuries and fatalities from Auburn streets. Because Washington Street is home to several High Crash Locations, including some with very high rates of serious injuries and fatalities, we have worked with MaineDOT to test one approach to improving safety; the elimination of left-turns at the intersections of Beech Hill /Danville Corner Roads and East Hardscrabble with Washington Street. The demonstration safety project would see the installation of concrete barriers and safety barrels to continue to allow right in and right out traffic movements, but no traffic crossing Washington Street.

The Washington Street study will evaluate alternative intersection designs, including retaining the closure, and following the demonstration project and completion of the study, public input and City Council direction will determine next steps for capital improvements.

The details that follow below mirror the MaineDOT guidance document on requesting demonstration projects and have been reviewed and approved by MaineDOT.

With appreciation to MaineDOT's safety office, which evaluated the High Crash Location (HCL) at Beech Hill and Danville Corner Roads, the graphic below is based on a scenario of a right-in right-out approach to restricting movements at this intersection during the demonstration project. While curb work would not be done, signage and barricades preventing other movements would be installed.

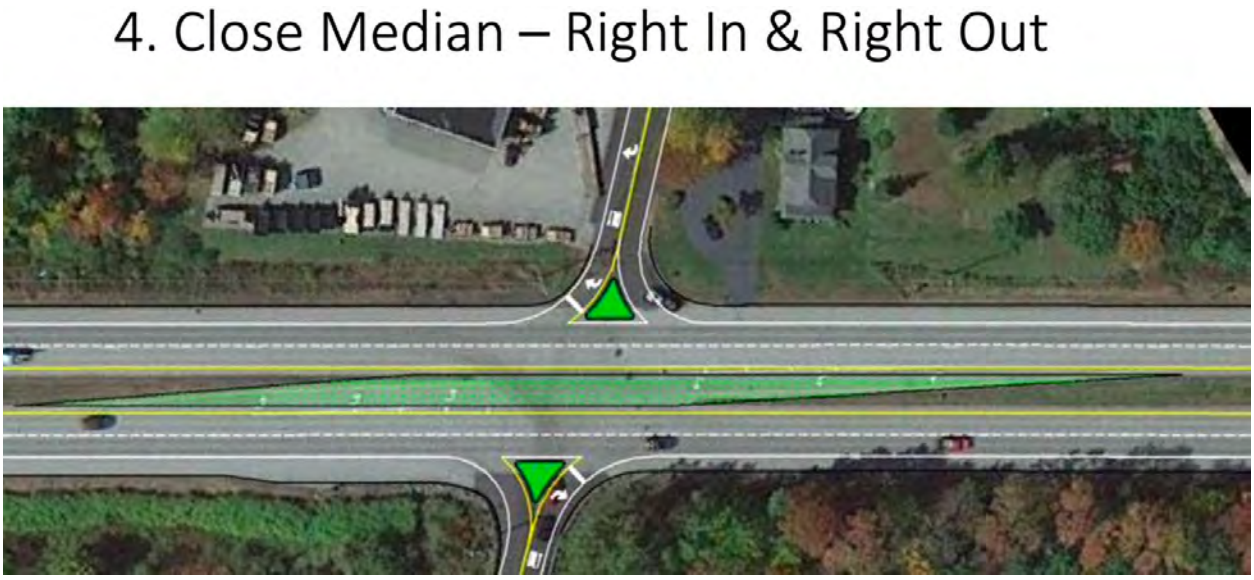


Figure 1. Graphic showing median closure at Beech Hill and Danville Corner Roads, taken from MaineDOT Safety Office presentation on HCL

While we do not have a similar graphic, the city would implement a similar restriction at the intersection of East Hardscrabble Road, allowing only right in and right out traffic entering Washington Street South.



Figure 2. Graphic showing where a second median closure would occur at East Hardscrabble Road and Washington Street.

The materials to be utilized include temporary concrete barriers and sand-filled barrels. Access to materials during the term of the demonstration project is being negotiated, and the city's public works department would complete the installation.

Each intersection's installation would be completed in accordance with AASHTO guidance, and the city has Gorrill-Palmer, the lead engineering firm on the larger Washington Street Corridor Study, creating the stamped plans for the project and assisting in data review during the trial period.

Given the nature of the Washington Street corridor in this section, installation timing and protection for installers and the public would mirror that utilized during the mill and fill on this section of the corridor during 2022. Due to the proposal to close full access at the subject intersections, conflict points during installation will be reduced as traffic will not be allowed to cross Washington Street.

The city partnered with ATRC/AVCOG to collect traffic counts at intersections likely to see detoured traffic, this will allow us to gather additional counts during the trial period to further assess how traffic was rerouted to find access to Washington Street or their intended destinations.

Though this area is outside of the urban compact zone, the Public Works Department does handle maintenance activities in this area and would have primary responsibility for monitoring the installation, as they do other infrastructure in the city. Any impacts from crashes would trigger an evaluation of the installation as well as reviews post winter storm events that could influence the retroreflective elements of the installation.

Public Works does run multiple shifts and has a work order system that would allow not only for prioritizing response to this installation, but to allow for inclusion of work order evaluations in the one-year review process we note below.

As the Auburn City Council endorsed a Vision Zero policy in the fall of 2022, and we advance the Safe Streets and Roads for All (SS4A) action plan process, we are targeting eliminate crashes that lead to serious injury and fatalities at these two intersections. Year over year net crash reductions would also be a goal.

Given that we project traffic to find alternative routes, we would also monitor year over year crash number changes at key detour-related intersections, those include Moose Brook Road/Washington Street, Station Road/Kittyhawk Ave/Washington Street, Kittyhawk Ave/Hotel Road, Chasse Street/Washington Street, Allied Road and Washington Street, Exit 75 Ramps and Washington Street, and Hackett Road and Washington.

We would also be monitoring traffic counts at key detour intersections/road segments, given early feedback from the community and the City Council. Those intersections include Hackett Road/Washington Street, Woodbury Road/Danville Corner Road, Old Danville Road/Danville Corner Road

Through advance discussion with our public safety agencies (Auburn Fire/Rescue and Auburn Police), we would monitor calls, response times, and routes that may have otherwise traversed these turn movements proposed to be eliminated. Neither agency saw a concern given existing routing from Auburn Hall (PD headquarters) or our respective Auburn Fire stations.

The city intends to host an in-person and a virtual neighborhood meeting to discuss the who, what, why, and when associated with this project if MaineDOT supports it advancing. Given that a 2015 neighborhood engagement effort led to their request to close the Beech Hill/Danville Corner Road intersection, we expect a predominantly positive response from those living in these areas, though recognize for some residents there will be an inconvenience to reducing full access at these intersections.

The city's Transportation Systems Director would be available to respond to comments, and the city has online contact forms that would be a means to aggregate feedback from the public. In addition, the city will conduct a follow-up neighborhood meeting after the one-year anniversary of the closure to provide a report out on the impact of the closure (based on performance measures noted above) and potential next steps if support remains to make these closures permanent.

An item related to public awareness involves updated GIS databases associated with highway and street layouts. Given the use of mapping software in smart phones and vehicles, the city recognizes we need to communicate to these platforms the closure of particular legs of these intersections, beyond the signage that would be installed during the demonstration project period. MaineDOT has agreed to assist with its relationships with those routing systems.

The city would sign detour routes and would like to coordinate a review of detour mapping with MaineDOT's internal system for review of detours. The city's public works department does have some fabrication capabilities but would welcome MaineDOT detour signage loans if needed. City of Auburn variable message boards could also be deployed in the early stages of the project.

There have been numerous meetings of city staff, organizational partners, and briefings to the Auburn City Council. This latest briefing will initiate our implementation efforts, starting with public awareness and engagement through public meetings in the month of September and the establishment of feedback processes for residents during the demonstration period.

City of Auburn, Maine
Office of the City Manager
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

TO: Jennifer Williams, ATRC Director
FROM: Phil Crowell, City Manager
RE: Exit 75 and Washington Street Corridor Evaluation Request for Support
DATE: July 25, 2022

This memo represents the City of Auburn's request that ATRC support the effort to convert the flow of traffic Washington Street (Route 202/4) from Exit 75 to downtown Auburn. This conversion, with Washington Street North becoming two-way local traffic and Washington Street South becoming two-way through traffic, will improve safety, maintain regional mobility, and align with Auburn's Comprehensive Plan goals for pedestrian scale development and environmental improvements in the area between Washington Street and the Little Androscoggin River. The evaluation would also include the configuration of Exit 75 of the Maine Turnpike and its ability to serve the industrial airport area and regional mobility.

This section of highway is a critical corridor connecting the Maine Turnpike's Exit 75 with not only downtown Auburn and Lewiston but also western Maine. Existing inbound land uses already conflict with the traffic volumes and speeds in the northbound segment, and changes in Auburn's zoning to pursue more mixed-use development and improve stewardship of the Little Androscoggin River watershed further enhance this conflict. Shifting this high volume of thru traffic (approaching 20,000 AADT) to a controlled access highway presents an historic opportunity to restore a major Maine riverfront (Little Androscoggin) and convert a corridor with existing utilities and impervious area to mixed uses with new housing to serve the region and southern Maine.

The 2019 ATRC Metropolitan Transportation Plan projects growth of traffic into our region from the south at 52%. In fact, the most recent Maine Turnpike Origin and Destination Study (2010) noted that over 50% of the traffic at Exit 75 was destined for the Portland region.

Growing traffic volumes are also likely to exacerbate the safety challenges that extend from Exit 75 into downtown Auburn. There are currently three high crash location intersections and two high crash location road sections on this corridor. Since 2020, there have been over 80 crashes along this corridor from Kittyhawk to the rotary, including Exit 75.

Auburn staff have already met with MaineDOT and Maine Turnpike officials to review this proposal and request their involvement in the evaluation. As the regional transportation agency in our community, we request ATRC's support and involvement. Staff will be available to provide a similar briefing for the ATRC Committees on Thursday.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 3rd, 2024 **Order: 107-09032024**

Author: Jason D. Moen, Chief of Police

Subject: Confirming Chief Moen's appointments of Constable without firearms/arrest powers for the Auburn Police Department and Constable with firearm/arrest powers within the City of Auburn.

Information: Chief of Police Moen requests that the Auburn City Council appoint Constables without Firearms/Arrest Powers on behalf of the Auburn Police Department and Constable with firearm/arrest powers to serve documents within the City of Auburn for 2024.

City Budgetary Impacts: N/A

Staff Recommended Action: Vote to confirm Chief Moen's appointment of Abigail Bowie as Constable without firearms/arrest powers on behalf of the Auburn Police Department within the City of Auburn for 2024 and to confirm Chief Moen's appointment of Alexander Gallo as Constable with a firearms/arrest powers on behalf of the Auburn Police Department within the City of Auburn for 2024.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 107-09032024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoint the following named persons to serve documents as Constable Process Servers without firearm/arrest powers on behalf of Auburn Police Department within the City of Auburn for 2024.

Abigail Bowie	Employee	Constable	Without Firearm	New Appointment

BE IT FURTHER ORDERED, that the City Council hereby appoint the following named persons to serve documents as Constable Process Servers with firearm/arrest powers on behalf of Auburn Police Department within the City of Auburn for 2024.

Alexandra Gallo	Employee	Constable	With Firearm	New Appointment

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Mayor Harmon called the meeting to order at 7:00P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present. Student Representative Egge was absent.

I. Consent Items

1. ORDER 99-08192024* – Appointing Edward Little High School Junior, Mubarik Abdulahi, to serve as City Council Student Representative with a term expiration of 6/30/2026, as nominated by the Appointment Committee.

2. ORDER 100-08192024* - Appointing Whitney Poulin to serve on the Auburn-Lewiston Municipal Airport Board of Directors for the unexpired term ending 1/1/2026, as nominated by the Appointment Committee.

3. ORDER 101-08192024* - Appointing Dana Staples to serve on the Zoning Board of Appeals for a term that expires 5/1/2027, as nominated by the Appointment Committee.

4. ORDER 102-08192024* - Appointing Robert Hayes to serve on the Planning Board for the unexpired term ending 1/1/2027, as nominated by the Appointment Committee.

Councilor Walker moved for passage of all Consent Items, seconded by Councilor Cowan. Motion passed 7-0.

II. Minutes – August 1, 2024 Regular Council Meeting

Councilor Walker moved for passage, seconded by Councilor Whiting. Motion passed 7-0.

III. Communications, Presentations and Recognitions

Ralph Harder of the Sustainability and Natural Resource Management Board presented the Solid Waste & Recycling Plan

IV. Open Session

Bonnie Lounsbury, Auburn

V. Unfinished Business

VI. New Business

1. ORDER 103-08192024 – Accepting the Solid Waste & Recycling Plan as presented by the Sustainability and Natural Resource Management Board. Passage requires majority vote.

Councilor Walker moved for passage, seconded by Councilor Cowan. Motion passed 7-0.

2. ORDER 104-08192024 – Property donation acceptance of Carrier Court (Parcel ID 184-032-000-000). Passage requires majority vote.

Councilor Walker moved for passage, seconded by Councilor Weisner. Motion passed 7-0.

3. ORDER 105-08192024 – Reallocating Capital Improvement Plan (CIP) funds for Airport projects. Passage requires majority vote.

Councilor Walker moved for passage, seconded by Councilor Gerry. Motion passed 7-0.

4. ORDER 106-08192024 – Adopting the process for appointments to the Comprehensive Plan Committee. Passage requires majority vote.

Councilor Walker moved for passage, seconded by Councilor Whiting. Motion passed 7-0.

5. PUBLIC HEARING - CDBG Action Plan Amendment for Program Year 2024. *No action.*

Mayor Harmon opened the item up for public comment. There was no comment from the public. Mayor Harmon closed the public hearing.

VII. Reports

a. Mayor's Report – Thanked city staff for a successful National Night Out event; attended the recent opening of Preble Street program serving Lewiston & Auburn.

b. City Councilors' Reports – Councilor Gerry thanked all involved with the backpack giveaway at the PAL center and Blackie's vegetables for providing food. Councilor Whiting thanked city staff for paving Boothby St. Councilor Cowan thanked all involved with organizing the many events around the city recently. Councilors Weisner and Walker thanked all involved with organizing the balloon festival. Councilor Platz gave an update on the School Committee and a grant awarded as part of the "Full Plates, Full Potential" program.

c. Student Representative Report – Representative Egge was absent.

d. City Manager Report – Addressed tax bill delay, bills will be going out this week. Addressed that brush drop off location at Gracelawn is now closed and residents are invited to drop off their brush for free at the drop off site in Poland. Thanked staff involved in organizing the many events.

VIII. Open Session

John Ruccolo, Shepley St

IX. Executive Session

Councilor Platz moved to enter executive sesssion pursuant to 1 M.R.S.A. Section 405(6) (A) to discuss City Manager's annual review. No action to follow. Motion seconded by Councilor Cowan. Motion passed 7-0. Council entered executive session at 8:04pm.

Councilor declared out of executive session at 8:31pm.

X. Adjournment

Motion to adjourn by Councilor Whiting, seconded by Councilor Milks. Motion passed 7-0. Council adjourned at 8:32pm.

A TRUE COPY ATTEST

Emily F. Carrington, City Clerk

PROCLAMATION | **INTERNATIONAL PAPER'S 50TH ANNIVERSARY**

WHEREAS, on January 31, 1898, seventeen pulp and paper mills joined to form International Paper Company; and

WHEREAS, International Paper has been a catalyst in the global economy as the world's leading producer of renewable packaging, pulp, and other fiber-based products essential to everyday life; and

WHEREAS, International Paper opened in Auburn in 1974, first as Allied Container, then Union Camp in 1985, and became part of International Paper in 1999, has been a valued partner in our community with more than 135 employees; and

WHEREAS, International Paper's Auburn Box Plant customers produce food, beverages, healthcare products, electronics, and many essential items and depend on International Paper's corrugated boxes to transport their products to retailers and consumers in Maine and throughout New England; and

WHEREAS, throughout its history, International Paper has been actively engaged in the Auburn community through food drives, tree plantings and volunteer hours, Wreaths Across America, butterfly kits and environmental educational programs, as well as locally supporting the Toys for Tots Program in partnership with local veterans, Lions Club, community United Way organizations and events; and

WHEREAS, this year, International Paper Auburn Box Plant celebrates its 50th anniversary of sustainable manufacturing;

NOW THEREFORE, I Jeffrey Harmon, Mayor of the City of Auburn, by virtue of the authority vested in me, do hereby recognize, and congratulate International Paper on reaching its 50th milestone anniversary in the City of Auburn.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 3rd day of September, 2024.

Mayor Jeffrey D. Harmon

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: **September 3rd, 2024** **Order: 108-09032024**

Author: Planning & Permitting Staff

Subject: Order initiating Planning Board to review draft ordinance text and map changes by the Lake Auburn Stakeholders Group.

Information: In January of 2024, City Council ordered (04-01022024) the City Manager to direct staff to work with city wide interest groups (AG Working Group, Sustainability and Natural Resources Board, LAWPC, Planning Board and public stakeholders) to create the make-up of Lake Auburn Stakeholders Group. Since that time the group (s) have met on numerous occasions to address continued concerns with protecting Lake Auburn utilizing the ordinance to drive that discussion on what is best for the two communities public water supply while putting into action items that will impact Sec. 60-952 (2) agricultural, forestry and erosion control with further considerations amending text amendments that will strengthen the ordinance for protections to the Lake Auburn Watershed and the source water protection for the communities of Auburn and Lewiston which serves clean drinking water to 39,000 residents from Lake Auburn. The proposed changes are detailed in the attached order and proposed text and maps. The overlay maps will follow existing watershed/overlay boundaries that will assist in the agricultural and forestry 250' buffers and further define natural resource features for buffers for a Planning Board Public hearing will be completed based on this directive.

City Budgetary Impacts: Staff Time

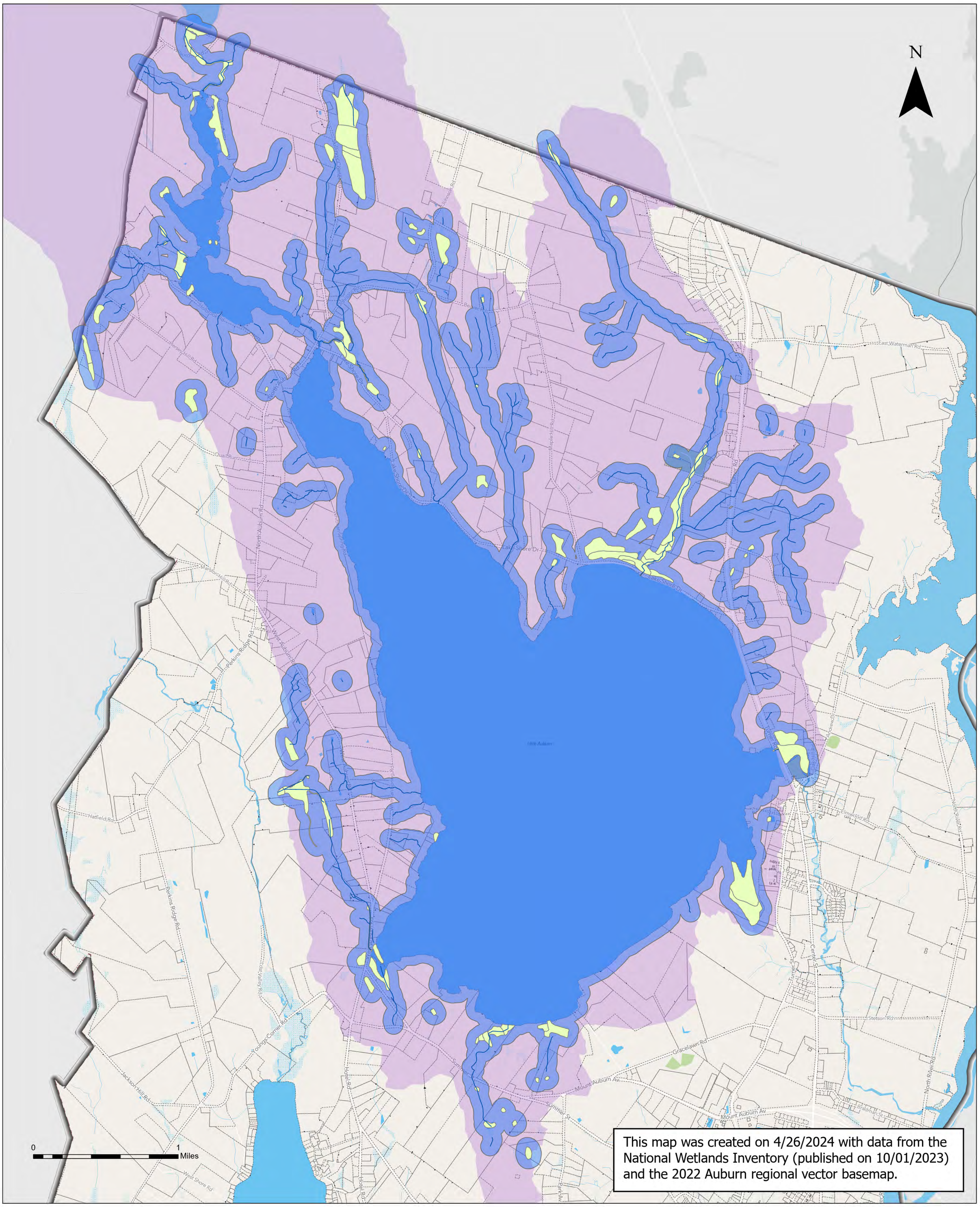
Staff Recommended Action: Staff recommends that the Council initiate the process for the proposed text change and map changes and send it to the Planning Board for a public hearing and council recommendation to City Council.

Previous Meetings and History: Order 04-01022024 on January 2nd, 2024, initiated this discussion and created a working group. Between January and May 1st of 2024 the created Lake Auburn Stakeholders Group have met on numerous occasions (9 times) to address continued concerns with protecting Lake Auburn.

City Manager Comments:
I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
Order, Proposed Text Amendments, Official Lake Auburn Watershed Land Use Map with 250' Setback to Lake, Stream and wetlands

Lake Auburn Watershed Overlay
Agricultural Buffer Setbacks



This map was created on 4/26/2024 with data from the National Wetlands Inventory (published on 10/01/2023) and the 2022 Auburn regional vector basemap.

- Streams
- NWI Wetlands
- Lake Auburn Watershed
- Lake Auburn Streams Wetlands Buffer 250 ft

auburnmaine.gov

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn Water District on file in the office of the Auburn Water District, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned.

Agricultural use means the production, growing, cultivation, or harvesting of any agricultural commodity or product or the raising, shearing, feeding, caring for, training, and management of livestock or poultry for commercial or personal use.

Animal unit has the same meaning as in section 60-2.

Clearcutting means any cutting of any trees or timber on a forested site that results in a residual basal area of trees over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under Section 8869, subsection 1 of the Maine Forest Practices Act.

Curtain drain means a tranch to intercept laterally moving ground water and divert it away from a septic system disposal field.

~~*Hobby agricultural use* means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where:~~

~~(1) The products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit; and~~

~~(2) The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded.~~

Invasive Species. Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees.

Livestock has the same meaning as in section 60-2.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Natural Resource Conservation Service or NRCS means the U.S. Department of Agriculture, Natural Resources Conservation Service or, in those instances where the NRCS is prohibited by federal law from providing services to the property owner or lessee, an alternative service provider approved by the director of the city planning, permitting, and code department, or their designee.

~~*Non-hobby agricultural use* means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.~~

NWI Wetland means any waterbody shown on the U.S. Fish & Wildlife Service National Wetlands Inventory.

Organic fertilizer means fertilizer derived from either plant or animal products that contain nutrients for plant growth. It is acceptable for the materials in these fertilizers to have been subjected to biological degradation processes under normal conditions of aging, rainfall, sun curing, air drying, composting, rotting, enzymatic, or anaerobic/aerobic bacterial action, or any combination of these. In order to qualify as organic fertilizer, the materials in these fertilizers may not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by processing such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting in order to qualify as organic fertilizer. Organic fertilizers are broken down by and feed the microbial life in the soil.

Pest shall have the same meaning as the term set forth in 40 C.F.R.§ 152.5, as the same may be amended from time to time.

Pesticide means any substance, or mixture, or combination of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Pests of significant public health importance means pests listed by the U.S Environmental Protection Agency, in conjunction with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, as pests of significant public health importance.

Poultry means domesticated birds.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent

material excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of six inches of upper fill layer meeting the following upper fill layer specifications.

Soil Filter Media Specifications

Upper fill layer	
Sieve #	% passing by weight
No. 4	75—95
No. 10	60—90
No. 40	35—85
No. 200	20—40
200 (clay size)	< 2.0

Lower fill layer	
Sieve #	% passing by weight
No. 10	85—100
No. 20	70—100
No. 60	15—400
No. 200	6—8
200 (clay size)	< 2.0

Soil test means the Comprehensive Soil Test provided by the Maine Soil Testing Service, or equivalent.

Summer dormancy means the period during mid-summer most commonly observed in unirrigated grasses when growth ceases. Dormancy is characterized by brittle texture and a loss of green color.

Synthetic fertilizer means any fertilizer manufactured from one or more synthetic materials containing no animal parts, animal byproducts, manures or renderings.

Tillage or tilled means the reconfiguration of the soil into a desired condition by mechanical means.

Total nitrogen means the sum of all nitrogen forms contained within fertilizer, including water soluble nitrogen forms, slow-release nitrogen forms, and water insoluble nitrogen forms. The percentage of total nitrogen appears as the leftmost number of the grade on fertilizer labels or containers.

Wetland, see NWI Wetland.

(Ord. of 9-21-2009, § 5.3B; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-952. Use and environmental regulations.

2. Agricultural, Forestry, and Erosion Control.

(a) *Agricultural use~~s~~.* ~~Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are~~ Use of land for agricultural use within the Lake Auburn Watershed Overlay District is only ~~allowed~~ permitted if:

(1) The property owner or ~~operator~~ lessee shows, and the director of the city planning, permitting, and code department, or their designee, finds, after consultation with the LAWPC watershed manager, ~~first demonstrates to LAWPC's watershed manager~~ that

a. Such use, or expansion of such use, will not cause groundwater contamination ~~and~~ , will not contaminate or disturb the normal course of surface water runoff, and will not contaminate any lake, pond, stream, brook, or NWI wetland; and

b. The property owner or lessee has a waste and nutrient management plan developed in compliance with the Natural Resource Conservation Service's standards for waste and nutrient management.

(2) ~~LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer~~The director of the city planning, permitting, and code department, or their designee, has provided their written finding of conformity with the requirements of this Sec. 952(2)(a) to the property owner or lessee.

(3) The provisions of this Subsection 2(a) shall apply to all new or expanded agricultural uses of land within the Lake Auburn Watershed Overlay District. For those agricultural uses that exist on July 1, 2024, the property owner or lessee shall comply with the requirements of this Subsection 2(a)(1)(b) no later than June 30, 2027.

(4) The provisions of this Subsection 2(a) requiring a showing to the director of the planning, permitting, and code department, or their designee, and the requirement to have a waste and nutrient management plan, shall not apply if the agricultural use of the land is for the production, growing, cultivation, or harvesting of any agricultural commodity or product, (but not for or the raising, shearing, feeding, caring for, training, and management of livestock or poultry), whether for commercial or personal use, if the agricultural use of the land encompasses no more than 1,000 square feet in total on any lot. This provision shall not be construed to exempt the property owner or lessee from any other provision of this Division.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)c., new dwelling units are prohibited in the Lake Auburn Watershed Overlay District. Pursuant to 30-A M.R.S.A. 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) *Number of animal units permitted.* The number of animal units of livestock permitted in the Lake Auburn Watershed Overlay District shall be calculated utilizing the formula shown in the definition of Farm, Livestock as shown in section 60-2. The number of animal units of poultry permitted in the district shall be calculated as 15 animal units per acre of cleared land not to exceed a total of 150 animal units per lot.

(~~c~~d) ~~*Agricultural*~~ *Vegetated buffer strip.* ~~Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.~~ Where soil is tilled for agricultural purposes, or livestock or poultry is kept, an

untilled, vegetated buffer strip at least 250 feet wide shall be retained between the tilled area and the normal high-water mark of any lake, pond, stream, brook, or NWI Wetland.

Vegetated buffer strips shall be constructed and maintained as specified in the latest version of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorous Control Manual, Volume II & Technical Design Manual Volume III, March 2016.

This subsection shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(~~d~~e) *Manure and sludge spreading, storage, and disposal.* The s~~S~~preading ~~and~~ or disposal of manure or sludge within the Lake Auburn Watershed Overlay District is prohibited. Manure shall be stored on an impervious surface which has a roof or cover.~~All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal.~~

(f) *Fertilizer use and application.* The following provisions shall apply to the use, application, or storage of fertilizer in the Lake Auburn Watershed Overlay District.

(1) The following uses and applications of fertilizer are permitted.

a. Organic fertilizer if a soil test is conducted annually; and

b. The fertilizer that is used or applied does not contain nutrients in excess of the amount recommended by the completed soil test; and

c. No more than two fertilizer applications are made in one calendar year; and

d. For each application, total nitrogen may not exceed 1 lb. per 1,000 square feet.

(2) The following uses and applications of fertilizer are prohibited.

a. Fertilizer containing phosphorus, unless a waiver for the use of fertilizer containing phosphorus is issued by the city planning, permitting, and code department.

b. Synthetic fertilizers.

c. Fertilizer used within 100 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland.

d. Fertilizer used when a rain event producing 0.5 inch or more of precipitation in a one-hour period is forecast or is occurring.

e. Fertilizer used on saturated surfaces.

f. Fertilizer used on partially or wholly frozen ground.

g. Fertilizer used on impervious surfaces, if spills occur on impervious surfaces they must be removed immediately.

h. Fertilizer used during the summer dormancy period.

(3) Waivers may be issued by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager:

a. upon a showing by the applicant that the use of synthetic fertilizer, or the use of fertilizer containing phosphorus, is necessary because a suitable organic fertilizer product that meets the nutrient needs of the soil as specified in the soil test is unavailable. The waiver may contain additional conditions on the use or application of the waivered fertilizer product to minimize the risk to any lake, pond, stream, brook or NWI Wetland.

b. upon a showing by the applicant that a nutrient management plan prepared by the Natural Resources Conservation Service for a specific agricultural use requires a frequency of application greater than that specified in subsection 2(f)(1)(c) of this section and/or a total nitrogen application greater than that specified in subsection 2(f)(1)(d) of this section.

(4) Fertilizers shall be stored, mixed, and loaded:

a. pursuant to the specific manufacturer's storage instructions on the fertilizer label; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time.

(g) *Allowed and prohibited pesticides.* For outdoor pest management activities in the Lake Auburn Watershed Overlay District, the following shall apply:

(1) Synthetic substances are prohibited unless specifically listed as "allowed" on the U.S. Department of Agriculture's National List of Allowed and Prohibited Substances (the "National List");

(2) Non-synthetic substances are allowed unless specifically listed as "prohibited" on the National List;

(3) Pesticides determined to be "minimum risk pesticides" pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 4 and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended from time to time, are allowed; and

(4) The use or application of pesticides (whether natural, organic, "non- synthetic," synthetic or otherwise) within 250 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland is prohibited.

(5) The following materials, applications, or activities are exempt from the provisions of this subsection (g) (and are so allowed).

a. Pet supplies, such as shampoos and tick and flea treatments, when used in the manner specified by the manufacturer;

b. Disinfectants, germicides, bactericides, miticides and virucides, when used in the manner specified by the manufacturer;

c. Insect repellents when used in the manner specified by the manufacturer;

d. Rat and rodent control supplies when used in the manner specified by the manufacturer;

e. Swimming pool supplies when used in the manner specified by the manufacturer.

(6) The following uses of prohibited pesticides are exempt from the provisions of this subsection (and are so allowed) when the use of the material, application, or activity is more than 250 feet from the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland or when a waiver has been granted by the director of the director of the city planning, permitting, and code department or their designee.

a. Prohibited pesticides may be used to control plants that are poisonous to the touch, such as poison ivy; pests of significant health importance, such as ticks and mosquitoes; animals or insects that may cause damage to a structure, such as carpenter ants or termites; invasive species; or when used by a public utility for maintenance of a right-of-way through the Lake Auburn Watershed Overlay District.

b. The director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager, may grant a waiver to use a prohibited pesticide within 250 feet of the high-water mark of a lake, pond, stream, brook, or NWI Wetland when such use is necessary to protect public health or safety.

(7) Pesticides shall be stored, mixed, loaded, and applied:

a. pursuant to the specific manufacturer's storage instructions on the pesticide label or container; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time; and

e. shall not be applied by aerial spraying.

(~~e~~h) *Erosion control.* ~~The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:~~

~~(1)~~ Any exposing, moving, removal, or stockpiling of soil, or the removal of vegetative cover~~earth cutting, moving or removal activities~~ that will result in erosion or runoff which increases sedimentation of ~~Lake Auburn, or any tributaries or other water bodies in the watershed~~any lake, pond, stream, brook, or NWI Wetland in the Lake Auburn Watershed Overlay District ~~are~~ is prohibited.

~~(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Water District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.~~

(~~3~~i) ~~Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.~~

Tree clearing and forestry. Clearcutting is limited to 25% of the total area of a lot or two acres, whichever is less; provided that on lots of 20 acres or more, one clearcut of not more than two acres in every 20 contiguous acres may be made. Any discrete tree or timber cutting operation on a lot of any size over two acres shall be permitted only pursuant to a harvest plan prepared by a Maine licensed forester meeting the standards in the latest versions of Rule 20 of the rules adopted under the Maine Forest Practices Act, the Maine Department of Agriculture, Bureau of Forestry's manual on Best Management Practices for Forestry: Protecting Maine's Water Quality and, where applicable, the requirements of Chapter 21 of Maine Forest Service's Statewide Standards for Timber Harvesting in Shoreland Areas. All harvest plans must be approved by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager. Such harvest plan will be approved or disapproved based on its conformance with this Division, with a focus on its ability to ensure protection of the water quality of Lake Auburn. From time to time, the director, or their designee, may require the approved harvest plan to be amended to ensure preventive and corrective actions which may become necessary to protect the water quality of Lake Auburn.

1. *Subsurface Wastewater Disposal Systems.*

(f) *Private subsurface wastewater disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District:

(1) Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filer media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a state licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this section.

(2) No new disposal field shall be installed closer than 400 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have:

a. A curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time; or

b. A diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation in determined to be the most appropriate based on the evaluation of groundwater conditions on the site by a state licensed site evaluator.

The local plumbing inspector shall require that a state licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this section.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every five years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.

(7) The Auburn Water District or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunction that require abatement action by the property owner or operator.

(8) The local plumbing inspector shall furnish a copy of all site evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn Water District or its designee.

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019; Ord. No. 10-06202023, 7-10-2023; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

Secs. 60-955—60-981. Reserved.

ORDER 108-09032024

City Council Order

IN CITY COUNCIL

Ordered, That the Auburn City Council Initiates consideration of an amendment from the Lake Auburn Stakeholders Group and refers the attached text and maps to the Auburn Planning Board for Public Hearing and a Recommendation pursuant to Chapter 60, Article XVII. Amendment include Chapter 60, Article II, Chapter 60, Chapter 60, Article XII, Division 4, Lake Auburn Watershed Overlay District and amendments to the Zoning Map. The intent is to consider text amendments that will strengthen the ordinance for protections to the Lake Auburn Watershed and the source water protection for the communities of Auburn and Lewiston which serves clean drinking water to 39,000 residents from Lake Auburn. The overlay maps will follow existing watershed/overlay boundaries that will assist in the agricultural and forestry uses and further define natural resource features for 250'buffers. Materials for a Planning Board Public hearing has been completed based on the directive in Order 04-01022024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 3, 2024, **Order: 109-09032024**

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Lease City owned Property to Auburn Riverwalk, LLC

Information:
The Owners of Auburn Riverwalk, LLC expressed interest in leasing a small section of city owned property to use in conjunction with their tenant (Gritty's). They are willing to maintain the proposed area and keep it well landscaped and in good repair. Staff discussed the possibility internally and saw no negative outcomes as the property is along the Riverwalk and has good potential to allow the business to provide additional amenities to residents and guests. The lease will allow them to use the space and require them to continue maintenance and either party can terminate with in a short time period.

City Budgetary Impacts: NONE

Staff Recommended Action:
Approve order as presented.

Previous Meetings and History:
NONE

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Draft Lease



Land Lease Agreement

This Land Lease Agreement ("Lease") is made and entered into this ___ day of _____, 2024, by and between the **City of Auburn**, a municipal corporation organized under the laws of the State of Maine with a mailing address of 60 Court Street, Auburn ME 04210 ("Lessor"), and **Auburn Riverwalk, LLC**, a limited liability company organized under the laws of the State of Maine with a mailing address of 155 Center Street, Auburn ME 04210 ("Lessee").

1. Leased Premises.

Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, approximately 2,000 square feet of land as delineated in attached Exhibit A, which is adjacent to the property located on Main Street described as Parcel 241-017, such land being a portion of Parcel 241-021, , hereinafter referred to as the "Leased Premises," in common with Lessor, its tenants, agents, employees, and invitees.

2. Term.

The term of this Lease shall be for a period of ten (10) years commencing on the ___ day of _____, 2024, and ending on the ___ day of _____, 2034, or such earlier date as Gritty McDuff's Brew Pub discontinues as a tenant of Lessee at the above Main Street location, unless sooner terminated in accordance with the provisions of this Lease.

3. Rent.

Lessee shall pay to Lessor an annual rent of One Dollar ($1.00), payable in advance on the first day of each lease year.

4. Use of Premises.

The Leased Premises may be used by Lessee solely for any allowed business use associated with their current tenant, Gritty McDuff's Brew Pub. The Leased Premises shall not be sublet in whole or in part nor shall this Lease be assigned or transferred, without the prior express written consent of Lessor.

5. Maintenance and Care.

Lessee accepts the Leased Premises in "as-is" condition as of the commencement date of this Lease. No modifications to the Leased Premises by Lessee or its tenant shall be permitted without the express written permission of Lessor. Lessee shall, at its sole cost and expense, maintain the Leased Premises in good order, condition, and repair, including but not limited to, all necessary landscaping, mowing, snow removal, and trash removal. Lessee shall not commit or allow any waste on the Leased Premises. All property belonging to Lessee, its tenant, or either party's employees, agents, or invitees shall be present on the Lease Premises at their own risk and that of such other persons only, and Lessor shall not be liable to damage thereto or theft or misappropriation thereof.

6. Insurance.

Lessee shall maintain comprehensive general liability insurance in an amount not less than $1,000,000 per occurrence and $2,000,000 aggregate, naming the City of Auburn as an additional insured. Proof of such insurance shall be provided to Lessor upon request.

7. Termination.

Lessor reserves the right to terminate this Lease upon ninety (90) days' written notice to Lessee if it determines for any reason in its sole discretion that the Leased Premises are needed for municipal use. In addition, if Lessee fails to comply with any of the terms and conditions of this Lease, Lessor shall notify Lessee of such default.

Lessee shall have thirty (30) days from receipt of such notice to cure the default. Should Lessee fail to cure the default, Lessor shall have the right to immediately terminate this Lease. Upon any termination of the Lease, Lessee shall vacate the Leased Premises and remove all personal property therefrom at its own expense, and is responsible for ensuring that at the end of the Lease term, the Leased Premises are in the same condition as they were prior to the commencement of the Lease, reasonable wear and tear excepted. Any property required to be removed by Lessor shall become the sole and personal property of Lessor, and Lessor may dispose of it at its discretion. Lessee shall promptly pay Lessor for all costs incurred in any such removal and/or disposal.

8. Compliance with Laws.

Lessee shall comply with, and shall be responsible for its tenant's compliance with, all local, state, and federal laws, ordinances, regulations, and requirements now in force or which may hereafter be in force pertaining to the use of the Leased Premises. Lessee and its tenant shall secure, at its sole cost and expense, all licenses and/or permits necessary for it to conduct any activities on the Leased Premises.

9. Indemnification.

Lessee shall assume all risks incident to the use of the Leased Premises by Lessee and its tenant, and shall indemnify and hold harmless Lessor from and against any and all claims, demands, actions, or causes of action, losses, liabilities, damages, or expenses arising out of or in connection with Lessee's or its tenant's, or their employees', agents', or invitees' use of the Leased Premises.

10. Notices.

Any notice required or permitted under this Lease shall be in writing and delivered in person or deposited in the United States mail, postage prepaid, addressed as follows:

If to Lessor:
City of Auburn
60 Court Street
Auburn, ME 04210
Attn: Director of Business and Community Development

If to Lessee:
Riverwalk LLC
[Address]
[City, State, ZIP]
Attn: [Name]

Such notices shall be deemed effective upon receipt or refusal of receipt. A party may change their above address at any time by the giving of written notice as provided.

11. Binding Effect; Entire Agreement.

This Lease shall be binding upon the parties hereto, their heirs, successors, and assigns. This Lease contains the entire agreement between the parties and shall not be modified except by a written agreement signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the day and year first above written.

City of Auburn

By: _____

Name: Phillip L. Crowell, Jr

Title: City Manager

Auburn Riverwalk, LLC

By: _____

Name: _____

Title: _____

ORDER 109-09032024

City Council Order

IN CITY COUNCIL

Ordered, that the City Manager Execute a lease with Auburn Riverwalk, LLC for a portion of Auburn Tax Parcel 241-017 to be used for the benefit of their tenant Gritty McDuff's Brew Pub.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 3, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (C) for an economic development matter.

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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 3, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (A) for City Manager's Annual Evaluation..

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.

ORDER 110-09032024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council extend to the City Manager salary and benefit changes to match exempt employees effective July 1, 2024.

BE IT FURTHER ORDERED, that the City Council extend to the City Manager a one year contract extension as specified by his current contract.

Passed 6-0 on 9/3/24 (Gerry absent).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Workshop & Meeting
Agenda
September 16, 2024
Auburn Hall, Council Chambers

5:30 PM Workshop

- Solid Waste Plan Review
- Hunting Restrictions on City Owned Property (Summer St.)

7:00 PM Meeting

Pledge of Allegiance & Roll Call - *Roll call votes will begin with Councilor Gerry*

I. Consent Items – *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Passage of items on the Consent Calendar require majority vote.*

1. ORDER 111-09162024* – Appointing Arthur Wing to the Auburn Housing Authority Board of Commissioners for a term that expires 10/1/2029, as recommended by the Appointment Committee.

2. ORDER 112-09162024* – Appointing Misty Edgecomb to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.

3. ORDER 113-09162024* – Appointing Corey Kinnan to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.

4. ORDER 114-09162024* – Appointing Haley Warden to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.

5. ORDER 115-09162024* – Appointing Elisabeth Collier to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.

6. ORDER 116-09162024* – Appointing Maureen Hopkins to the Planning Board, Associate Member, for the unexpired term ending 1/1/2026, as recommended by the Appointment Committee.

7. ORDER 117-09162024* - Approving the renewal of an Auto Graveyard/Junkyard permit for Randy's Auto, 899 Broad St.

8. ORDER 118-09162024* - Approving the renewal of an Auto Graveyard/Junkyard permit for M&P Auto, Inc., 227 Merrow Rd.

9. ORDER 119-09162024* - Approving the renewal of an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC., 522 Washington St. North.

10. ORDER 120-09162024* - Approving the renewal of an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Hotel Rd.

11. ORDER 121-09162024* - Approving the renewal of an Auto Graveyard/Junkyard permit for Don's No Preference Towing, dba Morris Auto Parts, 940 Washington St. North.

II. Minutes – September 3, 2024 Regular Council Meeting

III. Communications, Presentations and Recognitions

- City Clerk to administer Oath of Office to Student Representative Mubarik Abdulahi
- Proclamation recognizing the 125th anniversary of Veterans of Foreign Wars of the United States and recognizing September 29 as VFW Day
- Revaluation Presentation – Assessor's Office

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

VI. New Business

1. ORDINANCE 18-09162024– Zoning map amendment to convert certain parts of City Assessor's Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district. *First reading. Passage requires majority vote. ROLL CALL VOTE.*

2. ORDER 122-09162024 – Appointing a Voting Delegate and alternative Voting Delegate for the MMA Annual Business Meeting. *Passage requires majority vote.*

3. ORDER 123-09162024 – Creation of the Mayor's Bona Fide Agricultural, Recreational, and Natural Resources Land Use Ad-Hoc Committee. *Passage requires majority vote.*

4. **ORDER 124-09162024** – Amending APPENDIX A (Fees and Charges) to include Fee Reimbursement/Refund Policy as presented at the May 20, 2024 Workshop. *Passage requires majority vote.*

5. **ORDER 125-09162024** – Authorizing reimbursement of a zoning petition fee to Robert Gagnon in accordance with ORDER 124-09162024. *Passage requires majority vote.*

6. **ORDER 126-09162024** - Authorizing Assistant City Manager, Denis D'Auteuil, to serve as the alternate municipal official member on the Androscoggin County Budget Committee, representing County Commission District 5 for budget years 2024/2025. *Passage requires majority vote.*

VII. Reports

a. Mayor's Report
b. City Councilors' Reports
c. Student Representative Report
d. City Manager Report

VIII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

IX. Executive Session

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 16, 2024

Author: Amanda Denning, Purchasing Analyst

Subject: Solid Waste and Recycling Report Review

Information: Subcommittee members of the Sustainability and Natural Resource Management Board presented a Solid Waste and Recycling report to City Council on August 19th, 2024 to be reviewed during subsequent workshop. This plan includes recommendations for the City's Request for Proposal that will be issued for potential contract services for Solid Waste and Recycling.

City Budgetary Impacts: Unknown

Staff Recommended Action: Discussion

Previous Meetings and History: City Council Order 14-01162024, Public Hearing 6/27/2024, 15+ subcommittee meetings between March and August of 2024, City Council meeting 8/19/2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Solid Waste & Recycling Report, Solid Waste & Recycling Collection and Disposal Contract Draft RFP

August 28, 2024

Dear Bidder:

The City of Auburn is accepting written proposals from qualified Bidders for the Auburn **Solid Waste and Recycling Collection and Disposal Contract**. This includes furnishing all labor, equipment and materials required to satisfactorily collect and dispose all solid waste, recycling, and all other incidental work necessary. The City reserves the right to accept or reject any or all proposals in whole or in part and to waive any informality the City may determine necessary. The City also reserves itself the exclusive right to accept any proposals when it is deemed by the City to be in its best interest. The City of Auburn is governed by Title 1 M.R.S.A. § 401-410, otherwise known as the Freedom of Information Act, which considers bid specifications as public documents. In awarding any proposal, the City may consider, but not be limited to, any of the following factors: Bidder qualifications, price, experience, financial standing with the City, warranties, references, bonding, delivery date, and service of Bidder. Vendors/Contractors shall be current on all amounts due to the City of Auburn prior to the City entering into any contract agreement. All proposals must include FOB to Auburn, Maine unless otherwise specified.

Proposals will not receive consideration unless submitted in accordance with the following instructions to bidders. Please mark **sealed** envelopes plainly: "**BID# 2025-008 Solid Waste and Recycling Collection and Disposal"**

Please respond to Amanda Denning, Purchasing Analyst, via email adenning@auburnmaine.gov with your intent to submit a proposal. Site visits can be scheduled as needed through this same email.

Questions regarding this Request for Proposals should be submitted in writing to Amanda Denning, Purchasing Analyst, at adenning@auburnmaine.gov , via email by **4:00PM, ____ 2024**. All questions and answers will be posted to the City website in the form of an addendum by **4:00PM**, **____ 2024**. https://www.auburnmaine.gov/Pages/Government/Bid-Notices

Please submit your proposal to the City of Auburn by **2:00 p.m. _____ 2024.** Proposals will be opened at 2:00 p.m. Proposals must be delivered to **Amanda Denning, Purchasing Analyst, 60 Court Street, Auburn, ME 04210** on or before the date and time appointed. No proposals will be accepted after the time and date listed above.

Sincerely,

Amanda Denning
Purchasing Analyst

CONDITIONS AND INSTRUCTIONS TO BIDDERS

1. Bidders shall use the enclosed bid form and schedule of values forms for quotations. Whenever, in bid forms, an article is defined by using a trade name or catalog number, the term **"or approved equal"**, if not inserted, shall be implied.

2. Submit a separate unit price for each item unless otherwise specified in the bid request. Award will be made on a basis of each item, or as a group, whichever is in the best interest of the City. Prices stated are to be "delivered to destination".

3. Bid proposals must be completed in full, in ink, and must be signed by firm official. Bid proposal **must be notarized** prior to bid being sealed and will be disqualified if not notarized. Bids may be withdrawn prior to the time set for the official opening.

4. Bids will be opened publicly. Bidders or representatives may be present at bid opening.

5. Awards will be made to the lowest responsible bidder, considering the quality of the materials, date of delivery, cost which meets specification and is in the best interest of the City of Auburn.

6. All transportation charges, including expense for freight, transfer express, mail, etc. shall be prepaid and be at the expense of the vendor unless otherwise specified in the bid.

7. The terms and cash discounts shall be specified. Time, in connection with discount offered, will be computed from date of delivery at destination after final inspection and acceptance or from date of correct invoice, whichever is later.

8. The City is exempt from payment of Federal Excise Taxes on the articles not for resale, Federal Transportation Tax on all shipments and Maine Sales Tax and Use Taxes. Please quote less these taxes. Upon application, exemption certificate will be furnished with the Purchase Order when required.

9. Time of delivery shall be stated. If time is of the essence, the earliest date may be a factor in the bid award.

10. No contract may be assigned without the written consent of the Finance Director or her designate. The contract shall not be considered valid until a purchase order has been issued to the successful bidder.

11. Please state **"Bid #2025-008 Solid Waste and Recycling Collection and Disposal"** on submitted sealed envelope.

12. The City of Auburn reserves the right to waive any formality and technicality in bids whichever is deemed best for the interest of the City of Auburn

13. Bidder will clearly outline all options that are included in the bid price.

GENERAL CONDITIONS

1. Equal Employment Opportunity

The City of Auburn is an Equal Opportunity Employer and shall not discriminate against an applicant for employment, and employee or a citizen because of race, color, sex, marital status, physical and/or mental handicap, religion, age, ancestry or natural origin, unless based upon a bona-fide occupation qualification. Vendors and contractor or their agents doing business with the City shall not violate the above clause or the Civil Rights Acts of 1964. Violations by vendors shall be reviewed on a case-by-case basis and may mean an automatic breach of contract or service to the City of Auburn.

2. Save Harmless

The Bidder agrees to protect and save harmless the owner from all costs, expenses or damages that may arise out of alleged infringement of patents of materials used.

3. Subcontracting

The Bidder shall not subcontract any part of the work or materials or assign any monies due it without first obtaining the written consent of the municipality. Neither party shall assign or transfer its interest in the contract without the written consent of the other party.

4. Warranty

The Bidder warrants that all work will be of good quality and free from faults and defects, and in conformance with the specifications. All work not so conforming to these standards may be considered defective. The Bidder agrees to be responsible for the acts and omissions of all its employees and all subcontractors, their agents and employees, and all other persons performing any of the work under a contract with the Bidder.

5. Bonds, Retainage and Payments

Payment and performance bonds will be required from the contractor who is awarded this contract. Retainage in the amount of 10% will be held from each progress payment and shall be released at the discretion of the Project Manager. Payments shall be made by the City to the Contractor 30 days after receipt of the request for payment.

Scope of Work

a. Introduction

The population of Auburn is approximately 24,000 and there are approximately 11,000 dwelling units. The total number of solid waste and recycling collection stops is approximately 6,300. The annual weight of solid waste collected is approximately 8,500 short tons. The annual weight of curbside recyclables collected is approximately 365 short tons, while the annual weight of recyclables collected from a single drop off site is approximately 195 short tons.

The City encourages proposing vendors to submit their best proposal possible. The City proposes multiple scenarios. The City may consider a single-stream approach, dual-stream approach, and/or an "alternate" proposal scenario, if collection design and price implications prove to be financially and environmentally advantageous.

b. Existing Service

The City currently provides weekly manual solid waste curbside collection and every other week single-stream recycling curbside collection throughout the City to all eligible residential units and municipal properties. Recyclable materials include fiber products and plastics. A drop off recycling station is open to residents on Gracelawn Rd by Auburn Public Works.

c. Intended Service

1) It is the intent of these Bid Specifications to require the complete and satisfactory curbside collection and disposal of Auburn's solid waste and recycling generated at Residential Properties, Multiple Unit Apartment Buildings and from Auburn's Publicly Owned Buildings.

2) The City is seeking a qualified Contractor to provide the following services for curbside collection of solid waste and recycling with the following specifications:

    a) Solid waste and recycling will be collected on a regular schedule, Monday through Friday, in the areas designated in the attached route documents, unless otherwise agreed upon mutually between City and Contractor.

    b) Solid waste will be collected on a weekly basis; recycling will be collected on a weekly or bimonthly basis.

    c) Curbside collection of solid waste and recycling will be provided for single family homes and owner-occupied apartment buildings, up to four units.

    d) No commercial solid waste or recycling is to be collected.

    e) The Contractor shall dispose of all solid waste at Maine Waste to Energy, Goldthwaite Road, Auburn, ME.

    f) The Contractor shall have the ability to add personnel and equipment as needed during periods of inclement weather conditions (severe storm events or snow fall, etc.). The Contractor shall remove all solid waste and recyclable materials that is placed at curbside each week and is covered by these Bid Specifications.

g) Any alternative proposal regarding solid waste and recycling collection and disposal deemed beneficial by the City.

d. Service Exceptions

Solid waste and recyclable materials are collected on all regular business days throughout the year except on the following holidays: New Year's Day, Independence Day, Thanksgiving Day, and Christmas Day. If Christmas occurs on a weekday, solid waste will be collected on the following Saturday.

e. Contractor Responsibilities

1) Each Bidder is required to become completely familiar with all the physical characteristics of Auburn, which includes the facilities for solid waste disposal (MWE) and recyclable materials processing

2) It shall be the responsibility of the Contractor to learn and adhere to the City's policies and ordinances as they relate to solid waste collection and disposal, unless specified otherwise in these Bid Specifications

3) The Contractor shall be responsible for all containers damaged through mishandling during solid waste and recycling collection operations. The Contractor shall replace any container damaged in this fashion with a similar container. The Contractor shall ensure that no solid waste or recycling remains or falls on the ground or in the traveled way after solid waste and recycling collection is completed.

4) All equipment, materials, and labor required to complete the collection of solid waste and recycling shall be supplied by the Contractor. The Contractor agrees to operate the packing unit of the collection body as needed to prevent any solid waste or recycling from being deposited or blown from the collection hopper into the travel-way. All collection trucks provided by the Contractor shall have packer type bodies designed to prevent spillage. The Contractor shall comply with all Federal and State Laws and Regulations and City Ordinances and Policies relating to the collection, transportation and disposal of solid waste and recycling. The Contractor shall maintain all collection vehicles, including any reserve vehicles, and equipment used in the performance of this contract, in good operating condition and repair, in accord with all pertinent State laws such as inspection and weight limit laws. This also includes being neatly and uniformly painted, properly identified and thoroughly clean and in sanitary condition throughout the term of this Contract. At no time during its term shall the Contractor be unable to comply with any and all of the provisions of the Contract due to the condition of its vehicles or equipment.

5) No scavenging of solid waste/trash or recycling shall be permitted by the Contractor's employees during solid waste and recycling collection procedures.

6) No solid waste collection or recycling vehicle shall be emptied or partially emptied or load transferred in any street within Auburn, unless approved by the City. All solid waste shall be hauled to MWE for disposal. The exception will be in the event of a hot load.

7) If, in the opinion of the Contractor, solid waste or recyclable materials placed curbside should not be collected by the Contractor due to a violation, or exception to the terms of these Bid Specifications, the Contractor shall notify the Resident by attaching a tag to the solid waste or recycling container or door of the residence. The tag shall state the reasons why the solid waste or recycling was not collected. The Contractor shall report this information, as soon as practicable, to the City. Electronic wastes, such as televisions, computers and computer components, are not to be picked up by the Contractor and should be left behind with a tag attached stating that such items are to be brought by the owner to the specified drop site.

8) All solid waste collected pursuant to these Bid Specifications shall be collected by vehicles which are empty and devoid of any solid waste prior to the start of the day's collection route. The Contractor may be required, at the sole discretion of the City, to undergo spot checks of their vehicles and to weigh in at a scale designated by Auburn prior to the start of the day's collection route. The Contractor agrees to establish tare weights for all their solid waste collection vehicles at the commencement of this Contract or as collection vehicles are replaced during the term of this Contract. The Contractor shall collect, haul and dispose only solid waste specified in these Bid Specifications. Co-mingling the City's solid waste with solid waste from other communities or commercial sources will be cause for terminating this Contract and may result in further legal action by the City.

9) Contractor is responsible to inform the Public, by a means acceptable to the City, of the holiday solid waste and recycling collection schedule.

10) Contractor is responsible for providing support for accurate, verifiable data collection to the City regarding all aspects of solid waste and recycling management in the forms of monthly and annual reports.

11) Collection Services

Auburn City and School Buildings shall receive the following weekly collections services:

Location	Address	Trash	Recycling	Notes
City Buildings:				
Public Works	296 Gracelawn Rd	1	1	
Auburn Hall	60 Court St	2	2	
Recreation Department	48 Pettengill Park Rd	1	1	
Auburn Public Library	49 Spring St	2	1	
Norway Savings Bank Arena	985 Turner St	2	0	
PAL Center	24 Chestnut St	1	0	
Boys & Girls Club	43 Second St	1	1	
Central Fire Station	550 Minot Ave	1	1	
Engine 2 Fire Station	180 South Main St	1	1	recycling is every other week
Engine 5 Fire Station	651 Center St	1	1	recycling is every other week
Resource/Warming Center	121 Mill St	1	1	
School Buildings:				

Edward Little High School	77 Harris St	5	2	
Auburn Middle School	38 Falcon Dr	2	1	
Fairview Elementary School	397 Minot Ave	2	1	
Park Avenue School	161 Park Ave	1	1	
East Auburn School	15 Andrew Dr	1	1	
Walton School	92 Mary Carroll St	1	1	
Sherwood Heights School	32 Sherwood Dr	2	1	
Washburn School	35 Lake Auburn Ave	1	1	
Franklin School	23 High St	1	0	
Bus Garage	33 Industry Ave	1	1	

12) Contract Term

a) Upon entering a service contract, the Contractor shall begin solid waste collection service on January 1, 2025The Contractor's Representative, or their duly authorized designee, shall be on-call and reachable without delay, Monday through Friday, 7:00 a.m. through 5:00 p.m.

b) Unless terminated for breach of contract, the proposed Contract will extend for 5 years, renewable thereafter upon mutual consent.

c) This Contract may not be assigned, sublet, or transferred without the written consent of the City.

d) Renewal of Contract

If the City elects to extend the Contract at the end of the fifth year, the City shall notify the Contractor thirty (30) days prior to the anniversary date. The Contractor will be allowed to adjust the rates of service for the sixth and seventh year to reflect the percentage increase in the U.S. City Average Consumer Price Index for all Urban Consumers (CPI - U) as published in the U.S. Department of Labor, Bureau of Labor Statistics.

13) Complaint Resolution

a) The Contractor will provide prompt responses to all customer concerns regarding the safe collection of solid waste. The Contractor will document all complaints, names, addresses, contact information, and remedies.

b) The Contractor shall forward weekly to the Public Works a list of customer complaints which were received during the solid waste collection activities. All complaints received by the Contractor shall be investigated and resolved by the Contractor's Representative within 24 hours or the next business day. The Contractor shall agree that whenever the City notifies them, in writing, that the level of service the City is receiving is unsatisfactory, unresponsive to complaints concerning the level of performance of collection and pick-up services, or the Contractor is unable to deal with members of the public in a tactful and satisfactory manner, the Contractor's Representative shall investigate and resolve the complaint in a method satisfactory to the City.

14) Contract Administration

a) The City shall administer the provisions of these Bid Specifications. The collection schedule, the method of collection, and the disposal of solid waste must all be in a manner satisfactory to the City. Decisions of the City will be final and a condition precedent to the right of the Contractor to receive payment under their respective Contract.

b) The City reserves the right to add or delete portions of the work required under these Bid Specifications.

c) The City reserves the right to renegotiate acceptable, included recyclable materials for collection and disposal.

d) The City reserves the right to add an additional drop off site for recycling if deemed necessary; this site will be included in weekly City Building collection schedule.

15) Funding

This project is being funded entirely by the City. No federal or State funds are proposed to be used in performance of the work described in these Bid Specifications.

16) Special Conditions for Transport to MMWAC

a) Solid waste collected under the terms of these Bid Specifications shall be hauled to MMWAC's during the facility's normal operating hours or if necessary, an alternative location in the event of a close-down or shut-down of MMWAC. Should this occur, the City and Contractor shall negotiate market rates for added transportation.

b) As per City Ordinance, miscellaneous quantities of leaf and yard wastes are permitted as a portion of the waste stream. Additionally, during the fall leaf drop season bagged leaves will be collected along with other regular household wastes. During this several week period approximately 200 tons of leaves can be anticipated. No additional compensation to the Contractor will be provided.

17) The Contractor is responsible for providing the appropriate training and personal protective equipment necessary to protect the health and safety of its own employees.

Contractor Qualifications

a. The bidding Contractor shall complete the attached Bidder's Questionnaire (Section 9) and include this information with their submitted proposal. The completed questionnaire provides the City with information to demonstrate the bidding Contractor has the required experience and meets the qualifications required to satisfactorily complete the service contemplated in these Bid Specifications. Completion and submittal of the Bidder's Questionnaire is required to be submitted with the Contractor's proposal.

b. The only Bidders who will be considered will be those who have clearly demonstrated their financial and operational capacity to fully execute this proposal.

c. Inventory of Equipment

The Contractor shall make all vehicles and equipment listed in the attached Bidder's Questionnaire available for inspection and approval by the City prior to the implementation of this Contract. The Contractor shall present any and all collection vehicles, and other equipment used in the collection and transport of solid waste under this Contract, for inspection and approval by the City at such times and places as they may reasonably request. The City reserves the right to accept any and all equipment and vehicles proposed by the Contractor for the performance of work described in these Bid Specifications. The Contractor shall file updates to this list provided in the Bidder's Questionnaire so that the City has at all times an accurate list of all vehicles and equipment currently being used by the Contractor in the performance of this Contract. The Contractor shall notify the City prior to the addition of another vehicle or the substitution of any vehicle. New or substitute vehicles may, at the option of the City, be inspected and approved prior to being used by the Contractor for performance of an awarded contract.

Bonding

a. Proposals will only be considered if accompanied by separate bid securities in the form of a bond or certified check in the amount of five percent (5%) of the total Bid price, made out in favor of the City of Auburn. All bid securities will be released upon deliverance of a signed Contract or, if no Contract award is made, within forty-five (45) days after the opening of the proposals, unless forfeited as a result of a failure to execute the contract or to provide the required performance bond.

b. To guarantee against breach of contract or default, the successful Bidder shall be required to secure a performance bond held and firmly bound onto the City of Auburn, 60 Court Street, Auburn, Maine 04210. Performance Bonds shall be required of the successful Bidder in a form acceptable to the City, executed by a surety company duly authorized to do business in the State of Maine, in the amount of one hundred (100%) percent of the total sum for the first year (twelve calendar months) and of the Contract as security for the faithful performance of this Contract.

Insurance and Liability

a. The Contractor shall implement and maintain a workplace safety program in concurrence with the occupational health and safety standards germane to manual solid waste collection services. The Contractor shall indemnify and hold harmless the City for any injuries or accidents sustained while Contractor performs work or activities contained in these Bid Specifications.

b. The Contractor shall procure and maintain for the life of this Contract insurance of the types and to the limits specified below. Certificates of such insurance showing policies and adequacy of protection shall be filed with the City for approval before permission to commence work will be granted.

c. Insurance Requirements

    1) Workers' Compensation Insurance for all individuals employed at the site of the project; and, in case any work is sublet, the Contractor shall require the sub-Contractor similarly to provide coverage its employees in accordance with State of Maine laws in effect and the requirements of the Industrial Accident Commission.

2) General Liability Insurance with minimum limits of liability for bodily injury in the amount of $500,000 combined single unit and minimum limits of liability for property damage in the amount of $100,000 combined single limit. General liability coverage shall include Owners' or Contractors' Protective, Product and Completed Operations, Comprehensive, Explosion (X), Collapse (C), and Underground (U) coverage.

3) Automotive Liability Insurance with minimum limits of liability for bodily injury in the amount of $500,000 for each occurrence and minimum limits of liability for property damages in the amount of $100,000. Automobile liability coverage shall include owned, hired, and non-owned vehicles.

Miscellaneous

a. Each Bidder shall make his/her own examinations and estimates and shall not hold the City, its agents, or employees responsible for, or bound by, any schedule, estimate, or any plan thereof; and shall, if any error in any plan, drawing specifications or direction relating to anything to be done under this Contract comes to his/her knowledge, report it at once, in writing, to the Director of Public Works. The cost and expense of all the necessary labor, tools and equipment required to complete the work shall be included in the prices stated in the proposal.

b. The Bid Solicitation, Bid Sheets, and Contractor Proposals shall become part of the entire contract between the parties.

c. Payments

The City shall make monthly payments for the faithful performance of the contract unless a breach of contract occurs, the contract is terminated, the Contractor fails to perform, etc.

d. Fuel

If permitted by Maine Revenue, the City may have the successful Contractor fuel equipment used for the purpose of Auburn's solid waste collection at the Auburn Public Works facility. Under this scenario, bids must be submitted with prices both inclusive and exclusive of fuel costs and anticipated annual gallonage. Under this latter scenario, Contractor shall provide the City with monthly mileage and fuel consumption data. The City will independently track gallonage from pump information.

e. Safety

1) Solid waste placed curbside for collection may contain materials which could cause injury or illness to the Contractor's staff if mishandled, such as corrosive solid waste, toxic solid waste, solid waste which could transmit disease, and other non-hazardous solid waste. The Contractor is responsible for becoming familiar with any and all occupational hazards associated with the solid waste collection service.

2) The Contractor is required to conform to all work safety requirements specified in the pertinent Federal Occupational Safety and Health Administration (OSHA) laws and regulations, the Maine State Department of Labor Regulations and the City's Safety Policies and Ordinances, which apply to the performance of the duties described in these Bid Specifications and shall require any Subcontractors to abide accordingly. Any violation of these rules either by the Contractor or their Subcontractor shall be the sole responsibility of the Contractor.

f. Dispute Resolution Costs and Expenses

In the event of any dispute between or involving the City and Contractor, whether resolved by arbitration, litigation or some other mechanism of dispute resolution, in the event that the City shall be a prevailing party, Contractor shall reimburse the City for its attorney's fees and costs reasonably incurred in connection with the resolution of the dispute.

g. Duty to Notify City if Ambiguities Discovered

The Contractor shall not take advantage of any ambiguity, error, omission, conflict, or discrepancy ("ambiguity, etc.") contained in the Bid Specifications that may significantly affect the cost, quality, conformity, or timeliness of the work. If the Contractor discovers any such ambiguity, etc., for which the Contractor may seek adjustments to compensation, time, or other contract requirements, the Contractor shall provide a written notice stating the nature of the ambiguity, etc. within 48 hours of discovering or being notified of the ambiguity and before performing any work related to the ambiguity, etc. Failure to provide such written notice in compliance with the contract shall constitute a waiver of all claims related to the ambiguity, etc.

Definitions

a. Auburn: Whenever the term Auburn, or a pronoun in its stead, is used, it shall mean the City of Auburn, Maine, a municipality organized and regulated by the laws of the State of Maine.

b. Bidder: Companies that submit written proposals in accord with these specifications.

c. CL Miles: Center lane miles.

d. Contractor: The successful Bidder chosen by the City.

e. Director of Public Works or Director: Whenever the term Director of Public Works, Director, or a pronoun in their stead, is used, it shall mean the Director of Public Works of the City of Auburn, as applicable or his/her assistant or inspectors acting under him and limited to the particular duties entrusted to them.

f. Electronic Waste: The term used to describe old, end-of-life or discarded appliances using electricity.

g. MWE: Whenever the term MWE, or a pronoun in its stead, is used, it shall mean Maine Waste to Energy, a Maine non-capital stock, non-profit, quasi-municipal Corporation, located at 1 Goldthwaite Road, Auburn, Maine.

h. Multiple Unit Apartment Building: Whenever the term Multiple Unit Apartment Building, or a pronoun in its stead, is used for such properties located in Auburn, it shall mean an apartment building of four or more dwelling units.

i. Qualified Bidder: An organization or individual who, in the sole opinion of the City, meets the expectations of the bid including, but not limited to, the following: Bidder qualifications, price, experience, financial record, solvency, financial standing with the City, licenses, warranties, references, insurance bonding, delivery date, and service of Bidder.

j. Residential Property: Whenever the term Residential Property, or a pronoun in its stead, is used, it shall mean any property, (1) located within Auburn, upon which is situated a building(s), (2) a residential structure containing between one and three dwelling units, a

condominium, and/or owner-occupied apartment buildings containing between four and seven dwelling units.

k. Short Ton: Whenever the term Short Ton, or a pronoun in its stead, is used, it shall mean two-thousand (2,000) pounds.

l. Solid Waste : Whenever the term Solid waste , or a pronoun in its stead, is used, it shall include the following:

   1) Solid waste includes worthless, unimportant, rejected matter; litter, leaf, and yard waste; and any other residential household waste material so designated by the City, and shall include any description of solid waste as established by the State of Maine's Solid Waste Regulations (MEDEP Reg. Ch. 400).

   2) Solid waste does not include electronic waste, universal waste, and may or may not include cardboard (see section 9f).

m. Universal Waste: Any waste listed in section 3.A(13)(b) of Chapter 850, the Maine Hazardous Waste Management Rules, including but not limited to cathode ray tubes; mercury-containing lamps; mercury-containing thermostats; and totally enclosed, non-leaking polychlorinated biphenyl (PCB) ballasts.

Bidding Instruction/Process

a. Read Bid Specifications.

b. Submit letter of intent and include contact person information.

c. Submit any proposal questions in writing to Contact 2 listed in section 8, until five days prior to the due date.

d. Provide proof of bonding.

e. Submit proposals prior to bid date.

f. City will conduct a public bid opening, proceed with evaluating all proposals, and then make a contractual award to the successful Bidder in accord with these specifications.

8. Bidder's Questionnaire

Bidders are to submit under a separate cover, on their own letterhead, the answers to the following questions outlined in sections a-f below:

a. The Contractor's Organization

   Briefly describe the organizational structure of your firm and that of any proposed Subcontractors. The description will include the name and address of the owner, all principals and/or partners, and also include a certified copy of the firm's certificate to do business in the State of Maine.

   Provide a brief history of the Contractor's experience providing solid waste collection services.

State whether there are, or have been, any claims or litigation occurring within the past five years, pending against your firm. If so, state the nature of the claim, the parties involved, and the status of these claims.

b. Equipment

Identify the equipment you propose to utilize in the execution of this proposal. List all vehicles, specifying size, year, make, and model. The number of the vehicles to be used shall be specified, as well as the availability of stand-by equipment. Any auxiliary equipment which will be used in the collection of solid waste shall be specified as to type, year, and model. All leased equipment shall be separately listed and the time remaining on each leased machine shall be shown as well as options of renewal. The vehicles listed must be available for inspection, by the City, or its designee, prior to the award and implementation of a Contract. This statement must also indicate the specific location the vehicles will be parked at night.

c. Managers

Identify the key individual who will serve as the Contractor's Representative for this assignment and chief point of contact for all matters. Please provide a copy of the resume of the proposed Contractor's Representative and other key management staff that will be responsible for implementing this contract.

d. Complaint Resolution

Submit a copy of the proposed complaint resolution policy and procedures to be utilized by your firm in the event a resident is dissatisfied with your firm's service. In addition, attach a sample form that will be sent to City on a weekly basis detailing complaints received, disposition, and remedy.

e. References

List the names, addresses and telephone numbers of representatives of the current five largest municipal clients (not Auburn), located in Maine, the current contracted price for the municipality, the number of tons of solid waste collected, and the number of households serviced in each municipality that are receiving solid waste collection from your firm. Discuss your firm's experience with programs similar in nature/scope to the solid waste collection services described in these Bid Specifications. Describe your firm's current projects and explain how these projects will affect the service you will provide Auburn, in terms of workload and scheduling.

f. Cardboard Suggestions

Write a suggestion for how your organization would handle the disposal of loose cardboard. Include a working definition of the term "loose cardboard," specifications of what will and will not be picked up, alternatives to Contractor pick-up, and reasons for the above.

BID PROPOSAL FORM

Due: Thursday

To: City of Auburn
Amanda Denning
Purchasing Analyst
60 Court Street
Auburn, ME 04210

The undersigned individual/firm/business guarantees this price for thirty days (30) from the proposal due date. The undersigned submits this proposal without collusion with any other person, individual, or firm or agency. The undersigned ensures the authority to act on behalf of the corporation, partnership or individual they represent; and has read and agreed to all of the terms, requests, or conditions written herein by the City of Auburn, Maine.

By signing this form, the firm listed below hereby affirms that its bid meets the minimum specifications and standards as listed above.

Signature _____ Company _____

Name (print) _____ Title _____

Phone Number _____

Address _____

Email Address _____

STATE OF MAINE

_____, SS. Date: _____

Personally, appeared _____ and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity and the free act and deed of said company.

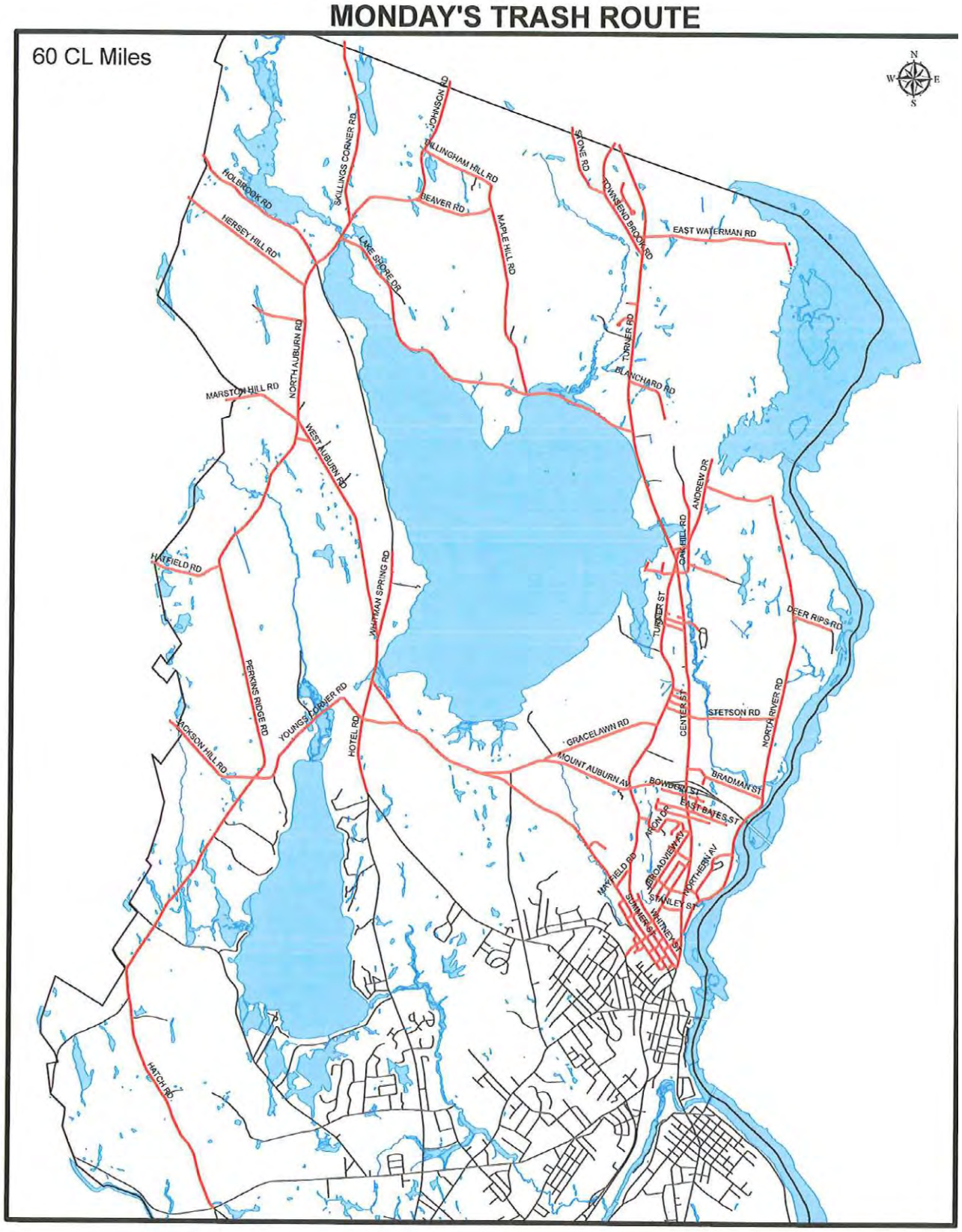
_____
Notary Public

_____
Print Name

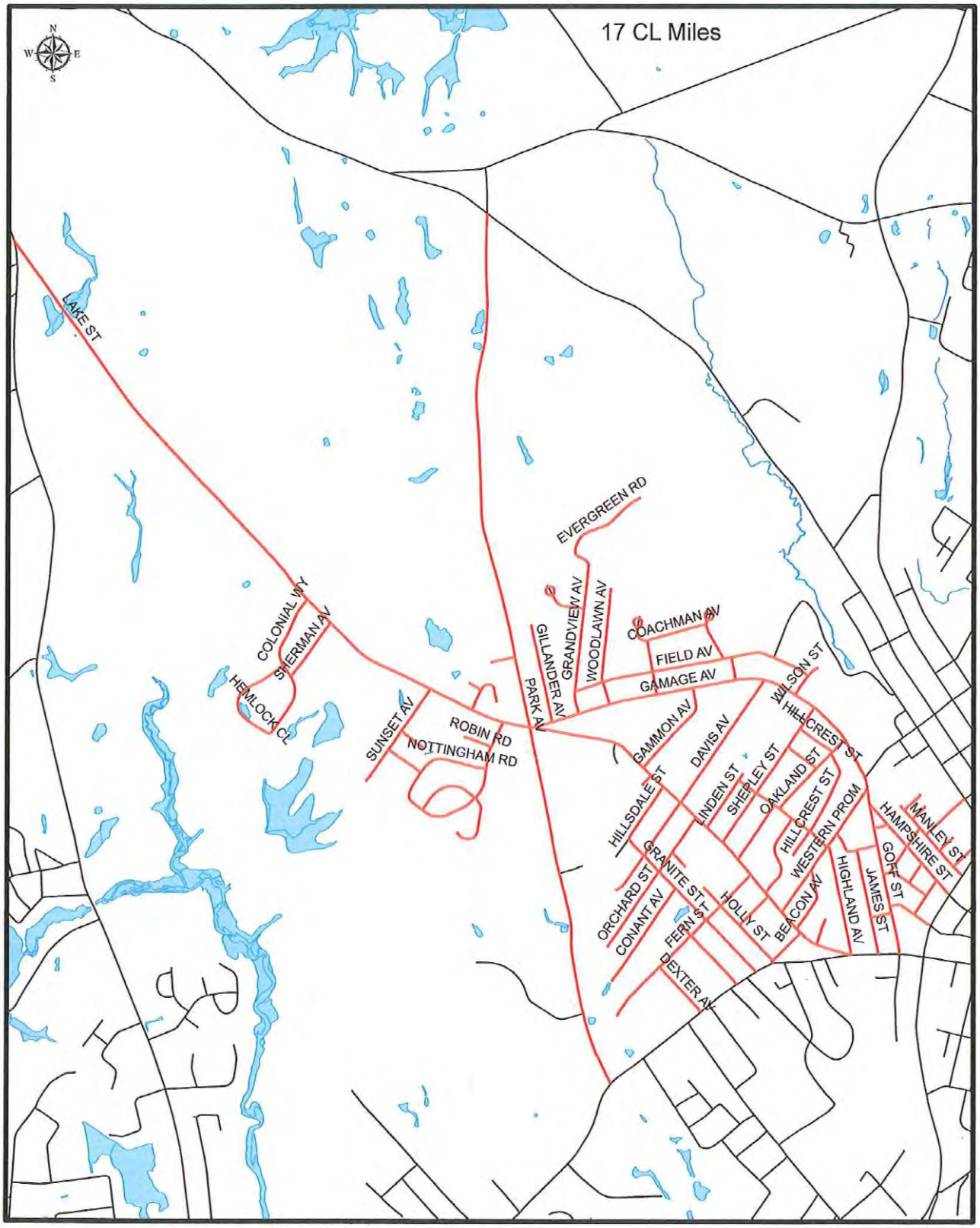
Commission Expires _____

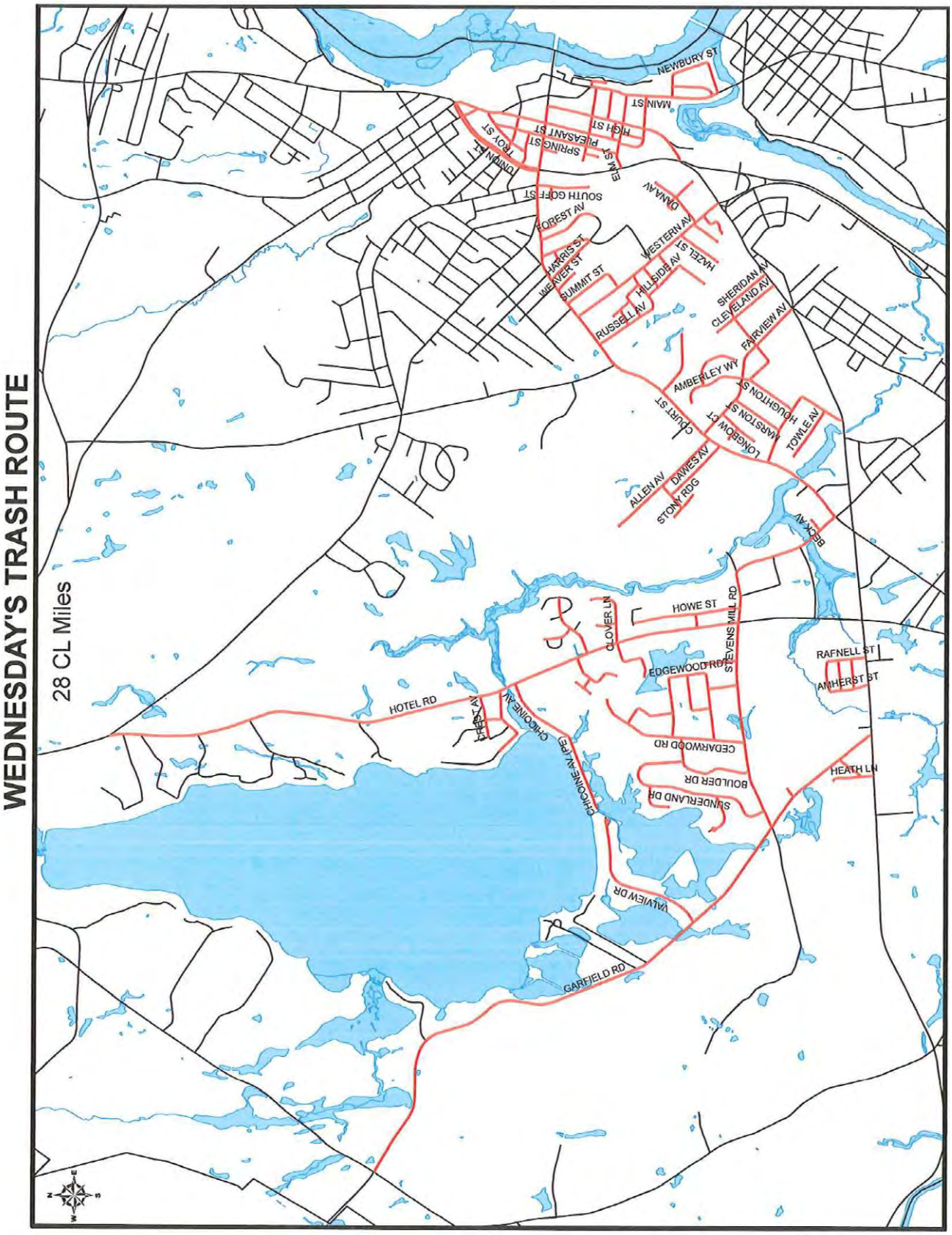
Addendum Acknowledged:
#_____ Date: _____ Initials: _____
#_____ Date: _____ Initials: _____

Suggested Collection Routes

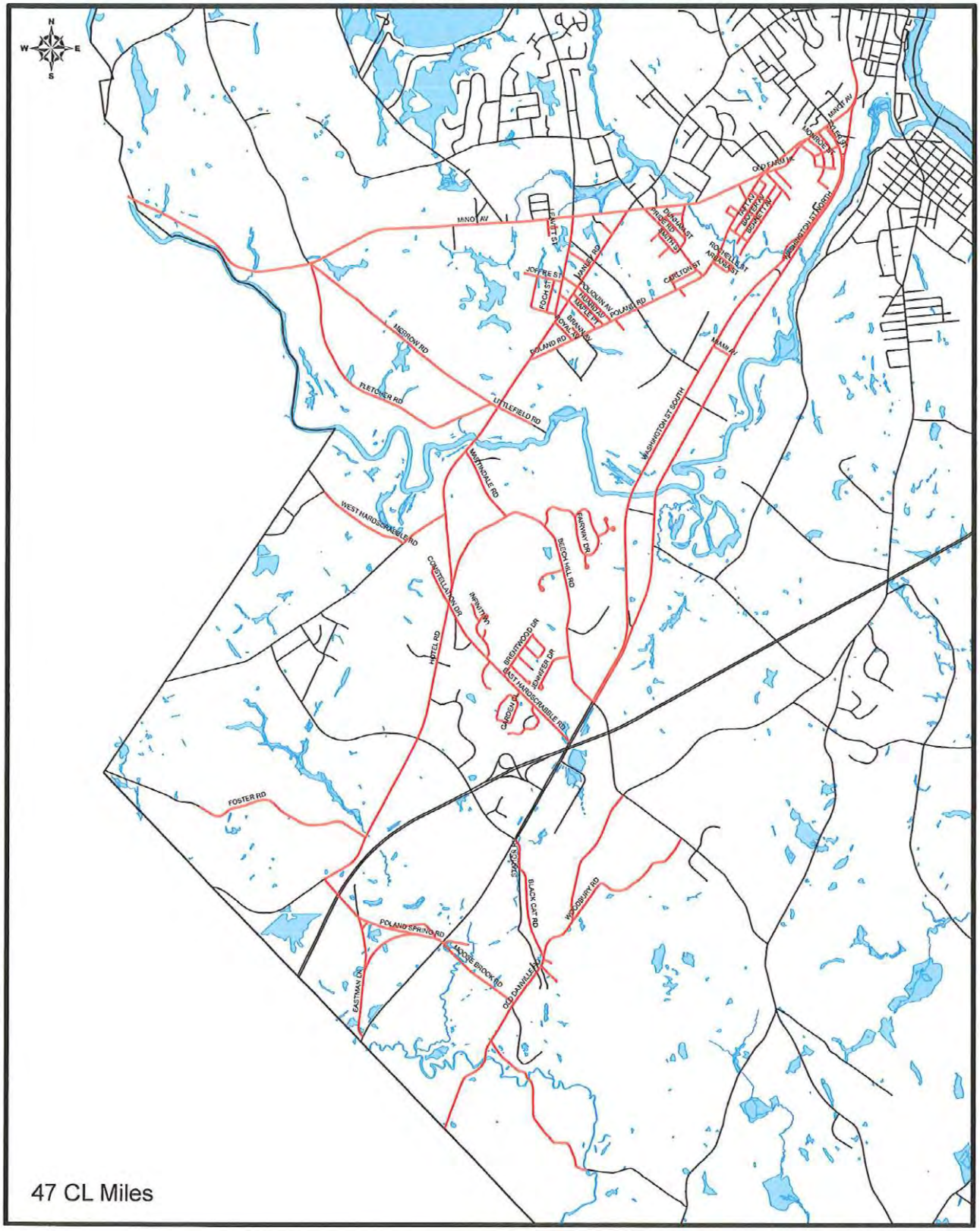


TUESDAY'S TRASH ROUTE

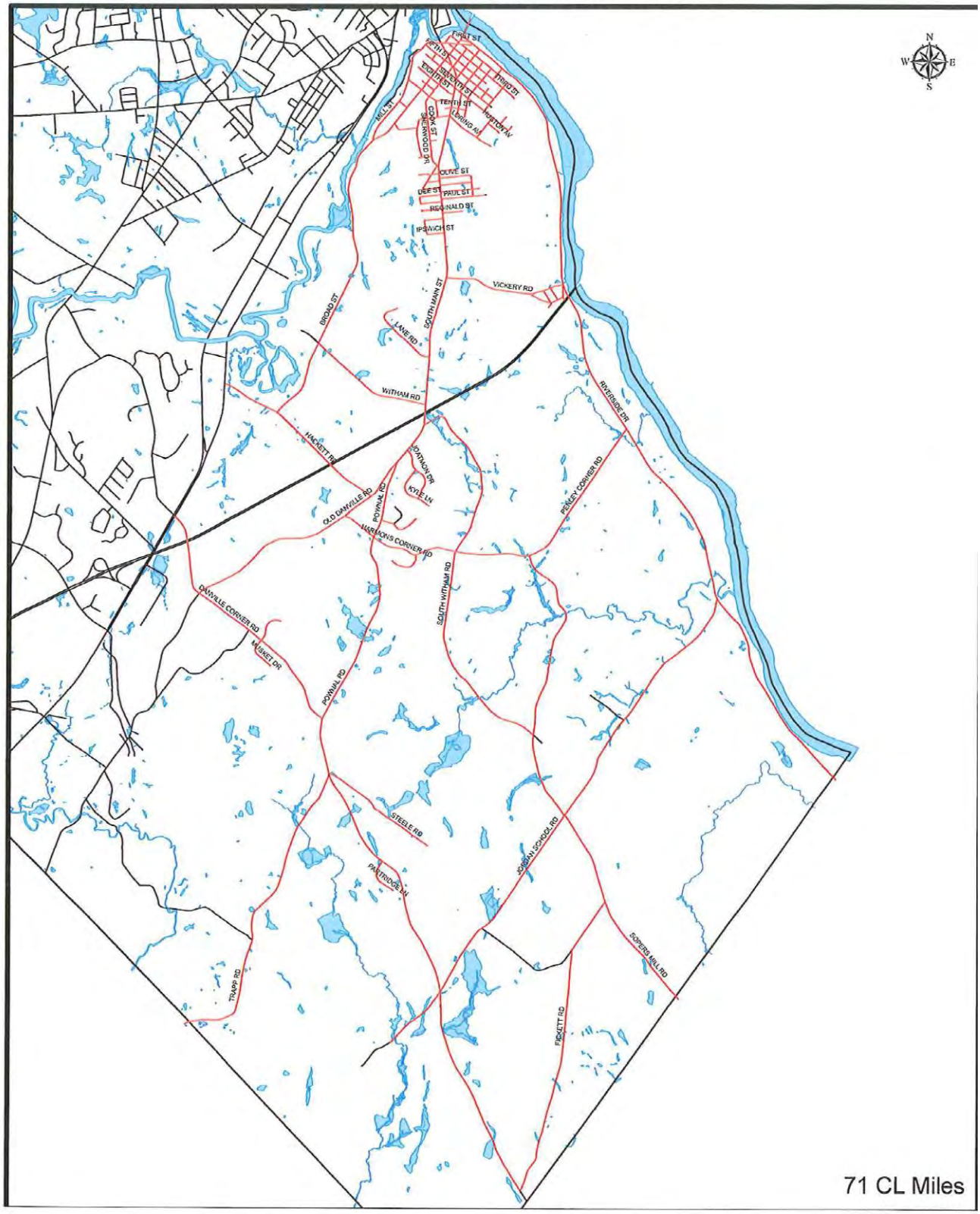



WEDNESDAY'S TRASH ROUTE
28 CL Miles
NEWBURY ST
MAIN ST
HIGH ST
PLEASANT ST
SPRING ST
TROY ST
UNION PL
ELM ST
SOUTH GOFF ST
FOREST AV
DIANA AV
WESTERN AV
HAZEL ST
HILLSIDE AV
HARRIS ST
WEAVER ST
SUMMIT ST
RUSSELL AV
SHERIDAN AV
CLEVELAND AV
FAIRVIEW AV
AMBERLEY WY
CLUETT ST
LONGBOW CT
MARSTON ST
HOUGHTON ST
TOWLE AV
ALLEN AV
DAWES AV
STONY RDG
BECK AV
HOWE ST
CLOVER LN
STEVENS MILL RD
EDGEWOOD RD
RAFNELL ST
AMHERST ST
HOTEL RD
FIRST AV
CHICONEE AV
CEDARWOOD RD
BOULDER DR
SUNDERLAND DR
HEATH LN
VALVIEW DR
GARFIELD RD

THURSDAY'S TRASH ROUTE



FRIDAY'S TRASH ROUTE



PRICE PROPOSAL FORM **Company: _____**

Item #1 **Solid Waste Collection** City Wide Curbside	**Year 1** **1/1/25 – 6/30/25**	**Year 2** **7/1/25-6/30/26**	**Year 3** **7/1/26-6/30/27**	**Year 4** **7/1/27-6/30/28**	**Year 5** **7/1/28-6/30/29**
Include Fuel					
Exclude Fuel					
Approx. Annual Gallons					
Item #2 **Solid Waste Collection** Auburn City Buildings[1]	**Year 1** **1/1/25 – 6/30/25**	**Year 2** **7/1/25-6/30/26**	**Year 3** **7/1/26-6/30/27**	**Year 4** **7/1/27-6/30/28**	**Year 5** **7/1/28-6/30/29**
Include Fuel					
Exclude Fuel					
Approx. Annual Gallons					
Item #3 **Solid Waste Collection** Auburn School Buildings[2]	**Year 1** **1/1/25 – 6/30/25**	**Year 2** **7/1/25-6/30/26**	**Year 3** **7/1/26-6/30/27**	**Year 4** **7/1/27-6/30/28**	**Year 5** **7/1/28-6/30/29**
Include Fuel					
Exclude Fuel					
Approx. Annual Gallons					
Item #4 **Recycling Collection – Weekly** City Wide Curbside	**Year 1** **1/1/25 – 6/30/25**	**Year 2** **7/1/25-6/30/26**	**Year 3** **7/1/26-6/30/27**	**Year 4** **7/1/27-6/30/28**	**Year 5** **7/1/28-6/30/29**
Include Fuel					
Exclude Fuel					
Approx. Annual Gallons					

[1] This includes all buildings listed under City Buildings in chart on page 7.

[2] This includes all buildings listed under School Buildings in chart on page 7.

Company: _____

Item #5 **Recycling Collection – Weekly** Auburn City Buildings[3]	**Year 1 1/1/25 – 6/30/25**	**Year 2 7/1/25-6/30/26**	**Year 3 7/1/26-6/30/27**	**Year 4 7/1/27-6/30/28**	**Year 5 7/1/28-6/30/29**
Include Fuel					
Exclude Fuel					
Approx. Annual Gallons					
Item #6 **Recycling Collection – Weekly** Auburn School Buildings[4]	**Year 1 1/1/25 – 6/30/25**	**Year 2 7/1/25-6/30/26**	**Year 3 7/1/26-6/30/27**	**Year 4 7/1/27-6/30/28**	**Year 5 7/1/28-6/30/29**
Include Fuel					
Exclude Fuel					
Approx. Annual Gallons					
Item #7 **Alt. Plan from Item #4 **Recycling Collection – Every other week** City Wide Curbside	**Year 1 1/1/25 – 6/30/25**	**Year 2 7/1/25-6/30/26**	**Year 3 7/1/26-6/30/27**	**Year 4 7/1/27-6/30/28**	**Year 5 7/1/28-6/30/29**
Include Fuel					
Exclude Fuel					
Approx. Annual Gallons					

[3] This includes all buildings listed under City Buildings in chart on page 7.
[4] This includes all buildings listed under City Buildings in chart on page 7.

Auburn Solid Waste Task Force
Final Report

August 19, 2024

Taskforce Members

Sharon Benoit - Sustainability Working Group

Jane Costlow – Sustainability Natural Resources Board

Brian Cullen - Sustainability Working Group

Dave Griswold - Sustainability Natural Resources Board

Ralph Harder - Sustainability Working Group/Sustainability Natural Resources Board

Ben Lounsbury - Sustainability Working Group

Camille Parrish - Sustainability Working Group

Minutes of Task Force meetings may be found at
https://www.auburnmaine.gov/pages/government/sustainabilityworkinggroup

The Sustainability and Natural Resources Board endorsed the Taskforce Report unanimously at its July 18, 2024, meeting.

Auburn Solid Waste Taskforce
Final Report – Contents

Executive Summary – pp. 3 - 4

Detailed Report – pp. 5 - 15

Figures – pp. 16 - 18

List of Interviews – p. 19

2024 SOLID WASTE TASK FORCE | EXECUTIVE SUMMARY

Current household solid waste management contracts for the City of Auburn are expiring at the end of this year. The City Council has instructed the Sustainability and Natural Resources Board to evaluate Auburn's solid waste management system, including how household solid waste is collected, processed and disposed of. The findings in this report are intended to support the city in its writing of new solid waste agreements. An important context for these recommendations is the state's soon-to-be-launched EPR (Extended Producer Responsibility) program. In a volatile and rapidly changing market for recyclables, the Maine EPR will provide new revenue to support recycling programs and other solid waste initiatives in participating municipalities. This is an optimal moment for Auburn to re-evaluate its approach to the "recycle-recovery-disposal" sections of the waste hierarchy, pictured above.



1. GENERAL RECOMMENDATIONS

A. **Prepare Auburn households for Maine Extended Producer Responsibility (EPR) Program** [https://www.maine.gov/dep/waste/recycle/epr.html]: By recycling all items on Maine's EPR list of recyclable commodities, Auburn can access new funding to offset collection and processing costs for household solid waste. Reimbursement for these costs through the EPR program will increase with increasing recycling participation rates and tons of material recycled.

B. **Data management:** Provide support for accurate, verifiable data collection on all aspects of Auburn's solid waste management including fixed and variable costs. Report data to key stakeholders in a timely manner.

C. **Staffing:** Assign a qualified individual primary responsibility for setting goals and managing performance improvement of Auburn's solid waste programs using data referenced above (1.B). This individual could also manage other city sustainability programs.

D. Create a robust **public engagement program.** Inform and involve Auburn households in all aspects of the city's solid waste program using data, regular data reports, restructured staffing, revisions to the Auburn solid waste ordinance and Comprehensive Plan.

E. Limit the duration of new **solid waste contract(s)** to allow for improved data collection and analysis (1.B) and evaluation of how EPR (1.A), the public engagement program (1.D) and new trash-collecting technologies will impact future city budgets and sustainability efforts.

2. DOMESTIC TRASH RECOMMENDATIONS

A. Continue current service level for curbside collection of household trash.

B. Use bid (RFP/Request for Proposal) process to analyze feasibility and costs of various solid waste collection and divergence strategies including:
   - Contracted vs city operated curbside collection
   - Incentives for increased food-scrapping (IV. B-F) and recycling such as limiting the size of the trash collection container
   - Controlled access cards for Auburn resident payment, accurate recording and classification of waste stream weights at Auburn and MWE transfer stations
   - City-developed markets for collection and sale of some readily recyclable commodities
C. Increase participation in Product Stewardship programs to divert more waste from household trash. [https://www.maine.gov/dep/waste/productstewardship/index.html]
D. Incentivize and support existing reuse programs for household items.

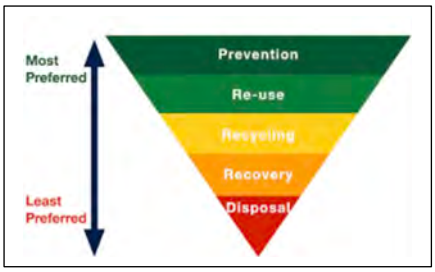
3. RECYCLING RECOMMENDATIONS

A. Institute weekly curbside collection of recyclables.
B. Auburn's recycling program should include recycling of all commodities on the state EPR list.
C. Curbside recycling should include city-provided wheeled, lidded containers.
D. Keep Gracelawn open as a supplemental site, consider adding additional such sites.
E. Create targets for increased household participation, based on analysis of data collected (1.B).
F. Create unified messaging as part of the Public Engagement Program (1.D), with easy-to-understand instructions and advice available via social and other media.

4. FOOD WASTE PROGRAM RECOMMENDATIONS

A. Continue with Gracelawn Road and South Main Street drop off locations.
B. Add additional drop-off location(s) in more highly traveled and accessible sites to increase convenience and participation.
C. Enhance drop off locations with larger signs (kiosks) that include information (pictures and writing) about what can and cannot be placed in the bins.
D. Use multiple modes of communication to promote the program, as part of the public engagement program (1.D)
E. Include schools in the food waste collection program, including mini lessons in the classrooms and picking up food waste from the cafeterias by the contractor.
F. Incentivize food waste collection by subsidizing the cost/or purchasing of backyard compost bins and/or kitchen compost containers.

Auburn Solid Waste Task Force: Detailed Recommendations



Authority of Solid Waste Task Force to Issue Report

Ordered, that the Sustainability and Natural Resources Board will work with all relevant subcommittees with support from city staff to create a Solid Waste and Recycling plan for the City of Auburn. (partial text, City Council order January 16, 2024).[1]

Introduction

This report focuses on solid waste generated by households in Auburn. What the task force refers to in the report as the household solid waste stream is composed of domestic trash, recycling, food scraps and organic waste.

Domestic trash – waste not recycled - is collected curbside and trucked to a waste to energy incinerator in Auburn. Trash incineration generates electricity used to run the plant, with excess sold to the power grid. Incineration reduces trash volume by 80%; the ash from incineration is then trucked to the Lewiston landfill for disposal.

Recycling in this report is solid waste separated from domestic trash for special processing. Auburn's recycling is separated by homeowners for curbside or drop-off site collection and trucked to a recycling facility in Lewiston, where it is further processed and sold to brokers of recycled commodities.

Food scraps and organic waste can also be separated from trash by homeowners, taken to a drop-off site and trucked to a facility for anaerobic digestion - a process that captures gas from decomposing food and generates electricity.

Like many Maine municipalities, Auburn's current management of solid waste has evolved over time. It is a complex of component entities, geographically dispersed, with varied ownership and business models. *Do these component parts currently operate to optimally balance municipal budget impacts (taxpayer dollars) with responsible environmental*

[1] *City Council Order 14-01162024*. Retrieved from auburnmaine.gov: https://www.auburnmaine.gov/CMSContent/City_Council/Actions/0%20ORDERS%201-94%20current%20as%20of%207-15-24.pdf

stewardship? This question is timely, since Auburn is about to enter into new agreements for household trash and recycling hauling and processing.

Our investigation of these issues suggests that Auburn needs to dedicate ongoing resources for study, data collection, reorganized staffing and public involvement before writing a long-term Solid Waste Plan. Revenue to support this work is on the way, thanks to a pioneering state law [Extended Producer Responsibility, or EPR] designed to reduce the amount of packaging waste introduced to Maine and help Maine towns fund their solid waste costs. The task force recommends that Auburn negotiate shorter term commitments with its solid waste contractor(s) as it prepares for the implementation of EPR and responds to the changing environment of solid waste management.

1. General Recommendations for The Council

A. Prepare Auburn households for **Maine Extended Producer Responsibility (EPR) Program** https://www.maine.gov/dep/waste/recycle/epr.html.

Starting in 2026, EPR will charge producers of nonrecyclable packaging a per ton fee based on the tonnage of such packaging sold in Maine.[2] Beginning in 2027, municipalities with established recycling programs who choose to participate will be reimbursed a per ton amount for specified packaging types (plastic, metal etc.) that are recycled. In addition, they will be reimbursed on a per capita basis for the amount of nonrecyclable packaging processed in domestic household trash. Final rules are still being written, but it is anticipated that per-ton reimbursement for recycled packaging will be higher than for nonrecyclable packaging. Reimbursement for nonrecyclable packaging sent to waste to energy incinerators, like Auburn's, will be higher than that sent to landfills.

By recycling all items on Maine's EPR list of recyclable commodities, Auburn can access new funding to offset collection and processing costs for household solid waste. Reimbursement for these costs through the EPR program will increase with increasing recycling participation rates and tons of material recycled.

On average Auburn sends 8,000-9,000 tons of domestic trash to its incinerator and 400-700 tons of recycling to the recycling plant per year. Accordingly, Auburn's recycling tonnage is only 7.5% of its trash disposal tonnage. Maine law sets an annual goal of recycling or composting 50% of a municipality's solid waste.

Under EPR, the city and its waste and recycling contractors must agree to audits of the municipal waste streams by the agency governing the program. These audits will verify municipal collection and processing costs for both trash and recycling and revenue generated for each recycled commodity. This should result in increased transparency for municipal solid waste managers tracking solid waste expenses. Once implemented the

[2] Natural Resources Council Maine. Retrieved from nrcm.org: https://www.nrcm.org/sustainability/how-extended-producer-responsibility-for-packaging-will-benefit-maine/

EPR program will provide incentives for producers to make more recyclable packaging and for municipalities to separate as much recyclable packaging from the household trash as possible in order to maximize reimbursement under the program and to further invest in their solid waste programs.

B. Data management: Provide support for accurate, verifiable data collection on all aspects of Auburn's solid waste management including fixed and variable costs. Report data to key stakeholders in a timely manner.

During the study period for this report, it was difficult to get data on basic aspects of Auburn's solid waste programs. This challenge was also noted in 2014 and 2020 reports to the Council on solid waste. Data is critical for setting goals and tracking continuous improvement and will be key to successful public engagement. This in turn will be key to maximizing reimbursement in the EPR program. Use of a data "dashboard" or scorecard visible to staff, elected officials and the public should help promote the program.[3]

C. Staffing: Assign a qualified individual primary responsibility for setting goals and managing performance improvement of Auburn's solid waste programs, using data referenced in 1.B above. This individual could also manage other city sustainability programs.

Future EPR reimbursement will depend on coordinated efforts and compliance with EPR rules from all of the system's current parts. Staffing a coordinator position will be essential to this effort. Other Maine communities have tasked sustainability managers with this type of coordination across multiple business entities and municipal departments and achieved cost-saving efficiencies.

D. Create a robust **public engagement program.** Inform and involve Auburn households in all aspects of the city's solid waste program using regular data reports, targeted goals, restructured staffing, neighborhood networks, enforcement or revision of Auburn's solid waste ordinance and updates to the solid waste sections of the city's Comprehensive Plan.

"Public Engagement" involves **communication *with* the public** using social media, direct mailing, public forums, and feedback on household compliance with trash collection regulations. It also involves **communication *from* the public** regarding the quality and performance of the city's solid waste programs. Through encouragement of volunteers with an interest in the topic, to leadership from elected officials and city staff, a robust Public Engagement program would include targeted goals for increased participation in the city's recycling program and in the organic and food scrap program. Progress toward these goals could be publicly reported on the city website or in a special solid waste data dashboard.

[3] See for example: Town of Brunswick Maine Recycling Data: https://www.brunswickme.gov/270/Recycling-Data

The City should consider forming a solid waste advisory committee composed of Auburn residents, city councilors and public works or other appropriate staff to advise the council on solid waste policy. Such a committee could work with the public by conducting household surveys and listening sessions to explore alternative and less costly collection strategies for both trash and recycling.

Finally, the current Auburn solid waste ordinance requires that households separate recyclable material from city trash.[4] It also specifies limits to the weight of trash and the size of the trash container put out for weekly collection. While these regulations may represent aspirational goals to improve recycling participation rates, none of them corresponds to current practice. As the Council considers new solid waste policies the task force recommends that the solid waste ordinance be updated to align with those policies.

There are numerous **benefits** from increasing participation and adherence to the current ordinance:

- Increased sanitation and improved aesthetics on city streets
- Increased efficiency at Maine Waste to Energy (MWE): Organic and food waste diversion will reduce the weight of collected trash and therefore the tipping fees at the incinerator (food waste is both wet and heavy and diminishes the efficiency of the waste to energy process). The EPA estimates organic waste comprises 34% of the weight of domestic trash. MWE will burn better without organic and food waste.[5]
- Financial benefits to the city for improved recycling rates once EPR is in place. Increasing the number of households recycling and recycling correctly (only the right commodities in the recycling bin) will be key to increased EPR program dollars coming to Auburn.

E. Limit the duration of new **solid waste contracts** to allow for improved data collection and analysis (1.B) an evaluation of EPR (I.A), implementation of the public engagement program (1.D) and an assessment of new trash-collecting technologies, all of which will impact future city budgets and sustainability efforts.

What data is needed and who would manage it for success in the EPR program is not known and likely will not be known before the current solid waste contracts expire. Likewise alternative trash and recycling collection strategies will need further study. Should the city get back into the trash collection business? If so, should they lease trucks or buy them? These questions with large budget impacts require return on investment analysis. Long-term agreements with current solid waste contractors do not seem advisable at this time.

---

[4] Auburn, Maine - Code of Ordinances Chapter 44 - SOLID WASTE. (n.d.). Retrieved from auburnmaine.gov: https://library.municode.com/me/auburn/codes/code_of_ordinances?nodeId=PTIICOOR_CH44SOW

[5] *National Overview: Facts and Figures on Materials, Waste and Recycling*. US Environmental Protection Agency. Retrieved from https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-

2. Domestic Trash recommendations

The challenges Auburn faces in managing solid waste in general and domestic trash in particular are not unique. These are well summarized in a January 2024 comprehensive solid waste status report from the Maine Department of Environmental Protection to the state legislature. Rising collection and processing costs for both trash and recycling coupled with shrinking disposal options are stressing municipal budgets. Statewide, generation of solid waste is increasing year over year while total diversion of trash (includes repair, reuse, recycling, composting and anerobic digestion) from landfill and incineration remains flat. The net result is more Maine trash requiring final disposal. [See Figure 1]

Maine has set a goal to limit solid waste disposal, the bottom of the inverted pyramid of the Solid Waste Hierarchy, to 0.55 tons of solid waste per person per year. [See Figure 2]

Currently the per capita rate is 0.69 tons and rising. A rough estimate for Auburn is 0.71 tons per year. [See Figure 3.]

A. Continue current service level for curbside collection of household trash.

Curbside trash collection currently is weekly, recycling is every other week. There are drop-off options for both trash (MWE), recycling (Gracelawn) and food scraps (Gracelawn and South Main Street). Having trash and recycling both collected weekly would aid in compliance and increase homeowner satisfaction given experience in other communities. Having more drop-off locations for all three waste streams for those preferring these methods would minimize driving distances and increase customer satisfaction.

B. Use bid (Request for Proposal) process to analyze feasibility and costs of various solid waste collection and diversion strategies including:

- contracted vs. city operated curbside collection.
- incentives for increased food-scrapping (4. B-F) and recycling such as limiting the size of the trash collection container.
- controlled access cards for Auburn resident payment, accurate recording and classification of waste stream weights at Auburn and MWE transfer stations.
- city-developed markets for collection and sale of some readily recyclable commodities

On average, Auburn collects and disposes of between 600 and 800 tons of **domestic trash** per month at a cost of roughly $46 per ton for disposal and $77 per ton for curbside collection. [See Figure 4]

Statewide median trash disposal costs are $82 per ton (collection costs not reported). [See Figure 5]

For the first four months of 2024, Auburn reported 24 tons of **recycling** per month collected at the curbside at a cost of roughly $800 per ton for collection and $106 per ton for processing (these figures are exclusive of recycling drop-off tons at Gracelawn). This is the most up-to-date information from the Auburn Public Works Department.

Trucking costs are a large portion of Auburn's solid waste budget, not surprising given the geographic size of the municipality. Collecting both trash and recycling on the same weekday in a split body truck, as Biddeford and other communities do, would limit route miles and reduce hauling cost.

Other municipalities in Maine have had success using a variety of **positive and negative incentives** to limit trash generation and increase participation rates in recycling and other diversion programs. [See Figure 6]

These incentive programs include the following:

- Trash containers that are smaller than recycling containers encourage households to separate recycling from the trash to make more room for non-recyclable trash for curbside pick-up.
- Periodic monitoring of recycling containers for contamination
- Charging for trash amounts that exceed the size of the trash bins (so-called "Pay-to-Throw")

Biddeford operates and staffs its own transfer station, open on certain days for resident-sorted recycling and food scrap drop-off and oversized bulky waste (OBW) drop-off. Access with a card swipe system limits use to Biddeford residents. The staff person ensures recycling is sorted in the proper bin limiting contamination. The card swipe identifies users by residential address and ensures that each household is abiding by limits for free OBW and special waste disposal (4 tires per year, for example).

Biddeford also collects and markets some recyclable commodities that are dropped off at the transfer station independent of what is collected by their recycling contractor.

C. Increase participation in Product Stewardship programs to divert more waste from household trash. https://www.maine.gov/dep/waste/productstewardship/index.htmls.

D. Incentivize and support existing reuse programs (thrift shops, social service agencies) for household items.

It is important not to lose sight of the other portions of the Waste Hierarchy that divert materials from the waste stream. Like the soon to be implemented EPR program there are a number of so-called product stewardship programs in existence. The most obvious and successful diversion program is the Maine bottle bill which diverts glass, plastic and metal deposit containers from disposal. There are also ongoing programs that collect electronic waste, tires, paint and lithium batteries to name a few.

The Auburn area also hosts a plethora of nonprofit donation centers and agencies that collect clothing, household goods, furniture, food and other reuseable items for gifting or reselling. These programs should be supported and promoted for their impact on waste diversion.

3. Recycling recommendations

Recycling is the process of diverting post-consumer materials that would otherwise be included in the solid waste stream and converting them into new materials and new objects. Recycling directly reduces the amount of waste that is sent to landfills and incinerators, which in turn reduces the amount of harmful chemicals that are released into the soil and air. Another environmentally significant benefit of recycling is that it conserves natural resources such as trees, minerals, and fossil fuels by *reusing* materials, including cardboard, paper, metals, and plastic. Those materials constitute a significant portion of the weight of the waste stream and increase the tipping fees charged by landfills and incinerators. Reusing these materials instead diminishes the need to harvest, mine, or extract *new* raw materials, thus conserving natural resources and reducing energy use and environmental degradation.

In addition to these well-established environmental benefits, Maine's new EPR Law will give money back to municipalities that operate robust recycling programs. Participating municipalities will in effect be subsidized by the packaging industry for operating recycling programs.

Currently, Auburn contracts with Casella to send its recyclables to Casella's Material Recovery Facility (MRF) in Lewiston. In the summer of 2023, the Council cancelled Auburn's curbside recycling program. The Council revisited the decision in late 2023 and restored the curbside recycling program.

Since restoration, the curbside recycling program has not yet returned to its precancellation tonnage but is steadily increasing. Auburn residents also have the option of dropping off their recyclables at Gracelawn and the combined tonnage of curbside and drop off recycling nearly equal precancellation levels.

To further increase recycling levels, which is vital for achieving long term solid waste reduction goals and to obtain significant future reimbursements from the State via EPR, Auburn needs to expand its public engagement efforts. The program must be well thought out and easy to comply with.

Here is a short elaboration of some of the points in our Executive Summary.

A. Auburn should initiate weekly curbside collection of recyclables.

Although curbside trash collection occurs weekly, recycling occurs only biweekly, weather permitting (see C. below). Collecting trash and recycling on the same day would eliminate residents' confusion over their biweekly recycling date. Indeed, public attendees at the Solid Waste Task Force's June 27, 2024, meeting for public comment were adamant that recycling pick-up should occur every week, on the same day that trash is picked up. Weekly curbside collection will almost certainly increase recycling participation.

Assuming the city participates in EPR as the Solid Waste Task Force recommends, the city will receive higher reimbursements for its increased recycling participation rates and tons of material recycled.

Additionally, the expense of weekly curbside collection may be significantly mitigated if the city adopts the use of automated collection trucks; Casella and other vendors now offer automated split trucks that can collect both trash and recycling at the same time. This would eliminate the separate (and redundant) recycling route currently required for biweekly curbside collection.

Lastly, weekly collection will promote compliance with Auburn's recycling ordinance which prohibits the disposal of recyclables in household trash.

B. Auburn's recycling program should include recycling of all commodities on the state EPR list.

Auburn will be eligible for funding through EPR only if its recycling program includes all commodities on the state EPR list (Elena Bertocci, Maine DEP, presentation to the task force on 6/18/2024). If the city does not recycle everything on the state list, all recycling expenses will be borne by the city. The DEP has not yet finalized the list of commodities.

C. Curbside recycling should include city-provided wheeled, lidded containers to keep recyclables dry.

According to Casella, all recyclables need to be clean and dry. Wet materials are considered contaminated and are likely brought to the landfill for disposal instead of recycled. Providing lidded recycling containers will alleviate this problem during inclement weather. Wheeled containers are easier and safer for Auburn residents to bring recycling material to the curb.

D. Keep Gracelawn open as a supplemental site, consider adding additional such sites.

The Gracelawn drop-off site has already proven to be popular with many Auburn residents, particularly given the flexibility of anytime drop off vs. adhering to the biweekly curbside collection schedule. Gracelawn also offers food waste containers which makes it an efficient stop for residents and promotes cross-utilization of the available options.

Some cities operate recycling centers with designated containers for recycling specific items such as various plastics, metals, cardboard, paper, glass, batteries, etc. Recyclables are less likely to be contaminated where individual containers are available for depositing specific materials. In addition, presorted recyclables may command a higher price in the commodities market. Biddeford operates such a facility and directly sells its sorted recyclables to commodities dealers.

E. Create targets for increased household participation, based on analysis of data collected.

Presently Auburn has no mechanism for directly measuring the number of households that participate in biweekly curbside collection. For the period December 11, 2023, through May 24, 2024, Casella personnel performed visual inspections and prepared an estimate of the household participation rate. According to that data, the participation rate almost always exceeded 10% and frequently exceeded 13%. Significantly, these participation rates do not include the households that perform their own drop-off recycling at Gracelawn. Although neither Auburn nor Casella have computed a participation rate for the Gracelawn drop-off recycling location, the monthly tonnage of dropped off recycling is nearly as high as that generated by the curbside collection system. Based on this information, the task force conservatively estimates that the household recycling participation rate for Auburn is approximately 15% of households (including both curbside and drop-off participants and those who do both). In other words, of the roughly 9,900 households in Auburn, approximately 1,500 participate in municipally sponsored recycling.

Auburn should set a goal of increasing its recycling participation rate by at least 10% per year (or approximately 150 households) per year for at least 5 years. There are a variety of resources easily available to help City Staff and/or a Sustainability Manager establish goals, create programs to achieve them and measure progress.[6] Indeed, the State's EPR program will require municipalities to collect cost and tonnage data on their recycling operations. See discussion at Section I.B. Auburn should also consider re-establishing its citizen Recycling Committee to further help with outreach to particular neighborhoods and civic organizations.

F. Create unified messaging as part of the Public Engagement Program (I.D), with easy-to-understand instructions and advice available via social and other media.

Recycling rules can be confusing. Municipal recycling programs differ from community to community and variables include the frequency of pick up, the type of materials that will be picked up, whether the materials are to be separated or commingled, and the type of container the materials can be placed in. Most programs do not collect plastic bags, Styrofoam, soiled or wet paper, certain metals or plastics that can get entangled in the

[6] https://www.c40knowledgehub.org/s/article/How-cities-can-boost-recycling-rates?language=en_US
https://recyclingpartnership.org/small-town-america-part-in-boosting-us-recycling-rates/

recycling machinery and so-called contaminated recyclables. Even the definition of contaminated recyclables may differ between communities. Commonly it denotes wet, greasy, and unaccepted type of material.

In order to simplify the recycling process for its residents, Auburn's recycling rules should be publicized in clear and precise language, prominently communicated and readily accessible. Auburn should also develop a comprehensive Public Engagement Program as discussed in Section I.

4. Food Waste Program recommendations

In order to reduce the amount of solid waste collected and disposed of per capita Auburn needs to expand its current collection program for food scraps and other organic materials (paper towels and napkins, etc.) and work to increase citizen participation in the program. Twenty percent of the city's solid waste is food waste and 15 to 18% of the recycling is contaminated with food scraps, nonrecyclable materials, or moisture.[7] An increase in the collection of Auburn's food waste and other organics would reduce the overall tonnage of our household solid waste collected. A reduction in tonnage leads to savings in disposal costs. In addition, removing food waste will improve recycling contamination rates, eliminate the source of methane generation, a very potent greenhouse gas, when Auburn's solid waste is diverted from Maine Waste to Energy to a landfill, and contribute to more efficient energy use during incineration, reducing overall costs.

Currently, Auburn's food waste collection program is contracted to Agricycle which processes the organics in an anaerobic digester to create natural gas that is captured and used for the production of electricity. Auburn should also consider implementing an additional composting program, city or contractor provided, which would allow citizens to contribute their foods scraps and other organic waste and, in exchange, receive compost for their personal use.

Recommendations to accomplish these goals are as follows.

A. Continue to offer food scraps/organic materials disposal drop off locations at Gracelawn Avenue and South Main Street. These locations are adjacent to the recycling drop off location and/or serve separate areas of the city making them convenient for some residents.

[7] Auburn Ad Hoc Recycling and Sustainability Committee. (2020). *https://www.auburnmaine.gov/CMSContent/Boards_and_Committees/Recycling%20Ad%20Hoc/Recycling%20Committee%20FINAL%20REPORT.pdf*.
Previous recycling report to Auburn City Council in 2020. Table 3, page 14 of this report compares greenhouse gas emissions for processing strategies for household solid waste depicted in the solid waste hierarchy: recycling, composting, waste to energy incineration and landfilling.

B. Add drop off bins in more accessible locations, ones that are heavily trafficked, in order to increase convenience and participation. Adding drop-off locations in areas that are adjacent to streets with major vehicular use, such as community centers (schools, Pettingill Park, etc.), or in areas that serve citizens who rely on other types of transportation, e.g. walking, will increase the visibility of the program and accessibility.

C. Include large signage, kiosks with written and pictorial information about what and what cannot be placed in the bins.
Large eye-catching signs with easily understood information will draw attention to the drop off bins and provide citizens with the type of information they need to fully utilize the program. Directional signs pointing to the locations of the drop off bins at street corners, etc. will also lead to ease of participation.

D. Provide multiple modes of communication to increase public awareness and knowledge in newspapers, on a new food waste and organics website, via fliers in schools and on community bulletin boards.

E. Include schools in the food waste collection program. Increase awareness of the program by providing mini-lessons in the classroom and enable easier participation by having Auburn's contractor pick up food waste and organics from the cafeterias. Educating the youth in our community is an important way to create habits for a lifetime and to include their families in the food waste and organics program. In addition, school cafeterias are a large source of food waste and organics. Collecting their food waste and organics will facilitate more efficient solid waste disposal and create an energy source through anaerobic digestion.

F. Incentivize food waste collection by subsidizing the cost/or purchasing backyard compost bins and/or kitchen containers for home collection of food scraps.
Other cities either provide food scrap collection bins at no cost or a reduced cost to their citizens. Providing this service would be an avenue for educating the public and highlight the city's commitment to the program at a reasonable cost.

FIGURES

FIGURE 1.

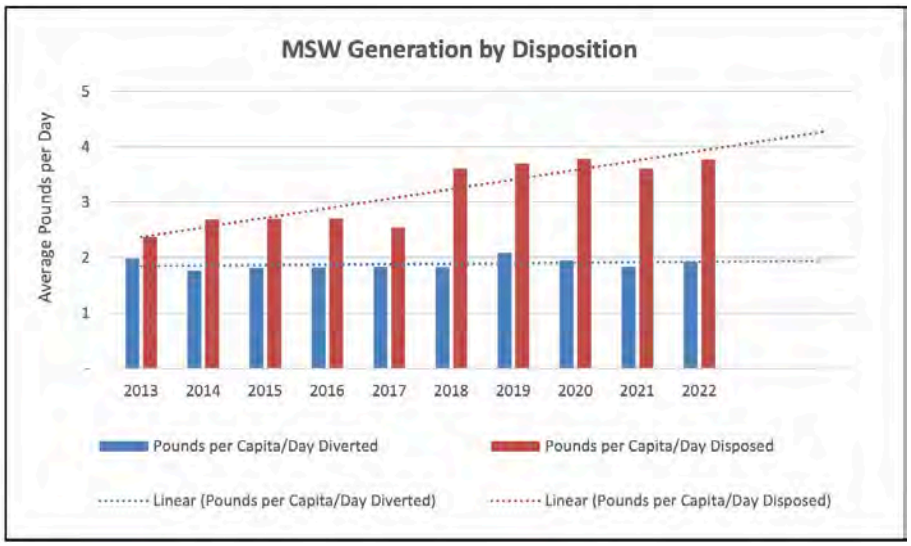


Figure 1. Department of Environmental Protection. *Maine Materials Management Plan: 2024 State Waste Management and Recycling Plan Update and 2022 Waste Generation and Disposal Capacity Report,* p. 7. https://www.maine.gov/dep/publications/reports/index.html

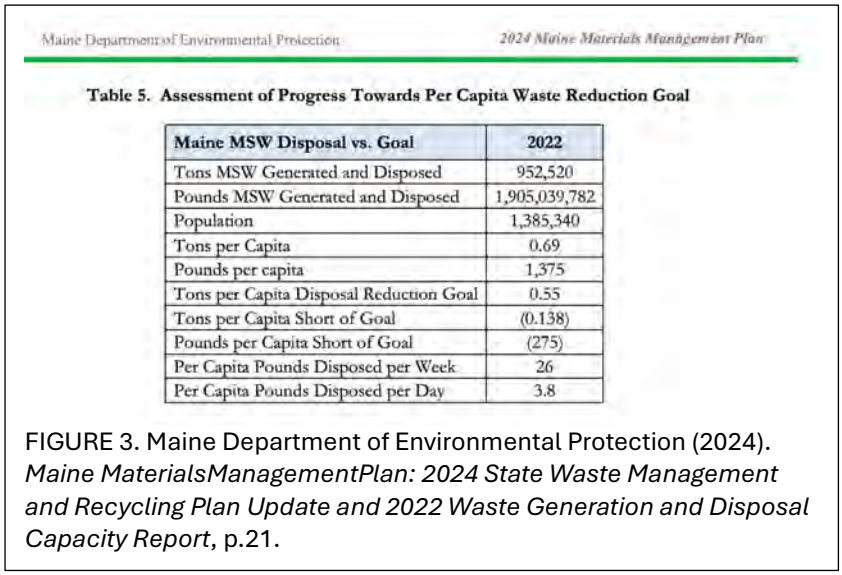
Figure 2.



Priorities. It is the policy of the State to plan for and implement an integrated approach to solid waste management for solid waste generated in this State and solid waste imported into this State, which must be based on the following order of priority: **A.** Reduction of waste generated at the source, including both amount and toxicity of the waste**; B.** Reuse of waste; **C**. Recycling of waste; **D**. Composting of biodegradable waste; **E**. Waste processing that reduces the volume of waste needing land disposal, including incineration; and **F.** Land disposal of waste. It is the policy of the State to use the order of priority in this subsection as a guiding principle in making decisions related to solid waste management. Waste reduction and diversion. It is the policy of the State to actively promote and encourage waste reduction measures from all sources and maximize waste diversion efforts by encouraging new and expanded uses of solid waste generated in this State as a resource.

Maine Department of Environmental Protection. (n.d.). *2020 & 2021 Municipal Solid Waste Generation & Disposal Capacity Report*. Appendix A, p. 52. Retrieved from https://www.maine.gov/dep/publications/reports/index.htm]

Figure 3.



Maine Department of Environmental Protection 2024 Maine Materials Management Plan

Table 5. Assessment of Progress Towards Per Capita Waste Reduction Goal

Maine MSW Disposal vs. Goal	2022
Tons MSW Generated and Disposed	952,520
Pounds MSW Generated and Disposed	1,905,039,782
Population	1,385,340
Tons per Capita	0.69
Pounds per capita	1,375
Tons per Capita Disposal Reduction Goal	0.55
Tons per Capita Short of Goal	(0.138)
Pounds per Capita Short of Goal	(275)
Per Capita Pounds Disposed per Week	26
Per Capita Pounds Disposed per Day	3.8

FIGURE 3. Maine Department of Environmental Protection (2024). *Maine MaterialsManagementPlan: 2024 State Waste Management and Recycling Plan Update and 2022 Waste Generation and Disposal Capacity Report*, p.21.

Figure 4.

	Jan-24	Feb-24	Mar-24	Apr-24
Household Waste - by ton				
Disposal - Tons	663.24	550.45	637.11	770.13
Collection Cost	$53,745.60	$53,745.60	$53,745.60	$56,997.21
Disposal Cost	$30,515.36	$25,396.26	$29,311.01	$35,425.98
Recycling - Curbside	26.31	23.77	23.52	23.36
Disposal	$2,827.80	$2,554.80	$2,376.46	$2,390.20
Collection	$19,189.14	$19,189.14	$19,189.14	$20,350.08
Fuel Fees - Collection	$387.37	$412.36	$508.72	$557.48
Recycling @ APW per ton	16.30	11.3	11.21	13.65
Price per ton	120.97	107.48	107.48	109.93
Cost to dispose	$8,529.51	$6,714.52	$6,704.84	$7,824.21
"Demo" - tonnage	1.63	2.85	0.27	2.4
Bulky Waste/Spring Clean Up - Tonnage	51.65	40.27	65.00	93.75
Cost	$8,142.00	$6,342.75	$10,110.75	$14,048.25
Composting - # dumps per month				
Gracelawn Rd		7	8	10
S Main St Fire Station		6	3	4
135-150 lbs per tote				

Figure 4. Internal data, Auburn Public Works, Denis D'Auteuil, Director via e-mail

Figure 5.

Table 8. Municipal Costs Reported for Recycling and Disposal

Cost Comparison Per Ton - Recycling vs. Disposal[29]				
	Recycling (Hauling)	Recycling (Processing)	Disposal (MSW)	Disposal (CDD)
Min	$55.00	$ -	$0.50	$17.00
Max	$900.00	$384.00	$225.00	$225.00
Median	$391.43	$85.00	$82.70	$95.86
Average	$440.80	$99.25	$86.90	$96.64

Figure 5. Maine Department of Environmental Protection. (2024). *Maine Materials Management Plan: 2024 State Waste Management and Recycling Plan Update and 2022 Waste Generation and Disposal Capacity Report,* p. 24.

Figure 6.

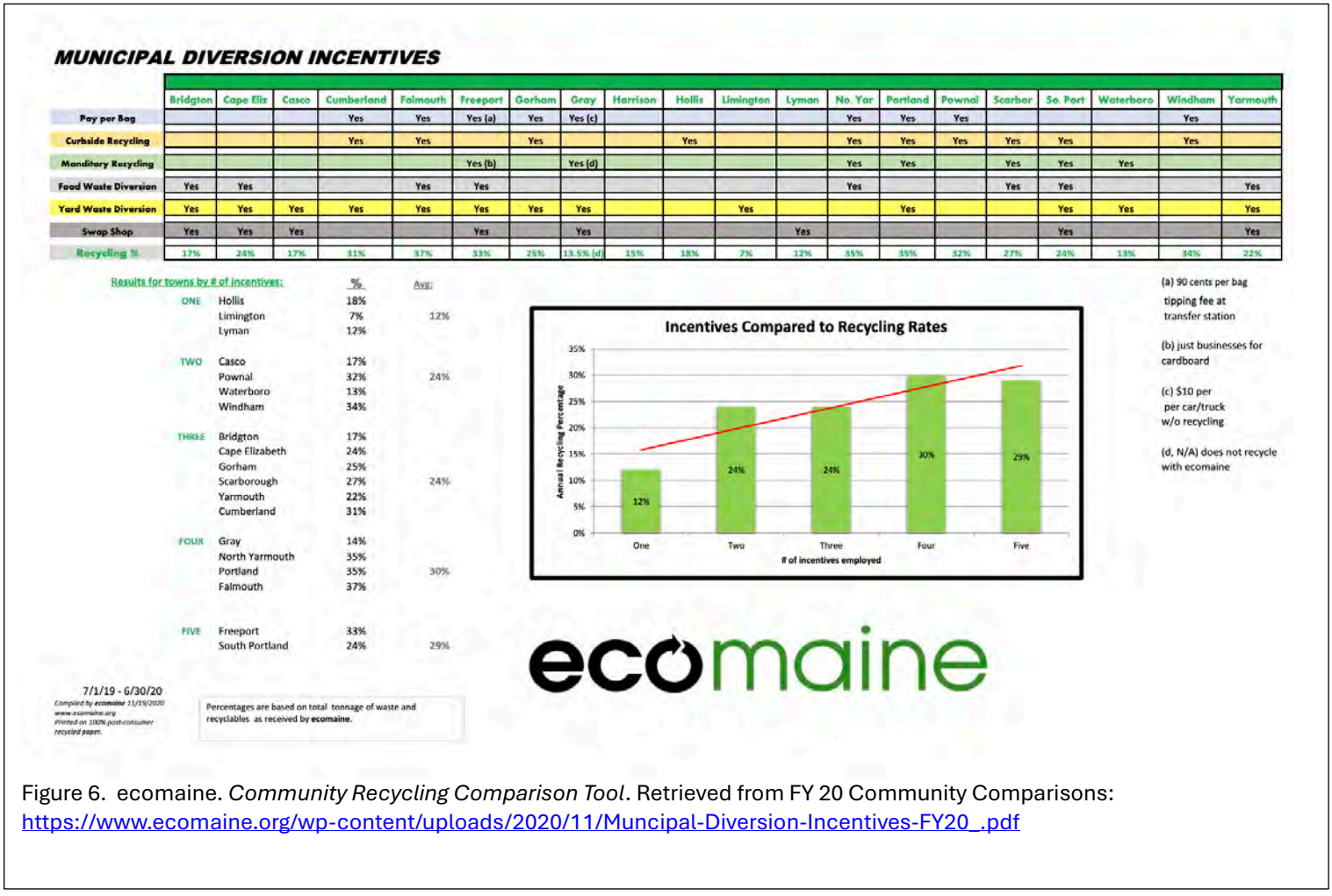


Figure 6. ecomaine. *Community Recycling Comparison Tool*. Retrieved from FY 20 Community Comparisons: https://www.ecomaine.org/wp-content/uploads/2020/11/Muncipal-Diversion-Incentives-FY20_.pdf

LIST OF INTERVIEWS CONDUCTED BY AUBURN SOLID WASTE TASK FORCE

Julie Rosenbach, Sustainability Director, South Portland, February 6, 2024

Susan Parmelee, Sustainability Program Manager, South Portland, February 6, 2024

John Kuchinski, Lewiston DPW Environmental Services Superintendent, February 21, 2024

Megan Bates, Lewiston DPW Deputy for Maintenance and Operations, February 21, 2024

Phil Crowell, Auburn City Manager, March 12, 2024

Dennis D'Auteuil, Auburn Executive Director of Public Services, March 12, 2024

Jeffrey Harmon, Auburn Mayor, April 2, 2024

Talya Bent, Casella Municipal Account Manager, April 16, 2024

Chris McHale, Casella Market Area Manager, April 16, 2024

Jeff Demers, Biddeford Public Works Director, April 23, 2024

John King, Executive Director, Maine Waste to Energy, May 2, 2024

Gunnar Heckler, Agri-Cycle Program Support Associate, May 7, 2024

Elena Bertocci, Environmental Specialist, Maine DEP, June 18, 2024

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 16, 2024

Author: City Manager Phillip L. Crowell Jr.

Subject: Hunting Restrictions on City Owned Property (Summer St.)

Information: Maine Game Warden Steven Thistlewood and Inland Fisheries Wildlife Regional Biologist Scott Lindsey will discuss the alternatives of banning hunting on the Summer St. parcel and the impact it will have on Wildlife Management.

City Budgetary Impacts: None

Staff Recommended Action: None

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 16, 2024 **Order: 111-09162024 through 116-09162024***

Author: Emily F. Carrington, City Clerk

Subject: Recommendations from the Appointment Committee

Information: The Appointment Committee met on September 10, 2024 to consider applications received for vacancies and October term endings which were posted on August 21, 2024. All incumbents with term endings were notified. Applications were received from all incumbents and one application for the Planning Board Associate Member unexpired term to fill the vacancy left by Robert Hayes who was appointed to fill a regular member seat at the August 19, 2024 meeting. The committee recommends the following for appointment:

- Arthur Wing to the Auburn Housing Authority Board of Commissioners for a term that expires 10/1/2029.
- Misty Edgecomb to the Parks and Recreation Advisory Board for a term that expires 10/1/2026.
- Corey Kinnan to the Parks and Recreation Advisory Board for a term that expires 10/1/2026.
- Haley Warden to the Parks and Recreation Advisory Board for a term that expires 10/1/2026.
- Elisabeth Collier to the Parks and Recreation Advisory Board for a term that expires 10/1/2026.
- Maureen Hopkins to the Planning Board, Associate Member, for the unexpired term ending 1/1/2026.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend appointment.

Previous Meetings and History: Appointment Committee met September 10, 2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Applications, orders

Rec'd 8/28/24
Eyc

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 8/23/24

Last name: WING First name: ARTHUR Middle initial: L

Residence address: 104 GRANDVIEW AVENUE Ward: 2

City: AUBURN State: ME Zip code: 04210

Home phone:_____ Work phone: _____ Cell phone: 207-577-2839

Email address: ARTHURWING17@GMAIL.COM

Current occupation: RETIRED

Previous occupation (if retired or no longer working): DIRECTOR FINANCE - ANDROSCOGGIN HOME CARE

Educational and/or experience (or attach your resume): SEE RESUME

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
___ Age Friendly Committee
___ Agriculture Committee
___ Airport Board
X Auburn Housing Authority
___ Audit Committee
___ Cable TV Advisory Board
___ CDBG Loan Committee
___ Citizen's Advisory Committee
___ Community Forest Board
___ Conservation Commission
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Parks & Recreation Advisory Board
___ Planning Board
___ Regulatory Advisory Board
___ Sewer District
___ Water District
___ Other _____

Is this application for a ___ new appointment or X reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). SEE ATTACHED

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). SEE ATTACHED

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? YES, AUBURN HOUSING AUTHORITY

Dates served (if known)? 2005 - PRESENT

Have you previously served on a City or Community Board or Committee? If so, which one(s)?
YES
TRUSTEE - AUBURN PUBLIC LIBRARY (APL) AND MEMBER OF APL BUILDING COMMITTEE

Dates served (if known)? APL TRUSTEE 2000-2006, APL BUILDING COMMITTEE 1999-2002

How did you learn of this vacancy? EMAIL FROM CITY

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.
Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!
I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.
Signature: Cathie Wij Date: August 23, 2024

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: _____
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

Arthur Wing

104 Grandview Avenue

Auburn, Maine 04210

207-577-2839

Education

- Northeastern University, Boston, Mass
  - 1971 Bachelors of Science – Accounting
- University of Maine, Portland, Maine
  - 1986 Masters of Business Administration
- Massachusetts Chapter of Housing & Redevelopment Certification Program
  - Commissioner Ethics – 4 hour seminar
  - Commissioner Legal – 4 hour seminar
- National Association of Housing & Redevelopment Officials Certification
  - 2019 Granted status of National Certified Commissioner
  - 2023 Completed Recertification Requirements

Community Activities

- Year 2005 – Present, Commissioner & Chairperson, Auburn Housing Authority
- Year 2000 – 2006, Trustee and Treasurer, Auburn Public Library
- Year 1999 – 2002, Member, Auburn Public Library Building Committee
- Year 1995 – 1998, Board Member, Child Health Services

Employment History

- Androscoggin Home Care & Hospice , Lewiston, Maine
  - 1971 – 2018, Director of Finance
- 2019 - Retired

City of Auburn
Board & Committee
Reappointment Application 2024 – Arthur Wing

Briefly describe why you want to serve on this committee:

The Auburn Housing Authority's (AHA) mission is to provide access to safe, quality and affordable housing for the residents of the City of Auburn. Commissioners have a responsibility for the management, policy-making and oversight of the housing authority to ensure accomplishment of the Mission. As a Commissioner, I find working with the Board of Commissioners, AHA management and staff on the organization's mission challenging, rewarding and important to our City.

I feel my education, work experience and energy can assist the other Commissioners, the Executive Director and staff to make a difference in the lives of low-income families, the elderly and persons with disabilities.

What do you hope to accomplish?

I feel with the change in Auburn's leadership there is an excitement for additional affordable housing in Auburn. Having been Board Chair and Commissioner during the development of Webster, Vincent Square and Spring Street apartments, I bring development experience to our newer commissioners to help guide them through new affordable housing opportunities.

There continues to be a significant shortage of housing in our City. I am excited to explore and work with the City, the board of Commissioners and AHA management on new development opportunities for additional housing units in Auburn.

It is the responsibility of the Auburn Housing Authority to implement and administer the various programs designed and funded by the U.S. Department of Housing and Urban Development (HUD). Rules and regulations are updated and changed continuously and as Commissioner I will continue to work with management to ensure AHA has the resources to maintain the current properties and meet all of HUD's rules and regulations.

Emily Carrington

OK ✓

From: donotreply@auburnmaine.gov
Sent: Saturday, August 31, 2024 1:10 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Misty

Middle Initial:

Last Name: Edgecomb

Residence Address: 26 Oakland Street

Ward: Ward 2

City: Auburn

Home Phone: 2072403910

Cell Phone: 2072403910

E-mail Address: mislyn02@gmail.com

Current Occupation: Business owner

Previous Occupation (if retired or no longer working):

Education and/or experience: Current board chair

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Parks & Recreation Advisory Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): As a current member of the Parks and Recreation Advisory Board, I am deeply committed to enhancing and expanding the green spaces in our city. I believe that parks are more than just recreational areas; they are essential to the quality of life for our residents. I am passionate about creating parks and recreational spaces that are not only updated and accessible but also beloved by the community. These spaces should be places where families, friends, and individuals can connect with nature, engage in outdoor activities, and take pride in their surroundings.

What do you hope to accomplish?: My experience with this board has further strengthened my belief that thoughtfully designed and well-maintained parks and recreational spaces can be transformative for our city. I want to continue my work on the board to ensure that we create spaces that are sustainable, welcoming, and reflective of our community's

needs. I am eager to continue to help our city in the development of parks that will be cherished for generations to come.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Other than this board I am on the PAL Board and the Good Food Council of Androscoggin County

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Parks Sub Committee

Dates served (if known):

How did you learn of this vacancy?: I am a current member

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Misty Edgecomb

Date of Electronic Signature: 8/31/2024

OK ✓

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Wednesday, September 4, 2024 11:42 AM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Corey

Middle Initial: T

Last Name: Kinnan

Residence Address: 323 minot ave

Ward: Ward 3

City: Auburn

Home Phone: 2074020679

Cell Phone: 2074020679

E-mail Address: kinnan2013@gmail.com

Current Occupation: Photographer

Previous Occupation (if retired or no longer working):

Education and/or experience: Bachelor's in, public health. Master's in, urban studies.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Parks & Recreation Advisory Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): To continue to help my community in Auburn.

What do you hope to accomplish?: To see ideas implemented and to continue advising the city utilizing my expertise as an urbanist.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Yes, parks and rec advisory.

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Currently in parks and rec.

Dates served (if known): 2024

How did you learn of this vacancy?: current seat.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Corey T. Kinnan

Date of Electronic Signature: 9/4/24

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Wednesday, September 4, 2024 12:33 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Haley

Middle Initial:

Last Name: Warden

Residence Address: 100 Vickery Road

Ward: Ward 4

City: Auburn

Home Phone: 8184810460

Cell Phone: 8184810460

E-mail Address: haleyjwarden@gmail.com

Current Occupation: Director of Development

Previous Occupation (if retired or no longer working):

Education and/or experience: UMA

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Parks & Recreation Advisory Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): To continue supporting the city and community with the betterment of our parks and recreation services.

What do you hope to accomplish?: To see the Tot Lot food forest project started.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Parks & Recreation

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Parks & Recreation

Dates served (if known):

How did you learn of this vacancy?:

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Haley Warden

Date of Electronic Signature: 09/04/2024

OK ✓

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Thursday, August 22, 2024 11:37 AM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Elisabeth

Middle Initial: M

Last Name: Collier

Residence Address: 97 Lake Auburn Ave

Ward: Ward 2

City: Auburn

Home Phone: 2096069497

Cell Phone: 2096069497

E-mail Address: eholiday5@yahoo.com

Current Occupation: RN Manager

Previous Occupation (if retired or no longer working): ICU RN

Education and/or experience: BSN

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Parks & Recreation Advisory Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): Being on this committee really fills my cup. I love working with everyone and planning parks and events.

What do you hope to accomplish?: My biggest passion project is the food forest.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Parks and Rec and Board of assessment review.

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: see above

Dates served (if known): May '24

How did you learn of this vacancy?: online search and a reach out to the city clerk

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Elisabeth Marie Collier

Date of Electronic Signature: 08/22/2024

OKN

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Friday, August 23, 2024 2:16 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Maureen

Middle Initial:

Last Name: Hopkins

Residence Address: 16 Topaz Circle

Ward: Ward 3

City: Auburn

Home Phone: 2077497374

Cell Phone: 2077497374

E-mail Address: maureenhopkins78@gmail.com

Current Occupation: Attorney

Previous Occupation (if retired or no longer working):

Education and/or experience: BA, MS, JD

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): For much of my professional career as an attorney I have represented clients before planning boards, zoning boards, and city councils, presenting and advocating for the development of different types of telecommunications projects. Additionally, I previously served on a planning board in Greenville, Maine, and I enjoyed being involved in the planning process, including drafting ordinances, bylaws, and reviewing new projects. I would love the opportunity to serve the Auburn community as it experiences significant growth and considers its planning objectives for the future of the City.

What do you hope to accomplish?: To participate in a fair and balanced review process that objectively applies current laws, ordinances and regulations to proposed projects. Additionally, to consider the future of city planning, balancing

sustainability, livability and smart growth objectives to ensure the City of Auburn can continue to offer a balance of new and existing residential, commercial and industrial uses while preserving the environment and the character of the City.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known): n/a

How did you learn of this vacancy?: From an Auburn resident

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Maureen Hopkins

Date of Electronic Signature: 08/23/2024

ORDER 111-09162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Arthur Wing to the Auburn Housing Authority Board of Commissioners for a term that expires 10/1/2029, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 112-09162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Misty Edgecomb to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 113-09162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Corey Kinnan to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 114-09162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Haley Warden to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 115-09162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Elisabeth Collier to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 116-09162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Maureen Hopkins to the Planning Board, Associate Member, for the unexpired term ending 1/1/2026, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 16, 2024

Order: ORDER 117-09162024* through ORDER 121-09162024*

Author: Emily F. Carrington, City Clerk

Subject: Automobile Graveyard/Junkyard license renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Reminder letters and applications were sent out 08/15/2024. Council approval is required for renewal of these licenses which expire 9/30/24. Because the 5 listed below are renewals, they *do not* require a public hearing. All are pending inspections conducted by the Code and Fire Departments and issuance of the license will be dependent upon passage of the inspection. No complaints have been received by the City Clerk's office regarding these establishments.

Title 30-A, Sec. 3754 states "*Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish a new automobile graveyard, automobile recycling business or junkyard and **may** hold public hearings annually regarding the relicensing of these facilities*".

- Randy's Auto Parts, Inc., 899 Broad Street
- M & P Auto, Inc., 227 Merrow Road
- Prolerized New England Company, LLC., 522 Washington St. North
- Isadore T. Miller, 79 & 80 Hotel Road
- Don's No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North – Note: In 2023, this license was renewed with conditions (10/16/2023).

City Budgetary Impacts: N/A

Staff Recommended Action: Staff recommends the City Council approve renewal applications.

Previous Meetings and History: Annual renewal.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Automobile Graveyard/Junkyard applications, Orders

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

2024-2025
CITY OF AUBURN
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

****

To the **City of Auburn**, County of **Androscoggin, Maine:**

I/We Randy's Auto Parts hereby Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760.

All questions must be answered in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?
   899 Broad Street Auburn, Maine 04210
2. Is this application made by or for a company, partnership, corporation or individual:
   Ronald & Ernest Lerousseur
3. Is this property leased? No Property owned by: Ron & Ernest Lerousseur
   Address: 899 Broad Street
4. How is "yard" screened?
   - ☐ Fence (type) Wood Height: 6' & 8'
   - ☐ Trees (type) FIR
   - ☐ Embankment:
   - ☐ Gully:
   - ☐ Hill:
   - ☐ Other:
5. How far is edge of "yard" from center of highway?
   300 ft
6. Can junk be seen from any part of highway? Yes____ No X
7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No____
8. Is any portion of this "yard" on public property? Yes____ No X

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes____ No X

10. When was "yard" established? 1980 By whom? Twin Town Rendering

11. When was last permit issued? 2023 By whom? Randys Auto Parts

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 182-001
Lot No.
Zone

Check correct direction:

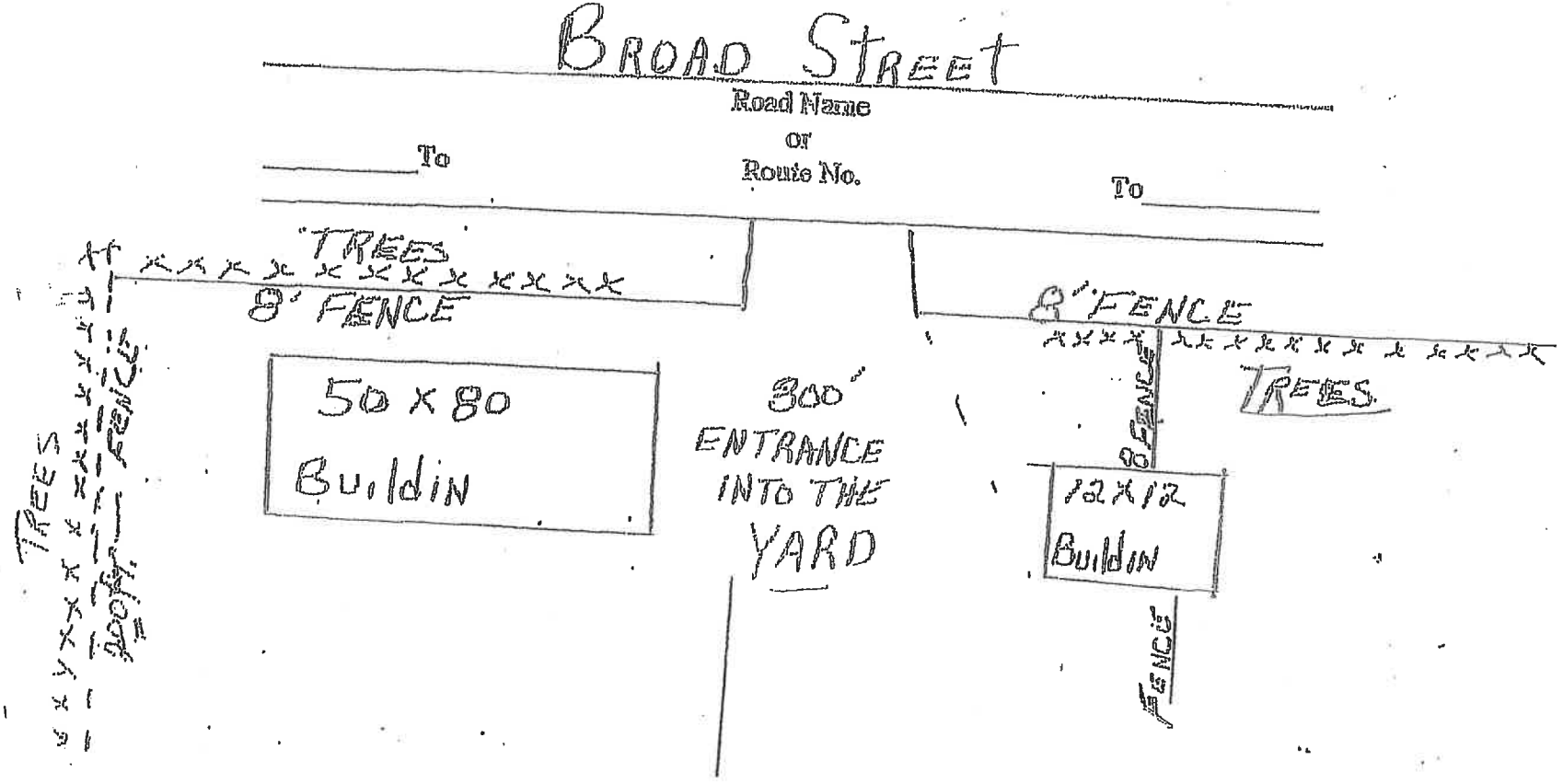
- ☐ North
- ☐ East
- ☐ West
- ☑ South

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: Ronald Lapasseur = Randys Auto Parts
Name of Company, Corporation, Partnership or Individual
Address: P.O. Box 1243 = 899 Broad Street Auburn ME 04211
Phone #: 782-9589 E-mail:

CITY CLERK USE ONLY:

Application Received 8/21/24
Date of Hearing ~~N/A~~ N/A
Fee Paid $ 100.00


BROAD STREET
Road Name
or
Route No.
To
To
TREES
8' FENCE
8' FENCE
50 x 80
Buildin
300'
ENTRANCE
INTO THE
YARD
8' FENCE
TREES.
12 x 12
Buildin
FENCE
TREES
8' FENCE

ORDER 117-09162024

City Council Order

IN CITY COUNCIL

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

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

2024-2025
CITY OF AUBURN
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

****

To the **City of Auburn**, County of **Androscoggin, Maine:**

I/We M+P Auto Parts / Albert Bazinet JT hereby Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760.

All questions must be answered in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?
   227 Merrow Rd Auburn, ME 04210
2. Is this application made by or for a company, partnership, corporation or individual:
3. Is this property leased? No Property owned by: Albert Bazinet JT
   Address: 81 Dawes Ave Auburn, ME 04210
4. How is "yard" screened?
   - ☐ Fence (type) ✓ Height: 8'
   - ☐ Trees (type)
   - ☐ Embankment:
   - ☐ Gully:
   - ☐ Hill:
   - ☐ Other:
5. How far is edge of "yard" from center of highway?
   400 ft
6. Can junk be seen from any part of highway? Yes____ No X
7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No____
8. Is any portion of this "yard" on public property? Yes____ No X

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes____ No X

10. When was "yard" established? 1978 By whom? Albert Bazinet JR

11. When was last permit issued? 2023 By whom? MTP Auto Inc

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No._____
Lot No._____
Zone_____

Check correct direction:

- ☐ North
- ☐ East
- ☐ West
- ☐ South

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: Charlotte Bazinet MTP Auto Parts Inc.
Name of Company, Corporation, Partnership or Individual
Address: 227 Merrow Rd Auburn, ME 04210
Phone #: 207-576-2286 E-mail: Cbazinet@roadrunner.com

CITY CLERK USE ONLY:

Application Received 9/5/24

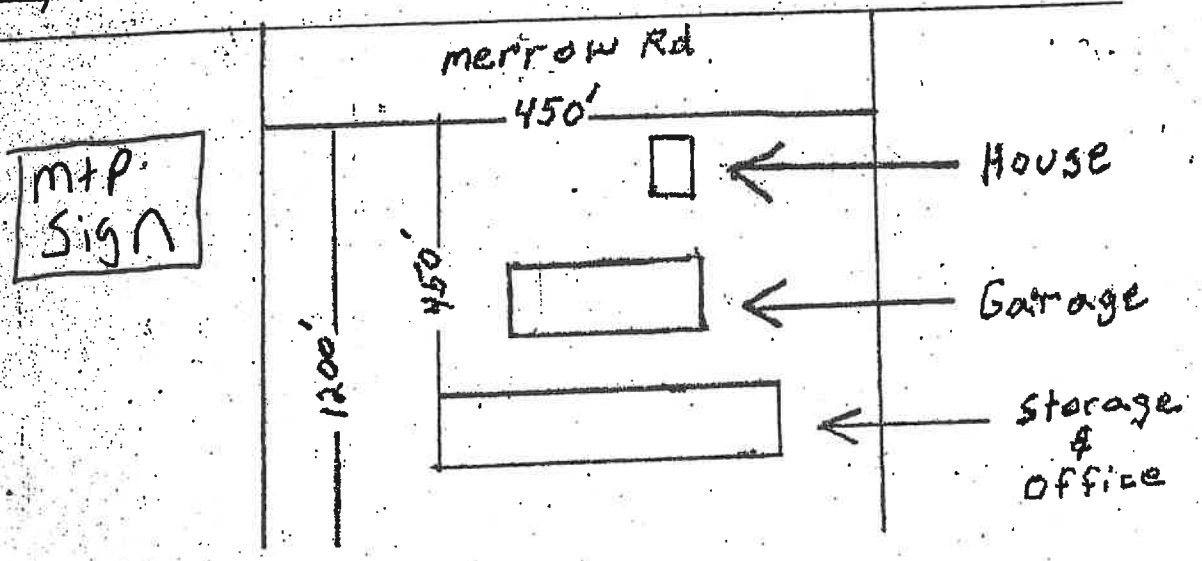
Date of Hearing N/A

Fee Paid $ 100.00

Road Name
or
Route No.

Hotel Rd. To

To Miner Ave



D-364 (Rev. 7/12)

ORDER 118-09162024

City Council Order

IN CITY COUNCIL

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

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

CITY OF AUBURN
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

****

To the **City of Auburn**, County of **Androscoggin, Maine:**

I/We Prolerized New England Company, LLC hereby Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760.

All questions must be answered in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?
   522 Washington Street, Auburn, ME 04210
2. Is this application made by or for a company, partnership, corporation or individual:
   LLC
3. Is this property leased? NO Property owned by: Prolerized New England Company LLC
   Address: 69 Rover Street, MA 02149
4. How is "yard" screened?
   - ☐ Fence (type) Metal Height: 8 Ft.
   - ☐ Trees (type)_____
   - ☐ Embankment:_____
   - ☐ Gully:_____
   - ☐ Hill:_____
   - ☐ Other:_____
5. How far is edge of "yard" from center of highway?
   150 Ft.
6. Can junk be seen from any part of highway? Yes____ No X
7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No____

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

8. Is any portion of this "yard" on public property? Yes____ No X

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes____ No X

10. When was "yard" established? 1986 By whom? Maine Metal Recycling

11. When was last permit issued? 2021 By whom? City of Auburn to: Proterized New England CO, LLC

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: _____ for: Proterized New England CO, LLC
Name of Company, Corporation, Partnership or Individual

Address: 11 Times Square, NY, NY

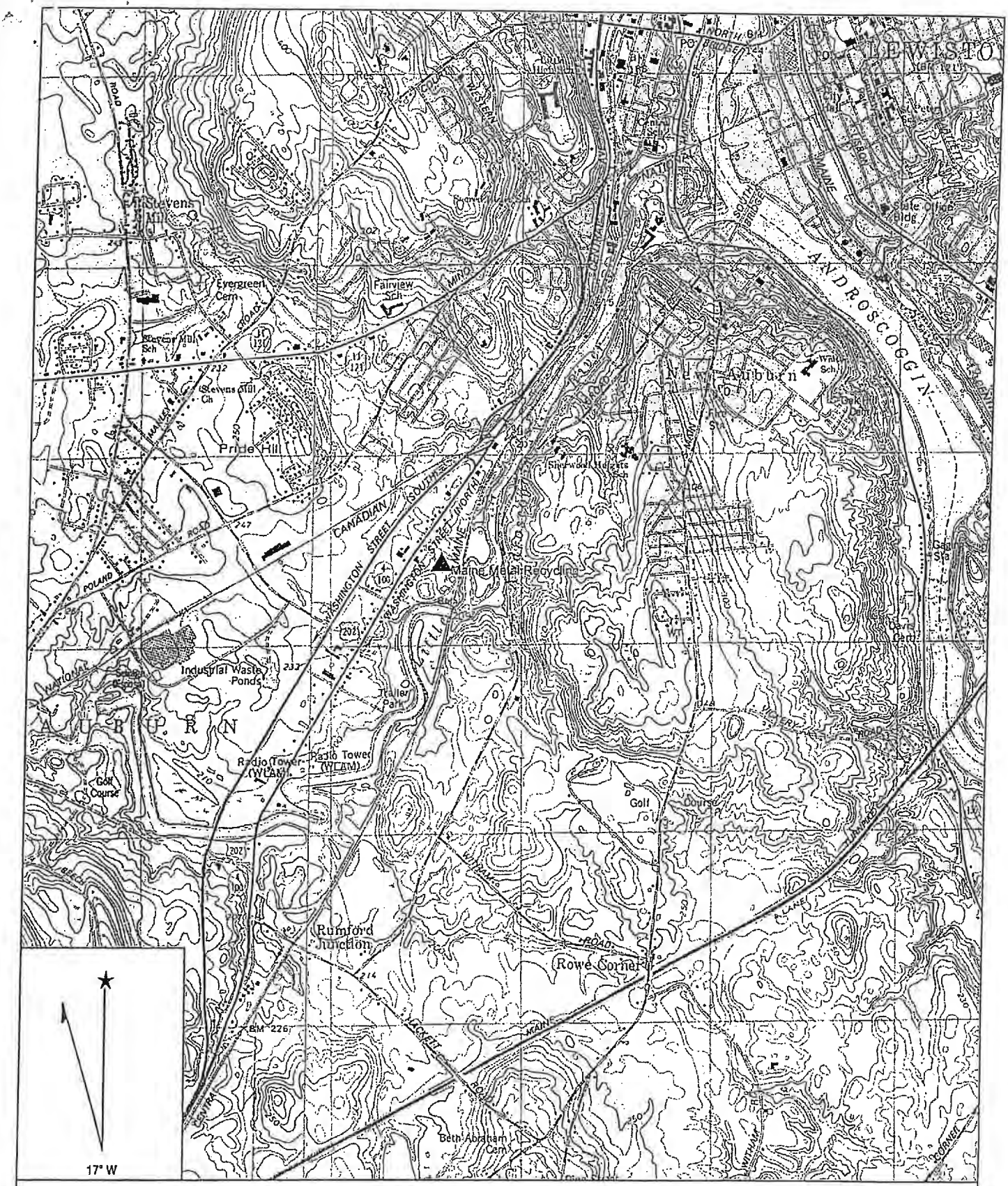
Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 189
Lot No. 024
Zone G89

Check correct direction:

- ☐ North
- ☐ East
- ☐ West
- ☐ South

1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)



Name: LEWISTON
Date: 10/20/2006
Scale: 1 inch equals 2000 feet

Location: 044° 04' 14.2" N 070° 14' 14.1" W
Caption: Figure 1: Site Location Map
Maine Metal Recycling
522 Washington St. Auburn, ME

Copyright (C) 1997, Maptech, Inc.

ORDER 119-09162024

City Council Order

IN CITY COUNCIL

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 St. North.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

CITY OF AUBURN
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

****

To the **City of Auburn**, County of **Androscoggin, Maine:**

I/We Isadore T. Miller hereby Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760.

All questions must be answered in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?
   79 & 80 Hotel Road, Auburn, ME 04210

2. Is this application made by or for a company, partnership, corporation or individual:
   Corporation

3. Is this property leased? No Property owned by: Isadore T. Miller
   Address: 79 & 80 Hotel Rd., Auburn ME 04210

4. How is "yard" screened?
   - ☒ Fence (type) wood Height: 6 ft.
   - ☐ Trees (type)_____
   - ☐ Embankment:_____
   - ☐ Gully:_____
   - ☐ Hill:_____
   - ☐ Other:_____

5. How far is edge of "yard" from center of highway?
   200 ft.

6. Can junk be seen from any part of highway? Yes____ No X

7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No____

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

8. Is any portion of this "yard" on public property? Yes____ No X

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes X No____

10. When was "yard" established? 1930 By whom? Barker Family

11. When was last permit issued? 2022 By whom? City of Auburn to Isadore T. Miller

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: _____ for: Prolerized New England Company, LLC
Name of Company, Corporation, Partnership or Individual

Address: 11 Times Square NY, NY

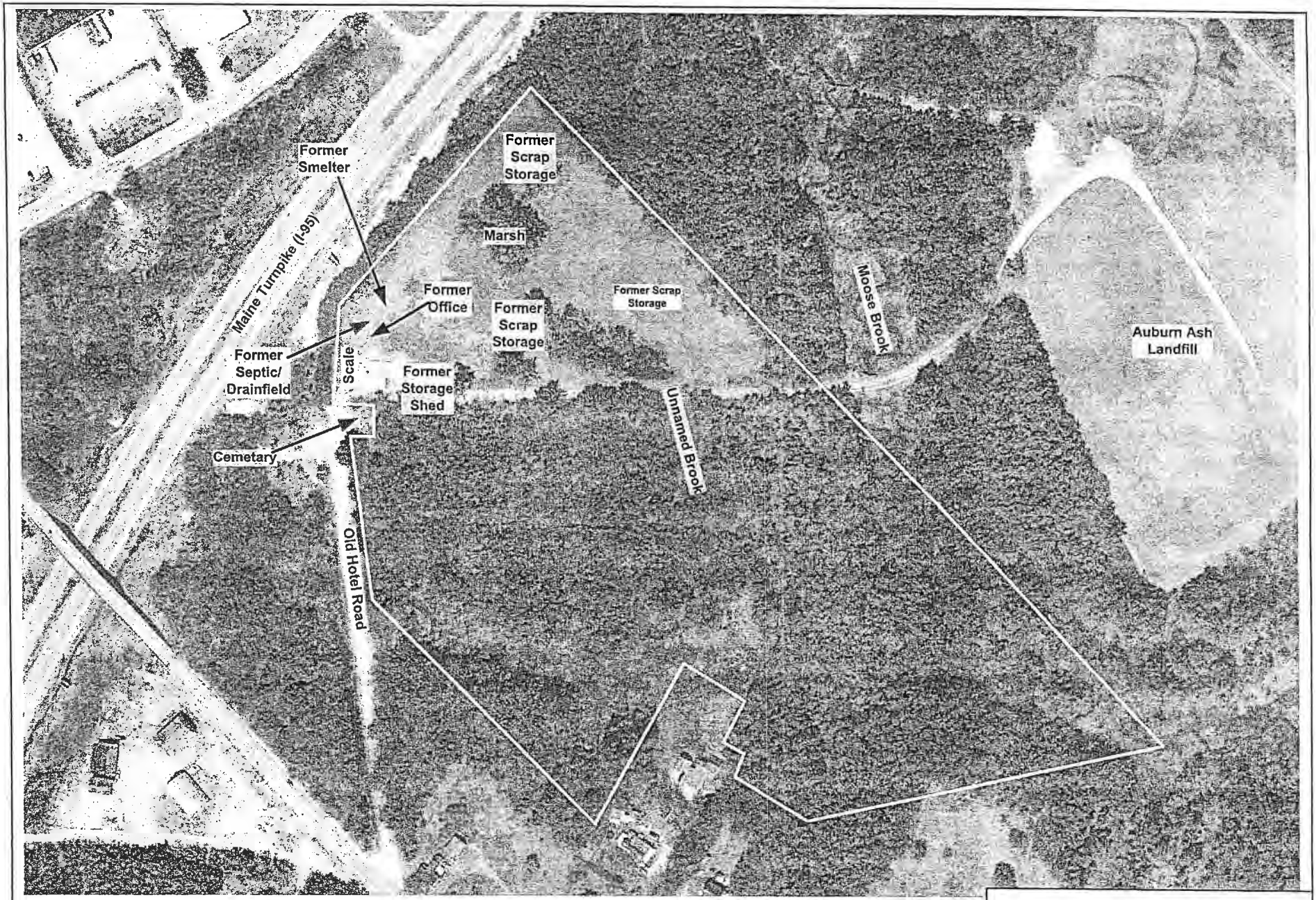
Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 79
Lot No. 017 & 018
Zone 13

Check correct direction:

- ☐ North
- ☐ East
- ☐ West
- ☐ South

1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)



Danville
79 Old Hotel Road, Danville, ME
MRB Northeast

RIEKE CONSULTING SERVICES, LLC

ORDER 120-09162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Hotel Road.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

CITY OF AUBURN
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

****

To the **City of Auburn**, County of **Androscoggin, Maine:** Bryan Mclean/Donald St. Germain

I/We Dons No Preference Towing DBA/Moms Auto Parts hereby Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760. dons4tows@yahoo.com

All questions must be answered in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?
   940 Washington St. N.
   Auburn. ME 0421
2. Is this application made by or for a company, partnership, corporation or individual:
   Corporation
3. Is this property leased? NO Property owned by: _____
   Address: 940 Washington St. N. Auburn
4. How is "yard" screened?
   - [X] Fence (type) Wood Height: 8FT
   - [ ] Trees (type) _____
   - [ ] Embankment: _____
   - [ ] Gully: _____
   - [ ] Hill: _____
   - [X] Other: metal 8FT
5. How far is edge of "yard" from center of highway?
   53 FT Center To fence
6. Can junk be seen from any part of highway? Yes____ No X
7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No____

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

8. Is any portion of this "yard" on public property? Yes____ No X

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes____ No X

10. When was "yard" established? 1938 By whom? Morris Auto Parts

11. When was last permit issued? 2022 2023 By whom? City of Auburn State of Maine

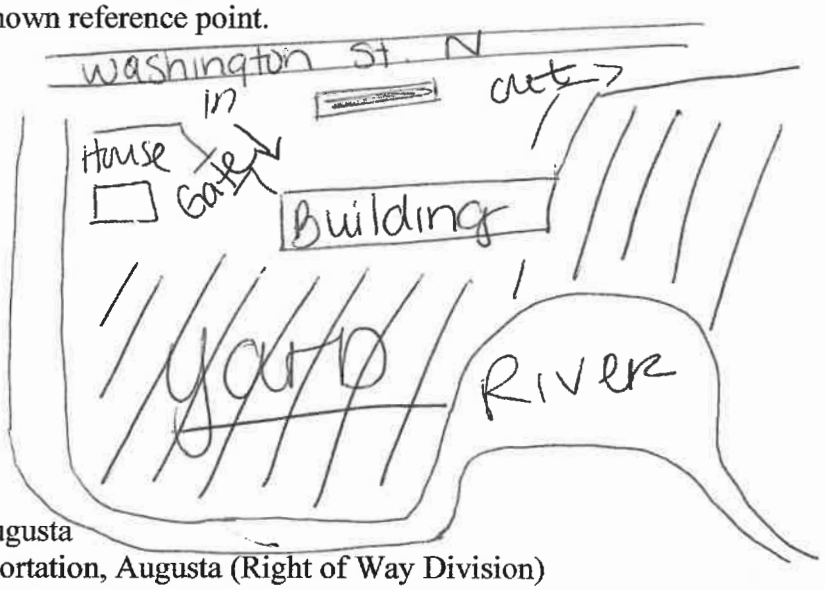
The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: [signature] for: Dons DBA Morris Auto Parts
Name of Company, Corporation, Partnership or Individual

Address: 940 Washington St N. Auburn, ME 04210
PO Box 283 Auburn ME 04212

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 170
Lot No. 020
Zone _____



Check correct direction:
- ☒ North
- ☐ East
- ☐ West
- ☐ South

1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)

ORDER 121-09162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Don's No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North.

AMENDED TO INCLUDE CONDITIONS.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL WORKSHOP & MEETING SEPTEMBER 3, 2024 VOL 37 PAGE 187

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Gerry had an excused absence. Mayor Harmon and all other Councilors were present.

I. Consent Items

1. ORDER 107-09032024* – Confirming Chief Moen's appointments of Constable without firearms/arrest powers for the Auburn Police Department and Constable with firearm/arrest powers within the City of Auburn.

Councilor Walker moved for passage of Consent Items, seconded by Councilor Cowan. Motion passed 6-0.

II. Minutes

August 19, 2024 Regular Council Meeting

Councilor Walker moved to accept the minutes, seconded by Councilor Cowan. Motion passed 6-0.

III. Communications, Presentations and Recognitions

• Proclamation recognizing International Paper on their 50th anniversary read by Mayor Harmon

• Presentation regarding recent tax bills by City Manager Phil Crowell and Finance Director Kelsey Earle

IV. Open Session

Greg Cuetara, 518 Old Danville Rd

Gary Tetreault, Hazel St

V. Unfinished Business

VI. New Business

1. ORDER 108-09032024 – Initiating Planning Board review of proposed zoning amendments to the Lake Auburn Watershed Overlay District related to Agriculture and Forestry.

Councilor Walker moved for passage, seconded by Councilor Cowan. Motion passed 6-0.

2. ORDER 109-09032024 – Authorizing the City Manager to execute a lease of City owned Property to Auburn Riverwalk, LLC.

Councilor Walker moved for passage, seconded by Councilor Whiting. Motion passed 6-0.

Councilor Whiting moved to add ORDER 110-09032024 to the agenda, stating the following:

ORDERED, that the City Council extend to the City Manager salary and benefit changes to match exempt employees effective July 1, 2024. Seconded by Councilor Walker. Motion passed 6-0.

Councilor Whiting moved that it BE IT FURTHER ORDERED, that the City Council extend to the City Manager a one year contract extension as specified by his current contract. Seconded by Councilor Walker. Motion passed 6-0.

VII. Reports

a. Mayor's Report – Mayor Harmon spoke on the first meeting of the City Fee Review Committee; attended a meeting of MMA LPC.

b. City Councilors' Reports – Councilor Whiting shared that the Inter-library Loan program is now reinstated after a hiatus since June 2024; Councilor Milks spoke on taxes of residential vs. Commercial properties and stated revaluaton is akin to appraisal. Councilor Platz spoke on updates from the School Committee, including the need to fix a leak in the new ELHS gym and a 1.44% increase in the total student enrollment.

c. Student Representative Report – Representative Egge shared that September is Mental Health Awareness month and asked the City to share resources for mental health.

d. City Manager Report – Confirmed the City would be providing resources for mental health and spoke on recent events in the city, recognizing city staff. The City has hired a new Planning Coordinator, Natalie Thompson. The groundbreaking ceremony for 186 Main Street will be held next week. The City is looking for a Christmas tree.

VIII. Open Session

Gary Tetreault, Hazel St

Executive Sessions previously scheduled on the agenda were held after workshop.

X. Adjournment

Motion to adjourn at 8:05pm made by Councilor Milks, seconded by Councilor Walker.

Motion passed 6-0.

A TRUE COPY ATTEST

Emily F. Carrington, City Clerk

PROCLAMATION | VETERANS OF FOREIGN WARS OF THE UNITED STATES 125TH ANNIVERSARY – SEPTEMBER 29, 2024

WHEREAS, the Veterans of Foreign Wars of the United States (VFW) was founded in 1899 by a small group of veterans returning from the Spanish-American War and campaigns in the Philippines, banded together to create a veterans organization that would advocate on behalf of all veterans; and

WHEREAS, the VFW is a nonprofit veterans service organization comprised of eligible veterans and military service members from the active, Guard and Reserve forces; and .

WHEREAS, the VFW's mission is to foster camaraderie among United States veterans of overseas conflicts, to serve our veterans, the military and our communities, and to advocate on behalf of all veterans; and

WHEREAS, since its inception the VFW has been instrumental in the establishment of the Veterans Administration, the national cemetery system, and the creation of every national veterans' memorial; and

WHEREAS, the VFW has played a vital role in virtually every significant piece of veterans legislation passed in the 20th and 21st centuries to include the Honoring Our PACT Act, the most significant expansions of veterans benefits in history; and

WHEREAS, the VFW's 125th anniversary is being observed on September 29, 2024, this date shall officially be known as VFW Day; and

NOW, THEREFORE, I Jeffrey D. Harmon, Mayor of the City of Auburn, do hereby proclaim September 29 as VFW Day in honor of the VFW's invaluable contributions to the veteran community in Auburn and around the world. We hereby stand with the VFW and Captain Frank W. Hulett Veterans of Foreign Wars Post 1603 to ensure veterans are respected for their service, always receive their earned entitlements, and are recognized for the sacrifices they and their loved ones have made on behalf of this great country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 16th day of September, 2024.

Mayor Jeffrey D. Harmon

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: Monday September 16, 2024

Author: Karen Scammon, CMA-4, City Assessor and Joseph St Peter, CMA-4, Deputy Assessor

Subject: City-wide revaluation

Information:

Power Point presentation

City Budgetary Impacts: Cost of revaluation

Staff Recommended Action: Approve

Previous Meetings and History: Workshop 1-16-2024

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: None

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 16, 2024 ORDINANCE 18-09162024

Author: John Blais – Deputy Director of Planning, Permitting and Code

Subject: Ordinance - Gracelawn Area Zoning Map Amendment

Information: Consider a zoning map amendment to convert certain parts of City Assessor's Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

This proposed zoning map amendment to change approximately 45 acres in City Assessor's parcel I.D.'s 289-001, 289-002, and 277-026 from General Business Zoning to the Multifamily Suburban zoning district and retain 15 acres within City Assessor's parcel I.D. 289-001 in the General Business zoning district. The Multifamily Suburban zoning district has the same residential density standards as within the General Business District but does not allow several of the uses permitted within the General Business district, like automobile, repair service, and filling stations.

Amending the zoning toward the back of the Gracelawn Pit area closer to the lake allows for the creative reuse of land while limiting some of the heavier uses allowed in the General Business District. Approximately 15 acres in the southeasterly portion of the parcel on Gracelawn Road is proposed to remain in General Business to complement the General Business Zoning on the opposite side of Gracelawn Road and to allow for expanded development opportunity further from Lake Auburn. The proposed General Business portion of the Gracelawn parcel excludes 100 feet abutting the landfill on City Assessor's Parcel I.D. 289-003.

City Budgetary Impacts: None

Staff Recommended Action: First reading in support of the map amendment. This proposed zoning map amendment to change approximately 45 acres in City Assessor's parcel I.D.'s 289- 001, 289-002, and 277-026 from General Business Zoning to the Multifamily Suburban zoning district and retain 15 acres within City Assessor's parcel I.D. 289-001 in the General Business zoning district

---

Previous Meetings and History: PB unanimous approval in the August Planning Board Meeting.

City Manager Comments:

Signature: Phillip Crowell Jr.

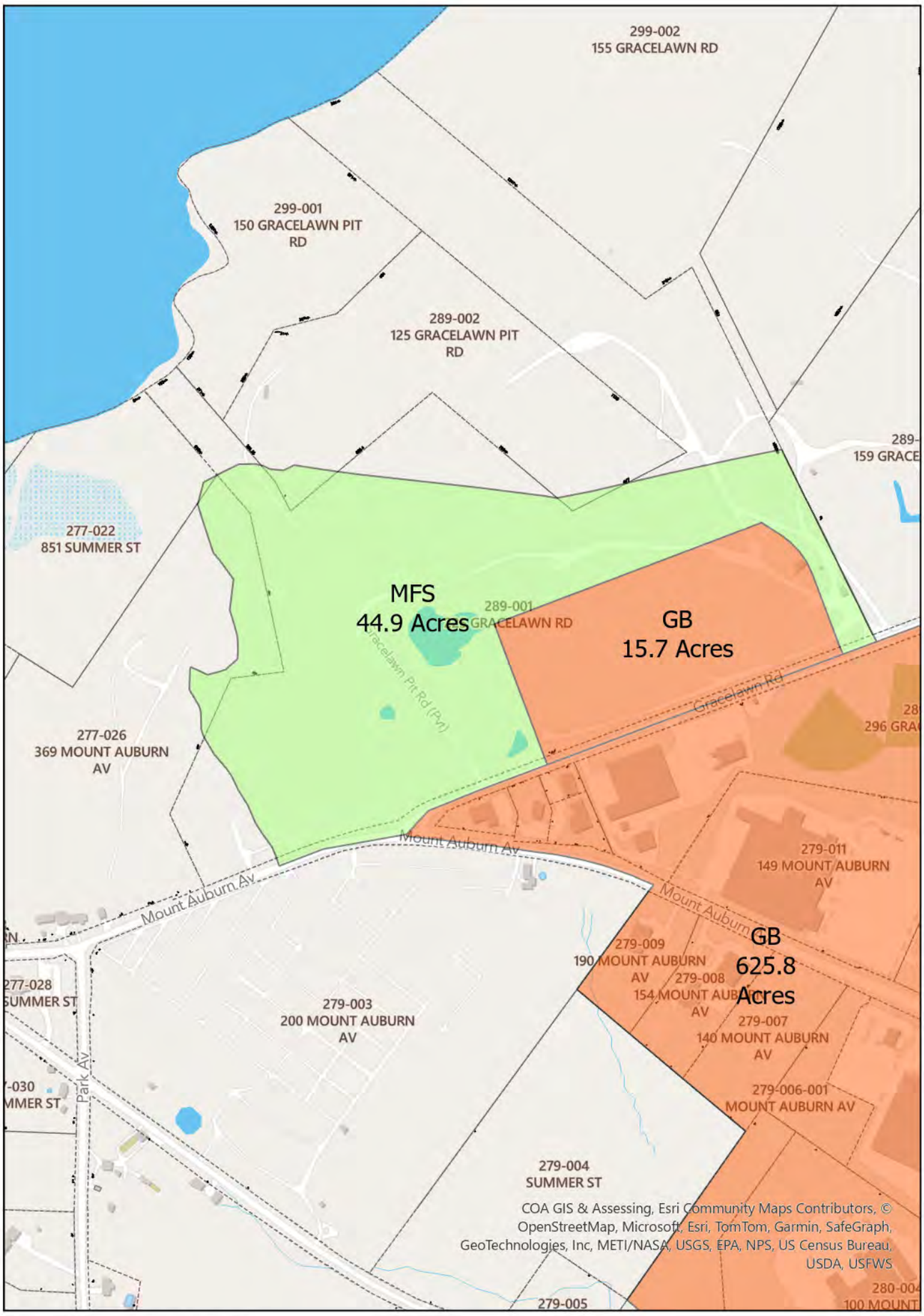
Attachments: Official Map Amendment, Minutes

PUBLIC HEARING/ MAP AMENDMENT: Consider a zoning map amendment to convert certain parts of City Assessor's Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Tim Deroche makes a motion to forward a favorable recommendation to City Council to amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor's Parcel ID's 289- 001, 289-002, and 277-026 from General Business Zoning to the Multifamily Suburban zoning district and retain 15 acres within City Assessor's parcel I.D. 289-001 in the General Business zoning district *from map dated August 7, 2024. (italicized wording added as an amendment to the original motion).*

Second: Darren Finnegan **Vote on motion**: 7-0 **Motion Carries**

City of Auburn
Proposed Zoning Amendment
August 2024



Legend

Auburn Zoning-Proposed

- GB - General Business
- MFS - Multi-Family Suburban

N

0 125250 500 750 1,000 Feet

auburnmaine.gov

August 7, 2024

Ordinance 18-09162024

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council hereby approves of a Zoning Map amendment converting Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district, as shown on the attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 16, 2024 **Order: 122-09162024**

Author: Emily F. Carrington, City Clerk

Subject: Appointing Voting Delegates for the 2024 MMA Annual Business Meeting

---

Information: Maine Municipal Association (MMA) is requesting the municipal officers appoint a Voting Delegate and an alternative Voting Delegate to attend the 2024 Annual MMA Business Meeting on October 2, 2024. The City Council will need to appoint two representatives this evening. Staff recommends appointing Assistant City Manager Denis D'Auteuil as Voting Delegate and City Clerk Emily Carrington as Alternative Voting Delegate.

City Budgetary Impacts: N/A

Staff Recommended Action: Staff recommends appointing Assistant City Manager Denis D'Auteuil as Voting Delegate and City Clerk Emily Carrington as Alternative Voting Delegate.

Previous Meetings and History: In 2023, the appointed delegates for the City of Auburn were City Manager Phillip Crowell Jr (Voting Delegate) and Assistant City Manager Brian Wood (Alternative Voting Delegate).

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Memo from MMA, MMA ballot, order

MAINE MUNICIPAL ASSOCIATION SINCE 1936

60 Community Drive | Augusta, ME 04330-9486
1-800-452-8786 (in state) | (t) 207-623-8428

To: Key Municipal Officials of MMA Membership

From: Catherine Conlow, Executive Director

Date: September 2, 2024

Subject: MMA Annual Business Meeting & Voting Credentials

The Maine Municipal Association's Annual Business Meeting is being held in conjunction with the MMA Annual Convention and will be held on **Wednesday, October 2, 2024, at 1:15 p.m.** The meeting will be in person at the Augusta Civic Center, Augusta, Maine.

Attached please find the proposed agenda and the ***MMA Voting Delegates Credential Form*** on which the municipal officers may designate their municipality's voting representative and alternate. Complete and mail the form to us before October 2nd or bring the completed form to the Annual Meeting. Please note, there are no proposed bylaws amendments for 2024.

This year's Convention promises to be exciting and full of great opportunities for learning and networking. Our theme is Unstoppable: Building Resilience. You can learn more about the program by visiting:

https://www.memun.org/Training/Conferences-Conventions/Convention/Agenda

If you have any questions regarding this information, contact me at (207) 623-8428 or by email at cconlow@memun.org.

We look forward to seeing you at the convention and the Annual Meeting!

Maine Municipal Association
Annual Business Meeting
Wednesday, October 2, 2024
1:15 p.m. – 2:30 p.m.
Augusta Civic Center

AGENDA

1. **Introductions and Welcoming Remarks** – MMA President Diane Hines, Ludlow Town Manager will welcome members to the business meeting.

2. **Election Results** – Diane Hines will discuss the election results and introduce the new Executive Committee members.

3. **Approval of 2023 MMA Annual Business Meeting Minutes** – Diane Hines

4. **MMA President's Report** – Diane Hines will discuss her term in office and the remainder of the year.

5. **Executive Director's Report –** Catherine Conlow, MMA Executive Director will discuss business taking place throughout the year at MMA.

6. **Other Business** *(comments from the floor)*

7. **Adjournment**

MAINE MUNICIPAL ASSOCIATION

VOTING DELEGATE CREDENTIALS

_____ Is hereby designated as the official Voting Delegate and
(print name)

_____ as the alternative Voting Delegate for
(print name)

_____
(municipality)

to the Maine Municipal Association's Annual Business Meeting, which is scheduled to be held, on Wednesday, October 2, 2024, at 1:15 p.m., at the Augusta Civic Center, Augusta, Maine.

The Voting Delegate Credentials may be cast by a majority of the municipal officers, or by a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ Municipality: _____

Signature of a Municipal Official designated by a majority of Municipal Officers:

Name: _____ Position: _____

Or Signature of the Majority of Municipal Officers:

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Please return this form no later than Monday, October 1, 2024, or bring it with you to the MMA Annual Business Meeting. If mailing, send to:

MMA Annual Business Meeting
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
Email: kmaines@memun.org

ORDER 122-09162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Denis D'Auteuil as the City of Auburn's official Voting Delegate and Emily Carrington as the alternative Voting Delegate for the 2024 MMA Annual Business Meeting.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 16, 2024 **Order#** 123-09162024

Author: Phil Crowell, City Manager

Subject: Mayor's Ad-Hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee

---

Information: Mayor Harmon has requested an Ad-Hoc Committee to be formed.

Charge
The Mayor's Ad-hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee will develop criteria to be used when determining if a business or land use, if implemented, will constitute a bona fide farming, agricultural, recreational or natural resource use pursuant the City of Auburn Code of Ordinances, Section 60-145(a)(1)(b)(2)(i).

Membership

The committee shall be comprised of the following members:

- The Chair of the Sustainability and Natural Resources Board or the Chair's designee.
- Up to two representatives of the Natural Products and Agriculture Working Group as designated by the Chair of the Group.
- A representative of the Conservation Working Group as designated by the Chair of the Group.
- A representative of the Community Forestry Working Group as designated by the Chair of the Group.
- A representative of the Parks and Recreation Advisory Board as designated by the Chair of the Board.
- A member of the Planning Board as designated by the Chair of the Board.
- Representatives of the Planning, Permitting, and Code Enforcement Department as designated by the City Manager.

Reporting

The Committee report to the City Council, no later than November 18, 2024, with proposed criteria.

City Budgetary Impacts: None.

Staff Recommended Action: Approve the request

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments:

ORDER 123-09162024

City Council Order

IN CITY COUNCIL

ORDERED, the creation of the Mayor's Ad-hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee as outlined below:

Charge

The Mayor's Ad-hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee will develop criteria to be used when determining if a business or land use, if implemented, will constitute a bona fide farming, agricultural, recreational or natural resource use pursuant the City of Auburn Code of Ordinances, Section 60-145(a)(1)(b)(2)(i).

Membership

The committee shall be comprised of the following members:

- The Chair of the Sustainability and Natural Resources Board or the Chair's designee.
- Up to two representatives of the Natural Products and Agriculture Working Group as designated by the Chair of the Group.
- A representative of the Conservation Working Group as designated by the Chair of the Group.
- A representative of the Community Forestry Working Group as designated by the Chair of the Group.
- A representative of the Parks and Recreation Advisory Board as designated by the Chair of the Board.
- A member of the Planning Board as designated by the Chair of the Board.
- Representatives of the Planning, Permitting, and Code Enforcement Department as designated by the City Manager.

Reporting

The Committee report to the City Council, no later than November 18, 2024, with proposed criteria.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 16, 2024 **Order: 124-09162024**

Author: Emily F. Carrington, City Clerk

Subject: Amending APPENDIX A (Fees and Charges) to include Fee Reimbursement/Refund Policy

---

Information: This ORDER amends the existing APPENDIX A (Fees and Charges) to include a fee reimbursement/refund policy as outlined below. This item was presented at the May 20, 2024 Workshop.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: This item was presented at the May 20, 2024 Workshop.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Workshop memo, outline of amendments

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 20, 2024 **Order:** Workshop Item

Author: Eric J. Cousens, Planning and Permitting Director

Subject: Fee Schedule Amendment-Fee Reimbursement/Refunds

Information: The Council recently removed the fee schedule from the ordinance and adopted it by order. That action was recommended by legal counsel and staff as it will make it easier for the Council to amend the schedule with a single vote in the future. Adopting the fee schedule by order is a common approach to managing fee schedules. This discussion started when a petitioned zoning change was denied by the Council and at least two councilors wanted to consider a refund of the petition fee that was not permissible in the existing ordinance.

The attached draft amendment to the fee schedule would establish a process where the Council would be authorized to issue fee reimbursements for zoning petitions. It also reorganizes all reimbursement policies to a single part of the policy and makes some clerical edits.

Staff is concerned that the amendment would promote more zoning petitions if the petition circulator knew the cost would be reimbursed if it did not pass. Processing a petition requires research, Planning Board preparation and public hearing, preparation for Council public hearing and two readings, including public notice expenses and mailings. Staff did not find another community that reimburses zoning petition fees but did note that we are relatively low cost for fees compared to other Cities.

City Budgetary Impacts: None.

Staff Recommended Action: Discuss and determine if a majority of the Council wishes to see this on a future agenda for consideration and adoption.

Previous Meetings and History: Previous discussion on fee schedule movement from ordinance to policy.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Draft fee schedule Amendments, other community examples.

Appendix A FEES AND CHARGES[1]

Administrative

Notary fee10.00

Copy fee, per page (8.5 x 11 black and white)0.10

Animals

Dog license fees:

Unaltered dog—annually11.00

Spayed/neutered dog—annually6.00

Late fee after January 3125.00

Impoundment fee—each50.00

Additional per day for boarding fee TBD

Dangerous dog registration fee—annually100.00

Buildings and Building Regulations

Building permit—single-family:

New construction, additions and mobile homes25.00

Accessory structure25.00

Renovation < $4,000.0025.00

Renovation > $4,000.0025.00 base + 5.00 per $1,000.00 value

Building permit—multi-family:

New construction and additions30.00 base + 0.30 per sf

Renovations30.00 base + 5.00 per $1,000.00 value

[1]Editor's note(s)—Ord. No. 35-10182021, adopted November 1, 2021, repealed app. A and enacted a new app. A as set out herein and later amended. Former app. A pertained to similar subject matter and derived from an Ord. adopted May 2, 2011; Ord. No. 12052011-04, adopted December 5, 2011; Ord. No. 02-03052012, adopted March 19, 2012; Ord. No. 58-07152013, adopted July 15, 2013; Ord. No. 12-06152015, adopted July 6, 2015; Ord. No. 13-06152015, adopted July 6, 2015; Ord. No. 02-02222016, adopted March 7, 2016; Ord. No. 01-02242020, adopted March 2, 2020; Ord. No. 07-10192020, adopted November 2, 2020; Ord. No. 17-03012021, adopted March 15, 2021.

Editor's note(s)—All fees in this schedule that are calculated per a unit of time, distance, or other measurement shall be construed to include any portion of such unit. The acronym "TBD" as used herein means "to be determined" and denotes an amount that has not yet been determined by the city council or that may have been determined but not yet included in a supplement to this schedule. The acronym "NA" as used herein means "not applicable" and indicates a fee that is not associated with a particular code section but with the code chapter contents generally.

Building permit—commercial:

*New construction for agricultural building for the storage of crops, housing of livestock are excluded from the building permit fees. This exclusion does not apply to marijuana.

New construction30.00 base + 0.35 per sf (per floor)

Renovation30.00 base + 7.00 per $1,000.00 value

Foundation only30.00 base + 5.00 per $1,000.00 value

New construction of agricultural buildings for the storage of crops or housing of livestock, excluding marijuana25.00 base + 0.07 per sf

Building permit—swimming pools:
*This includes electrical inspection.

Above ground and in-ground pools50.00

Building permit—other:

Fences25.00
..... (6 ft or higher)

Underground storage tanks50.00
..... (first tank) +
..... 15.00 (additional tanks)

Moving building100.00

Driveways25.00

Change of use40.00

Certificate of occupancy Included in permit
..... ($260.00 penalty)

Signs25.00 base + 0.50 per sf

Banners, for seven-day period not to exceed 14 days250.00

Demolition:

Interior demolition not in conjunction with a construction project50.00

< 5,000 sf50.00

> 5,000 sf250.00

Belated fee:

The customary permit fee shall double where work commences prior to the issuance of the appropriate permits.

~~Building permit fee reimbursement policy:~~

~~In the event that the recipient of a building permit does not undertake any of the building activity associated with a given permit, he/she may submit a written request to the director of planning and permitting for the reimbursement is made within six months of the issuance of said permit, and if no work associated with said permit was commenced, 75 percent of the permit fee will be reimbursed. The city shall retain 25 percent of the permit fee to provide compensation for the costs associated with issuance of said permit and to process reimbursement.~~

Plumbing fees:

Internal plumbing:

Per fixture (subject to minimum below)9.00

Minimum36.00

Subsurface wastewater TBD

Nonengineered systems150.00

Field only100.00

Treatment tank only (non-engineered)75.00

Engineered system300.00

Treatment tank only (engineered)120.00

Holding tank150.00

Other system components50.00

Separate laundry disposal field50.00

Seasonal conversion75.00

Variance50.00

Primitive system (including 1 alt wc)150.00

Alternative toilet only75.00

Electrical inspections:

Minimum TBD

Residential 32.00

Commercial 42.00

Single and multifamily dwellings—per unit (includes service/openings)—each58.00

All temporary services30.00

Services—single phase—panel and meter:

Base fee—up to 100 amps (includes cable hookup)12.00

Plus-per each additional 100 amps or fraction7.00

Plus-per each additional meter7.00

Plus-subpanels—up to 100 amps7.00

Plus-subpanels—each additional 100 amps or fraction10.00

Services—three phase—panels:

Base fee—up to 100 amps (includes cable hookup)30.00

Plus-per each additional 100 amps or fraction7.00

Plus-per each additional meter7.00

Plus—subpanels, up to 100 amps10.00

Plus-subpanels—each additional 100 amps or fraction10.00

Wiring openings (total outlets, lights and switches—120 volt):

1—20 openings15.00

21 to 50 openings20.00

51+ openings0.50
..... per opening

Appliances in new locations—120 volts—compactors, dishwashers, disposals, air conditioners, etc.5.00

Appliances in new locations—240 voltsTBD

Ranges, ovens, water heaters, dryers, air conditioners, etc.10.00

Domestic heat:

Electric—per kilowatt3.00

Gas, oil, central air, other12.00

Manufactured dwellings—per unit (includes service equipment)42.00

Circuses, carnivals, fairs, festivals, etc.75.00 flat fee

Transformers, generators and UPS (battery backup)25.00 flat fee

Alarm system (copper or fiber):

Fire, burglar—base fee18.00

Plus—per outlet over first 10 outlets0.50

Other low voltage system (computer, phone, cable, satellite dish, sound, closed circuit television, etc.)—base fee18.00

Plus—per outlet over 10 outlets0.50

Motors:

< 25 HP12.00

Plus—for each 5 HP or fraction thereof over 25 HP2.00

Signs (one time fee):

Portable, mobile, permanent—each sign25.00

Emergency lighting battery pack unit—each7.00

Water, sewer, gas or wall pump—each10.00

State business licensing inspections—each40.00

Annual industrial electrical permit—does not include new structures or additions250.00

Fire alarm box connection—annually:

DET electronic units400.00

Mechanical box connections425.00

Belated electrical permit fee—within one calendar year:

First offense100.00

Second offense200.00

Third offense400.00

Fourth offense800.00

Fifth and subsequent offenses—each1,600.00

Inspections and department call outs after normal business hours-minimum (additional time beyond three hours shall be calculated at time plus one-half for the on call electrician)150.00

Notice of intent to sell, transfer or rent property subject to order:

Violation of section 12-199:

Not less than50.00

Not more than100.00

Businesses and Business Regulations

Lodginghouse, Boardinghouses, rooming houses, hotels, motels, etc.—annually100.00
..... flat fee

Outpatient addiction treatment clinic—annually200.00

Closeout sales (30-A M.R.S.A. § 3781)—maximum of one per business up to 60 days20.00

Massage licenses—annually:

Establishment (more than one therapist)—annually150.00

Therapist—annually, plus cost of background check)150.00

Solicitation permit (issued by police department)0.00 each

Mobile or itinerant vendor permit (door-to-door sales):

One year100.00

Mobile food distribution unit (roving diner):

Twelve months100.00

Vendor use of city property (each three-month period)50.00

Peddlers:

Per event75.00

30-day permit100.00

Agricultural barn sales—each (maximum of one three-day permit per month between the months of April and October)15.00

Garage sales—each (maximum of two three-day permits within six months):

On-line issuance0.00

In office issuance0.00

Secondhand dealer license—annually100.00

Pawnbroker license—annually plus actual cost of advertising hearing100.00

Junkyard/automobile graveyard (no on-line license)—annually plus actual cost of advertising hearing:100.00

Taxicabs:

Taxicab business license—annually100.00

Call-out inspection fee (establishment requested outside normal hours)—each, plus inspector's overtime hourly rate100.00

Re-inspection fee100.00

Flea market, craft fairs, swap meets, and bazaars:

One day event0.00
..... application only

Three months0.00
..... application only

Alcohol beverage establishments:

Class A lounge (liquor)—annually (plus actual cost of advertising hearing)~~1,000.00~~

1,300.00 flat fee

Tavern license—annually:

~~Up to 2,999 square feet150.00~~

250.00 flat fee

Liquor service approval (off-premises catering)—per event10.00

Food service establishments (plus actual cost of advertising hearing):

Class I (liquor—beer, wine and spirits, and mixed drinks)—annually500.00
..... flat fee

Class III/IV (liquor—beer and wine)—annually400.00
..... flat fee

Class IV (liquor—beer)—annually400.00
..... flat fee

Class on or off premises (no liquor)—annually200.00
..... flat fee

Bottle club/BYOB—annually200.00
..... flat fee

Temporary food service establishment—per event—maximum of 30 days60.00

Off premises retailer—annually200.00
..... flat fee

Adult amusement devices—each device annually1,100.00

Beano/bingo (EnerGov—no online license)No fee

Carnival, circus, or other traveling amusement—per day150.00

~~Coin-operated amusement device—annually—per device:~~

~~Per unit up to 10 devices0.00~~

~~Per unit for 10 or more devices0.00~~

~~Jukeboxes—each device—annually0.00~~

~~Motion picture theater—per screen—annually0.00~~

~~Pool halls—annually per table0.00~~

Roller skating rinks—annually:

With partial or full kitchen90.00

Dances and dancehalls—per event35.00

Mass gathering permit application fee—determined for each event (EnerGov—no on-line license)N/A

Tattoo (background check required):

Tattoo artist license fee—annually100.00

Tattoo exhibitions or shows—per event250.00

Race trackN/A

Special amusement (background check required)—annually plus cost of advertising hearing125.00

Game of chance (EnerGov—no on-line license):

Six months10.00

Up to three-year blanket approval20.00

Relicensing upon late renewal by any existing licensed business:

30—45 days late50.00

More than 45 days late100.00

Reoccurring 200.00

Emergency Management and Services

Security (alarm) system permit:

Issuance30.00

Environment

Fill permit—original issuance:

Up to 7,000 square feet of fill area25.00

7,001 to 22,500 square feet of fill area35.00

Over 22,500 square feet of fill area50.00

Fill permit renewal—annually—if not delinquent0.00

Fire Prevention and Protection

Fire department services:

Reports—per copy10.00

Research—per hour (1 hour minimum)20.00

Old hose—per foot1.00

Coverage of a fire/EMS event—per person-per hour50.00 plus apparatus rate

Accident or fire photos—each—unless otherwise determined by fire chief10.00

Photos printed outside of agency—each—plus actual costs20.00

Environmental reviews—each20.00

Fireworks standby—per hour200.00

Training burns resulting in demolition2,500.00

Fire investigations—per hour100.00

Hazard material incidents:

Cost of response—see apparatus costs—plus cost of materials and supplies used.

Illegal/unauthorized burning response—per hour250.00

Out of control burn response:

Cost of response—see apparatus costs.

Vehicle accidents—per hour250.00

Extrication of patients from vehicle300.00

Spill control and clean-up100.00

Salvage calls—residential:

Labor—per hour150.00

Sump pump—each—per hour50.00

Salvage calls—commercial—per hour500.00

False alarms—received in one calendar year:

Second100.00

Increase in first alarm fee for each subsequent alarm100.00

Fireworks:

Use or possession with intent to use in the city:

First offense (plus costs):

Not less than200.00

Not more than400.00

Second and subsequent offenses (plus costs):

Not less than300.00 per violation

Not more than600.00 per violation

Sale or possession with intent to sell in the city:

First offense (plus costs):

Not less than500.00

Second and subsequent offenses (plus costs):

Not less than1,000.00 per violation

Apparatus rates: includes normal crew assignment

Engine—per hour250.00

Aerial device—per hour350.00

Rescue—per hour150.00

Boat—per hour150.00

Command unit100.00

Forestry/brush truck150.00

Solid Waste

Solid waste fees shall be as determined annually by the city council base on prior years' financial information.

Streets, Sidewalks and Other Public Places

Display of goods permit—each0.00

Excavation/Street Opening Permits—per square foot* :

Newly constructed, reconstructed or repaved street6.00

Paved streets5.00

Gravel streets and shoulders3.00

Construction areas (streets scheduled for full-depth construction5.00

* *Applicability Date:* Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, the amendments to this Appendix A evidenced by Ordinance 05-06052023, when enacted, shall govern any proposed excavation/street opening for which an application has not been submitted to and finally acted upon by the City prior to June 5, 2023.

Sidewalk openings—per square foot:

Concrete, brick, bituminous1.50

Other openings:

1.00 for all other materials

Entrance permit—each 20.00

Private property N/C

Inspection of improvements in developments:

Streets to be accepted by city—as percentage of estimated costs of required public improvements2%

Private streets—as percentage of estimated costs of required public-type improvements2%

Special exceptions—the greater of:

Minimum200.00

Percentage of public type improvements2%

Traffic and Vehicles

Parade or procession permit—each0.00

Parking in city owned parking lot and mechanics row parking garage—monthly45.00

Zoning

Zoning text amendments:

Base fee—each application 400.00

Additional for required advertising—each application 300.00

Zoning map amendments:

Base fee—each application 400.00

Additional for required advertising—each application 300.00

Zoning board—appeals, interpretation, variance, conditional use permit, etc.:

Base fee—each application 150.00

Additional for required advertising—each application200.00

Site plan review:

Minor projects—interdepartmental/staff review—each application200.00

Major projects and subdivision of existing structures—planning board review/special exceptions:

Base fee—each application500.00

Additional for required advertising200.00

Site plan amendment:

Minor projects—staff approved amendments—each100.00

Major projects—planning board approved—amendments:

Base fee-each application100.00

Additional for required advertising200.00

Subdivision review—new lots and structures:

First three lots750.00

Each additional lot over three100.00

Delegated review (in addition to site plan or subdivision fees when required)—includes one or all areas (stormwater, TMP, site law, etc.) 25% of the fee that would be charged by the state department of environmental

protection and state department of transportation for the same permits based on state adopted fee schedules at the time of application.

Zoning conformance/rebuild letter—each50.00

Independent professional review fees TBD

Engineering inspection fees TBD

Required advertising (unless otherwise specifically provided above)100.00

Other General Information:

- Applicants are responsible for the cost of all public hearing advertisements and background checks required for various licenses. Failure to list that additional expense in the fee schedule shall not eliminate that requirement from the licensing process.
- Applicants are responsible for providing background checks, not older than 3 days prior to submission of application for all licenses that require such checks or, alternatively, applicants may pay $100.00 to the city with the application to cover the cost of the background check.
- License fees established in this appendix include two routine or pre-operational inspections and one follow-up inspection. When additional inspections are required, the city may charge an additional $100.00 per inspection to cover the costs of each additional inspection or visit.
- All first time applications must be made in person, unless otherwise specifically stated herein.
- All on-line licenses will receive a 10% discount unless otherwise indicated herein.
- No on-line renewal of liquor licenses, special amusement licenses, or tattoo or massage licenses is permitted.
- ~~Residential construction. A veteran/widow/widower of a veteran or contractor on behalf of a veteran/widow/widower of a veteran seeking to build new construction or to rehabilitate an existing property will have all fees waived/reimbursed at time of permit approval. This applies to owner occupied single family and multifamily units, up to 3 unit structures. This does not apply to state fees administered by the city.~~
- ~~Commercial construction. A veteran owned business* or subcontractor hired by a veteran owned business*, will be entitled to a 50% fee reduction/reimbursement for new construction or rehabilitation of an existing property at the time of permit approval. This does not apply to state fees administered by the city.~~

~~* Veterans honorably discharged from federal service, must present DD-214 to economic, and community development office for fees to be waived.~~

~~** Veteran owned business as defined by the SBA being a corporation in which 51% of the shares of the company are owned by a veteran.~~

Fee refund, reimbursement & waiver policy:

Residential construction. A veteran/widow/widower of a veteran or contractor on behalf of a veteran/widow/widower of a veteran seeking to build new construction or to rehabilitate an existing property will have all fees waived/reimbursed at time of permit approval. This applies to owner occupied single family and multifamily units, up to 3 unit structures. This does not apply to state plumbing fees administered by the city.

Commercial construction. A veteran owned business* or subcontractor hired by a veteran owned business* will be entitled to a 50% fee reduction/reimbursement for new construction or rehabilitation of an existing property at the time of permit approval. This does not apply to state plumbing fees administered by the city.

* Veterans honorably discharged from federal service, must present DD-214 to economic, and community development office for fees to be waived.

** Veteran owned business as defined by the SBA being a corporation in which 51% of the shares of the company are owned by a veteran.

Building permit fee reimbursement policy: In the event that the recipient of a building permit does not undertake any of the building activity associated with a given permit, he/she may submit a written request to the director of planning and permitting for the reimbursement within six months of the issuance of said permit, and if no work associated with said permit was commenced, 75 percent of the permit fee will be reimbursed. The city shall retain 25 percent of the permit fee to provide compensation for the costs associated with issuance of said permit and to process reimbursement.

Floodplain Overlay District: A non-refundable application fee of $50.00 for all minor development and $100.00 for all new construction or substantial improvements shall be paid to the city. (Sec. 60-895).

Zoning text or map amendment requests: In the event that the applicant for a zoning text or map amendment does not receive approval, the base fees may be reimbursed. The applicant must submit a request to the city clerk within 30 days of the date of the denial. The city council shall consider the request within 30 days at a regular city council meeting and may approve by majority vote to authorize the reimbursement. The additional cost for required advertising is not reimbursable.

Business licenses: 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. (Sec. 14-31)
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. (Sec. 14-38)

Mass gatherings and events: An appeal for waiver of fees or surety bond may be made in writing to the city council. The city council may waive the permit fee or surety bond, when it determines that such waiver will not compromise the purpose or enforcement of this article. (Sec. 14-261).

(Ord. No. 35-10182021, 11-1-2021; Ord. No. 48-12062021, 12-20-2021; Ord. No. 04-02072022, 2-7-2022; Ord. No. 01-01032023, 1-17-2023; Ord. No. 05-06052023, 6-20-2023)

Refund, Reimbursement, or Waiver Policies – Zoning Text or Map Changes

City/Town	Population	Fee	Policy
Biddeford	22,450	$1,300 (text or map) + $75 administrative fee	Non-refundable (Code).
Lewiston	38,500	$400 (text or map) + plus required advertising	No refund/reimbursement policy.
Bangor	31,600	Map: $664-$1,060 Text: $1,590-$2,193 + plus required advertising	No refund/reimbursement policy found.
South Portland	27,000	$1,000 (map or text) + $200 pre-application meeting + application fee	Does not allow refunds/reimbursements.
Portland	68,400	$7,500 (map or text) / $10,000 map & text combined	The fee for text or zoning map amendment applications may be waived or reduced by the Planning Authority in the case of an application submitted by a governmental body or where an applicant can establish financial hardship. If a text or zoning map amendment application is withdrawn by an applicant prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of half of the amount of the application fee will be made to the applicant by the City provided that all costs incurred by the City have been paid in full by the applicant. Application fee is non-refundable. (Code).
Auburn	24,200	$400 (map or text) + advertising fees ($300)	

ORDER 124-09162024

City Council Order

IN CITY COUNCIL

ORDERED, the City's master fee schedule titled APPENDIX A CITY FEES AND CHARGES is hereby amended as shown on the attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 16, 2024 **Order: 125-09162024**

Author: Emily F. Carrington, City Clerk

Subject: Authorizing the reimbursement of zoning petition fee to Robert Gagnon

---

Information: This ORDER authorizes the City of Auburn to issue a $400 refund to Robert Gagnon, 944 Riverside Drive, in accordance with the City's APPENDIX A reimbursement and refund policy as adopted by ORDER 124-09162024.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Memo, order

City of Auburn
C/O City Clerk
Emily F. Carrington
60 Court Street
Auburn, Maine 04210

May 28, 2024

RE: Requesting City Council to Authorize Reimbursement to Robert M. Gagnon

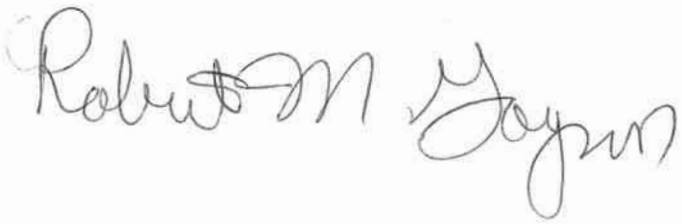
Dear Council Members,

My name is Robert M. Gagnon, regarding ORDER 85-06032024 (TENTATIVE) I respectfully request authorization of reimbursement to Robert M. Gagnon in the amount of **$400.00** in accordance with the zone map/text amendment reimbursement policy. Specifically, text adopted under Part II- Code OF ORDINANCES, Appendix A FEES and CHARGES, Zoning text or map amendment requests.

For the rezoning petition for PID 174-004, 174-004-001 and 174-004-002 that was verified by the City Clerks office on October 23, 2023 and postponed indefinitely determination by City Council under Ordinance 08-02052024 on February 5, 2024.

Regards,

Robert M. Gagnon
944 Riverside Drive
Auburn, ME 04210
Phone: #207.402.5382
Email: splintr@aol.com



ORDER 125-09162024

City Council Order

IN CITY COUNCIL

Ordered, per the adopted Fee Schedule on March 18, 2024 and as amended by ORDER 124-09162024, a refund of a fee incurred by a resident is now allowable by the city council with the action of an order. Councilors Walker and Milks have requested the city council refund Mr. Robert M. Gagnon $400.00 for the rezoning petition PID174-004, 174,004-001 and 174-004-002 that was verified by the City Clerks office on October 23, 2023 and postponed indefinitely by City Council under Ordinance 08-02052024 on February 5, 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 16, 2024 **Order: 126-09162024**

Author: Emily F. Carrington, City Clerk

Subject: Appointing Denis D'Auteuil to serve as alternate on the Androscoggin County Budget Committee, representing County Commission District 5 for budget years 2024/2025.

Information: ORDER 100-07182022 authorized City Manager Phil Crowell to serve as the municipal official on the Androscoggin County Budget Committee, representing County Commission District 5 for budget years 2023/2024/2025. This order authorizes Assistant City Manager, Denis D'Auteuil, to serve in place of City Manager Phil Crowell as alternate, as needed.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Passage of ORDER 100-07182022.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 126-09162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes Assistant City Manager, Denis D'Auteuil, to serve as the alternate municipal official member on the Androscoggin County Budget Committee, representing County Commission District 5 for budget years 2024/2025.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Workshop & Meeting
Agenda
October 7, 2024
Auburn Hall, Council Chambers

5:30 PM Workshop

- Presentation by Safe Voices
- 121 Mill Street Update
- November 5, 2024 Election Update
- Legislative Policy Discussion

7:00 PM Meeting

Pledge of Allegiance & Roll Call **-** *Roll call votes will begin with Councilor Whiting*

I. **Consent Items –** *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Passage of items on the Consent Calendar require majority vote.*

1. **ORDER 127-10032024*** - Confirming the appointments of Election Wardens and Ward Clerks for the November 5, 2024 State-wide General/Referendum Election.

2. **ORDER 128-10032024*** - Confirming Chief Moen's appointment of Joshua Perkins as Constable without firearms/arrest powers for the Auburn Police Department.

3. **ORDER-129-10032024*** - Appointing Rex Rhoades, Ward 1, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

4. **ORDER-130-10032024*** - Appointing Rebecca Swanson Conrad, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

5. **ORDER-131-10032024*** - Appointing John Cleveland, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

6. **ORDER-132-10032024*-** Appointing Adam Lee, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

7. **ORDER-133-10032024*-** Appointing Denis Bergeron, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

8. **ORDER-134-10032024*-** Appointing Mathieu Duvall, Ward 3, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

9. **ORDER-135-10032024*-** Appointing Kelly Butler, Ward 4, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

10. **ORDER-136-10032024*-** Appointing Bruce Rioux, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

11. **ORDER-137-10032024*-** Appointing Jane Costlow, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

12**. ORDER-138-10032024*-** Appointing Dana Staples, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

13**. ORDER 139-10032024***– Appointing Riley Bergeron and Paul Jacques, of the Planning Board, to the Comprehensive Plan Committee, as nominated by the Planning Board.

14. **ORDER 140-10032024*** - Appointing John Ruccolo to the Complete Streets Committee for an unexpired term that expires 1/1/2025, as nominated by the Appointment Committee.

15. **ORDER 141-10032024*** - Appointing Patrick DeFilipp to the Auburn Sewer District for an unexpired term that expires 3/1/2026, as nominated by the Appointment Committee.

II. **Minutes** – September 16, 2024 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

- Proclamation recognizing the Month of October as Manufacturing Month
- Proclamation recognizing the Month of October as Domestic Violence Awareness Month
- Reminder: Absentee voting now available; ballots may be requested until October 31
- Auburn Fire Department Recognition

IV. **Open Session –** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. **Unfinished Business**

1. **ORDINANCE 18-09162024 -** Zoning map amendment to convert certain parts of City Assessor's Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the

Multifamily Suburban zoning district. *Second reading/public hearing. Passage requires majority vote. ROLL CALL VOTE.*

VI. New Business

1. **ORDER 142-10032024** – Appointing two City Councilors to the Comprehensive Plan Committee.

2. **ORDER 143-10032024 –** Authorizing acceptance of the 2024 Byrne Jag Grant in the amount of $17,209.00 for the Auburn Police Department. *Passage requires majority vote.*

3. **ORDINANCE 19-10032024–** Adopting revised MMA General Assistance Ordinance and 2024/2025 GA Maximums. *First reading. Passage requires majority vote. ROLL CALL VOTE.*

4. **ORDER 144-10032024** - Casting a vote for Councilor Leroy Walker to represent County Commission District 6 on the Androscoggin County Budget Committee. *Passage requires majority vote*.

VII. Reports

a. **Mayor's Report**
b. **City Councilors' Reports**
c. **Student Representative Report**
d. **City Manager Report**

VIII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

IX. Executive Session

X. Adjournment

SafeVoices



Domestic Abuse in Our Communities

And what services are available to our friends and neighbors who are experiencing abuse and violence.

www.safevoices.org

What is Domestic Abuse & Violence?



A pattern of coercive, controlling behavior



In the context of an intimate relationship



Chosen by the abuser to enforce their position of power over the survivor



Instills fear and denies the survivor's personal liberty



The abuser believes they are entitled to this position of power, with this belief stemming from cultural context that privileges the rights of some over others, based on gender, ability, class, age, or other factors

In Our Communities



Rapidly Increasing Need

We have seen a year-over-year increase since the pandemic in the need for our services, culminating in a 50% increase over the last six years.





Area Numbers

- Safe Voices supported over 250 individual survivors in **Auburn** last year
- We supported 1,100+ in **Androscoggin County**, and over 2,300 individual survivors in our **tri-county** service area.
- Additionally, we served about 350 people who were not, themselves, survivors, including family, law enforcement, or medical professionals who called for consultations and advice.
- Statewide, Maine's domestic violence resource centers served over 15,000 survivors last year.

Sheltering

Last year, we sheltered **109 survivors** across our three shelter facilities, including one confidential shelter for survivors of DV in Androscoggin County, one confidential safe house for survivors of sex trafficking in Androscoggin County, and one secure shelter for survivors of DV in Franklin County.



Safe Voices Services

- 24-hour helpline
- Emergency shelter
- Transitional housing services
- Civil and legal courtroom advocacy
- Individual advocacy including safety planning
- CPS liaison for a non-offending parent
- Support groups
- School-based education
- Public awareness education
- Certified Domestic Violence Intervention Program (CDVIP) for offenders/abusers
- Coordinated Community Response & High Risk Response Team meetings across organizations

What happens when someone calls our Helpline?

- Helpline calls with our advocates are confidential.
- Our answering service will ask for:
  - A first name
  - The best number to call you back
  - Whether it is safe for us to leave a message
- They will then dispatch the call to a Safe Voices advocate.
- We ask what made them call today, and then **we listen**.



What happens when someone calls our Helpline? (cont.)

- We validate their feelings.
- We ask what would be most helpful.
- We problem solve alongside them, not for them.
- We safety plan.
- We refer them to a civil or legal advocate on staff who has specialized knowledge in what that survivor has expressed needing.
- We offer resources aimed at increasing safety.





What is a safety plan?

A safety plan looks different for every survivor, and is based on what that survivor identifies as the risk factors unique to their situation and what things they think would keep them safest. It might include:

- Cameras for their home that they can monitor remotely
- Filing a PFA
- Blocking an abuser's number
- Increasing the privacy settings on their social media
- Fleeing to the home of a friend or family member who the abuser doesn't know
- Calling law enforcement
- Staying and planning for "safety in place"

What are some of the biggest challenges for survivors and DVRCs?



Affordable Housing

Lack of affordable housing delays or prevents survivors leaving, increases their length of stay in shelter, and threatens stability. This is doubly true for pet-friendly housing.



Stresses on Legal System

Stresses on the legal system has left survivors vulnerable. Risk of charges being dismissed or bail lowered due to lack of public defenders makes survivors more nervous to call law enforcement at all.



Funding Threats

Federal and state funding have been flat or have even decreased in the last few years, while need has dramatically increased.

SafeVoices



THANK YOU

Rebecca Austin, *Executive Director*
raustin@safevoices.org

Grace Kendall, *Director of Development & Engagement*
gkendall@safevoices.org

www.safevoices.org

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 7, 2024, **Order:**

Author: Glen E. Holmes, Director of Business & Community Development

Subject: 121 Mill Street Resource Center Update

Information: Provide an overview of the status of the project and provide information regarding current projected timeline and budget.

City Budgetary Impacts: NONE

Staff Recommended Action: NONE

Previous Meetings and History:
July 1, 2024

City Manager Comments: NONE

Signature: 

Attachments: NONE

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 7, 2024

Author: Emily F. Carrington, City Clerk

Subject: November 5, 2024 Election Update

Information: The City Clerk will provide information about the upcoming November 5, 2024 election, an update on the status of absentee ballot requests, as well as a high-level overview of election-related security procedures.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History:

City Manager Comments:

Attachments: None

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 7, 2024 **Order: 127-10032024***

Author: Emily F. Carrington, City Clerk

Subject: Appointing Election Wardens and Ward Clerks for the November 5, 2024 election

---

Information:

As required by the City's Charter, the City Clerk shall nominate Wardens and Ward Clerks to be confirmed by the City Council. The City Clerk has nominated the following residents to serve as Wardens and Ward Clerks for the November 5, 2024 General Election:

Ward 1 & 2: Audrey Murphy, Warden
Christine Sirois, Ward Clerk

Ward 3 & 4: Robert Hayes, Warden
Carl Young, Ward Clerk

Ward 5: Doreen Jordan, Warden
Susan Martin, Ward Clerk

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments: Order

ORDER 127-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to serve for the November 5, 2024 election by the City Council, as nominated by the City Clerk:

Ward 1 & 2: Audrey Murphy, Warden
Christine Sirois, Ward Clerk

Ward 3 & 4: Robert Hayes, Warden
Carl Young, Ward Clerk

Ward 5: Doreen Jordan, Warden
Susan Martin, Ward Clerk

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 7th, 2024 **Order: 128-10032024***

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointments of Constable without firearms/arrest powers for the Auburn Police Department.

Information: Chief of Police Moen requests that the Auburn City Council appoint Constables without Firearms/Arrest Powers on behalf of the Auburn Police Department within the City of Auburn for 2024.

City Budgetary Impacts: N/A

Staff Recommended Action: Vote to confirm Chief Moen's appointments of Joshua Perkins as Constable without firearms/arrest powers on behalf of the Auburn Police Department within the City of Auburn for 2024.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments:

ORDER 128-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoint the following named persons to serve documents as Constable Process Servers without firearm/arrest powers on behalf of Auburn Police Department within the City of Auburn for 2024.

Joshua Perkins	Employee	Constable		Without Firearm	New Appointment

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 7, 2024

Order: 129-10032024 through 138-10032024*

Author: Emily F. Carrington, City Clerk

Subject: Appointments to the Comprehensive Plan Committee

Information: ORDER 106-08192024, which created the Comprehensive Plan Committee, specified of its membership: "Up to 10 residents of Auburn, who are not a member of the City Council or Planning Board, including at least one resident residing in each Ward, nominated by the Appointment Committee and appointed by the City Council (voting members)." A request for applications for the Comprehensive Plan Committee was posted 8/21 and the deadline to apply was 9/24. A total of 19 applications were received.

The Appointment Committee met on October 1st, 2024 and have nominated the following 10 residents to the Comprehensive Plan Committee:

- Rex Rhoades – Ward 1
- Rebecca Swanson Conrad – Ward 2
- John Cleveland – Ward 2
- Adam Lee – Ward 2
- Denis Bergeron – Ward 2
- Mathieu Duvall – Ward 3
- Kelly Butler – Ward 4
- Bruce Rioux – Ward 5
- Jane Costlow – Ward 5
- Dana Staples – Ward 5

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Passage of ORDER 106-08192024 at the August 19, 2024 Council meeting.

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments: Applications, Orders

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Monday, August 26, 2024 7:36 AM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Denis

Middle Initial:

Last Name: Bergeron

Residence Address: 23 Dexter Ave.

Ward: Ward 2

City: Auburn

Home Phone: 2075764588

Cell Phone: 2075764588

E-mail Address: denis.p.bergeron@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Engineer

Education and/or experience: BS Mechanical Engineering, BS Park and Recreation Mgmt.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above):: Denis

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I served on the planning Board for 9 years, then served on the 2010 Comprehensive Plan Update Committee. I've observed the uneven process Auburn has used to update the Comp plan since then and believe it's time for a comprehensive, transparent publicly informed re-evaluation. I think my experience can help.

What do you hope to accomplish?: Contribute to a document that positions Auburn to take productive advantage of the many demographic, cultural, and climate changes it will be faced with in the coming years.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Water district and Sewer Sistrict Trustee

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Yes. Planning Board and 2010 Comp. Plan Update Committee

Dates served (if known): 2000 - 2009 and 2010 to 2012

How did you learn of this vacancy?: City web page

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Denis Bergeron

Date of Electronic Signature: August 26 2024

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Thursday, August 29, 2024 10:02 AM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Adam

Middle Initial: R.

Last Name: Lee

Residence Address: 87 Western Prom

Ward: Ward 2

City: Auburn

Home Phone: 2073124057

Cell Phone: 2073124057

E-mail Address: arlee4mehouse@gmail.com

Current Occupation: Attorney/State Representative

Previous Occupation (if retired or no longer working):

Education and/or experience: Former City Councilor, Municipal attorney handling land use, code enforcement, ordinance drafting, and housing for the City of Portland; currently practicing attorney representing municipalities and individuals with complaints against municipalities.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have substantial experience with land use, zoning, housing, and economic development from several perspectives. I have, as an attorney, represented numerous municipalities including the City of Portland and various towns with respect to land use, zoning, housing, and code enforcement matters. I have, also as an attorney represented various businesses and individuals with similar issues against municipalities. Additionally, as a former City Councilor and State Representative I have a unique blend of knowledge of the governmental perspective and current challenges in enacting an effective comprehensive planning strategy.

What do you hope to accomplish?: Confronting housing and transportation challenges in a manner that provides opportunities to Auburn residents given the present affordability crises, and doing so in a manner that maximizes economic development in a focused and meaningful manner that does not adversely affect our economic and natural resources.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, Board of Assessment Review, Regulatory Advisory Board, Strategic Planning Committee

Dates served (if known): 2013-2022

How did you learn of this vacancy?: Social Media

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: /s/ Adam R. Lee

Date of Electronic Signature: 8/29/24

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Friday, August 30, 2024 1:16 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Kelly

Middle Initial: L

Last Name: Butler

Residence Address: 130 HICKORY DRIVE

Ward: Ward 4

City: AUBURN

Home Phone: 2073176131

Cell Phone: 2073176131

E-mail Address: kbutler1002@gmail.com

Current Occupation: Regional Director Behavioral Health Network

Previous Occupation (if retired or no longer working):

Education and/or experience: I currently hold three licenses in the state of Maine (LCPC, LADC, and CCS) which support my work as the Regional Director for a Behavioral Health Network which serves individuals and families struggling with emotional and physical health conditions.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): From a young age I have been a community volunteer and hold a strong commitment to contributing to the community I reside in. I bought a home in Auburn about a year ago & am seeking an opportunity to contribute and learn more about Auburn. I would bring a fresh/objective perspective to the planning process and believe Auburn is an up and growing community that has the potential to offer a safe, fiscally sound and connected community culture. I think the community, like many of Maine communities is experiencing the challenges of individuals and families who struggle and my expertise in these areas can contribute to the comprehensive planning process.

What do you hope to accomplish?: As noted above, learning about the community, contributing to the development of a safe, culturally rich and economically sound community. Maintaining Auburn?s rich history and business while supporting the ongoing development of Auburn?s infrastructure (roads, ensuring all Auburn wards represent a welcoming and visually appealing engagement to visitors, and supporting the strengthening of Auburn?s current development initiatives). Assisting with any gaps/needs for Auburns current initiatives.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No.

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No.

Dates served (if known): N/A

How did you learn of this vacancy?: Media

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Kelly L. Butler

Date of Electronic Signature: 8/30/24

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Sunday, September 15, 2024 4:50 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Dana

Middle Initial: N

Last Name: Staples

Residence Address: 32 Greenfield Drive

Ward: Ward 5

City: Auburn

Home Phone: 2072401671

Cell Phone: 2072401671

E-mail Address: dana.staples@gmail.com

Current Occupation: VP of IT, ReVision Energy

Previous Occupation (if retired or no longer working):

Education and/or experience: masters in computer science

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I am deeply invested in Auburn's future. I want nothing but the best for this community and have spent countless hours volunteering to help steer things in the right direction. I have previously served on numerous boards and committees for the city and have learned a great deal about how it works. I work well with people and hope to achieve a collaborative comp plan committee that is committed to planning for the best Auburn that we can become in ten years.

What do you hope to accomplish?: I want to assist the committee in determining how Auburn can plan for the next ten years. As the prices of everything continue to climb, we need to be prepared to do more with less. The aging population of Auburn will need to continue to find innovative solutions for expensive problems. I hope through good discussion this committee can plan for good outcomes.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Zoning Board of Appeals

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, 2020 Comp Plan Committee, Planning Board, Strategic Planning Committee

Dates served (if known): various since 2014

How did you learn of this vacancy?: website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Dana Staples

Date of Electronic Signature: 9/15/24

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Sunday, September 22, 2024 5:05 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: John

Middle Initial: J

Last Name: Cleveland

Residence Address: 183 Davis Ave Auburn ME

Ward: Ward 2

City: Auburn

Home Phone: 207.212.7755

Cell Phone: 207.212.7755

E-mail Address: jcleveland207@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Community Development & Planning Consultant 35yrs

Education and/or experience: USM Graduate BA Biology, Consultant: I helped several municipalities in Maine develop Comprehensive Plans, Create and implement Development Plans, Wrote land use ordinances, and worked as a municipal p planner as staff for Planning Boards.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to use my extensive experience in the private and public sector with land use planning to help Auburn develop a thorough and detailed Comprehensive Plan ,to create a vision and legal foundation for Auburn's growth for the next 10 - 15 years. As well as to use my knowledge of State Law regarding Comprehensive Plans to ensure the requirements are met. Additionally I believe my previous experience as Mayor of Auburn leading the community through a Comprehensive Planning process and subsequent land use ordinance changes will be helpful to this Comprehensive Plan Committee.

What do you hope to accomplish?: My goal is to help the Comprehensive Plan Committee to effectively and efficiently develop a Comprehensive Plan as required by State Law within the time frame outlined by State statute. As well as develop a Comprehensive Plan that meets the needs of the community and is consistent with the community's values.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, Mayor, Auburn Public Library, Mayor's Representative to School Board, and others.

Dates served (if known): City Council 1977 - 1981, Mayor 1983- 1987 APL previously & currently, School Board 1977 - 1981.

How did you learn of this vacancy?: At a City Council Meeting

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: John J Cleveland

Date of Electronic Signature: September 22, 2024

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Friday, September 20, 2024 8:50 AM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Mathieu

Middle Initial:

Last Name: Duvall

Residence Address: 263 Sunderland Dr

Ward: Ward 3

City: Auburn

Home Phone: 2076898810

Cell Phone: 2076898810

E-mail Address: the.osf@gmail.com

Current Occupation: Educator

Previous Occupation (if retired or no longer working):

Education and/or experience: Master of Science

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): As a past planning board member I have interest in the city's comprehensive plan. It is a foundational document that helps the city make decisions on land use, building codes, and growth.

What do you hope to accomplish?: Work to update the plan through a process that engages the citizens of Auburn and promotes smart growth. I also hope the document can point a way toward Auburn diversifying its transportation alternatives.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: no

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Planning board; Mayor's ad hoc on housing

Dates served (if known): 2019-2022 for pb; winter 2024 for the ad hoc

How did you learn of this vacancy?: John Cleveland

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Mathieu Duvall

Date of Electronic Signature: 9-20-24

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Thursday, September 19, 2024 8:09 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Jane

Middle Initial: T

Last Name: Costlow

Residence Address: 104 Fourth Street

Ward: Ward 5

City: Auburn

Home Phone: 1207576409

Cell Phone: 1207576409

E-mail Address: jcostlow@bates.edu

Current Occupation: Retired

Previous Occupation (if retired or no longer working): College Professor

Education and/or experience: BA, PhD

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have lived in Auburn for over thirty years; I love the community and have found it to be a place where individual residents can make a difference. I have enjoyed working with other Auburn residents on matters of interest where we try to improve the lives of everyone who lives here. I hope to learn more about the challenges and trade-offs of moving Auburn forward through participating in Comprehensive Planning work. While there are issues that particularly concern me (environment, housing, welcoming diverse new Mainers into our civic processes) I would come into the process with an open mind, eager to hear what other people care about, and to try to engage with as many different residents of Auburn as possible in charting a way forward.

What do you hope to accomplish?:

I hope to help construct a ?blueprint? that is both aspirational and also grounded in the realities and challenges of the city. Beyond particular goals and benchmarks for the future, I would hope to find a way to capture the attention and imagination of more residents of Auburn ? to get more people involved in caring about this community as their home. Whatever the future throws at us, having people care ? and be willing to listen to their neighbors ? is essential.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: SNRB, Conservation Working Group

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Solid Waste Task Force

Dates served (if known): (Last six months)

How did you learn of this vacancy?: A friend told me about it

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Jane T Costlow

Date of Electronic Signature: September 19, 2024

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Monday, September 23, 2024 11:28 AM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Rex

Middle Initial: H

Last Name: Rhoades

Residence Address: 880 Lake Shore Drive

Ward: Ward 1

City: Auburn

Home Phone: 20775549163

Cell Phone: 2077549163

E-mail Address: rrhoades360@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Newspaper executive

Education and/or experience: BA, dual major, Government & Economics

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I?ve lived here for 25 years and I have studied local governments as a newspaper editor for 40.

What do you hope to accomplish?: Bring positive input based upon my experience.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: None

Dates served (if known):

How did you learn of this vacancy?: Jeff Harmon

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Rex H Rhoades

Date of Electronic Signature: 09-23-2024

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Monday, September 23, 2024 12:15 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Rebecca

Middle Initial: R

Last Name: Swanson Conrad

Residence Address: 45 Dawes Avenue

Ward: Ward 2

City: Auburn

Home Phone: 207-576-5561

Cell Phone: 207-576-5561

E-mail Address: rebeccarysen@gmail.com

Current Occupation: Consultant

Previous Occupation (if retired or no longer working): President/CEO LA Metro Chamber of Commerce

Education and/or experience: BA Bates College; graduate work at USM

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have lived in Lewiston Auburn since graduating from Bates in 1982; marrying an EL graduate in 1984 and buying a home in Auburn in 1989. My professional and volunteer life have focused on education, arts and culture and economic development for our community and State. I would like to contribute to Auburn?s comprehensive planning process to ensure our city can reach its highest potential and our citizens, especially our youth, can attain their highest aspirations. Having lived in Auburn for 35 years and planning to stay here through retirement, it is important to me that we both acknowledge previous work while simultaneously challenging our community to think creatively and expansively about the possibilities to make our City even stronger, more livable and appealing, and welcoming to new residents. While comprehensive plans are designed to provide state-required deliverables, the process for the community can also find common ground and develop a vision for the future.

What do you hope to accomplish?: A transparent process to ensure that Auburn residents see value in the comprehensive plan and understand how it is helpful for the City to make decisions, and reflects growth, development and redevelopment that makes the City stronger for both current and future residents and businesses.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Lewiston Auburn Airport Board

Dates served (if known): 2016-2019 (?)

How did you learn of this vacancy?: Mayor Harmon

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Rebeca Swanson Conrad

Date of Electronic Signature: 9/23/2024

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 9/22/24

Last name: Rioux First name: Bruce Middle initial: B

Residence address: 85 Mary Carroll St. Ward: 5

City: Auburn State: ME Zip code: 04210

Home phone: — Work phone: — Cell phone: 207-713-4400

Email address: rioux bruce @ gmail.com

Current occupation: Retired

Previous occupation (if retired or no longer working): Sun Journal (Advertising major accts)

Educational and/or experience (or attach your resume): 2 years Univ of ME.

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

X Comprehensive Plan Committee

___ 9-1-1 Committee
___ Auburn Housing Authority
___ Board of Assessment Review
___ CDBG Loan Committee
___ Conservation Commission
___ Finance Committee
___ Parks & Recreation Advisory Board
___ Planning Board
___ Water District
___ Airport Board
___ Audit & Procurement Committee
___ Cable TV Advisory Board
___ Community Forest Board
___ Ethics Panel
___ L/A Transit Committee
___ Poland-Auburn Economic Development Committee
___ Sewer District
___ Zoning Board of Appeals

Is this application for a X new appointment or ___ reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). I believe I can best represent citizen interests and community growth through responsible planning. Water protection and neighborhood preservation are primary concerns.

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). I would like to see Auburn grow responsibly, while protecting Lake Auburn, our schools, and traditional neighborhoods. I would encourage water/sewer extensions to create new housing opportunities away from Lake Auburn.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? _____
Auburn Business Development Corp

Dates served (if known)? 30+ years

Have you previously served on a City or Community Board or Committee? If so, which one(s)?
YES
Auburn City Councilor Ward 5; Auburn Water Dist; Watershed Protection commission

Dates served (if known)? 1990-91 (Council) 1990-2018? Water Dist & Watershed

How did you learn of this vacancy? Mayor & Council & friends

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Bruce Rioux Date: 9/22/24

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: _____
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

ORDER 129-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Rex Rhoades – Ward 1

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 130-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Rebecca Swanson Conrad – Ward 2

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 131-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- John Cleveland – Ward 2

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 132-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Adam Lee – Ward 2

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 133-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Denis Bergeron – Ward 2

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 134-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Mathieu Duvall – Ward 3

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 135-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Kelly Butler – Ward 4

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 136-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Bruce Rioux – Ward 5

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 137-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Jane Costlow – Ward 5

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 138-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Dana Staples – Ward 5

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 7, 2024 **Order: 139-10032024**

Author: Jacqueline Sawyer, Planning Department

Subject: Planning Board Nominations – Comprehensive Plan Committee

---

Information: ORDER 106-08192024, which created the Comprehensive Plan Committee, specified of its membership: "Up to two members of the Planning Board nominated by the Planning Board and appointed by the City Council (voting members)".

At the September 10th Planning Board Meeting, the board nominated Riley Bergeron and Paul Jacques to participate on the Comprehensive Plan Committee. These nominations are being brought before the Council for appointment.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments: Order

ORDER 139-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that Riley Bergeron and Paul Jacques be and hereby are appointed to serve on the City's Comprehensive Plan Committee, as nominated by the Planning Board.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 7, 2024 **Order: 140-10032024***

Author: Emily F. Carrington, City Clerk

Subject: Appointment to the Complete Streets Committee

Information: The Appointment Committee met on October 1, 2024 to consider applications received for the Complete Streets Committee vacant resident seat (unexpired term ending 1/1/2025). Three applications were received by the 9/24 deadline. The Appointment Committee has nominated John Rucculo to fill the vacant seat for the unexpired term.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments: Application, Order

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Sunday, September 22, 2024 6:56 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: John

Middle Initial: R

Last Name: Ruccolo

Residence Address: 1 Shepley St

Ward: Ward 2

City: Auburn

Home Phone: 603-969-5716

Cell Phone: 603-969-5716

E-mail Address: johnruccolo@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Sales

Education and/or experience: BS

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Complete Streets Committee

OTHER (Ad-Hoc Committees not on the list above):: N/A

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I enjoy biking in town and am concerned about the many, many people who run red lights every day. I am also concerned about rights of way for cyclists.

What do you hope to accomplish?: Establish bike lanes so that more folks will feel safe travelling by bike.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known): N/A

How did you learn of this vacancy?: At a council meeting

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: John Ruccolo

Date of Electronic Signature: 9/22/24

ORDER 140-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby is appointed to the City of Auburn's Complete Streets Committee, for the unexpired term ending 1/1/2025:

- John Ruccolo, 1 Shepley Street (Auburn Resident Member)

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 7, 2024 **Order: 141-10032024***

Author: Emily F. Carrington, City Clerk

Subject: Appointment to the Auburn Sewer District Board of Trustees

Information: The Appointment Committee met on October 1, 2024 to consider applications received for the two vacant Auburn Sewer District seats. One application was received by the 9/24 deadline and the Appointment Committee has nominated the applicant, Patrick DeFilipp, to fill a vacant seat for the unexpired term ending 3/1/2026. A request for more applications will be reposted to fill the remaining vacant seat.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments: Application, Order

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Wednesday, September 11, 2024 8:02 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

Follow Up Flag: Follow up
Flag Status: Flagged

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Patrick

Middle Initial: A

Last Name: DeFilipp

Residence Address: 137 Cedarwood Road

Ward: Ward 3

City: Auburn

Home Phone: 207.782.6842

Cell Phone: 207.841.2547

E-mail Address: pdefilipp@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Engineer/Project Manager for heavy civil constr.

Education and/or experience: BS in Civil Eng., Registered PE in Maine & NH (Ret). Engineering and construction management experience

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Sewer District

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): To contribute to the successful operation of the Sewer District. I previously served on the board years ago and am familiar with the District's processes and procedures.

What do you hope to accomplish?: To assist with the management of the District and to help it comply with mandated requirements and regulations, and to help it operate in a safe and efficient manner.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Auburn Sewer District

Dates served (if known): Back in the Norm Lamie & John Storer years

How did you learn of this vacancy?: Was approached by Jeff Harmon

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Patrick A. DeFilipp

Date of Electronic Signature: 9.11.24

ORDER 141-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby is appointed to the Auburn Sewer District Board of Trustees, for the unexpired term ending 3/1/2026:

- Patrick DeFilipp, 137 Cedarwood Road

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Cowan was absent. Mayor Harmon and all other Councilors were present.

I. Consent Items

Councilor Milks removed ORDER 111 from the Consent agenda (placed under New Business).

2. ORDER 112-09162024* – Appointing Misty Edgecomb to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.

3. ORDER 113-09162024* – Appointing Corey Kinnan to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.

4. ORDER 114-09162024* – Appointing Haley Warden to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.

5. ORDER 115-09162024* – Appointing Elisabeth Collier to the Parks and Recreation Advisory Board for a term that expires 10/1/2026, as recommended by the Appointment Committee.

6. ORDER 116-09162024* – Appointing Maureen Hopkins to the Planning Board, Associate Member, for the unexpired term ending 1/1/2026, as recommended by the Appointment Committee.

7. ORDER 117-09162024* - Approving the renewal of an Auto Graveyard/Junkyard permit for Randy's Auto, 899 Broad St.

8. ORDER 118-09162024* - Approving the renewal of an Auto Graveyard/Junkyard permit for M&P Auto, Inc., 227 Merrow Rd.

9. ORDER 119-09162024* - Approving the renewal of an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC., 522 Washington St. North.

10. ORDER 120-09162024* - Approving the renewal of an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Hotel Rd.

Councilor Weisner removed ORDER 121 from the Consent agenda (placed under New Business).

Councilor Walker moved for passage of the Consent Items, seconded by Councilor Weisner. Motion passed 6-0.

II. Minutes – September 3, 2024 Regular Council Meeting

Councilor Milks moved to accept the minutes, seconded by Councilor Platz. Motion passed 5-0-1 (Gerry abstained).

III. Communications, Presentations and Recognitions

• City Clerk to administer Oath of Office to Student Representative Mubarik Abdulahi
• Proclamation recognizing the 125th anniversary of Veterans of Foreign Wars of the United States and recognizing September 29 as VFW Day
• Revaluation Presentation – Assessor's Office

IV. Open Session

Earl Bickford, New Auburn
Paul Witten, Harvard St
Gil Pinard, 425 Stevens Mill Rd
Kathy Shaw, NP & Ag Committee
Anthony, Auburn
David Griswold, Auburn

VI. New Business

1. ORDINANCE 18-09162024– Zoning map amendment to convert certain parts of City Assessor's Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district. First reading. Passage requires majority vote. ROLL CALL VOTE.

The following spoke:
Stephen Beale, Durham

Councilor Whiting moved for passage, seconded by Councilor Platz. Motion passed 5-1 on a roll call vote (Gerry opposed).

2. ORDER 122-09162024 – Appointing a Voting Delegate and alternative Voting Delegate for the MMA Annual Business Meeting. Passage requires majority vote.

Councilor Walker moved for passage, seconded by Councilor Gerry. Motion passed 6-0.

3. ORDER 123-09162024 – Creation of the Mayor's Bona Fide Agricultural, Recreational, and Natural Resources Land Use Ad-Hoc Committee. Passage requires majority vote.

Councilor Gerry moved for passage, seconded by Councilor Whiting.

Councilor Weisner moved to amend the order to add a requirement that there be two members appointed from the public. Seconded by Councilor Gerry. The motion passed 4-2 (Milks, Whiting opposed).

The order passed as amended, 4-2 (Milks, Walker opposed).

4. ORDER 124-09162024 – Amending APPENDIX A (Fees and Charges) to include Fee Reimbursement/Refund Policy as presented at the May 20, 2024 Workshop. Passage requires majority vote.

Councilor Gerry moved for passage, seconded by Councilor Whiting. Motion passed 6-0.

5. ORDER 125-09162024 – Authorizing reimbursement of a zoning petition fee to Robert Gagnon in accordance with ORDER 124-09162024. Passage requires majority vote.

Councilor Milks moved for passage, seconded by Councilor Gerry. Motion passed 6-0.

6. ORDER 126-09162024 - Authorizing Assistant City Manager, Denis D'Auteuil, to serve as the alternate municipal official member on the Androscoggin County Budget Committee, representing County Commission District 5 for budget years 2024/2025. Passage requires majority vote.

Councilor Milks moved for passage, seconded by Councilor Walker. Motion passed 6-0.

7. ORDER 111-09162024* – Appointing Arthur Wing to the Auburn Housing Authority Board of Commissioners for a term that expires 10/1/2029, as recommended by the Appointment Committee.

Councilor Milks stated he would like to repost the position for more applications.

Councilor Gerry voluntarily recused herself from the vote as a resident of Auburn Housing, although no conflict of interest was found to exist among the Council.

Motion for passage of ORDER 111 failed 2-3 (Milks, Weisner, Walker opposed; Gerry recused). The City Clerk will repost the position for more applications.

8. ORDER 121-09162024* - Approving the renewal of an Auto Graveyard/Junkyard permit for Don's No Preference Towing, dba Morris Auto Parts, 940 Washington St. North.

Councilor Weisner moved to amend ORDER 121 to adopt the conditions, as provided in a staff memo. Seconded by Councilor Gerry. Motion passed 5-0 (Walker absent).

VII. Reports

a. Mayor's Report – Recognized the Fire Department response to recent fires; addressed groundbreaking of 186 Main St, and the 9/11 Remembance Ceremony. Attended International Paper's 50th anniversary event, and city employee appreciation lunch held on 9/11.

b. City Councilors' Reports – Councilor Gerry commented on a recent meeting of the Homeless Committee. Councilor Whiting commented on the trails and outdoor facility off Stetson Rd. Councilor Milks welcomed Student Representative Mubarik Abdulahi. Councilor

Weisner welcomed Student Representative Mubarik Abdulahi, recognized the Fire Department, and recognized citizens expressing concerns over tax increases. Councilor Walker encouraged everyone to think about next year's budget. Councilor Platz shared an update from the School Department on Auburn Schools enrollment numbers.

c. Student Representative Report – Student Representative Egge encouraged people to register to vote. Student Representative Abdulahi thanked everyone for the welcome.
d. City Manager Report – Welcomed Student Representative Mubarik Abdulahi and recognized the Fire Department; commented on the success of the Blues & Brews festival with over 1,200 people attending.

VIII. Open Session

Earl Bickford, New Auburn

IX. Executive Session

X. Adjournment

Councilor Milks moved to adjourn, seconded by Councilor Weisner. Motion to adjourn passed 6-0; Council adjourned at 9:07pm.

A TRUE COPY ATTEST

Emily F. Carrington, City Clerk

PROCLAMATION | **MANUFACTURING MONTH**

WHEREAS, the City of Auburn boasts 40 Transportation and Warehousing businesses and 49 Manufacturers within minutes of Exit 75 making it "Maine's Manufacturing, Warehousing, and Distribution Hub"; and

WHEREAS, Maine is home to approximately 1,870 manufacturing business establishments; and Whereas, the manufacturing sector is Maines fourth largest business sector; and

WHEREAS, there are over 3000 manufacturing jobs in Auburn; and

WHEREAS, manufacturers in Maine employ over 56,700 people, with an average annual wage of over $67,000; and

WHEREAS, manufacturers help to drive the Maine economy, with $1.93 billion in manufactured goods export; and

WHEREAS, manufacturing sectors in Auburn include sectors in advanced materials and composites, aerospace and defense, biotech and medical devices, blue and forest bioeconomy, and food and beverage.

NOW, THEREFORE, I, Jeffery D. Harmon, Mayor of the City of Auburn, do hereby proclaim the month of October 2024 as Manufacturing Month in the City of Auburn.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 7th day of October, 2024.

Mayor Jeffrey D. Harmon

PROCLAMATION | **DOMESTIC VIOLENCE AWARENESS MONTH**

WHEREAS, we have citizens and neighbors who have survived domestic violence, who are still experiencing abuse, and who have lost their lives to this critical community issue, the City of Auburn recognizes October as Domestic Violence Awareness Month.

WHEREAS, in the last year, Safe Voices has served over 2,300 individual survivors of abuse, trafficking, and exploitation, including over 1,000 in Androscoggin County and over 250 in Auburn; and

WHEREAS, the effects of domestic violence are far-reaching, directly affecting individual survivors as well as our community at large; and

WHEREAS, domestic violence at home is an indicator of risk to the broader community, often escalating to include violence outside the home; and

WHEREAS, roughly half of all homicides annually in the state of Maine are attributed to domestic violence; and

WHEREAS, we recognize that domestic violence must be addressed by a community as a whole, as a community safety issue, and with survivor-centered responses; and

WHEREAS, we remind domestic violence survivors that they are not alone, and urge them to seek aid from the local Safe Voices helpline (800-559-2927) or the statewide helpline (866-834-HELP).

AND WHEREAS, we urge all local citizens to embrace this month of action by participating in activities and programs sponsored by Safe Voices and other community organizations working toward the elimination of intimate partner violence.

NOW THEREFORE, I Jeffrey Harmon, Mayor of the City of Auburn, by virtue of the authority vested in me, do hereby proclaim October 2024 as Domestic Violence Awareness Month in the City of Auburn.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 7th day of October, 2024.

Mayor Jeffrey D. Harmon

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 7, 2024 ORDINANCE 18-09162024

Author: John Blais – Deputy Director of Planning, Permitting and Code

Subject: Ordinance - Gracelawn Area Zoning Map Amendment

Information: Consider a zoning map amendment to convert certain parts of City Assessor's Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

This proposed zoning map amendment to change approximately 45 acres in City Assessor's parcel I.D.'s 289-001, 289-002, and 277-026 from General Business Zoning to the Multifamily Suburban zoning district and retain 15 acres within City Assessor's parcel I.D. 289-001 in the General Business zoning district. The Multifamily Suburban zoning district has the same residential density standards as within the General Business District but does not allow several of the uses permitted within the General Business district, like automobile, repair service, and filling stations.

Amending the zoning toward the back of the Gracelawn Pit area closer to the lake allows for the creative reuse of land while limiting some of the heavier uses allowed in the General Business District. Approximately 15 acres in the southeasterly portion of the parcel on Gracelawn Road is proposed to remain in General Business to complement the General Business Zoning on the opposite side of Gracelawn Road and to allow for expanded development opportunity further from Lake Auburn. The proposed General Business portion of the Gracelawn parcel excludes 100 feet abutting the landfill on City Assessor's Parcel I.D. 289-003.

City Budgetary Impacts: None

Staff Recommended Action: Second reading/public hearing in support of the map amendment. This proposed zoning map amendment to change approximately 45 acres in City Assessor's parcel I.D.'s 289- 001, 289-002, and 277-026 from General Business Zoning to the Multifamily Suburban zoning district and retain 15 acres within City Assessor's parcel I.D. 289-001 in the General Business zoning district

---

Previous Meetings and History: PB unanimous approval in the August Planning Board Meeting; Passed 5-1 (Gerry opposed, Cowan absent) at September 16, 2024 meeting.

City Manager Comments:

Signature: Phillip Crowell Jr.

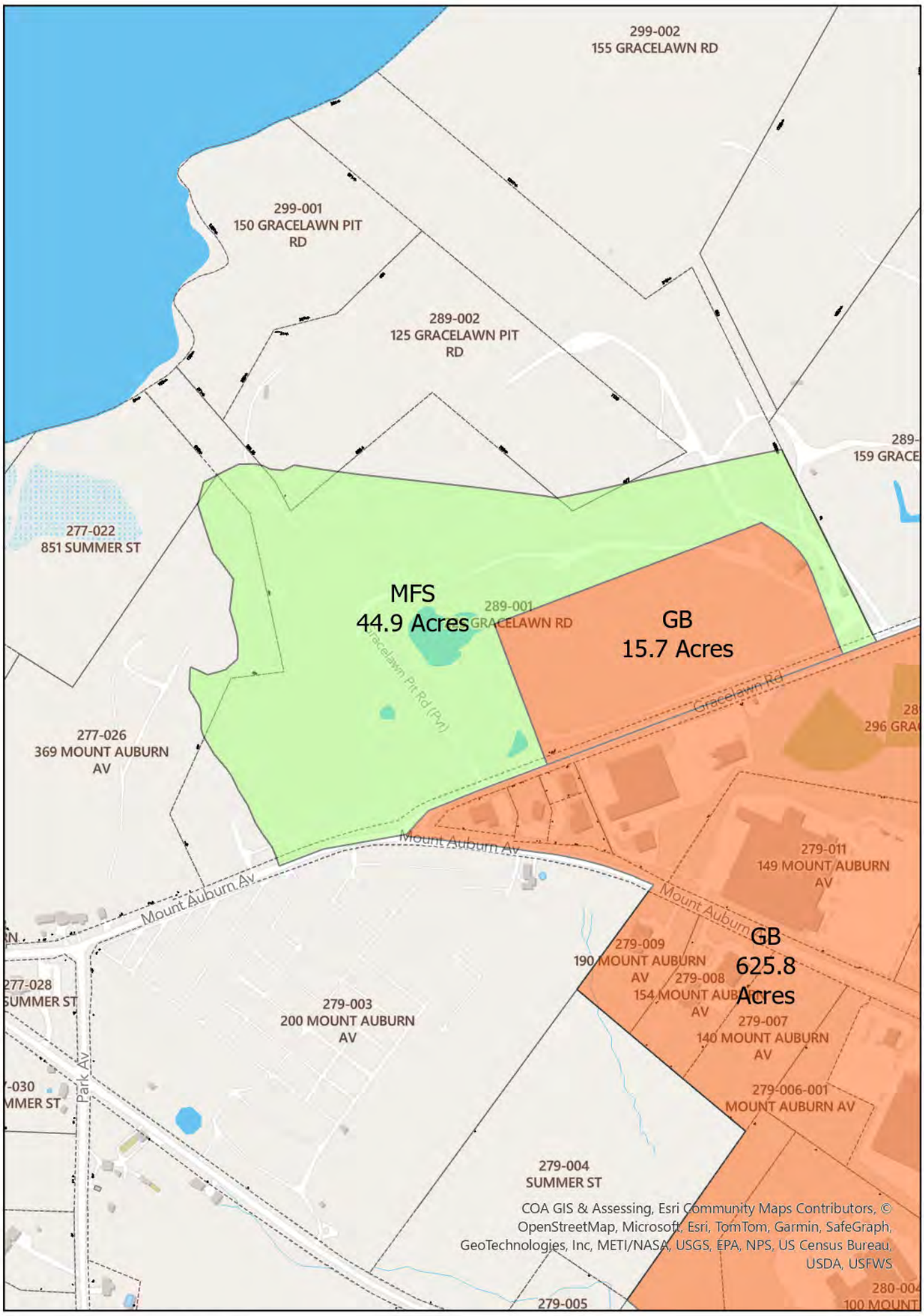
Attachments: Official Map Amendment, Minutes

PUBLIC HEARING/ MAP AMENDMENT: Consider a zoning map amendment to convert certain parts of City Assessor's Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Tim Deroche makes a motion to forward a favorable recommendation to City Council to amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor's Parcel ID's 289- 001, 289-002, and 277-026 from General Business Zoning to the Multifamily Suburban zoning district and retain 15 acres within City Assessor's parcel I.D. 289-001 in the General Business zoning district *from map dated August 7, 2024. (italicized wording added as an amendment to the original motion).*

Second: Darren Finnegan **Vote on motion**: 7-0 **Motion Carries**

City of Auburn
Proposed Zoning Amendment
August 2024



Legend

Auburn Zoning-Proposed

- GB - General Business
- MFS - Multi-Family Suburban

N

0 125250 500 750 1,000 Feet

auburnmaine.gov

August 7, 2024

LEGAL NOTICE

City of Auburn

Notice is hereby given that the Auburn City Council will hold a Public Hearing on **Monday, October 07, 2024, at 7:00 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to consider the following topic(s):

> **PUBLIC HEARING/ MAP AMENDMENT – ORDINANCE 18-09162024:** Consider a zoning map amendment to convert certain parts of City Assessor's Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district City Council introduced this proposal in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Additional information and copies of the official map and text amendments listed above are available in the Auburn Planning & Permitting Department, by contacting Megan Norwood at (207) 333-6601 ext. 1155 or mmclaughlin@auburnmaine.gov.

Ordinance 18-09162024

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council hereby approves of a Zoning Map amendment converting Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district, as shown on the attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 7, 2024 **Order: 142-10032024**

Author: Emily F. Carrington, City Clerk

Subject: Appointment of two City Councilors to serve on the City's Comprehensive Plan Committee

Information: ORDER 106-08192024, which created the Comprehensive Plan Committee, specified of its membership: "Up to two city councilors, appointed by the City Council (voting members)"

Tonight the City Council will select up to two members to serve as voting members on the City's Comprehensive Plan Committee.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments: Order

ORDER 142-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following City Councilors be appointed to serve on the City of Auburn's Comprehensive Plan Committee as voting members:

1) _____

2) _____

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 7, 2024 **Order 143-10032024**

Author: Rita Beaudry, Grant Manager

Subject: 2024 Byrne Jag Grant – Auburn Police Department

Information:
The Auburn Police Department has been awarded a FY2024 Edward Byrne Justice Assistance Grant in the amount of $17,209. The formula grant application will provide for the purchase of:

- 60 Patrol Flashlights
- Genasys CONNECT Software (One Year subscription for each employee)
- 20 LED Road Flare Kits and
- Confidential Funds

The grant requires Certifications and Assurances by the Chief Executive of the Applicant Government.

City Budgetary Impacts: None

Staff Recommended Action: Execute an order that provides for Mayor Jeffrey D. Harmon to sign and submit the Certifications and Assurances by the Chief Executive of the Applicant Government for this grant solicitation.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: _____

Attachments:

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Edward Byrne Memorial Justice Assistance Grant Program FY 2024 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2024 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.

2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (*e.g.*, city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.

4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.

5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.

6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

7. If the applicant named below is not the unit of local government itself, I certify that it is an instrumentality of the unit of local government and is approved to serve as the applicant and recipient of FY 2024 JAG funding on behalf of the unit of local government.

_____	October 7, 2024
Signature of Chief Executive of the Applicant Unit of Local Government	Date of Certification
Jeffrey D. Harmon	Mayor
Printed Name of Chief Executive	Title of Chief Executive
City of Auburn	
Name of Applicant Unit of Local Government	

ORDER 143-10032024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby authorizes Mayor Jeffrey D. Harmon, on behalf of the City of Auburn, to execute the Edward Byrne Justice Assistance Grant Program FY2024 Local Solicitation – Certifications and Assurances by the Chief Executive of the Applicant Government document to be submitted with the grant application.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 7, 2024 **Ordinance: 19-10032024**

Author: Jamie Longley, General Assistance Manager

Subject: Amending Chapter 24, "Human Relations and Services", Article II, Sec. 24-23 of the City's General Assistance Program regarding annual adjustment of maximum benefits.

Information: Maine Municipal Association has updated their General Assistance Ordinance and updates have been made to Appendix A (overall maximums), Appendix B (food maximums), Appendix C (housing maximums) and Appendix H (funeral maximums) of the General Assistance Ordinance. There is also a new Recovery Residence Housing Maximums guide.

This amendment adopts these changes for the 2024/2025 year. The language in the ordinance has been amended to specify all of the adopted GA Maximums (Appendices A-H) and Recovery Residence maximums, and specifies the City's adoption of the MMA General Assistance Ordinance (dated September 2024). A copy of these records in their entirety are kept on file in the office of the city clerk for public information.

As an ordinance amendment, tonight will be first reading and second reading and public hearing will be scheduled for October 21, 2024.

City Budgetary Impacts: The overall maximums (Appendix A) are an average increase of 3.96% per person/household per month. The food maximums (Appendix B) are an average increase of 0.26% per individual per month. The housing maximums (Appendix C) are an average increase of 3.86% per unit per month. The funeral maximums are an average increase of 9.79% per case. Recovery houses have increased 4.02% per month. This is estimated to be an annual increase of $37,500. *There are no changes in appendices D-G.*

Staff Recommended Action: Approval of changes to the General Assistance Ordinance, Appendices A-C, H, and Recovery Residences as required by State statute and ordinance. Recommend passage.

Previous Meetings and History: This is an annual approval needed by council for changes made to the appendices.

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments:
Order
Appendix A, Overall Maximums
Appendix B, Food Maximums
Appendix C, Housing Maximums
Appendix H, Funeral Maximums
Recovery Residences
Ordinance & Adoption form for 24/25

GENERAL ASSISTANCE ORDINANCE



MAINE MUNICIPAL ASSOCIATION SINCE 1936

Prepared by
Maine Municipal Association
September 2024

Table of Contents

ARTICLE I – Statement of Policy 1

ARTICLE II – Definitions 3

Section 2.1—Common Meaning of Words 3

Section 2.2—Special Definitions 3

Administrator. 3

Applicant. 3

Application Form. 3

Basic Necessities. 3

Case Record. 4

Categorical Assistance. 4

Claimant. 4

Deficit. 4

Disabled Person. 4

Dwelling Unit. 4

Earned Income. 5

Eligible Person. 5

Emergency 5

General Assistance ("GA") Program. 5

General Assistance ("GA") Benefits. 5

General Assistance ("GA") Administrator. 6

Homelessness 6

Household. 6

Income. 6

Initial Applicant. 8

Just Cause. 8

Landlord. 8

Lump Sum Payment. 8

Material Fact. 8

Maximum Levels of Assistance. 9

Misconduct. 9

Misspent Income. 9

Municipality. 9
Municipality of Responsibility. 9
Need. 9
Net General Assistance Costs. 9
Operator. 10
Period of Eligibility. 10
Pooling of Income. 10
Potential Resources. 10
Pursuing a Lawful Process to Apply for Immigration Relief 10
Real Estate 10
Recipient. 11
Recovery Residence. 11
Registered Domestic Partner. 11
Rehabilitation Facility 11
Repeat Applicants. 11
Resident. 11
Resources. 11
30-Day Need. 12
Unearned Income 12
Unforeseen Repeat Applicants. 13
Unmet Need. 13
Work Requirements. 13
ARTICLE III – Administrative Rules and Regulations 15
Section 3.1—Confidentiality of Information 15
Release of Information. 15
Information from Other Sources; Penalty. 15
Misuse of Information. 16
Section 3.2—Maintenance of Records 16
Case Records. 16
Retention of Records. 17
ARTICLE IV – Application Procedure 18
Section 4.1—Right to Apply 18
Who May Apply. 18

Telephone Applications. 18
Written Application Upon Each Request. 18
Applications Accepted; Posted Notice. 18
Section 4.2—Application Interview 19
Section 4.3—Contents of the Application 19
Section 4.4— GA Administrator's Responsibilities at the Time of Application 20
Application Requirements. 20
Eligibility Requirements. 20
Applicant Rights. 20
Reimbursement/Recovery. 21
Section 4.5—Responsibilities of the Applicant at Time of Application 21
Section 4.6—Action on Applications 22
Written Decision. 22
Content of Decision. 22
Section 4.7—Withdrawal of an Application 23
Section 4.8—Temporary Refusal to Accept Application 23
Section 4.9—Emergencies 23
Disqualification for Emergency Assistance. 24
Assistance Prior to Verification. 24
Telephone Applications. 25
Limitation on Emergency Assistance. 25
Section 4.10—Residence 27
Moving/Relocating. 27
Institutions. 27
Temporary Housing. 27
Disputes. 28
ARTICLE V – Eligibility Factors 29
Section 5.1—Initial Application 29
Initial Application. 29
Repeat Applicants. 29
Section 5.1A – Presumptive Eligibility 29
Section 5.1B – Recovery Residences 30
Section 5.2—Eligibility for Categorical Assistance 30
Section 5.3—Personal Property 31

a) Liquid Assets. 31
b) Tangible Assets. 31
c) Automobile Ownership. 31
d) Insurance. 32
e) Transfer of Property. 32
Section 5.4—Ownership of Real Estate 33
a) Principal Residence. 33
b) Other Property. 34
Section 5.5—Work Requirement 34
Employment; Rehabilitation. 34
Verification. 35
Ineligibility. 35
Ineligibility Due to Job Quit or Discharge for Misconduct. 36
Just Cause 36
Applicant's Burden of Establishing Just Cause. 36
Eligibility Regained. 36
Dependents. 37
Exemptions 37
Section 5.6—Municipal Work Program 38
Consent. 38
Subtracting Value of Workfare Performed from Client's GA Debt. 38
Limitations 38
"Workfare First" Policy 40
Work-Related Expenses. 42
Disqualification. 42
Eligibility Regained. 42
Reports. 43
Section 5.7—Use of Resources 43
Minors. 44
Mental or Physical Disability. 45
Written Notice; Disqualification 45
Forfeiture of Benefits. 45
Section 5.8—Period of Ineligibility 45

Work Requirement. 46
Fraud. 46
Section 5.9 – Unemployment Fraud 46
ARTICLE VI – Determination of Eligibility 47
Section 6.1—Recognition of Dignity and Rights 47
Section 6.2—Determination; Redetermination 47
Section 6.3—Verification 47
Eligibility of Applicant; Duration of Eligibility. 47
Applicant's Responsibilities. 47
Initial Applicants 48
Repeat Applicants. 48
Unforeseen Repeat Applicants. 49
Administrator's Responsibilities 49
Redetermination of Eligibility. 50
Penalty for Refusing to Release Information. 50
Section 6.4—Fraud 50
Period of Ineligibility. 51
Right to a Fair Hearing 51
Reimbursement. 52
Dependents. 52
Section 6.5—Period of Eligibility 52
Section 6.6—Determination of Need 53
Income for Basic Necessities. 53
Use-of-Income Requirements. 54
Calculation of Income and Expenses. 55
Consolidation of Deficit. 56
Section 6.7—Income 56
Income Standards. 56
Calculation of Income. 56
Types of Income. 57
a) Earned Income. 57
b) Income from Other Assistance or Social Services Programs. 57
c) Court-Ordered Support Payments. 58

d) Income from Other Sources. 58
e) Earnings of a Son or Daughter. 59
f) Income from Household Members. 59
g) The Pooling or Non-Pooling of Income 59
h) Lump Sum Income. 59
Section 6.8—Basic Necessities; Maximum Levels of Assistance 61
Overall Maximum Levels of Assistance. 61
Maximum Levels of Assistance for Specific Basic Necessities. 61
(A) Food. 62
(B) Housing. 63
Rental Payments to Relatives. 63
Rental Payments to Non-Relatives. 63
Mortgage Payments. 64
Liens. 65
Property Taxes. 66
Housing Maximums. 67
(C) Utilities. 67
Electricity Maximums for Households Without Electric Hot Water. 68
Electricity Maximums for Households that Use Electrically Heated Hot Water. 68
Non-Electric Utilities. 68
(D) Fuel. 68
(E) Personal Care and Household Supplies. 69
(F) Other Basic Necessities 69
1) Clothing. 69
2) Medical. 69
3) Hospital Bills. 70
4) Dental. 71
5) Eye Care. 71
6) Telephone Charge. 71
7) Work-Related Expenses. 72
8) Travel Expenses. 72
9) Burials, Cremations. 72
10) Capital Improvements. 72
Section 6.9—Burials; Cremations 73
Funeral Director Must Give Timely Notice. 73

Application for Assistance Shall be Calculated on Behalf of the Deceased. 73
The Financial Responsibility of Certain Family Members. 74
Consideration of the Financial Responsibility of Family Members. 74
Proration of Familial Responsibility. 75
Eight Days to Determine Eligibility. 75
The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. 75
Burial Expenses. 76
Cremation Expenses. 76
Section 6.10—Notice of Decision 76
Written Decision. 76
Contents of Decision. 76
Disbursement of General Assistance. 77
ARTICLE VII – The Fair Hearing 79
Section 7.1—Right to a Fair Hearing 79
Section 7.2—Method of Obtaining a Fair Hearing 79
Written Request. 79
Scheduling the Fair Hearing. 79
Section 7.3—The Fair Hearing Authority 80
Section 7.4—Fair Hearing Procedure 81
Claimant's Failure to Appear. 82
Section 7.5—The Fair Hearing Decision 82
ARTICLE VIII – Recovery of Expenses 85
Recipients. 85
Recipients Anticipating Workers' Compensation Benefits. 85
Recipients of SSI. 85
Relatives. 86
ARTICLE IX – Severability 86
APPENDICES 87
APPENDIX A – 2024-2025 GA Overall Maximums 89
APPENDIX B – 2024-2025 Food Maximums 91
APPENDIX C – 2024-2025 GA Housing Maximums 93
APPENDIX D – 2024-2025 Electric Utility Maximums 99
APPENDIX E – 2024-2025 Heating Fuel Maximums 101

APPENDIX F – 2024-2025 Personal Care & Household Supplies Maximums 103
APPENDIX G – Mileage Rate 105
APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums 107
APPENDIX I – Definition of Misconduct (26 M.R.S. § 1043 (23)) 109

ARTICLE I – Statement of Policy

The Municipality of _____ administers a general assistance ("GA") program available to all persons who are eligible pursuant to the standards provided in this ordinance, state law (22 M.R.S. § § 4301-4326), and Department of Health and Human Services (DHHS) regulations.

The program will make every effort to recognize the dignity of applicants while helping eligible persons achieve self-maintenance by promoting the work incentive. When possible, the program will connect recipients with rehabilitative, preventive, and protective services to alleviate non-financial needs. The GA program will not place unreasonable restrictions on the personal rights of applicants or recipients, nor will it discriminate based on sex, age, race, nationality, religion, sexual orientation, or disability. The municipality is committed to including qualified individuals with disabilities in municipal services, programs, and activities. As a result, the municipality will promote a GA program that when viewed in its entirety is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation in order to access and/or utilize the GA program are encouraged to contact the municipality to make an accommodation request.

The program provides trauma-informed services and culturally and linguistically appropriate services to all applicants. "Trauma-informed services" means services that acknowledge and are informed by the widespread effects of trauma and recognize the potential paths for recovery; recognize the unique signs and symptoms of trauma in applicants, clients, families and staff; respond by fully integrating knowledge about trauma into policies, procedures and practices; and seek to actively avoid retraumatization. "Culturally and linguistically appropriate services" means services that are designed to serve culturally diverse populations in a person's preferred language; function effectively within the context of cultural beliefs, behaviors and needs presented by a person who applies to or is a recipient of assistance from the program and the person's community; contribute to a work environment that supports diversity; promote community engagement; build trust and relationships with applicants and recipients; actively support and enable

recipients to make informed choices; and value and facilitate the exchange of information with recipients. (22 M.R.S. § 4305(7)).

The Administrator will act promptly on all applications for assistance and requests for fair hearings and will provide GA applicants with information regarding their rights and responsibilities under the program. Within 24 hours after receipt of an application, the Administrator will provide the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The Administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be furnished within 24 hours after the completed application is submitted except when the Administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment *(see Ordinance § 5.6)*.

The Administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential as a matter of law. (22 M.R.S. § 4306).

The Administrator will post notice stating that any person may apply for general assistance during the municipality's regular business hours. The Administrator, or other designated person/entity, will be available to take applications in the event of an emergency at all other times. A copy of this ordinance and Maine General Assistance law will be available to any member of the public upon request. Notice to this effect will be posted.

The Administrator will complete training including, but not limited to, the purpose of the general assistance program, the delivery of trauma-informed services and culturally linguistically appropriate services as defined above, and the laws governing the general assistance program's administration, procedures, and requirements no later than 120 days after appointment or election. (22 M.R.S. 4302-A).

ARTICLE II – Definitions

Section 2.1—Common Meaning of Words

Unless otherwise apparent or defined, all words in this ordinance will have their common meaning.

Section 2.2—Special Definitions

Administrator. See "General Assistance Administrator," below.

Applicant. A person who has submitted an application for GA directly or through an authorized representative, or who has, in an emergency, requested assistance without first completing an application. All persons on whose behalf an authorized application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application Form. A standardized form used by the Administrator to allow a person to apply for GA benefits. The application form also confirms that a person has made an application. The application form is not complete unless signed by the applicant.

Basic Necessities. Food, clothing, shelter, fuel, electricity, potable water, non-elective essential medical services as prescribed by a physician, nonprescription drugs, basic telephone service where it is necessary for medical or work-related reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the municipality.

"Basic necessities" do not include:

- Phone bills
- Cable or satellite dish television
- Mail orders
- Vehicle payments
- Credit card debt**
- Furniture
- Loan re-payments**
- Cigarettes
- Alcohol
- Pet care costs

- Vacation costs
- Legal fees
- Late fees
- Key deposits
- Security deposits for rental property (except when no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between landlord and tenant to avoid need for immediate payment of the security deposit in full). (22 M.R.S. § 4301(1)).

** Repayments of loans or credit will be treated as having been spent on basic necessities when the applicant can provide verification of this fact.

Case Record. An official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding eligibility including reasons for those decisions and types and amounts of assistance provided; records concerning an applicant's request for fair hearing; and fair hearing decisions.

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

Deficit. An applicant's deficit is the appropriate overall maximum level of assistance for the household (see Ordinance § 6.8) less the household income (calculated pursuant to Ordinance § 6.7), provided that this calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

Disabled Person. A person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician or qualified mental health provider.

Dwelling Unit. A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit. (22 M.R.S. § 4301(2)).

Earned Income. Wages or Income-in-kind derived by providing goods or services to an individual, company, organization, or other entity.

Eligible Person. A person who is qualified to receive GA benefits from the municipality according to the eligibility standards in this Ordinance, Maine law (22 M.R.S. ch. 1161), and DHHS regulations (10-144 C.M.R. ch. 323). If otherwise qualified, "Eligible Person" includes U.S. citizens; non-U.S. citizens who are lawfully present in the United States as described in 8 U.S.C. § 1621(a)(1)-(3); and non-U.S. citizens who are pursuing a lawful process to apply for immigration relief. Assistance for non-citizens pursuing a lawful process for immigration relief shall not exceed 24 months beginning with assistance provided after July 1, 2015. "Eligible Person" does not include a fugitive from justice as defined in 15 M.R.S. § 201(4). (See "Pursuing a Lawful Process," below)

Emergency. Any life-threatening situation, or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person. At the municipality's option, it includes a situation which is imminent and which may result in undue hardship or unnecessary cost to the individual or municipality if not resolved immediately. (22 M.R.S. § § 4301(4), 4308(2), 4310).

General Assistance ("GA") Program. A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A GA program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program. This definition shall not lessen the municipality's responsibility to provide GA benefits to a person each time that the person is in need and is found to be eligible to receive GA. (22 M.R.S. § 4301(5)).

General Assistance ("GA") Benefits. Benefits provided to a person through the GA program.

General Assistance ("GA") Administrator. A municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and prepare records and communications concerning assistance. They may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker. (22 M.R.S. § 4301(12)).

Homelessness. "Homelessness" means a situation in which a person or household is: (a) living in a place that is not fit for human habitation; (b) living in an emergency shelter; (c) living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility; (d) exiting a hospital or institution licensed under 22 M.R.S. ch. 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility; (e) losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence; or (f) fleeing or attempting to flee violence and has no other residence.

Household. "Household" means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members. The income of household members not legally liable shall be considered as available to the applicant only when there is a pooling of income. (22 M.R.S. § 4301(6)). Residents of a Recovery Residence are not considered a shared household.

Income. "Income" means any form of earned or unearned income in cash or in kind received by the household including:

- Net remuneration for services performed;
- Cash received on either secured or unsecured credit;

- Payments received as an annuity, retirement or disability benefits;
- Veterans' pensions and/or benefits;
- Retirement accounts or benefits;
- Workers' compensation payments;
- Unemployment benefits;
- Federal and/or state tax returns;
- Income from pension or trust funds;
- Student loans;
- Benefits under any state or federal categorical assistance program such as TANF, Supplemental Security Income, Social Security and any other payments from governmental sources (unless specifically prohibited by any law or regulation);
- Court ordered support payments (e.g., child support);
- Household income from any other source, including relatives or unrelated household members; and
- Rental income.

The following items will not be considered as income or assets that must be liquidated for the purposes of deriving income:

- Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and childcare expenses; or
- Earned income of children below the age of 18 years who are full-time students and who are not working full-time.

In determining need, the period of time used as a basis for the calculation shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality. (22 M.R.S. § 4301(7)).

- Benefits received pursuant to public benefit programs that are specifically exempt from being counted as income for purposes of GA. These programs include:

- Supplemental Nutrition Assistance Program (SNAP) (7 U.S.C. § 2017(b))
- Li-Heap (42 U.S.C. § 8624)
- Family Development Accounts (22 M.R.S. § 3762)
- AmeriCorp VISTA program benefits (42 U.S.C. § 5044 (f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, but only if the money is spent on basic necessities (22 M.R.S. § 4301(7))
- ASPIRE Support Service Payments (10-144 CMR Chapter 323)

Initial Applicant. A person who has not previously applied for GA assistance in this or any other municipality.

Just Cause. A valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility or from attending a scheduled fair hearing. (22 M.R.S. § § 4301(8), 4316-A(5)).

Landlord. A person who owns a property and allows another person to use that property in return for payment. (22 M.R.S. § 4301(8-B)).

Lump Sum Payment. A one-time or typically nonrecurring sum of money issued to an applicant or recipient. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after required deductions have been taken from the gross lump sum payment. A lump sum payment does not include conversion of a non-liquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. (22 M.R.S. § 4301 (8-A)).

Material Fact. A material fact is a fact that necessarily has some bearing on the determination of an applicant's GA eligibility, and which would, if disclosed to the Administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

Maximum Levels of Assistance. The amount of financial assistance for a commodity or service as established in Ordinance § 6.8 or the actual cost of any such basic necessity, whichever is less.

Misconduct. For purposes of the GA work requirement (22 M.R.S. § 4316-A), misconduct shall have the same meaning as "misconduct" in 26 M.R.S. § 1043(23). *(See Ordinance Appendix I).* Generally, misconduct occurs when an employee violates their obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment of the employer's interest may also be found guilty of misconduct.

Misspent Income. Misspent income includes income-in-kind received, or paid for, by a GA repeat applicant from sources, including friends or relatives, for the payment of bills that are considered unnecessary costs, such as cable bills, credit card debt, court fines and related court costs, payments to reimburse a municipality for false representation, tobacco and alcohol products, and similar items. Misspent income will be considered as available to the applicant when determining use of income for the previous 30-day period.

Municipality. Any city, town or plantation administering a GA program.

Municipality of Responsibility. The municipality which is financially liable for the support of an eligible person at the time of application. (22 M.R.S. § § 4301(9), 4307).

Need. The condition whereby a person's income, money, property, credit, assets, or other resources available to provide basic necessities for the individual and the individual's family are less than the maximum levels of assistance. (22 M.R.S. § § 4301(10), 4308).

Net General Assistance Costs. Those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the GA program. (22 M.R.S. § § 4301(11), 4311).

Operator. The lawful owner of a recovery residence or an individual or company designated by the lawful owner to have primary responsibility for the day-to-day operations of the recovery residence and for acquiring and maintaining certification pursuant to Title 5, section 20005, subsection 22 of the recovery residence in order to receive housing assistance payments through the general assistance program. (22 M.R.S. § 4301(11-A)).

Period of Eligibility. The time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided; however, in no event shall this period extend beyond one month. (22 M.R.S. § 4309(1)).

Pooling of Income. "Pooling of income" means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. This ordinance establishes a rebuttable presumption that persons sharing the same dwelling unit are pooling their income, except that applicants that who request assistance while residing in a Recovery Residence are not considered to be commingling funds. Applicants who request that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Potential Resources. Sources of financial assistance, including programs, services, non-liquid assets or trusts which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Pursuing a Lawful Process to Apply for Immigration Relief. Taking reasonable, good faith steps to apply for immigration relief within twelve months of arrival to the United States, with U.S. Citizenship and Immigration Services or before an immigration judge or federal court. (See DHHS regulation, 10-144 C.M.R. ch. 323, for additional guidance).

Real Estate. Any land, buildings, homes, mobile homes, and any other things affixed to the land. (22 M.R.S. § 4301(13)).

Recipient. A person who has applied for and is currently receiving GA.

Recovery Residence. “Recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder. 5 M.R.S. § 20003(19-D).

Registered Domestic Partner. An individual registered as the domestic partner of the applicant pursuant to 22 M.R.S. § 2710.

Rehabilitation Facility. An inpatient facility that is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical services and other services that are provided under competent professional supervision.

Repeat Applicants. All applicants for GA benefits that are not initial applicants are repeat applicants. For purposes of this ordinance “repeat” and “subsequent” shall have the same meaning.

Resident. A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home, and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality, or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if they are eligible, until they establish a new residence in another municipality. (22 M.R.S. § 4307).

Resources. Resources include any program, service, or other sources of support which are an alternative to or supplement for GA. There are two kinds of resources: “available” and “potential”. Potential resources are programs, services, non-liquid assets, or trusts that typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Potential resources include, but are not limited to, state or federal assistance programs, employment benefits, governmental or private pension programs, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual. (22 M.R.S. § 4317). Potential resources include the TANF (previously known as AFDC) program, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market, or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). At the discretion of the Administrator, a minimum balance required by a financial institution in order to obtain free checking or in order to maintain the account shall not be considered an available resource.

The Administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities; however, eligibility for GA benefits shall not be based or conditioned on the use of a private charitable resource(s).

30-Day Need. An applicant's 30-day need is the sum of the household's prospective 30-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the 30-day cost for any basic need shall be the household's actual 30-day cost for the basic necessity or the maximum 30-day cost for the basic necessity as established by this ordinance, whichever is less.

Unearned Income. Unearned income is income acquired from investments and other sources unrelated to employment. Unearned income also includes unemployment compensation, taxable social security benefits, pensions, annuities, and distributions of unearned income from a trust or any other income not meeting the definition of earned income.

Unforeseen Repeat Applicants. A repeat applicant who has not applied for assistance within the last twelve months and who has been regularly employed or receiving support from a public benefit program or private source and who has unexpectedly become unemployed through no fault of their own or whose benefits (e.g., through an available resource) have ceased through no fault of their own.

Unmet Need. An applicant's unmet need is the household's 30-day need (established by Ordinance § 6.6) less the household income (calculated pursuant to Ordinance § 6.7), provided such a calculation yields a positive number. If the household income is greater than the household's 30-day need, the household does not have an unmet need.

Work Requirements. Work requirements are obligations the Administrator places on applicants as directed and/or authorized by 22 M.R.S. § 4316-A to the extent such obligations (1) ensure a continuing potential eligibility for GA when complied with, (2) result in ineligibility when violated, and (3) are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, maintaining employment, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

ARTICLE III – Administrative Rules and Regulations

Section 3.1—Confidentiality of Information

Case records and all other information relating to a GA applicant or recipient are confidential and will not be disclosed to the general public. (22 M.R.S. § 4306).

Release of Information. Applicants, recipients, and their legal representatives have the right to review their case records. No record will be released to a third party unless the Administrator receives a signed consent form in which the applicant expressly authorizes the release of their records to the specified parties. Whenever the Administrator releases any information, they will make a notation in the applicant's file stating to whom the record was released and the date. The Administrator may charge a reasonable fee for reproduction of records.

Information from Other Sources; Penalty. Information concerning an applicant or recipient furnished to the municipality by DHHS or any other agency or institution pursuant to 22 M.R.S. § 4314, is confidential. The Administrator will also comply with laws requiring confidentiality of vital statistic records such as birth, marriage, and death records. (22 M.R.S. § 2706).

Any representative of a financial institution or any employer of a GA applicant who, upon receipt of a written release signed by the depositor/employee and a written request from the Administrator, refuses to provide necessary information to the Administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. National banks are also obligated to disclose deposit information to the Administrator upon receipt of a written request and release signed by the depositor. Additionally, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than $25 nor more than $100. Any person, including the applicant, who knowingly and willfully makes a false representation of

a material fact to the Administrator commits a Class E crime. (22 M.R.S. § § 4314, 4315).

Misuse of Information. Misuse of any information relating to an applicant or recipient is a punishable offense. (22 M.R.S. § 42(2)).

Section 3.2—Maintenance of Records

The Administrator will maintain complete and accurate program records. (22 M.R.S. § 4306). These records are necessary to: (a) document and account for municipal program expenditures; (b) document and support decisions concerning applicants and recipients; and (c) ensure relevant information is available for any fair hearing or judicial review of the Administrator's decisions.

Case Records. The Administrator will maintain a separate case record, in paper or digital format, for each applicant or recipient. Each case record will include at least:

- household applications;
- household budget sheets;
- the types and amounts of assistance provided;
- narrative statements describing the nature of the emergency situation whenever GA is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less);
- written decisions;
- requests for fair hearings and the fair hearing authority decisions;
- workfare participation records;
- repayments to the municipality;
- narrative writings documenting the need for general assistance, the results of home visits, collateral information, referrals, changes in status;
- client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information;
- adjustments in aid, and suspension or termination of eligibility;
- physician's documentation;
- Supplemental Security Income (SSI) interim assistance reimbursement authorization forms; and

- vendor forms

Case records will not include information that is irrelevant to the applicant's or recipient's application or the Administrator's decisions.

Retention of Records. GA records shall be retained for at least three full years. The three-year period shall coincide with the state government's fiscal year which begins July 1 and ends on the following June 30. Records may be destroyed after three years by supervised shredding, burning or an appropriate digital deletion/destruction process. If a recipient's records contain SSI reimbursement forms, the recipient's records should be retained so that the municipality may seek reimbursement.

ARTICLE IV – Application Procedure

Section 4.1—Right to Apply

Who May Apply. Any person may apply for GA. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations (see Ordinance § 4.9) or when the applicant resides at an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents eligible for GA benefits. (22 M.R.S. § 4304(3)). In such cases, the Administrator may require a representative to present a signed statement documenting that they are authorized to apply on behalf of the named applicant. The applicant or representative must complete a written application and any other forms necessary for the Administrator to determine eligibility. (22 M.R.S. § § 4305, 4308). With notice, all members of the household receiving GA may be required to physically present themselves to the Administrator. Note that fugitives from justice are ineligible for GA benefits.

Telephone Applications. When a person has an emergency but is unable to apply in person due to illness, disability, lack of childcare, lack of transportation or other good cause, and they cannot send an authorized representative, the Administrator will accept an application by telephone. The telephone application is subject to written verification by mail and a visit to the applicant's home with their permission. (22 M.R.S. § 4304).

Written Application Upon Each Request. Each request for assistance will be administered in accordance with these guidelines, and the Administrator will make an independent determination of eligibility for GA each time a person applies. (22 M.R.S. § § 4308, 4309).

Applications Accepted; Posted Notice. Any person may apply for general assistance during the municipality's regular business hours. In an emergency, however, the Administrator or their designee will be available to accept applications for assistance whenever necessary.

The municipality will post notice stating the times and location where people may apply for assistance and contact information for the Administrator available to take

emergency applications at all other times. In addition, the posted notice shall state that the municipality must issue a written decision on all applications within 24-hours and will include the DHHS toll-free telephone number for reporting alleged violations or complaints. (22 M.R.S. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the Administrator will interview each applicant in person before making a decision. Interviews will be conducted in private, although the applicant may be accompanied by a legal representative, friend, or family member.

Section 4.3—Contents of the Application

An application must contain the following information:

a) the applicant's name, address, date of birth, SSN or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number;
b) the names, date(s) of birth, and SSN(s) or appropriate USCIS documentation of other household members for whom the applicant seeks assistance;
c) the total number of individuals living with the applicant;
d) employment and employability information;
e) a listing of all household income, resources, assets, and property;
f) the applicant's household expenses;
g) the types of assistance requested;
h) a statement of the penalty for false representation;
i) the applicant's permission for the Administrator to verify information;
j) the signature of applicant and date.

If an initial applicant is unable to provide identification records (e.g., SSN card/number) because the record may have been lost, stolen or misplaced, the Administrator may allow the initial applicant a reasonable amount of time (e.g., five working days), to obtain copies of identification records. Provided the initial applicant makes a good faith effort to obtain the item/record sought, GA benefits necessary to cure an immediate and/or emergency need shall not be withheld. In such cases the Administrator may elect to provide a prorated amount of GA (e.g., five days' worth), while the applicant attempts to obtain the required information.

Section 4.4— GA Administrator's Responsibilities at the Time of Application

The Administrator will inform all applicants of: (1) their rights and responsibilities; (2) general program requirements for applying for and receiving GA, and (3) application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The Administrator will help applicants complete application forms and inform applicants of any other information or documents necessary to evaluate the applicant's eligibility. The Administrator will fully explain the purpose of any forms consenting to release of the applicant's information and any benefit reimbursement agreements before the Administrator requests the applicant's signature or written authorization.

Eligibility Requirements. The Administrator will inform the applicant, either orally or in writing, of the eligibility requirements of the program, including:

- the income standard of need;
- the applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- the reduction in assistance that results from spending household income on non-basic necessities;
- immigration status (see definition of "Eligible Person"); and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant Rights. The Administrator will inform all applicants of their right to:

- review the municipal GA ordinance and Maine GA statute and regulations;
- apply for assistance;
- receive a written decision concerning eligibility within 24-hours after application;
- confidentiality of the application and other records;

- contact the DHHS with complaints;
- challenge the Administrator's decision by requesting a fair hearing.

Reimbursement/Recovery. The Administrator will inform the applicant/recipient that they must reimburse the municipality the amount of GA benefits they have been granted if they subsequently have the ability to pay. The municipality may also, as appropriate, contact and inform the applicant/recipient's legal representative of the recipient's obligation to repay the municipality.

The municipality may also recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant's support, such as a spouse, or the parents of persons under the age of 25. (*See Article VIII, "Recovery of Expenses*"). (22 M.R.S. § § 4318, 4319). Whenever applicable, the Administrator will explain the liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the Workers' Compensation lump sum payment lien, or the SSI "Interim Assistance Agreement" lien, described in Article VIII, "Recovery of Expenses."

Section 4.5—Responsibilities of the Applicant at Time of Application

The applicant is responsible to provide accurate, complete, and current household information and verifiable documentation at the time of each application concerning:

- Income
- Resources
- Assets
- Employment
- Use of income
- Names and addresses of any relatives legally liable for the applicant's support
- Any change in this information from a previous application that would affect household eligibility. (22 M.R.S. § 4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

a) has remained employed, if previously employed, and has not quit work without just cause or been discharged from employment for misconduct;

b) has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;

c has made use of all available and potential resources when directed in writing to such a program by the Administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and

d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the Administrator, in order to diminish the applicant's need for general assistance. (22 M.R.S. § § 4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The Administrator will issue a written decision concerning the applicant's eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to Ordinance § 5.6) to issue assistance conditionally on the successful completion of a workfare assignment. (22 M.R.S. § § 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced, or terminated.

Content of Decision. The Administrator's written decision will contain:

a) the type and amount of benefits granted, or the applicant's ineligibility for benefits;
b) the period of eligibility if the applicant is eligible for assistance;
c) the specific reasons for the Administrator's decision;
d) the applicant's right to a fair hearing; and
e) the applicant's right to notify the DHHS if they believe the municipality has acted illegally. (22 M.R.S. § 4321).

Section 4.7—Withdrawal of an Application

An application will be considered withdrawn if the applicant requests in writing that the application be withdrawn; or if the applicant refuses to complete or sign the application or any other document needed by the Administrator.

Section 4.8—Temporary Refusal to Accept Application

Under special circumstances, the Administrator may temporarily refuse to accept applications. Such circumstances include, but are not limited to, the following:

a) When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave; if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when their conduct is under control.
b) If the Administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to a municipal employee, if the applicant's behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one occasion, the applicant may be required to designate a third party to apply for assistance on their behalf and the applicant may be prohibited from entering the municipal building;
c) When a third person applies for assistance on behalf of the applicant that person may be required to provide written verification that they have been duly authorized to act as a representative for the applicant. (22 M.R.S. § 4308).

Section 4.9—Emergencies

An "emergency" means any life-threatening situation, or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household. (22 M.R.S. § 4301(4)). An emergency includes homelessness or imminent homelessness. Even if an applicant is otherwise ineligible to receive GA benefits, unless they are disqualified as provided below, emergency assistance may be granted to applicants who lack sufficient income and resources to meet the emergency need

and also have not had sufficient income and resources to avert the emergency. (22 M.R.S. § 4308).

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs to either the applicant or the municipality.

Disqualification for Emergency Assistance. A person who is currently disqualified from receiving GA due to a violation of Ordinance § § 5.5, 5.6, 5.7, 5.8, 5.9 or 6.4 is ineligible to receive emergency assistance. (22 M.R.S. § 4308(2)(A)). However, dependents of a disqualified person may be eligible for assistance. For the purposes of this section, "dependents" are defined as: (1) a dependent minor child; (2) an elderly, ill or disabled person; or (3) a person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

If one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Assistance Prior to Verification. Whenever an applicant informs the Administrator that they need assistance immediately, the Administrator will grant, pending verification, the assistance within 24 hours, provided that:

a) after interviewing the applicant the Administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and
b) the applicant submits documentation when possible, to verify their need. The Administrator may contact at least one other person to confirm the applicant's statements about his/her need for emergency assistance. No further assistance will be authorized until the applicant's eligibility is confirmed. (22 M.R.S. § 4310).

Benefits provided prior to verification are limited as follows:

a) The authorization of benefits may not exceed 30 days.

b) Until there has been full verification confirming the applicant's eligibility, further benefit may not be authorized.

c) The authorization of benefits may not exceed levels of assistance established in 22 M.R.S. § 4308. (22 M.R.S. § 4310(4)).

Telephone Applications. If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, or other good cause, and if there is no authorized representative who can apply on behalf of the applicant, the Administrator shall accept an application over the telephone. (22 M.R.S. § 4304).

Assistance will not be granted after a telephone application if the applicant refuses to allow the Administrator to verify information provided by the applicant either by visiting their home or by mail, and the Administrator cannot determine eligibility through any other means.

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If an applicant had income which could have been used to prevent all or part of an emergency, but they spent that income on items which are not basic necessities, the applicant will not be eligible to receive GA to replace the misspent money. (22 M.R.S. § § 4308(2) & 4315-A).

All applicants must provide the Administrator with verifiable documentation demonstrating that the applicant lacked sufficient income to avert the emergency situation. According to the following criteria, the Administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

a) The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage, or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period

shall be the consecutive length of time the account balance has been in the negative.

b) The Administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for their basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.

c) The Administrator shall calculate all costs per month for the household's basic necessities during the applicable time period, consistent with the maximum levels established by this ordinance for the specific basic necessity or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.

d) From the total household costs for basic necessities during the applicable time period, the Administrator shall subtract the total income and lump sum payments available to the household for the applicable time period, as well as the total general assistance actually received during the applicable time period.

e) The Administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.

f) The Administrator may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never before applied for general assistance.

g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

The municipality cannot exceed maximum levels of assistance for an applicant household for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn or other lodging place.

Section 4.10—Residence

The Administrator shall provide GA to all eligible applicants who are residents of this municipality. A resident is a person who has no other residence, is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the Administrator will determine their eligibility and, if eligible, will grant assistance until they establish a residence in another municipality. (22 M.R.S. § 4307).

Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the Administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 6 months after they move including processing applications and determining eligibility for assistance.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, they will be the responsibility of this municipality for up to 12 months after they enter the institution if the conditions of 22 M.R.S. § 4307 and § 4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which they intend to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution. (22 M.R.S. § 4307(4)).

Temporary Housing. Hotels/motels and similar places of temporary lodging are considered institutions if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging.

Note: A municipality which illegally denies housing assistance will be responsible for the applicant for up to 6 months if, as a result of the denial, the applicant stays in temporary lodging. The municipality may also be subject to other penalties. (22 M.R.S. § 4307(4)).

Disputes. When the Administrator believes that an applicant is a resident of another municipality, but that municipality disputes its responsibility, the Administrator will notify DHHS' Augusta office (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the Administrator will determine their eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S. § § 4307(5), 4307(6)).

ARTICLE V – Eligibility Factors

A person will be eligible for GA if they are an "Eligible Person" as defined in section 2.2, is in need, and has complied with the eligibility requirements set forth below. (*For guidance in determining whether an applicant is an Eligible Person, contact DHHS at (800) 442-6003 (TTY: 287-6948)).*

Section 5.1—Initial Application

Initial Application. For initial applicants, need will be the sole condition of eligibility, except that all applicants, including initial applicants, are disqualified for a defined period (1) for quitting employment without just cause or for being discharged from employment for misconduct *(see Ordinance § 5.5)* or (2) who are fugitives from justice as defined in 15 M.R.S. § 201(4), (22 M.R.S. § 4301(3)). An initial applicant is a person who has never before applied for GA in any municipality in Maine. (22 M.R.S. § 4308(1)).

"Need" means that the applicant's income (including prorated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in Ordinance § 6.8 or the applicant's 30-day need, whichever is less, and they do not have adequate income or other resources available to provide basic necessities.

Repeat Applicants. Persons who are not initial applicants are repeat applicants; these are persons who have previously applied for GA at some time, including persons on whose behalf a GA application was previously made at any time, provided that the applicant was not a dependent minor in the household at the time of the previous application. To be eligible for GA, repeat applicants must be in need and meet all other eligibility requirements. The eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Section 5.1A – Presumptive Eligibility

A person who is provided shelter in an emergency shelter for the homeless located in the municipality shall be presumed to be an eligible person. Presumed eligibility may not exceed 30 days within a 12-month period. After the period of presumed eligibility,

full eligibility must be verified before assistance will be issued. When presumptive eligibility is determined under this section, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

Section 5.1B – Recovery Residences

The Administrator will not deny GA benefits to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, housing assistance will not be provided to a person residing in a recovery residence that has not been certified in accordance with 5 M.R.S. § 20005(22), except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only. The Administrator will inform the person of the requirements and time limits regarding recovery residences. A person who is ineligible for housing assistance under this subsection may remain eligible to receive GA for other basic necessities. Upon request by a person residing in a certified recovery residence, who has been determined eligible for housing assistance, housing assistance payments will be issued to the operator of the certified recovery residence instead of to a landlord.

Section 5.2—Eligibility for Categorical Assistance

Receipt of categorical assistance will not disqualify an otherwise eligible person. Benefits received from other assistance programs will be considered as income when determining need, with the exception of Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need. (7 U.S.C. § 2017 (b)).

In addition, fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the Administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with their fuel needs. (42 U.S.C. § 8624(f)). When an applicant has received HEAP or ECIP, GA heating energy needs will be calculated pursuant to Ordinance § 6.7, subsection (c) under “Types of Income”. For several additional exceptions please refer to the definition of “Income” in this Ordinance (see Ordinance § 2.2, page 7, subsection 4).

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the Administrator. Persons who, without just cause, make no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit. (22 M.R.S. § 4317).

Section 5.3—Personal Property

a) Liquid Assets.

No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit, retirement accounts, life insurance policies and other marketable security will be eligible for GA unless and until they use these assets to meet their basic needs, and thereby exhausts them. At the discretion of the Administrator, liquid assets need not include a reasonable minimum balance necessary to obtain free checking. Although one checking account per household may be allowed, any monies over the minimum required to obtain free checking are to be considered available liquid assets.

b) Tangible Assets.

No person owning or possessing personal property, including but not limited to: a motor vehicle (except as provided immediately below in subsection c), or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant's household will be eligible for GA. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in Ordinance § 2.2 or when reasonable efforts to convert assets to cash at fair market value are unsuccessful. Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

c) Automobile Ownership.

Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment or for seeking employment, obtaining medical care, rehabilitation, or training facilities, or for any other reason the GA Administrator determines reasonable

for the maintenance of the applicant's household. GA recipients who own an automobile with a market value greater than $8,000 may be required, with 7-day's written notice, to make a good faith effort to trade that automobile for an automobile with a market value of less than $8,000. Any income received by the applicant by virtue of such a trade down must be used for their basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification. (22 M.R.S. § 4317).

The Administrator will neither pay nor consider as necessary any car payment or vehicle maintenance cost, including insurance, for which the applicant is responsible. However, if the vehicle's value is $8,000 or less and the applicant is utilizing the vehicle for an "essential" reason (see above), the Administrator may choose to not consider reasonable car payments, reasonable car insurance or reasonable associated costs of maintenance as "misspent" income. GA for travel-related needs shall be computed in accordance with Ordinance § 6.8(F)(7), (8) "Work Related/Travel Expenses."

d) Insurance.

Insurance available to an applicant on a non-contributory basis or required as a condition of employment will not be a factor in determining eligibility for GA. Life insurance with a cash surrender value may, at the discretion of the Administrator, be considered as a tangible asset.

e) Transfer of Property.

Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for GA will not be granted GA benefits to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will be issued. There will be a presumption that the applicant transferred their assets in order to be eligible for GA whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for GA unless the applicant can demonstrate the existence of a good faith transaction.

Section 5.4—Ownership of Real Estate

a) Principal Residence.

Solely for purposes of GA, the applicant's principal residence, including any adjoining land, is considered an exempt resource, even if temporarily unoccupied because of employment, job training, education, illness, or disaster, provided the applicant demonstrates an intent to return. If the applicant owns land in excess of the minimum lot size for the zone or district in which the home is located, that land may be considered a potential resource if:

1. The applicant has received GA for the last 120 consecutive days; and
2. The applicant has the legal right to sell the land (e.g., any mortgagee will release any mortgage, any co-owners agree to the sale, zoning or other land use laws do not render the sale illegal or impracticable); and
3. The applicant has the financial capability to put the land into a marketable condition (e.g., the applicant can pay for any necessary surveys); and
4. The land is not utilized for the maintenance and/or support of the household; and
5. A knowledgeable source (e.g., a realtor) indicates that the land in question can be sold at fair market value, for an amount which will aid the applicant's financial rehabilitation; and
6. No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

If conditions above are met, the Administrator may condition the receipt of future assistance on the applicant's good faith efforts to sell, or render saleable, land which could be used to provide necessary support for the applicant (e.g., the applicant owns 100 "excess" acres. Sale of 10 of the acres would provide for the necessary support; therefore, the entire 100 acres need not be sold at the present time.) Assistance shall not be denied during the time that the applicant is making a good faith effort to sell or render saleable the land in question.

Once the applicant ceases to receive assistance the obligations under this section shall also cease.

b) Other Property.

If the applicant or dependents own real property other than that occupied as the principal residence, continued GA eligibility will depend on the applicant making a reasonable effort to:

1. Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or
2. Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for GA will be ineligible.

If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the sale of the property or upon the death of the recipient *(see also Ordinance § 6.8).* 22 M.R.S. § 4320.

Section 5.5—Work Requirement

All GA recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

Employment; Rehabilitation. All unemployed applicants and household members who are 16 years of age or older and who are not attending a full-time primary or secondary school intended to lead to a high school diploma will be required to accept any suitable job offer and/or meet with job counselors, attend employment workshops and rehabilitative services, except as provided below *(see "Exemptions").* Applicants must demonstrate to the Administrator that they are available for work and are actively seeking employment.

A "suitable job" means any job, which the applicant is mentally and physically able to perform. "Available for work" means that applicants must make themselves available for work during normal business hours prevailing in the area and show that no circumstance exists which would prevent them from complying with the work requirement.

Verification. Unemployed applicants or applicants employed on a part-time basis must provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation will consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. "Pursuit of Employment" means actually submitting a written application or applying for a job in person when reasonable or submitting a written application or letter of inquiry to employers.

For the duration of any repeat applicant's period of unemployment or partial employment, the Administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill their work search requirements. The number of weekly employer contacts required by the Administrator shall be reasonably related to the number of potential employers in the region and the number of hours per week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application but will be a condition of eligibility for subsequent assistance.

Ineligibility. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:

a) refuse to register for employment with the Maine Job Service;
b) refuse to search diligently for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent work search and will be disqualified;
c) refuse to accept a suitable job offer;
d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
e) fail to be available for work; or

f) refuse to participate or participate in a substandard manner in the municipal work program *(see Ordinance § 5.6).*

Ineligibility Due to Job Quit or Discharge for Misconduct. No initial or repeat applicant who has quit their full-time or part-time job without just cause or who has been discharged from employment for misconduct *(see definition in Appendix I)* will be eligible to receive GA of any kind for 120-days from the date the applicant is separated from employment. (22 M.R.S. § § 4301(8), 4316-A (1-A)).

Just Cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

a) the applicant has a physical or mental illness or disability which prevents them from working;
b) the work assignment pays below minimum wages;
c) the applicant was subject to sexual harassment;
d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
e) the applicant has no means of transportation to or from work or a training or rehabilitation program;
f) the applicant is unable to arrange for necessary childcare or care of ill or disabled family members; or
g) any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason the Administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S. § 4316-A(5)).

Applicant's Burden of Establishing Just Cause. If the Administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause. (22 M.R.S. § 4316-A).

Eligibility Regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed

or otherwise satisfy the Administrator that they are complying with the work requirement by fulfilling the work requirement(s) the person violated.

For the purpose of regaining eligibility by becoming employed, "employment" shall mean employment by an employer as defined in 26 M.R.S. § 1043 or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in Ordinance § 5.6, under "Eligibility Regained."

Dependents. Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person's household who is not capable of working, including:

a) a dependent minor child;
b) an elderly, ill, or disabled person; and
c) a person whose presence is required in order to provide care for any child under 6 years of age or for any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

If one or more member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Exemptions. The above work requirements do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the household is also exempt from these requirements.

The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom

or on site participation in a training program which is either approved by the Department of Labor (DOL) or determined by the DOL to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program operated under the control of the DOL.

Section 5.6—Municipal Work Program

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance. (22 M.R.S. § 4316-A(2)).

As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in Ordinance § 5.5 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of GA and the work program. Before signing the form, the Administrator will read it to the applicants or allow the applicants to read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.

Subtracting Value of Workfare Performed from Client's GA Debt. Pursuant to 22 M.R.S. § 4318, individuals who received GA benefits are obligated to repay the municipality when and if they become able (see Ordinance Article VIII). However, persons performing workfare shall have the value of the workfare performed deducted from any and all GA debt including GA liens (e.g., Workers' Compensation Settlement, SSI Retroactive Payment, Capital Improvement, Home Mortgage) that might exist against their settlements, payments or other such property.

Limitations. The work requirement is subject to the following limitations. (22 M.R.S. § 4316-A(3)).

1) No person shall, as a condition of eligibility, be required to perform any amount of work that exceeds the value of the net GA that the person receives under municipal GA standards. Any person performing work under this subsection shall be provided with net GA, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law at the time the workfare was performed.

2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.

3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.

4) In no case will work performed under this subsection interfere with an eligible person's:

   a) existing employment;
   b) ability to follow up on a bona fide job offer;
   c) attendance at an interview for possible employment;
   d) classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
   e) classroom or on-site participation in a training program which is approved by the Department of Labor (DOL) or determined by the DOL to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program administered by the DHHS or the DOL.

5) In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with their regular employment would result in the person working more than 40 hours per week.

6) In no case will an eligible person be required to perform work beyond their capabilities. However, when an illness or disability is claimed, an

eligible person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness. (22 M.R.S. § 4309).

If the Administrator requires a doctor's statement to verify an applicant's illness or disability and the applicant is not currently under the care of a provider, the municipality may pay for the doctor's evaluation if the applicant has no means to pay for the exam. However, in such a case the Administrator will choose the doctor. If there is a no-cost or low-cost health care option, the municipality may elect to refer the client to such a resource. The Administrator will not require verification of medical conditions which are apparent, or which are of such short duration that a reasonable person would not ordinarily seek medical attention. (22 M.R.S. § 4316(5)).

7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving GA. The Administrator shall meet immediate needs upon receiving written assurance from the eligible person that they are willing to work to maintain eligibility for GA. When the recipient has no immediate need, workfare participation may be required prior to receiving GA in accordance with the "workfare first" policy below.

"Workfare First" Policy. Pursuant to 22 M.R.S. § 4316-A(2)(D), the Administrator may, in accordance with the following guidelines, require a GA recipient to perform a workfare assignment prior to the actual issuance of the GA benefit conditionally granted.

1) In no circumstance will emergency GA for which an applicant is eligible be withheld pending the satisfactory performance of workfare.
2) All workfare participants under this policy will be provided a written decision within 24 hours after submitting an application for GA and prior

to performing any workfare for the municipality associated with that request for assistance.

That written decision must include:

a) a specific description of the amount of GA being conditionally granted to the household, and for which basic needs;
b) the period of eligibility for which the GA grant is being issued (in days or weeks, but not to exceed 30 days);
c) the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;
d) the actual duration of the workfare assignment that must be performed, in hours, before the GA grant will be actually issued;
e) the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of worksite, date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers; and
f) any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.

3) As previously provided in this section, all workfare participants must sign a consent form that informs the participant of their workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.
4) If a portion of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the Administrator shall issue a grant of GA benefits corresponding to the number of workfare hours satisfactorily performed multiplied by the hourly rate used to calculate the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued GA grant shall be terminated, and notice of the partial termination, together with the reasons; therefore, will be issued to the workfare participant in accordance with Ordinance § 6.10.

5) If any part of the workfare assignment is not performed because the workfare participant was temporarily unable to perform the assignment for just cause reasons, it shall be reassigned or excused at the discretion of the Administrator.

Work-Related Expenses. A participant's expenses related to work performed under this section will be added to the amount of net GA to be provided to the person (22 M.R.S. § 4316-A(2)(E)). The municipality will provide any special clothes or equipment the recipient needs to perform their work assignment.

Disqualification. Any person who either willfully fails to perform or willfully performs below average standards the work assigned by the municipality, will be ineligible for assistance for 120 days (22 M.R.S. § 4316-A(1)). As soon as the Administrator knows that a recipient failed to fulfill the work assignment, the Administrator will notify the recipient in writing that they are disqualified for 120 days starting from the last date of authorized assistance unless the recipient can show just cause. The workfare participant has the burden of demonstrating there was just cause for any failure to perform a workfare assignment.

Eligibility Regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions:

- Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible *(see Ordinance § 5.5, "Dependents")*.
- If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which they, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The Administrator will give the recipient a work assignment as soon as possible.
- If a recipient under a 120-day disqualification has an emergency need and the Administrator is unable to schedule a work assignment in time to alleviate the emergency, the Administrator will provide sufficient assistance to the

recipient to avert the emergency. However, the provision of emergency assistance will not bar the Administrator from subsequently enforcing the previously issued 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number of hours the recipient must work.

- Recipients who have asked for the opportunity to regain their eligibility during a 120-day disqualification period and who agreed to fulfill the assignment which they previously failed to perform but who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the Administrator will enforce the 120-day disqualification for the term of its initial duration.
- If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of ineligibility for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date but will be provided no opportunity to requalify.
- Any recipient who intentionally causes damage to property, harasses or harms other employees or who otherwise conducts themselves in a disruptive manner and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The Administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the DHHS. (22 M.R.S. § 4316-A(2)).

Section 5.7—Use of Resources

Each applicant is responsible to make a good faith effort to utilize every available or potential resource that may reduce their need for GA *(see Ordinance § 2.2, definition of "Resources")*. Persons who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are

required to prove that they have made a good faith effort to secure the resource. (22 M.R.S. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for GA and who is pregnant or has a dependent child or children will be eligible to receive GA only if the minor is residing in the home of their parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

1) the minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or
2) the minor has no living parent or the whereabouts of both parents are unknown; or
3) no parent will permit the minor to live in the parent's home; or
4) the minor has lived apart from both parents for at least one year before the birth of any dependent child; or
5) the DHHS determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and their child or children lived with a parent; or
6) the DHHS determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility. (22 M.R.S. § 4309(4)).

Any person under the age of 25 who is applying independently from their parents for GA will be informed that until they reach the age of 25, the applicant's parents are still legally liable for their support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent their parents are financially capable of repaying the municipality. (22 M.R.S. § 4319).

With regard to such application, the municipality may seek verification of the applicant's need for GA by contacting their parents. If the applicant's parents declare a willingness to provide the applicant with their basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on their parents for basic needs, the Administrator may find the applicant not to be in need of GA for the reason that their needs can be provided by a legally liable relative.

Mental or Physical Disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

Written Notice; Disqualification. The Administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resource(s). Any applicant who refuses to utilize potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until they have made a good faith effort to utilize or obtain the resources. GA will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.

Forfeiture of Benefits. Any applicant who forfeits receipt of, or causes a reduction in, benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive GA to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under GA law, the value of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture.

To the extent the forfeited benefits were provided in the form of a specific, regularly issued resource of a calculable value rather than in the form of income, that resource, up to its forfeited value, need not be replaced with GA for a period of 120 days from the date of the forfeiture—unless the municipality is prohibited by federal or state law from considering the forfeited resource as available with respect to local public assistance programs. (22 M.R.S. § 4317).

Section 5.8—Period of Ineligibility

No one will have their GA terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing. (22 M.R.S. § § 4321-4322). Each person will be notified in writing of the reasons for their ineligibility, and any person

disqualified for not complying with the ordinance will be informed in writing of the period of ineligibility.

Work Requirement. Applicants/recipients who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility) *(see Ordinance § § 5.5, 5.6)*. If an applicant/recipient is provided assistance and does not comply with the work requirement, the applicant/recipient shall be disqualified for 120 days following the end of the period covered by the grant of assistance. The Administrator shall give recipients written notice that they are disqualified as soon as the Administrator has sufficient knowledge and information to render a decision of ineligibility.

Fraud. Persons who commit fraud are disqualified from receiving GA for a period of 120 days *(see Ordinance § 6.4, "Fraud")*. The Administrator shall give recipients written notice that they are ineligible as soon as the Administrator has sufficient knowledge and information to render a decision. If the disqualification for fraud is issued before the expiration of a grant of assistance, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of ineligibility.

Section 5.9 – Unemployment Fraud

An applicant who is found ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to 26 M.R.S. § 1051(1) is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor. 22 M.R.S. § 4317.

ARTICLE VI – Determination of Eligibility

Section 6.1—Recognition of Dignity and Rights

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate their individual rights.

Section 6.2—Determination; Redetermination

The Administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for GA. The Administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The Administrator may redetermine a person's eligibility at any time during the period they are receiving assistance if the Administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the Administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority. (22 M.R.S. § 4309).

Section 6.3—Verification

Eligibility of Applicant; Duration of Eligibility. The overseer shall determine eligibility each time a person applies or reapplies for GA. The period of eligibility will not exceed one month. At the expiration of this period applicants/recipients may reapply for assistance and the person's eligibility will be redetermined.

Applicant's Responsibilities. Applicants and recipients for GA are responsible for providing to the Administrator all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or

documentation required by the Administrator. When such information is unavailable, the Administrator must accept alternative available information, which is subject to verification.

Each applicant and recipient has the responsibility at the time of application and continuing thereafter, to provide complete, accurate, current information and documentation concerning his/her:

- Need
- Income
- Employment
- Use of income
- Expenses
- Assets & liabilities
- Use of available resources
- Household composition

Initial Applicants. Persons who have not applied for assistance in this or any other municipality are considered initial applicants and must have their eligibility determined solely on the basis of need. Initial applicants are not subject to eligibility conditions placed on repeat applicants *(see below)*. However, such applicants must still provide the GA Administrator with reasonably obtainable documentation adequate to verify that there is a need for assistance. In addition, initial applicants must also comply with both lump sum and relevant work rules (i.e., quit job).

Repeat Applicants. All applicants for GA who are not initial applicants are repeat applicants. The eligibility of repeat applicants must be determined on the basis of need and all other conditions of eligibility established by law and this municipal ordinance.

The Administrator will require documentation of a repeat applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services, and other basic necessities. In addition, repeat applicants instructed to seek employment shall verify their work search results, (e.g., provide a list of the employers contacted, the date and time of the application contact,

and the name of the employer representative contacted) as required by the Administrator.

Repeat applicants must provide updates to information reported on previous applications, including changes in his/her household or income that may affect his/her eligibility.

Unforeseen Repeat Applicants. Unforeseen repeat applicants are applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source but who have unexpectedly become unemployed through no fault of their own or whose income and/or benefits (e.g., through an available resource) have ceased through no fault of their own. Such unforeseen repeat applicants may be considered initial applicants for purposes of verification requirements and misspent income if the Administrator finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

Administrator's Responsibilities. In order to determine an applicant's eligibility for GA, the Administrator first must seek information and documentation from the applicant. Once the applicant has presented the necessary information, the Administrator must determine eligibility. The Administrator will seek verification necessary to determine eligibility and may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant – except that the Administrator may examine public records without the applicant's knowledge and consent.

Appropriate sources, which an Administrator may contact, include, but are not limited to:

- DHHS, any other department or agency of the state, or non-profit organizations
- financial institutions
- creditors
- utility companies
- employers
- landlords
- physicians
- persons with whom the applicant/recipient is a cohabitant

- legally and non-legally liable relatives

Assistance will be denied or terminated if the applicant is unwilling to supply necessary information, documentation, or permission to make collateral contacts, or if the Administrator cannot determine that eligibility exists based on information supplied by the applicant or others.

Redetermination of Eligibility. The Administrator may redetermine a person's eligibility at any time during the period that person is receiving assistance if the Administrator is informed of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled, or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction in assistance for that time period may not be made without prior written notice to the recipient stating the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

Penalty for Refusing to Release Information. Any person governed by 22 M.R.S. § 4314 who refuses to provide necessary information to the Administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than $25 nor more than $100 which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the Administrator is guilty of a Class E crime. (22 M.R.S. § § 4314(5), 4314(6), 4315).

Section 6.4—Fraud

It is unlawful for a person to knowingly and willfully make a false representation of a material fact to the Administrator in order to receive GA or cause someone else to receive GA. (22 M.R.S. § 4315). A person who commits fraud in an effort to receive GA benefits may be prosecuted for this offense.

False representation means any individual who knowingly and willfully:

a) makes a false statement to the Administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
b) conceals information from the Administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
c) uses GA benefits for a purpose other than the purpose for which they were intended.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

Period of Ineligibility. When the Administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making themselves eligible for GA, the Administrator shall notify that applicant in writing that they must reimburse the municipality for the assistance they were not entitled to receive and that they are ineligible for assistance for the longer of: (a) a period of 120 days; (b) until they reimburse the municipality for the assistance; or (c) until they enter a reasonable written agreement to reimburse the municipality. (22 M.R.S. § 4315).

For the purpose of this section, a material misrepresentation is a false statement about eligibility factors in the absence of which some or all of the assistance would not be or would not have been granted.

The notification of ineligibility issued by the Administrator shall inform the applicant of their right to appeal the Administrator's decision to the fair hearing authority (FHA) within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of ineligibility, whichever is later.

Right to a Fair Hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority (FHA) in accordance with Article VII of this Ordinance. No recipient shall have their assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the FHA may appeal that decision to the Superior

Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure. (22 M.R.S. § 4309(3)).

Reimbursement. If a recipient does not appeal the decision or if the FHA determines that a recipient made a false representation, the recipient will be required to reimburse the municipality for any assistance received to which they were not entitled. The recipient may enter a reasonable written agreement to reimburse the municipality over a period of time.

Dependents. In no event will the ineligibility of a person under this section serve to disqualify any eligible dependent in that household. (22 M.R.S. § 4309(3)). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Section 6.5—Period of Eligibility

The Administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month. (22 M.R.S. § 4309). Upon receiving a completed and signed application the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis.

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA Administrator, the GA Administrator shall render a notice of "ineligibility" and advise the applicant that they have a right to reapply as soon as they have the necessary information and/or as soon as is practicable for the applicant.

Although eligibility is determined on a 30-day basis, for reasons of administrative efficiency, the Administrator may elect to disburse an applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the Administrator elects to disburse GA for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant

to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

Section 6.6—Determination of Need

The period of time used to calculate need will be the next 30-day period from the date of application. (22 M.R.S. § 4301(7)). The Administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in Ordinance § 6.8, whichever is less. The sum of these expenses, as calculated for a prospective 30-day period, is the applicant's 30-day need. Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency. (22 M.R.S. § 4308(2)) *(see Ordinance § 4.9)*.

Applicants will also not be considered in need of GA if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of Ordinance § 6.8. (22 M.R.S. § § 4301(10), 4305(3-B)). The difference between the applicant's income and the overall maximum levels of assistance established by this Ordinance is the applicant's deficit.

Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity shall guide Administrator's distribution of assistance for which the applicant is eligible. *(See Ordinance Appendices A-H).* The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency. (22 M.R.S. § 4305(3-A)).

Income for Basic Necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no *applicant* is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility. (22 M.R.S. § 4315-A). Applicants who have

sufficient income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

Use-of-Income Requirements. The Administrator may require that anyone applying for GA provide documentation of their use of income. This documentation can take the form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Except as is deemed appropriate by the Administrator for "unforeseen" repeat applicants *(See Ordinance § 6.3);* repeat applicants may be required to verify that expenditure of income was for basic necessities. Income expended that cannot be verified will generally be considered available and in such case will be added to the 30-day prospective income.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons, the cost of non-elective medical services as recommended by a physician which are not otherwise covered by medical entitlement, Hospital Free Care or insurance; the reasonable cost of essential clothing and non-prescription drugs, and the costs of any other commodity or service determined essential by the Administrator.

Items not considered to be basic necessities and thus will not be allowed in the budget computation include:

- Internet services
- Cable or satellite television
- Cellular phones, except when deemed essential by the overseer for medical or work related purposes
- Cigarettes/alcohol
- Gifts purchased
- Pet care costs
- Costs of trips or vacations
- Paid court fines
- Repayments of unsecured loans
- Legal fees
- Late fees

- Credit card debt

The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use their income for basic necessities or fails to reasonably document their of income. (22 M.R.S. § 4315-A). Those additional requirements will be applied in the following manner:

1) The Administrator may require the applicant to use some or all of their income, at the time it becomes available, toward specific basic necessities. The Administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified basic necessities;
2) The Administrator will notify applicants in writing of the specific use-of-income requirements placed on them;
3) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency general assistance to replace that income; and
4) If the applicant does not spend their income as directed but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

Calculation of Income and Expenses. When determining eligibility, the Administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of Ordinance § 6.8. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency *(see Ordinance § 4.9)*. If income is less than the overall maximum level of assistance, the applicant has a deficit.

The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in Ordinance § 6.8 for specific basic necessities except in an emergency or when the

Administrator elects to consolidate the applicant's deficit, as provided immediately below.

Consolidation of Deficit. As a general rule, and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this ordinance or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the Administrator may consolidate the applicant's deficit and apply it toward a basic necessity in an amount greater than the ordinance maximum for that necessity.

1) The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the ordinance maximum shall be the exception rather than the rule;
2) The total GA grant cannot exceed the total deficit unless the applicant is in an emergency situation; and
3) The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient misspending their income or resources in violation of the use-of-income requirements of this ordinance.

Section 6.7—Income

Income Standards. Applicants whose income exceeds the overall maximum level of assistance provided in Ordinance § 6.8 shall not be eligible for GA except in an emergency. Each time an applicant applies, the Administrator will conduct an individual factual inquiry into the applicant's income and expenses.

Calculation of Income. To determine whether applicants are in need, the Administrator will calculate the income they will receive during the next 30-day period commencing on the date of application and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the Administrator will also consider as available income any income that was not spent during the previous 30-day period on basic necessities as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the

household's need for basic necessities, up to the maximum levels contained in Ordinance § 6.8, applicants will not be considered in need.

Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded. (22 M.R.S. § 4308) *(see Ordinance § 4.9)*. To calculate weekly income and expenses, the Administrator will use actual income received or actual anticipated income.

Types of Income. Income that will be considered in determining an applicant's need includes:

a) **Earned Income.** Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.

   Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and childcare costs will be deducted from an applicant's income. (22 M.R.S. § 4301(7)).

b) **Income from Other Assistance or Social Services Programs.** State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and Fuel Assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of GA the applicant is eligible to receive. Although applicants may have only a limited or reduced need for GA for heating fuel or electricity if a recently received

HEAP/ECIP benefit has sufficiently credited their account or otherwise prevented the fuel-related costs for the prospective 30-day period.

The Administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for their total fuel costs. Accordingly, in such cases, the Administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the Administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with their utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely on the basis of the recipient's receipt of HEAP/ECIP.

Other programs whose income cannot be counted for purposes of GA eligibility include:

- Family Development Accounts (22 M.R.S. § 3762)
- Americorp VISTA program benefits (42 U.S.C. § 5044(f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, only so long as the money is spent on basic necessities. (22 M.R.S. § 4301(7))

c) **Court-Ordered Support Payments.** Alimony and child support payments will be considered income only if actually received by the applicant. The Administrator will refer cases in which support payments were not actually received to the Maine DHHS Child Support Enforcement Unit. In order to be eligible for future GA benefits, applicants referred to DHHS for support enforcement assistance shall be required to follow-through with such services. Because child support payments are considered a resource, applicants must make a good faith effort to secure such payments.

d) **Income from Other Sources.** Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered

income as will cash or in-kind contributions provided to the household from any other source, including relatives. (22 M.R.S. § 4301(7)).

e) **Earnings of a Son or Daughter.** Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time will not be considered income. The unearned income of a minor in the household will be considered available to the household.

f) **Income from Household Members.** Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another.

g) **The Pooling or Non-Pooling of Income.** When two or more individuals share the same dwelling unit but not all members of the household are applying for GA, the Administrator shall make a finding under a rebuttable presumption that the entire household is pooling income. (22 M.R.S. § 4301(12-A)).

   One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the Administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling during the duration of the shared living arrangement. Such documentation would include evidence of the entire household's expenses, bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for their pro-rata share of household costs.

   If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of their income and their pro-rata share of actual household expenses.

h) **Lump Sum Income.** A lump sum payment received by any GA applicant or recipient prior or subsequent to the date of application for GA will be considered as income available to the household. However, verified required

payments (i.e., any third-party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities, as described below, will not be considered available income.

Where a household receives a lump sum payment at any time prior or subsequent to the date of application for GA, the Administrator will assess the need for prorating an applicant's eligibility for GA according to the following criteria. (22 M.R.S. § 4301(7), (8-A)):

1) identify the date the lump sum payment was received;
2) subtract from the lump sum payment all required payments;
3) subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities as defined by the GA program such as: reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities. Repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid must also be subtracted. (22 M.R.S. § 4301(7), (8-A));
4) add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for GA; and
5) divide the sum created in subsection (4) by the verified actual monthly amounts for all of the household's basic necessities. 22 M.R.S. § 4305(3-B).

This dividend represents the period of proration determined by the Administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely on the basis of the proration of a lump sum payment. (22 M.R.S. § 4308).

Section 6.8—Basic Necessities; Maximum Levels of Assistance

Overall Maximum Levels of Assistance. Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in Ordinance Appendices B-H, an applicant's eligibility for GA will be first determined by subtracting their income from the overall maximum level of assistance designated in Appendix A for the applicable household size. (22 M.R.S. § 4305 (3-B)). The difference yielded by this calculation shall be the applicant's deficit.

Applicants will be eligible for GA up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for GA unless they are in an emergency, in which case eligibility for emergency GA will be determined according to Ordinance § 4.9.

Maximum Levels of Assistance for Specific Basic Necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The Administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the Administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs.

Note. The municipality cannot exceed maximum levels of assistance for an applicant household for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn or other lodging place.

In all cases either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In addition, as a general rule the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance.

Temporary exceptions to this general rule may be made by the Administrator in the following circumstances: (1) a recent, unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (2) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with GA; and (3) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

(A) **Food.** The Administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size.

For this purpose, the municipality hereby incorporates by reference the U.S.D.A. Thrifty Food Plan, as distributed by the Maine DHHS on or about October of each year. See Ordinance Appendix B for the current year's food maximums.

In determining need for food, the Administrator will not consider the value of the food stamps an applicant receives as income. (22 M.R.S. § 4301.7(A); 7 U.S.C. § 2017(b)). The municipality will authorize vouchers to be used solely for approved food products.

The Administrator will exceed the maximums when necessary for households having members with special dietary needs. The Administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

(B) **Housing.** The Administrator will provide assistance with rent or mortgage payments that are reasonable and/or within the allowed maximum levels. See Ordinance Appendix C for the current year's housing maximums. It is the applicant's responsibility to find suitable housing, although the Administrator may help the applicant find housing when appropriate. The Administrator will inform the applicant of the allowed housing maximums to assist the applicant in their search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

Rental Payments to Relatives. The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their basic needs. For the purpose of this section, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parent's siblings, or any of those relative's children. (22 M.R.S. § 4319(2)).

Rental Payments to Non-Relatives. When applicants are living in private homes with the owner or sharing dwelling units with people who are not pooling income or who are not legally liable relatives, the amount allowed as the applicant's shelter expense will be the applicant's pro rata share of the actual, total shelter cost, up to the ordinance maximum. (22 M.R.S. § 4301(6)).

Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

When the municipality issues in aggregate more than $600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental

payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation (see § 6041(a) of Internal Revenue Code).

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the DHHS Division of Health Engineering, pursuant to 10-144A CMR, Chapter 201, as a condition of that landlord receiving future GA payments on behalf of their tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the Administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the Administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

(1) the marketability of the shelter's equity;
(2) the amount of equity;
(3) the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs;
(4) the extent to which liquidation may aid the applicant's financial rehabilitation;
(5) a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if they were to be dislocated to rental housing;
(6) the imminence of the applicant's dislocation from owned housing because of their inability to meet the mortgage payments;
(7) the likelihood that the provision of housing assistance will prevent such dislocation; and
(8) the applicant's age, health, and social situation.

These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide.

The Administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for GA if after review of the criteria above, the Administrator determines that:

(1) the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size;
(2) there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or re-amortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and
(3) the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property.

If a mortgage payment is necessary, the Administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of their home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the Administrator will inform the applicant that they are responsible for finding alternative housing within their ability to pay and will be obligated to make all reasonable efforts to secure such housing.

Liens. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments. In addition, a municipality may claim a lien against the owner of real estate for the amount of money spent by it to make capital improvements to the real estate. (22 M.R.S. § 4320). No lien may be enforced against a recipient except upon their death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for GA if the lien were enforced.

If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing GA for a mortgage payment or capital

improvement it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage or capital improvement payment and all subsequent mortgage or capital improvement payments made on behalf of the same eligible person, plus interest and costs.

Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the GA recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

The municipality may charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

Property Taxes. In the event an applicant requests assistance with their property taxes, the Administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.R.S. § 841(2)) and GA. If the applicant chooses to seek property tax assistance through GA, or if the applicant is denied a poverty tax abatement, the Administrator may consider using GA to meet this need only if:

a) the property tax in question is for the applicant's place of residence;
b) there is a tax lien on the property which is due to mature within 60 days of the date of application;
c) as a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that

a tax lien foreclosure will result in subsequent eviction from the residential property; and

d) the applicant, with sufficient notice, applies for property tax relief through the Maine Property Tax Fairness Credit program, when available.

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the U.S. Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. See Ordinance Appendix C for the current year's housing maximums.

If and when the maximum levels of housing assistance in this Ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this Ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S. § 4305.

(C) **Utilities.** Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 4.9.

Disconnection of utility service will not be considered an emergency in all cases. The Administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The Administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay

their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive GA to replace those funds.

Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S. § 4308(2)) *(see Ordinance § § 4.9; 6.3)*. The Administrator will notify applicants in writing that they must give the Administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the Administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Non-Electric Utilities. The allowed amount for water and sewer utility service will be budgeted at a 30-day reasonable usage rate.

(D) **Fuel.** Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the Administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in Ordinance § 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the Administrator timely notice of their need for fuel, the Administrator shall find that the emergency was not beyond the applicants' control, and process the emergency

request accordingly, pursuant to Ordinance § 4.9. See Ordinance Appendix E for the current year's fuel maximums.

(E) **Personal Care and Household Supplies.** Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags light bulbs and supplies for children under 5 years of age. See Ordinance Appendix F for the current year's personal care and household supplies maximums.

(F) **Other Basic Necessities.** Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the Administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.

1) **Clothing.** The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the general assistance Administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.
2) **Medical.** The municipality will pay for essential medical expenses, other than hospital bills *(see below)*, provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state

program, that will diminish their need to seek general assistance for medical expenses. The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the Administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

Generally, the municipality will issue GA at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing GA for any medical expenses, the Administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate and ask to be billed accordingly.

Ordinary medical supplies/non-prescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic brand, non-prescription medicines. In addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the household. In order for telephone service to be considered an allowable expense the applicant must provide a written statement from a physician certifying that the telephone is essential.

3) **Hospital Bills.** In the event of an emergency admission to the hospital, the hospital must notify the Administrator within 5 business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the Administrator, the municipality will have no obligation to pay the bill.

   Any person who cannot pay their hospital bill must apply to the hospital for consideration under the Hospital's Free Care Program as provided in Title 22 M.R.S. § 1716. Anyone who is not eligible for the hospital's free care program may apply for GA. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that they are not eligible for the hospital's free care program.

Before the Administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time they apply by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at Ordinance § 6.6.

4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue GA for dental services at the established Medicaid rates for those services, and before authorizing the GA benefit for dental services, the Administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The Administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.
5) **Eye Care.** In order to be eligible to receive GA for eyeglasses, an applicant must have their medical need certified by a person licensed to practice optometry. The Administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources and generally only at the Medicaid rate.
6) **Telephone Charge.** A payment for basic telephone will only be allowed if a telephone is necessary for medical reasons as verified by a physician. At the discretion of the GA Administrator, minimum/basic telephone services may be allowed for households with children, for households where job search or work-related reasons exist and/or for any other reasons the Administrator deems necessary.

7) **Work-Related Expenses.** In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include childcare costs, work clothes, supplies and transportation at the actual costs not to exceed the ordinance maximum. See Ordinance Appendix G for the current maximum mileage allotment. The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.

8) **Travel Expenses.** In determining need, necessary travel which is not work-related will be budgeted if the applicant can satisfy the Administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically necessary travel. See Ordinance Appendix G for the current rate at which such necessary travel will be budgeted. This rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.

9) **Burials, Cremations.** Under the circumstances and in accordance with the procedures and limitations described below *(see Ordinance § 6.9)*, the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons. See Ordinance Appendix H for the current maximums.

10) **Capital Improvements.** The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only when the capital improvement/repair has been pre-approved by the Administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The Administrator may grant GA for capital improvements when:

    1) the failure to do so would place the applicant(s) in emergency circumstances;
    2) there are no other resources available to effect the capital repair; and

3) there is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation.

In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S. § 4320 when GA has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (B) "Liens", above.

Section 6.9—Burials; Cremations

Funeral Director Must Give Timely Notice. In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the Administrator prior to the burial or cremation or by the end of three business days following the funeral director' receipt of the body, whichever is earlier. (22 M.R.S. § 4313(2)). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director's responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the Administrator. In addition, the funeral director may refer legally liable relatives to the Administrator so that a timely determination of financial capacity may be accomplished.

Application for Assistance Shall be Calculated on Behalf of the Deceased. For the purposes of determining residency, calculating eligibility and issuing GA for burial or cremation purposes, an application for assistance shall be completed by the Administrator on behalf of the deceased.

With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under Ordinance § 4.10.

Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for GA in as much as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are themselves eligible for GA, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all GA issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

The Financial Responsibility of Certain Family Members. Grandparents, parents, children and grandchildren of the deceased whether or not living in or owning property in Maine, and the spouse or registered domestic partner of the deceased, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the Administrator, all legally liable relatives must provide the Administrator with any reasonably requested information regarding their income, assets, and basic living expenses. The Administrator may also seek information from financial institutions holding assets of the deceased. Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with section 4313(2) and provide a written request and a notarized affidavit signed by the Administrator of the municipality or its agents stating that the named depositor is deceased.

Consideration of the Financial Responsibility of Family Members. Generally, when the Administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the Administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

Proration of Familial Responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the Administrator is unable to determine the financial capacity of one or more of said relatives.

Under these circumstances, each legally liable relative is considered to be responsible for their pro rata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial or cremation benefit the aggregate of all pro rata shares less the share of any legally liable relative who refuses to cooperate with the Administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

Eight Days to Determine Eligibility. The Administrator may take up to 8 days from the date of an application for burial/cremation assistance to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 8-day eligibility determination period from the date of application shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The Administrator shall not use this 8-day period allowed by law to unreasonably delay the municipality's decision.

The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any

other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of $75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the Administrator.

Burial Expenses. The Administrator will respect the wishes of family members concerning whether the deceased is interred by means of burial or cremated. See Ordinance Appendix H for the maximum levels of burial assistance.

Cremation Expenses. In the absence of any objection by any family members of the deceased, or when neither the Administrator nor the funeral director can locate any family members, the Administrator may issue GA for cremation services. See Ordinance Appendix H for the maximum assistance levels for cremations.

Section 6.10—Notice of Decision

Written Decision. Each time a person applies, the Administrator will provide a written decision to the applicant after making a determination of eligibility. The decision will be given to the applicant within 24 hours after a completed and signed application is received (22 M.R.S. § 4305(3)) *(see Ordinance § 4.6)*.

In order to comply with the statutory requirement to issue a decision within 24 hours, if an applicant submits an incomplete or unsigned application, the Administrator may decide to issue a notice of "ineligibility" and provide the applicant with another application to submit as soon as is practicable for the applicant.

The Administrator must explain the applicant's right to a fair hearing in the Administrator's written notice of decision.

Contents of Decision. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the items listed in Ordinance § 4.6, the notice of decision will include a statement that:

a) the applicant has the right to a fair hearing and how to request a fair hearing, and;
b) the applicant has the right to contact the DHHS if they believe the municipality has violated the law. The decision will include contact information for the appropriate DHHS office.

Disbursement of General Assistance. Except when the Administrator determines it is impractical, all GA will be provided as a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. GA will not be issued in the form of a cash payment to an applicant unless there is no alternative to the cash payment, in which case the Administrator shall document the circumstances requiring GA to be issued in the form of cash. (22 M.R.S. § 4305(6)).

ARTICLE VII – The Fair Hearing

Section 7.1—Right to a Fair Hearing

Within 5 working days of receipt of a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or their authorized representative has the right to request a fair hearing. (22 M.R.S. § 4322). The right to review a decision of the Administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision.

Section 7.2—Method of Obtaining a Fair Hearing

Upon receiving notification of the decision of the Administrator, all claimants will be informed of how to request a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the Administrator. If the client is satisfied with the adjustment or explanation, the Administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or their authorized representative, must make a written request within 5 working days of receipt of the Administrator's decision to grant, deny, reduce or terminate assistance, or within 10 working days after any other act or failure to act. The Administrator will make a form available to request a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

a) the decision on which review is sought;
b) the reason(s) the claimant is dissatisfied and why the claimant believes they are eligible to receive assistance; and
c) the relief sought by the claimant.

The Administrator may not deny or dismiss a request for a hearing unless it has been withdrawn (in writing) by the claimant.

Scheduling the Fair Hearing. Upon receipt of the completed written request, the FHA must meet and hold the hearing within 5 working days. The Administrator will notify

the claimant in writing when and where the hearing will be held. (22 M.R.S. § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing shall include, at a minimum, the claimant's rights to:

a) be their own spokesperson at the fair hearing, or at the claimant's own expense be represented by legal counsel or another;
b) confront and cross-examine any witnesses presented at the hearing; and
c) present witnesses on their own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of their case.

Section 7.3—The Fair Hearing Authority

The municipal officers will appoint a fair hearing authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA. The FHA is charged with ensuring that GA is administered in accordance with state law and this ordinance.

The FHA may consist of the municipal officers, one or more persons appointed by the municipal officers to act as the FHA, or, if designated by ordinance, a municipal board of appeals created under 30-A M.R.S. § 2691. (22 M.R.S. § 4322). In determining the FHA, the municipal officers will ensure that all person(s) serving as FHA must:

a) have not participated in the decision which is the subject of the appeal;
b) be impartial;
c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and
d) be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the Administrator operated, and conveying to the Administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4—Fair Hearing Procedure

At the time that written notice of the date, time, and place of the fair hearing is provided to a claimant, they will also be given adequate information about the hearing procedure to allow them to effectively prepare their case. The claimant shall be permitted to review their file before the hearing. At a minimum, the claimant will be provided with the following information regarding fair hearing procedures. All fair hearings will:

a) be conducted in private, with only to the claimant, witnesses, the claimant's legal counsel, others whom the claimant wants present, and Administrator, the Administrator's agents, counsel and witnesses present;
b) be opened with a presentation of the issue by the FHA;
c) be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
d) allow the claimant and the Administrator the option to present their positions for themselves or with the aid of others, including legal counsel;
e) give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
f) result in a decision, based exclusively on evidence or testimony presented at the hearing; and
g) be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The FHA will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the FHA must be made available to the claimant or their representative. The claimant will be responsible for preparing a written transcript if they wish to pursue court action.

The FHA shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. (22 M.R.S. § 4322).

Claimant's Failure to Appear. If the claimant fails to appear at the hearing, the FHA will send a written notice to the claimant indicating that the Administrator's decision remains unchanged because of the claimant failure to appear. The notice will state that the claimant has 5 working days from receipt of the notice to provide the Administrator with information demonstrating "just cause," for failure to appear.

"Just cause" for a claimant's failure to appear at a fair hearing, may include:

a) a death or serious illness in the family;
b) a personal illness which reasonably prevents the party from attending the hearing;
c) an emergency or unforeseen event which reasonably prevents the party from attending the hearing;
d) an obligation or responsibility which a reasonable person in the conduct of their affairs could reasonably conclude takes precedence over the attendance at the hearing; or
e) lack of receipt of adequate or timely notice; excusable neglect, excusable inadvertence, or excusable mistake.

If the claimant (or his/her attorney) establishes that just cause existed, the request for the hearing will be reinstated and a hearing rescheduled.

If a claimant who is represented by legal counsel fails to appear at a fair hearing, legal counsel shall not testify in place of the claimant on matters of 'fact' but may cross examine witnesses and make 'legal' arguments on behalf of the claimant.

Section 7.5—The Fair Hearing Decision

The FHA's decision will be binding on the Administrator, and will be communicated in writing to the claimant within 5 working days after completion of the hearing. Written notice of the decision will contain:

a) a statement of the issue;
b) relevant facts brought out at the hearing;
c) pertinent provisions in the law or GA ordinance related to the decision; and
d) the FHA's decision and the reasons for it.

A copy of the decision will be given to the claimant. The hearing record and the case record will be maintained by the Administrator.

The written decision will state that if the claimant is dissatisfied with the fair hearing decision, they may appeal pursuant to Maine Rule of Civil Procedure, Rule 80B. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

When the decision by the FHA or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII – Recovery of Expenses

Recipients. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or their executors or administrators in a civil action. However, prior to recovering assistance granted, the municipality shall "offset" the value of any workfare performed by a GA recipient against the repayment obligation, at a rate not less than minimum wage.

Before filing a court action to seek repayment of GA benefits previously provided to a recipient, the municipality will seek voluntary repayment after written notice and discussion with the recipient However, the municipality will not attempt to recover such amounts if, as a result of the repayment, the recipient would again become eligible for GA. (22 M.R.S. § 4318).

Recipients Anticipating Workers' Compensation Benefits. The municipality shall claim a lien on any lump sum payment under the Workers' Compensation Act or similar law of any other state, which lien shall equal the value of all GA payments made to a recipient of any such lump sum payment. (22 M.R.S. § 4318, 39-A M.R.S. § 106). After issuing any GA on behalf of a recipient who has applied for or is receiving Workers' Compensation, the municipality shall file a notice of the municipal lien with the GA recipient and the Maine Office of Secretary of State, Uniform Commercial Code division.

The notice of lien shall be filed on a UCC-1 form which must be signed by the GA recipient who has applied for or is receiving Workers' Compensation. Any GA applicant who has applied for or who is receiving Workers' Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive GA until they provide the required signature. The municipality shall also send a photocopy of that filing to the recipient's Worker's Compensation attorney, if known, the applicant's employer or the employer's insurance company, and, at the Administrator's discretion, to the Workers' Compensation Board. The lien shall be enforced at the time any lump sum Workers' Compensation benefit is issued.

Recipients of SSI. All applicants who receive GA while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended (and which therefore may

be retroactively issued to the applicant at a later date), will be required to sign a statement on an Interim Assistance Agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the GA granted. Any GA applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive GA until they provide the required signature. (22 M.R.S. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S. § 4319). In addition, the grandchildren, children, parents, grandparents, the spouse and a registered domestic partner, are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on behalf of a recipient if the relatives fail to fulfill their responsibility. (22 M.R.S. § 4319).

ARTICLE IX – Severability

If any provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not invalidate any other provision of the ordinance.

APPENDICES

APPENDIX A – 2024-2025 GA Overall Maximums..... 89

APPENDIX B – 2024-2025 Food Maximums 91

APPENDIX C – 2024-2025 GA Housing Maximums 93

APPENDIX D – 2024-2025 Electric Utility Maximums 99

APPENDIX E – 2024-2025 Heating Fuel Maximums..... 101

APPENDIX F – 2024-2025 Personal Care & Household Supplies Maximums ... 103

APPENDIX G – Mileage Rate 105

APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums..... 107

APPENDIX I – 26 M.R.S. § 1043 (23) 109

Appendix A
Effective: 10/01/24-09/30/25

2024-2025 GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household 1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	969	1,068	1,367	1,744	2,333
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,139	1,280	1,689	2,131	2,476
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	881	965	1,232	1,608	1,947
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	874	884	1,169	1,464	1,603
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,451	1,663	2,141	2,715	3,332
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	969	1,159	1,413	1,939	2,335

Prepared by MMA
8/2024

COUNTY	1	2	3	4	5*
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,192	1,261	1,567	2,039	2,297
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,371	1,444	1,905	2,589	3,305

***Note: Add $75 for each additional person.**

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	766	842	1,043	1,421	1,524
Franklin County	807	893	1,174	1,558	1,764
Hancock County	1,096	1,102	1,307	1,734	1,740
Kennebec County	943	946	1,214	1,529	1,784
Knox County	935	946	1,163	1,550	1,657
Lincoln County	1,037	1,076	1,332	1,733	2,154
Oxford County	902	910	1,185	1,575	1,869
Piscataquis County	777	860	1,131	1,398	1,689
Somerset County	897	931	1,140	1,487	1,612
Waldo County	1,075	1,085	1,305	1,620	2,219
Washington County	838	846	1,101	1,508	1,598

*** Please Note: Add $75 for each additional person.**

2024-2025 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2024, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	67.91	292.00
2	124.65	536.00
3	178.60	768.00
4	226.74	975.00
5	269.30	1,158.00
6	323.26	1,390.00
7	357.21	1,536.00
8	408.37	1,756.00

Note: For each additional person add $220 per month.

2024-2025 GA Housing Maximums
(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! ONLY **consider** adopting the following numbers if these figures are consistent with local rent values. If not, a market survey should be conducted, and the figures altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

Aroostook County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	144	619	174	748
1	152	654	191	822
2	186	798	237	1,019
3	261	1,123	324	1,393
4	270	1,162	347	1,492

Franklin County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	154	660	184	789
1	164	705	203	873
2	216	929	267	1,150
3	293	1,260	356	1,530
4	326	1,402	403	1,732

Hancock County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	224	964	251	1,079
1	224	964	252	1,083
2	253	1,087	299	1,284
3	341	1,467	397	1,707
4	341	1,467	397	1,707

Kennebec County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	189	811	215	926
1	189	811	216	927
2	231	994	277	1,191
3	294	1,262	349	1,502
4	339	1,459	407	1,752

Appendix C

Effective: 10/01/24-09/30/25

Non-Metropolitan FMR Areas

Knox County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	187	803	214	918
1	187	803	216	927
2	219	943	265	1,140
3	298	1,283	354	1,523
4	310	1,332	378	1,625

Lincoln County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	210	905	237	1,020
1	211	906	246	1,057
2	259	1,112	304	1,309
3	341	1,466	397	1,706
4	425	1,829	493	2,122

Oxford County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	179	770	206	885
1	179	770	207	891
2	224	965	270	1,162
3	304	1,308	360	1,548
4	359	1,544	427	1,837

Piscataquis County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	147	630	177	759
1	156	672	195	840
2	206	886	257	1,107
3	256	1,100	319	1,370
4	309	1,327	385	1,657

Somerset County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	178	765	205	880
1	178	765	212	912
2	214	920	260	1,117
3	284	1,220	339	1,460
4	299	1,287	367	1,580

Non-Metropolitan FMR Areas

Waldo County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	219	943	246	1,058
1	219	943	248	1,066
2	252	1,085	298	1,282
3	315	1,353	370	1,593
4	440	1,894	509	2,187

Washington County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	164	706	191	821
1	164	706	192	827
2	205	881	251	1,078
3	289	1,241	344	1,481
4	296	1,273	364	1,566

Metropolitan FMR Areas

Bangor HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	195	837	221	952
1	209	898	244	1,049
2	267	1,147	312	1,344
3	344	1,477	399	1,717
4	467	2,008	535	2,301

Cumberland Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	234	1,007	261	1,122
1	258	1,110	293	1,261
2	342	1,469	387	1,666
3	434	1,864	489	2,104
4	500	2,151	568	2,444

Lewiston/Auburn MSA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	174	749	201	864
1	185	795	220	946
2	235	1,012	281	1,209
3	312	1,341	368	1,581
4	377	1,622	445	1,915

Metropolitan FMR Areas

Penobscot Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	173	742	199	857
1	173	742	201	865
2	221	949	266	1,146
3	278	1,197	334	1,437
4	297	1,278	365	1,571

Portland HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	307	1,319	334	1,434
1	347	1,493	382	1,644
2	447	1,921	492	2,118
3	569	2,448	625	2,688
4	699	3,007	767	3,300

Sagadahoc Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	195	837	221	952
1	230	989	265	1,140
2	277	1,193	323	1,390
3	389	1,672	445	1,912
4	467	2,010	536	2,303

York Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	247	1,060	273	1,175
1	254	1,091	289	1,242
2	313	1,347	359	1,544
3	412	1,772	468	2,012
4	459	1,972	527	2,265

York/Kittery/S. Berwick HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	288	1,239	315	1,354
1	296	1,274	331	1,425
2	392	1,685	438	1,882
3	540	2,322	596	2,562
4	693	2,980	761	3,273

2024-2025 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2024 to September 30, 2025.**

APPENDIX A - OVERALL MAXIMUMS

County	Persons in Household					
	1	2	3	4	5	6

NOTE: For each additional person add $75 per month.

(The applicable figures from Appendix A, *once adopted,* should be inserted here.)

APPENDIX B - FOOD MAXIMUMS

Number in Household	Weekly Maximum	Monthly Maximum
1	$ 67.91	$ 292.00
2	124.65	536.00
3	178.60	768.00
4	226.74	975.00
5	269.30	1,158.00
6	323.26	1,390.00
7	357.21	1,536.00
8	408.37	1,756.00

NOTE: For each additional person add $220 per month.

APPENDIX C - HOUSING MAXIMUMS

	Unheated		Heated	
Number of Bedrooms	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

FOR MUNICIPAL USE ONLY

MMA
08/24

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is ***not automatically*** entitled to the "maximums" established—applicants must demonstrate need.

1) Electricity Maximums for Households *Without Electric Hot Water*: The maximum amounts allowed for utilities, for lights, cooking and other electric uses ***excluding*** electric hot water and heat:

Number in Household	Weekly	Monthly
1	$19.95	$ 85.50
2	$22.52	$ 96.50
3	$24.97	$107.00
4	$27.53	$118.00
5	$29.88	$128.50
6	$32.55	$139.50

NOTE: For each additional person add $10.50 per month.

2) Electricity Maximums for Households *With Electrically Heated Hot Water*: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses ***excluding*** heat:

Number in Household	Weekly	Monthly
1	$29.63	$127.00
2	$34.07	$146.00
3	$39.67	$170.00
4	$46.32	$198.50
5	$55.65	$238.50
6	$58.68	$251.50

NOTE: For each additional person add $14.50 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

Number in Household	Weekly Amount	Monthly Amount
1-2	$10.50	$45.00
3-4	$11.60	$50.00
5-6	$12.80	$55.00
7-8	$14.00	$60.00
NOTE: For each additional person add $1.25 per week or $5.00 per month.		

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	$12.80	$55.00
2	$17.40	$75.00
3	$23.30	$100.00
4	$27.90	$120.00

Appendix G
Effective: 10/01/24-09/30/25

2024-2025 Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Comptroller. The current rate for approved employment and necessary medical travel etc. is 50 cents (50¢) per mile.

Please refer to the Office of the State Controller for changes to this rate at 626-8420 or visit http://www.state.me.us/osc/

Prepared by MMA
8/2024

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **$1,620.** The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **$1,125.**

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed $55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

2024-2025 GA Housing Maximums

Recovery Residences

The following Recovery Residence maximums are in effect from 10/1/2024- 9/30/2025

Non-Metropolitan FMR Areas

Aroostook County	Recovery Residence Rates	
	Weekly	Monthly
	$143.25	$616.50

Franklin County	Recovery Residence Rates	
	Weekly	Monthly
	$152.25	$654.75

Hancock County	Recovery Residence Rates	
	Weekly	Monthly
	$189.00	$812.25

Kennebec County	Recovery Residence Rates	
	Weekly	Monthly
	$162.00	$695.25

Knox County	Recovery Residence Rates	
	Weekly	Monthly
	$162.00	$695.25

Lincoln County	Recovery Residence Rates	
	Weekly	Monthly
	$184.50	$792.75

Oxford County	Recovery Residence Rates	
	Weekly	Monthly
	$155.25	$668.25

Piscataquis County	Recovery Residence Rates	
	Weekly	Monthly
	$146.25	$630.00

Somerset County	Recovery Residence Rates	
	Weekly	Monthly
	$159.00	$684.00

Waldo County	Recovery Residence Rates	
	Weekly	Monthly
	$186.00	$799.50

Washington County	Recovery Residence Rates	
	Weekly	Monthly
	$144.00	$620.25

Metropolitan FMR Areas

Bangor HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$183.00	$786.75

Cumberland Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$219.75	$945.75

Lewiston/ Auburn MSA	Recovery Residence Rates	
	Weekly	Monthly
	$165.00	$709.50

Penobscot Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$150.75	$648.75

Portland HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$286.50	$1,233.00

Sagadahoc Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$198.75	$855.00

York Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$216.75	$931.50

York/Kittery/S. Berwick HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$248.25	$1,068.75

Rev. 09/09/24

2024 General Assistance Maximums Reference Sheet-Lewiston/Auburn MSA 2025

Oct 1, 2024 to Sept 30, 2025

OVERALL MAXIMUMS (A)

Persons in Household

1	2	3	4	5
$881	$965	$1,232	$1,608	$1,947

Household of 6 = $2,022

* Add $75 for each additional person

FOOD MAXIMUMS (B)

Persons	Weekly	Monthly
1	$67.91	$292
2	$124.65	$536
3	$178.60	$768
4	$226.74	$975
5	$269.30	$1,158
6	$323.26	$1,390
7	$357.21	$1,536
8	$408.37	$1,756

Add $220 per month for each + person

HEATING FUEL (E)

Month	Gallons	Month	Gallons
January	225	June – Aug	0
February	225	September	50
March	125	October	100
April	125	November	200
May	50	December	200

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

HOUSING MAXIMUMS (C)

	UNHEATED		Heated	
BEDROOM	Weekly	Monthly	Weekly	Monthly
0	$174	$749	$201	$864
1	$185	$795	$220	$946
2	$235	$1,012	$281	$1,209
3	$312	$1,341	$368	$1,581
4	$377	$1,622	$445	$1,915
Recovery Residence			$165	$709.50

PERSONAL CARE & HOUSEHOLD SUPPLIES (F)

Number in Household	Weekly Amount	Monthly Amount
1-2	$10.50	$45.00
3-4	$11.60	$50.00
5-6	$12.80	$55.00
7-8	$14.00	$60.00

NOTE: For each additional person add $1.25 per week or $5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	$12.80	$55.00
2	$17.40	$75.00
3	$23.30	$100.00
4	$27.90	$120.00

MILEAGE RATE (G)

50 cents ($0.50) per mile

FUNERAL MAXIMUMS (H)

Burial: $1,620+; Cremation: $1,125+

ELECTRIC (D)

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is not automatically entitled to the "maximums" established applicants must demonstrate need.

1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses excluding electric hot water and heat:

Number in Household	Weekly	Monthly
1	$19.95	$85.50
2	$22.52	$96.50
3	$24.97	$107.00
4	$27.53	$118.00
5	$29.88	$128.50
6	$32.55	$139.50

NOTE: For each additional person add $10.50 per month.

2) Electricity Maximums for Households with Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:

Number in Household	Weekly	Monthly
1	$29.63	$127.00
2	$34.07	$146.00
3	$39.67	$170.00
4	$46.32	$198.50
5	$55.65	$238.50
6	$58.68	$251.50

NOTE: For each additional person add $14.50 per month.

1-800-442-6003

(Revised 09/09/24)

APPENDIX I – Definition of Misconduct (26 M.R.S. § 1043 (23))

23. Misconduct. "Misconduct" means a culpable breach of the employee's duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee's entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge.

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

(1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;

(2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;

(3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;

(4) Failure to exercise due care for punctuality or attendance after warnings;

(5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;

(6) Intoxication while on duty or when reporting to work, or unauthorized use of alcohol or marijuana while on duty except for the use of marijuana permitted under Title 22, chapter 558-C;

(7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;

(8) Unauthorized sleeping while on duty;

(9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;

(10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;

(11) Destruction or theft of things valuable to the employer or another employee;

(12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;

(13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or

(14) Absence for more than 2 work days due to incarceration for conviction of a crime.

[PL2019, c. 125, §1 (AMD).]

B. "Misconduct" may not be found solely on:

(1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;

(2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or

(3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

[PL 2019, c. 125, §1 (AMD).]

City of Auburn, Maine
General Assistance Office
Jamie Longley, Manager
60 Court Street | Auburn, Maine 04210 www.auburnmaine.gov |
207.333.6601 Extension 1411

Pursuant to 22 M.R.S. § 4305(1), the municipal officers of the Municipality of **Auburn**, after notice and hearing, hereby amend the municipal General Assistance Ordinance with appendices in its entirety. This Ordinance shall supersede and replace all previous Ordinance versions. A copy of this Ordinance will be filed with the Maine Department of Health & Human Services (DHHS) pursuant to 22 M.R.S. § 4305(4), and shall be available for public inspection at the municipal office along with a copy of 22 M.R.S. chapter 1161.

Signed this_____ **day of** _____ **2024**, by the municipal officers:

Richard S. Whiting, Ward 1 _____
(Signature)

Timothy M. Cowan, Ward 2 _____
(Signature)

Stephen G. Milks, Ward 3 _____
(Signature)

Benjamin J. Weisner, Ward 4 _____
(Signature)

Leroy G. Walker, Sr., Ward 5 _____
(Signature)

Belinda A. Gerry, At-Large _____
(Signature)

Adam R. Platz, At-Large _____
(Signature)

Ordinance 19-10032024

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council hereby amends Sec. 24-23 of the City's Code of Ordinances as follows:

Sec. 24-23. - Annual adjustment of maximum benefits.

(a) The City of Auburn adopts the Maine Municipal Association's General Assistance Ordinance, dated September 2024, and a copy thereof is available in the office of the city clerk.

(b~~a~~) Each year the Maine Municipal Association provides the city ~~three appendices~~ Appendices A-H providing maximum benefits applicable for the period beginning October 1 and ending September 30 as mandated by state law and based on certain federal values effective on October 1 of each year, as follows:

(1) Appendix A, a listing of overall maximum levels of general assistance relating to all Maine municipalities.

(2) Appendix B, a listing of maximum levels of assistance for food.

(3) Appendix C, a listing of maximum levels for heated and unheated housing.

(4) Appendix D, a listing of maximum levels of assistance for electricity.

(5) Appendix E, a listing of maximum levels of assistance for heating fuel.

(6) Appendix F, a listing of maximum levels of assistance for personal care & household supplies.

(7) Appendix G, adopting the State of Maine travel expense reimbursement rate.

(8) Appendix H, a listing of maximum levels of assistance for funeral expenses.

(9) Recovery Residence Maximums for the Lewiston/Auburn MSA.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

(c~~b~~) The portion of these annual appendices applicable to the city, as adopted each year by the city council, are made a part of this chapter as though fully set forth herein and a copy thereof is available in the office of the city clerk.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 7, 2024 **Order: 144-10032024**

Author: Emily F. Carrington, City Clerk

Subject: Casting a vote for Councilor Leroy Walker to represent County Commission District 6 on the Androscoggin County Budget Committee.

Information: Larry Pelletier and Councilor Walker were elected to this position in 2022. This ORDER allows Councilor Leroy Walker to continue in this capacity for County Commission District 6 for 2024/2025. The next Budget Committee meeting is scheduled for October 9, 2024.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History:

City Manager Comments:

Attachments: None

ORDER 144-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby casts a vote for Leroy Walker to serve on the Androscoggin County Budget Committee, representing County Commission District 6 for budget years 2024/2025.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Workshop & Meeting
Agenda
October 21, 2024
Auburn Hall, Council Chambers

5:30 PM Workshop

- Taxpayer Relief Programs
- **Executive Session** pursuant to 1 M.R.S.A. Section 405(6)(E) to discuss a legal matter. No action to follow. *Passage requires 3/5 majority vote to enter executive session.*
- **Executive Session** pursuant to 1 M.R.S.A. Section 405(6)(A) to discuss a personnel matter. No action to follow. *Passage requires 3/5 majority vote to enter executive session.*

7:00 PM Meeting

Pledge of Allegiance & Roll Call **-** *Roll call votes will begin with Councilor Milks*

I. **Consent Items –** *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Passage of items on the Consent Calendar require majority vote.*

1. **ORDER 145-10212024*** - Appointing Arthur Wing to the Auburn Housing Authority Board of Commissioners for a term that expires 10/1/2029, as recommended by the Appointment Committee.

II. **Minutes** – October 7, 2024 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

- Auburn Fire Department Recognition
- Recognizing Republic Jewelry's 40th anniversary
- 2024 Extra Mile Award Recipient - Volunteers at The Drop-In Center

IV. **Open Session –** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. **Unfinished Business**

1. **ORDINANCE 19-10032024–** Adopting revised MMA General Assistance Ordinance and 2024/2025 GA Maximums. *Second reading/public hearing. Passage requires majority vote. ROLL CALL VOTE.*

2. **ORDER 146-10212024 –** Amending ORDER 106-08192024 regarding the City's Comprehensive Plan Committee. *Passage requires majority vote.*

VI. New Business

1. **Public Hearing** – CDBG/HOME Consolidated Annual Performance Evaluation Report (CAPER) Program Year 2023. No action.

2. **ORDER 147-10212024** - Authorizing the City's general obligation bonds in the amount of $983,000 to finance the School Department's FY25 Capital Improvement Program. *First reading. ROLL CALL VOTE. Passage requires an affirmative vote of 5 Councilors at the second reading.*

VII. Reports

a. **Mayor's Report**
b. **City Councilors' Reports**
c. **Student Representative Report**
d. **City Manager Report**
e. **July 2024 Finance Report – Kelsey Earle, Finance Director**

VIII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

IX. Executive Session

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 21, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (E) to discuss a legal matter.

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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 21, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (A) to discuss a personnel matter.

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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 21, 2024 **Order: 145-10212024**

Author: Emily F. Carrington, City Clerk

Subject: Appointing Arthur Wing to the Auburn Housing Authority Board of Commissioners for a term that expires 10/1/2029, as recommended by the Appointment Committee

---

Information: After ORDER 111-09162024* failed to pass at the September 16, 2024 meeting, the City Clerk reposted for applications on September 17, 2024 with a specified deadline to receive applications by October 4, 2024. One application was received (Arthur Wing). The Council was informed of applications received by email, as stated in the policy, on October 7, 2024. The Appointment Committee was scheduled to meet October 15, 2024 to review applications and make a recommendation for the October 21, 2024 Council meeting. The Appointment Committee unanimously voted at the meeting to nominate Arthur Wing.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History: ORDER 111-09162024* was removed from Consent Items and failed to pass at the September 16, 2024 meeting by a vote of 2-3 (Milks, Weisner, Walker opposed; Gerry recused; Cowan absent). The city clerk reposted on September 17, 2024 for applications due October 4, 2024.

City Manager Comments: I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: None

ORDER 145-10212024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Arthur Wing to the Auburn Housing Authority Board of Commissioners for a term that expires 10/1/2029, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL WORKSHOP & MEETING OCTOBER 7, 2024 VOL 37 PAGE 193

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. City Manager Phil Crowell was absent; Assistant City Manager Denis D'Auteuil was present. Student Representative Egge was absent. Mayor Harmon and all Councilors were present.

I. Consent Items

Councilor Milks removed #3 through #12 from the Consent Items, to be placed under New Business.

1. ORDER 127-10032024* - Confirming the appointments of Election Wardens and Ward Clerks for the November 5, 2024 State-wide General/Referendum Election.

2. ORDER 128-10032024* - Confirming Chief Moen's appointment of Joshua Perkins as Constable without firearms/arrest powers for the Auburn Police Department.

13. ORDER 139-10032024*– Appointing Riley Bergeron and Paul Jacques, of the Planning Board, to the Comprehensive Plan Committee, as nominated by the Planning Board.

14. ORDER 140-10032024* - Appointing John Ruccolo to the Complete Streets Committee for an unexpired term that expires 1/1/2025, as nominated by the Appointment Committee.

15. ORDER 141-10032024* - Appointing Patrick DeFilipp to the Auburn Sewer District for an unexpired term that expires 3/1/2026, as nominated by the Appointment Committee.

Motion for passage of remaining Consent Items by Councilor Cowan, seconded by Councilor Weisner. Motion passed 7-0.

II. Minutes – September 16, 2024 Regular Council Meeting

Motion to accept the minutes by Councilor Walker, seconded by Councilor Whiting. Motion passed 6-0-1 (Cowan abstained).

III. Communications, Presentations and Recognitions

- Proclamation recognizing the Month of October as Manufacturing Month
- Proclamation recognizing the Month of October as Domestic Violence Awareness Month
- Reminder: Absentee voting now available; ballots may be requested until October 31
- Auburn Fire Department Recognition – *This item was postponed to the 10/21 agenda.*

IV. Open Session

None.

V. Unfinished Business

1. ORDINANCE 18-09162024 - Zoning map amendment to convert certain parts of City Assessor's Parcel I.D.s 289-001, 277-026 and 289-002 with addresses of 369 Mount Auburn Ave, 225 Gracelawn Road, and 125 Gracelawn Pit Road from the General Business zoning district to the Multifamily Suburban zoning district. Second reading/public hearing. Passage requires majority vote. ROLL CALL VOTE.

Motion for passage by Councilor Whiting, seconded by Councilor Walker. The Mayor opened this item for public comment. There was no comment. Mayor Harmon closed the public hearing at 7:10pm. Motion passed 6-1 (Gerry opposed) on a roll call vote.

VI. New Business

1. ORDER 142-10032024 – Appointing two City Councilors to the Comprehensive Plan Committee.

Councilor Gerry nominated Councilor Whiting. Councilor Platz nominated Councilor Cowan. Councilor Milks nominated Councilor Weisner. Councilor Walker nominated Councilor Milks. Councilor Weisner nominated Councilor Gerry. Councilor Gerry declined the nomination. Mayor Harmon asked Councilors to vote in favor as nominations were read.
On a vote of 4 Councilors in favor for each nomination, Councilor Whiting and Councilor Cowan were appointed.

2. ORDER 143-10032024 – Authorizing acceptance of the 2024 Byrne Jag Grant in the amount of $17,209.00 for the Auburn Police Department. Passage requires majority vote.

Councilor Gerry moved for passage, seconded by Councilor Walker. The motion passed 6-1 (Weisner opposed).

3. ORDINANCE 19-10032024– Adopting revised MMA General Assistance Ordinance and 2024/2025 GA Maximums. First reading. Passage requires majority vote. ROLL CALL VOTE.

Councilor Gerry moved for passage, seconded by Councilor Walker. There was no comment. Motion passed 7-0 on a roll call vote.

4. ORDER 144-10032024 - Casting a vote for Councilor Leroy Walker to represent County Commission District 6 on the Androscoggin County Budget Committee. Passage requires majority vote.

Councilor Gerry moved to suspend the rules to allow this item to be added to the agenda, seconded by Councilor Milks. Motion passed 7-0.

Councilor Whiting moved for passage of ORDER 144-10032024, seconded by Councilor Weisner. Motion passed 7-0.

Below are the items which were removed from Consent Items (Councilor Milks).

3. ORDER-129-10032024* - Appointing Rex Rhoades, Ward 1, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

Councilor Gerry moved for passage, seconded by Councilor Whiting.

Councilor Milks moved to postpone this item to the 2nd meeting in November 2024 (November 18, 2024). Seconded by Councilor Weisner. Councilor Platz asked for discussion on the motion. A vote to postpone without discussion was held and retracted by Mayor Harmon, as it was stated that discussion on the motion was allowed. Councilor Milks stated he wished to postpone this item to November 18, 2024 and to amend ORDER 08192024 to allow for more applicants. The motion to postpone ORDER 129-10032024 passed 4-3 (Gerry, Whiting, Cowan opposed).

4. ORDER-130-10032024* - Appointing Rebecca Swanson Conrad, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

Councilor Milks moved to postpone this item to the 2nd meeting in November 2024 (November 18, 2024). Seconded by Councilor Walker. Motion passed 4-3 (Gerry, Whiting, Cowan opposed).

5. ORDER-131-10032024* - Appointing John Cleveland, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

Councilor Milks moved to postpone this item to the 2nd meeting in November 2024 (November 18, 2024). Seconded by Councilor Weisner. Motion passed 5-2 (Gerry, Whiting opposed).

6. ORDER-132-10032024*- Appointing Adam Lee, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

Councilor Milks moved to postpone this item to the 2nd meeting in November 2024 (November 18, 2024). Seconded by Councilor Walker. Motion passed 5-2 (Gerry, Whiting opposed).

7. ORDER-133-10032024*- Appointing Denis Bergeron, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

Councilor Milks moved to postpone this item to the 2nd meeting in November 2024 (November 18, 2024). Seconded by Councilor Walker. Motion passed 5-2 (Gerry, Whiting opposed).

8. ORDER-134-10032024*- Appointing Mathieu Duvall, Ward 3, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

Councilor Milks moved to postpone this item to the 2nd meeting in November 2024 (November 18, 2024). Seconded by Councilor Weisner. Motion passed 5-2 (Gerry, Whiting opposed).

9. ORDER-135-10032024*- Appointing Kelly Butler, Ward 4, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

Councilor Milks moved to postpone this item to the 2nd meeting in November 2024 (November 18, 2024). Seconded by Councilor Walker. Motion passed 5-2 (Gerry, Whiting opposed).

10. ORDER-136-10032024*- Appointing Bruce Rioux, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

Councilor Milks moved to postpone this item to the 2nd meeting in November 2024 (November 18, 2024). Seconded by Councilor Walker. Motion passed 5-2 (Gerry, Whiting opposed).

11. ORDER-137-10032024*- Appointing Jane Costlow, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

Councilor Milks moved to postpone this item to the 2nd meeting in November 2024 (November 18, 2024). Seconded by Councilor Weisner. Motion passed 5-2 (Gerry, Whiting opposed).

12. ORDER-138-10032024*- Appointing Dana Staples, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

Councilor Milks moved to postpone this item to the 2nd meeting in November 2024 (November 18, 2024). Seconded by Councilor Walker. Motion passed 5-2 (Gerry, Whiting opposed).

Councilor Milks moved to suspend the rules to take up an item not on the agenda. Seconded by Councilor Walker. Motion passed 5-2 (Gerry, Whiting opposed).

Councilor Milks moved to amend ORDER 106-08192024 to extend the date to accept applications to November 8, 2024. Seconded by Councilor Weisner. Motion passed 5-2 (Gerry Whiting opposed).

VII. Reports

a. Mayor's Report – Mayor Harmon commented on the ice rink; Lost Valley's Oktoberfest event; MMA meeting, and Manufacturing Month.

b. City Councilors' Reports – Councilor Whiting commented on the expanding trails and lift at Lost Valley. Councilor Cowan spoke on great presentation regarding EMS. Councilor Weisner recognzied Auburn Water District for swift repairs to water main breaks these past few weeks. Councilor Walker informed the public of the Halloween event at Anniversary Park on 10/27, and the work of the Age Friendly Community Committee. Councilor Platz gave two School-related updates, the first regarding the hiring of a new events coordinator for the School, and the second regarding a student hit by Fairview School and how the School and City are working to improve safety.

c. Student Representative Report – Representative Mubarik Abdulahi recognized an upcoming event at the Riverwalk at 5:30pm.

d. City Manager Report – Mr. D'Auteuil shared news that the fire which occurred at Mt. Auburn Ave and destroyed a housing project will be rebuilt. He shared an update on 46 Fair St, and noted that County Budget meetings have started.

VIII. Open Session

Stephen Beale, Durham
David Bilodeau, Auburn
Anthony Cararro, Auburn
Reed Lizotte, Leavitt St

IX. Executive Session

X. Adjournment

Councilor Walker moved to adjourn, seconded by Councilor Milks. Motion passed 7-0. Council adjourned at 8:43pm.

A TRUE COPY ATTEST

Emily F. Carrington, City Clerk

PROCLAMATION | **EXTRA MILE DAY**

WHEREAS, Auburn, Maine is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and

WHEREAS, Auburn is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Auburn is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Auburn acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2024.

NOW THEREFORE, I Jeffrey D. Harmon, Mayor of the City of Auburn, do hereby proclaim November 1, 2024, to be Extra Mile Day. I urge each individual in our community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 21 day of October, 2024.

Mayor Jeffrey D. Harmon

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 21, 2024 **Ordinance: 19-10032024**

Author: Jamie Longley, General Assistance Manager

Subject: Amending Chapter 24, "Human Relations and Services", Article II, Sec. 24-23 of the City's General Assistance Program regarding annual adjustment of maximum benefits. SECOND READING/PUBLIC HEARING.

Information: Maine Municipal Association has updated their General Assistance Ordinance and updates have been made to Appendix A (overall maximums), Appendix B (food maximums), Appendix C (housing maximums) and Appendix H (funeral maximums) of the General Assistance Ordinance. There is also a new Recovery Residence Housing Maximums guide.

This amendment adopts these changes for the 2024/2025 year. The language in the ordinance has been amended to specify all of the adopted GA Maximums (Appendices A-H) and Recovery Residence maximums, and specifies the City's adoption of the MMA General Assistance Ordinance (dated September 2024). A copy of these records in their entirety are kept on file in the office of the city clerk for public information.

As an ordinance amendment, first reading passed 7-0 on October 7, 2024 and second reading and public hearing will be scheduled for October 21, 2024.

City Budgetary Impacts: The overall maximums (Appendix A) are an average increase of 3.96% per person/household per month. The food maximums (Appendix B) are an average increase of 0.26% per individual per month. The housing maximums (Appendix C) are an average increase of 3.86% per unit per month. The funeral maximums are an average increase of 9.79% per case. Recovery houses have increased 4.02% per month. This is estimated to be an annual increase of $37,500. *There are no changes in appendices D-G.*

Staff Recommended Action: Approval of changes to the General Assistance Ordinance, Appendices A-C, H, and Recovery Residences as required by State statute and ordinance. Recommend passage.

Previous Meetings and History: This is an annual approval needed by council for changes made to the appendices.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
Order
Appendix A, Overall Maximums
Appendix B, Food Maximums
Appendix C, Housing Maximums
Appendix H, Funeral Maximums
Recovery Residences
Ordinance & Adoption form for 24/25

GENERAL ASSISTANCE ORDINANCE



MAINE MUNICIPAL ASSOCIATION SINCE 1936

Prepared by
Maine Municipal Association
September 2024

Table of Contents

ARTICLE I – Statement of Policy 1

ARTICLE II – Definitions 3

Section 2.1—Common Meaning of Words 3

Section 2.2—Special Definitions 3

Administrator. 3

Applicant. 3

Application Form. 3

Basic Necessities. 3

Case Record. 4

Categorical Assistance. 4

Claimant. 4

Deficit. 4

Disabled Person. 4

Dwelling Unit. 4

Earned Income. 5

Eligible Person. 5

Emergency 5

General Assistance ("GA") Program. 5

General Assistance ("GA") Benefits. 5

General Assistance ("GA") Administrator. 6

Homelessness 6

Household. 6

Income. 6

Initial Applicant. 8

Just Cause. 8

Landlord. 8

Lump Sum Payment. 8

Material Fact. 8

Maximum Levels of Assistance. 9

Misconduct. 9

Misspent Income. 9

Municipality. 9
Municipality of Responsibility. 9
Need. 9
Net General Assistance Costs. 9
Operator. 10
Period of Eligibility. 10
Pooling of Income. 10
Potential Resources. 10
Pursuing a Lawful Process to Apply for Immigration Relief 10
Real Estate 10
Recipient. 11
Recovery Residence. 11
Registered Domestic Partner. 11
Rehabilitation Facility 11
Repeat Applicants. 11
Resident. 11
Resources. 11
30-Day Need. 12
Unearned Income 12
Unforeseen Repeat Applicants. 13
Unmet Need. 13
Work Requirements. 13
ARTICLE III – Administrative Rules and Regulations 15
Section 3.1—Confidentiality of Information 15
Release of Information. 15
Information from Other Sources; Penalty. 15
Misuse of Information. 16
Section 3.2—Maintenance of Records 16
Case Records. 16
Retention of Records. 17
ARTICLE IV – Application Procedure 18
Section 4.1—Right to Apply 18
Who May Apply. 18

Telephone Applications. 18
Written Application Upon Each Request. 18
Applications Accepted; Posted Notice. 18
Section 4.2—Application Interview 19
Section 4.3—Contents of the Application 19
Section 4.4— GA Administrator's Responsibilities at the Time of Application 20
Application Requirements. 20
Eligibility Requirements. 20
Applicant Rights. 20
Reimbursement/Recovery. 21
Section 4.5—Responsibilities of the Applicant at Time of Application 21
Section 4.6—Action on Applications 22
Written Decision. 22
Content of Decision. 22
Section 4.7—Withdrawal of an Application 23
Section 4.8—Temporary Refusal to Accept Application 23
Section 4.9—Emergencies 23
Disqualification for Emergency Assistance. 24
Assistance Prior to Verification. 24
Telephone Applications. 25
Limitation on Emergency Assistance. 25
Section 4.10—Residence 27
Moving/Relocating. 27
Institutions. 27
Temporary Housing. 27
Disputes. 28
ARTICLE V – Eligibility Factors 29
Section 5.1—Initial Application 29
Initial Application. 29
Repeat Applicants. 29
Section 5.1A – Presumptive Eligibility 29
Section 5.1B – Recovery Residences 30
Section 5.2—Eligibility for Categorical Assistance 30
Section 5.3—Personal Property 31

a) Liquid Assets. 31
b) Tangible Assets. 31
c) Automobile Ownership. 31
d) Insurance. 32
e) Transfer of Property. 32
Section 5.4—Ownership of Real Estate 33
a) Principal Residence. 33
b) Other Property. 34
Section 5.5—Work Requirement 34
Employment; Rehabilitation. 34
Verification. 35
Ineligibility. 35
Ineligibility Due to Job Quit or Discharge for Misconduct. 36
Just Cause 36
Applicant's Burden of Establishing Just Cause. 36
Eligibility Regained. 36
Dependents. 37
Exemptions 37
Section 5.6—Municipal Work Program 38
Consent. 38
Subtracting Value of Workfare Performed from Client's GA Debt. 38
Limitations 38
"Workfare First" Policy 40
Work-Related Expenses. 42
Disqualification. 42
Eligibility Regained. 42
Reports. 43
Section 5.7—Use of Resources 43
Minors. 44
Mental or Physical Disability. 45
Written Notice; Disqualification 45
Forfeiture of Benefits. 45
Section 5.8—Period of Ineligibility 45

Work Requirement. 46
Fraud. 46
Section 5.9 – Unemployment Fraud 46
ARTICLE VI – Determination of Eligibility 47
Section 6.1—Recognition of Dignity and Rights 47
Section 6.2—Determination; Redetermination 47
Section 6.3—Verification 47
Eligibility of Applicant; Duration of Eligibility. 47
Applicant's Responsibilities. 47
Initial Applicants 48
Repeat Applicants. 48
Unforeseen Repeat Applicants. 49
Administrator's Responsibilities 49
Redetermination of Eligibility. 50
Penalty for Refusing to Release Information. 50
Section 6.4—Fraud 50
Period of Ineligibility. 51
Right to a Fair Hearing 51
Reimbursement. 52
Dependents. 52
Section 6.5—Period of Eligibility 52
Section 6.6—Determination of Need 53
Income for Basic Necessities. 53
Use-of-Income Requirements. 54
Calculation of Income and Expenses. 55
Consolidation of Deficit. 56
Section 6.7—Income 56
Income Standards. 56
Calculation of Income. 56
Types of Income. 57
a) Earned Income. 57
b) Income from Other Assistance or Social Services Programs. 57
c) Court-Ordered Support Payments. 58

d) Income from Other Sources. 58
e) Earnings of a Son or Daughter. 59
f) Income from Household Members. 59
g) The Pooling or Non-Pooling of Income 59
h) Lump Sum Income. 59
Section 6.8—Basic Necessities; Maximum Levels of Assistance 61
Overall Maximum Levels of Assistance. 61
Maximum Levels of Assistance for Specific Basic Necessities. 61
(A) Food. 62
(B) Housing. 63
Rental Payments to Relatives. 63
Rental Payments to Non-Relatives. 63
Mortgage Payments. 64
Liens. 65
Property Taxes. 66
Housing Maximums. 67
(C) Utilities. 67
Electricity Maximums for Households Without Electric Hot Water. 68
Electricity Maximums for Households that Use Electrically Heated Hot Water. 68
Non-Electric Utilities. 68
(D) Fuel. 68
(E) Personal Care and Household Supplies. 69
(F) Other Basic Necessities 69
1) Clothing. 69
2) Medical. 69
3) Hospital Bills. 70
4) Dental. 71
5) Eye Care. 71
6) Telephone Charge. 71
7) Work-Related Expenses. 72
8) Travel Expenses. 72
9) Burials, Cremations. 72
10) Capital Improvements. 72
Section 6.9—Burials; Cremations 73
Funeral Director Must Give Timely Notice. 73

Application for Assistance Shall be Calculated on Behalf of the Deceased. 73
The Financial Responsibility of Certain Family Members. 74
Consideration of the Financial Responsibility of Family Members. 74
Proration of Familial Responsibility. 75
Eight Days to Determine Eligibility. 75
The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. 75
Burial Expenses. 76
Cremation Expenses. 76
Section 6.10—Notice of Decision 76
Written Decision. 76
Contents of Decision. 76
Disbursement of General Assistance. 77
ARTICLE VII – The Fair Hearing 79
Section 7.1—Right to a Fair Hearing 79
Section 7.2—Method of Obtaining a Fair Hearing 79
Written Request. 79
Scheduling the Fair Hearing. 79
Section 7.3—The Fair Hearing Authority 80
Section 7.4—Fair Hearing Procedure 81
Claimant's Failure to Appear. 82
Section 7.5—The Fair Hearing Decision 82
ARTICLE VIII – Recovery of Expenses 85
Recipients. 85
Recipients Anticipating Workers' Compensation Benefits. 85
Recipients of SSI. 85
Relatives. 86
ARTICLE IX – Severability 86
APPENDICES 87
APPENDIX A – 2024-2025 GA Overall Maximums 89
APPENDIX B – 2024-2025 Food Maximums 91
APPENDIX C – 2024-2025 GA Housing Maximums 93
APPENDIX D – 2024-2025 Electric Utility Maximums 99
APPENDIX E – 2024-2025 Heating Fuel Maximums 101

APPENDIX F – 2024-2025 Personal Care & Household Supplies Maximums 103
APPENDIX G – Mileage Rate 105
APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums 107
APPENDIX I – Definition of Misconduct (26 M.R.S. § 1043 (23)) 109

ARTICLE I – Statement of Policy

The Municipality of _____ administers a general assistance ("GA") program available to all persons who are eligible pursuant to the standards provided in this ordinance, state law (22 M.R.S. § § 4301-4326), and Department of Health and Human Services (DHHS) regulations.

The program will make every effort to recognize the dignity of applicants while helping eligible persons achieve self-maintenance by promoting the work incentive. When possible, the program will connect recipients with rehabilitative, preventive, and protective services to alleviate non-financial needs. The GA program will not place unreasonable restrictions on the personal rights of applicants or recipients, nor will it discriminate based on sex, age, race, nationality, religion, sexual orientation, or disability. The municipality is committed to including qualified individuals with disabilities in municipal services, programs, and activities. As a result, the municipality will promote a GA program that when viewed in its entirety is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation in order to access and/or utilize the GA program are encouraged to contact the municipality to make an accommodation request.

The program provides trauma-informed services and culturally and linguistically appropriate services to all applicants. "Trauma-informed services" means services that acknowledge and are informed by the widespread effects of trauma and recognize the potential paths for recovery; recognize the unique signs and symptoms of trauma in applicants, clients, families and staff; respond by fully integrating knowledge about trauma into policies, procedures and practices; and seek to actively avoid retraumatization. "Culturally and linguistically appropriate services" means services that are designed to serve culturally diverse populations in a person's preferred language; function effectively within the context of cultural beliefs, behaviors and needs presented by a person who applies to or is a recipient of assistance from the program and the person's community; contribute to a work environment that supports diversity; promote community engagement; build trust and relationships with applicants and recipients; actively support and enable

recipients to make informed choices; and value and facilitate the exchange of information with recipients. (22 M.R.S. § 4305(7)).

The Administrator will act promptly on all applications for assistance and requests for fair hearings and will provide GA applicants with information regarding their rights and responsibilities under the program. Within 24 hours after receipt of an application, the Administrator will provide the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The Administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be furnished within 24 hours after the completed application is submitted except when the Administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment *(see Ordinance § 5.6)*.

The Administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential as a matter of law. (22 M.R.S. § 4306).

The Administrator will post notice stating that any person may apply for general assistance during the municipality's regular business hours. The Administrator, or other designated person/entity, will be available to take applications in the event of an emergency at all other times. A copy of this ordinance and Maine General Assistance law will be available to any member of the public upon request. Notice to this effect will be posted.

The Administrator will complete training including, but not limited to, the purpose of the general assistance program, the delivery of trauma-informed services and culturally linguistically appropriate services as defined above, and the laws governing the general assistance program's administration, procedures, and requirements no later than 120 days after appointment or election. (22 M.R.S. 4302-A).

ARTICLE II – Definitions

Section 2.1—Common Meaning of Words

Unless otherwise apparent or defined, all words in this ordinance will have their common meaning.

Section 2.2—Special Definitions

Administrator. See "General Assistance Administrator," below.

Applicant. A person who has submitted an application for GA directly or through an authorized representative, or who has, in an emergency, requested assistance without first completing an application. All persons on whose behalf an authorized application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application Form. A standardized form used by the Administrator to allow a person to apply for GA benefits. The application form also confirms that a person has made an application. The application form is not complete unless signed by the applicant.

Basic Necessities. Food, clothing, shelter, fuel, electricity, potable water, non-elective essential medical services as prescribed by a physician, nonprescription drugs, basic telephone service where it is necessary for medical or work-related reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the municipality.

"Basic necessities" do not include:

- Phone bills
- Cable or satellite dish television
- Mail orders
- Vehicle payments
- Credit card debt**
- Furniture
- Loan re-payments**
- Cigarettes
- Alcohol
- Pet care costs

- Vacation costs
- Legal fees
- Late fees
- Key deposits
- Security deposits for rental property (except when no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between landlord and tenant to avoid need for immediate payment of the security deposit in full). (22 M.R.S. § 4301(1)).

** Repayments of loans or credit will be treated as having been spent on basic necessities when the applicant can provide verification of this fact.

Case Record. An official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding eligibility including reasons for those decisions and types and amounts of assistance provided; records concerning an applicant's request for fair hearing; and fair hearing decisions.

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

Deficit. An applicant's deficit is the appropriate overall maximum level of assistance for the household (see Ordinance § 6.8) less the household income (calculated pursuant to Ordinance § 6.7), provided that this calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

Disabled Person. A person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician or qualified mental health provider.

Dwelling Unit. A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit. (22 M.R.S. § 4301(2)).

Earned Income. Wages or Income-in-kind derived by providing goods or services to an individual, company, organization, or other entity.

Eligible Person. A person who is qualified to receive GA benefits from the municipality according to the eligibility standards in this Ordinance, Maine law (22 M.R.S. ch. 1161), and DHHS regulations (10-144 C.M.R. ch. 323). If otherwise qualified, "Eligible Person" includes U.S. citizens; non-U.S. citizens who are lawfully present in the United States as described in 8 U.S.C. § 1621(a)(1)-(3); and non-U.S. citizens who are pursuing a lawful process to apply for immigration relief. Assistance for non-citizens pursuing a lawful process for immigration relief shall not exceed 24 months beginning with assistance provided after July 1, 2015. "Eligible Person" does not include a fugitive from justice as defined in 15 M.R.S. § 201(4). (See "Pursuing a Lawful Process," below)

Emergency. Any life-threatening situation, or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person. At the municipality's option, it includes a situation which is imminent and which may result in undue hardship or unnecessary cost to the individual or municipality if not resolved immediately. (22 M.R.S. § § 4301(4), 4308(2), 4310).

General Assistance ("GA") Program. A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A GA program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program. This definition shall not lessen the municipality's responsibility to provide GA benefits to a person each time that the person is in need and is found to be eligible to receive GA. (22 M.R.S. § 4301(5)).

General Assistance ("GA") Benefits. Benefits provided to a person through the GA program.

General Assistance ("GA") Administrator. A municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and prepare records and communications concerning assistance. They may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker. (22 M.R.S. § 4301(12)).

Homelessness. "Homelessness" means a situation in which a person or household is: (a) living in a place that is not fit for human habitation; (b) living in an emergency shelter; (c) living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility; (d) exiting a hospital or institution licensed under 22 M.R.S. ch. 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility; (e) losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence; or (f) fleeing or attempting to flee violence and has no other residence.

Household. "Household" means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members. The income of household members not legally liable shall be considered as available to the applicant only when there is a pooling of income. (22 M.R.S. § 4301(6)). Residents of a Recovery Residence are not considered a shared household.

Income. "Income" means any form of earned or unearned income in cash or in kind received by the household including:

- Net remuneration for services performed;
- Cash received on either secured or unsecured credit;

- Payments received as an annuity, retirement or disability benefits;
- Veterans' pensions and/or benefits;
- Retirement accounts or benefits;
- Workers' compensation payments;
- Unemployment benefits;
- Federal and/or state tax returns;
- Income from pension or trust funds;
- Student loans;
- Benefits under any state or federal categorical assistance program such as TANF, Supplemental Security Income, Social Security and any other payments from governmental sources (unless specifically prohibited by any law or regulation);
- Court ordered support payments (e.g., child support);
- Household income from any other source, including relatives or unrelated household members; and
- Rental income.

The following items will not be considered as income or assets that must be liquidated for the purposes of deriving income:

- Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and childcare expenses; or
- Earned income of children below the age of 18 years who are full-time students and who are not working full-time.

In determining need, the period of time used as a basis for the calculation shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality. (22 M.R.S. § 4301(7)).

- Benefits received pursuant to public benefit programs that are specifically exempt from being counted as income for purposes of GA. These programs include:

- Supplemental Nutrition Assistance Program (SNAP) (7 U.S.C. § 2017(b))
- Li-Heap (42 U.S.C. § 8624)
- Family Development Accounts (22 M.R.S. § 3762)
- AmeriCorp VISTA program benefits (42 U.S.C. § 5044 (f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, but only if the money is spent on basic necessities (22 M.R.S. § 4301(7))
- ASPIRE Support Service Payments (10-144 CMR Chapter 323)

Initial Applicant. A person who has not previously applied for GA assistance in this or any other municipality.

Just Cause. A valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility or from attending a scheduled fair hearing. (22 M.R.S. § § 4301(8), 4316-A(5)).

Landlord. A person who owns a property and allows another person to use that property in return for payment. (22 M.R.S. § 4301(8-B)).

Lump Sum Payment. A one-time or typically nonrecurring sum of money issued to an applicant or recipient. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after required deductions have been taken from the gross lump sum payment. A lump sum payment does not include conversion of a non-liquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. (22 M.R.S. § 4301 (8-A)).

Material Fact. A material fact is a fact that necessarily has some bearing on the determination of an applicant's GA eligibility, and which would, if disclosed to the Administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

Maximum Levels of Assistance. The amount of financial assistance for a commodity or service as established in Ordinance § 6.8 or the actual cost of any such basic necessity, whichever is less.

Misconduct. For purposes of the GA work requirement (22 M.R.S. § 4316-A), misconduct shall have the same meaning as "misconduct" in 26 M.R.S. § 1043(23). *(See Ordinance Appendix I).* Generally, misconduct occurs when an employee violates their obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment of the employer's interest may also be found guilty of misconduct.

Misspent Income. Misspent income includes income-in-kind received, or paid for, by a GA repeat applicant from sources, including friends or relatives, for the payment of bills that are considered unnecessary costs, such as cable bills, credit card debt, court fines and related court costs, payments to reimburse a municipality for false representation, tobacco and alcohol products, and similar items. Misspent income will be considered as available to the applicant when determining use of income for the previous 30-day period.

Municipality. Any city, town or plantation administering a GA program.

Municipality of Responsibility. The municipality which is financially liable for the support of an eligible person at the time of application. (22 M.R.S. § § 4301(9), 4307).

Need. The condition whereby a person's income, money, property, credit, assets, or other resources available to provide basic necessities for the individual and the individual's family are less than the maximum levels of assistance. (22 M.R.S. § § 4301(10), 4308).

Net General Assistance Costs. Those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the GA program. (22 M.R.S. § § 4301(11), 4311).

Operator. The lawful owner of a recovery residence or an individual or company designated by the lawful owner to have primary responsibility for the day-to-day operations of the recovery residence and for acquiring and maintaining certification pursuant to Title 5, section 20005, subsection 22 of the recovery residence in order to receive housing assistance payments through the general assistance program. (22 M.R.S. § 4301(11-A)).

Period of Eligibility. The time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided; however, in no event shall this period extend beyond one month. (22 M.R.S. § 4309(1)).

Pooling of Income. "Pooling of income" means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. This ordinance establishes a rebuttable presumption that persons sharing the same dwelling unit are pooling their income, except that applicants that who request assistance while residing in a Recovery Residence are not considered to be commingling funds. Applicants who request that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Potential Resources. Sources of financial assistance, including programs, services, non-liquid assets or trusts which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Pursuing a Lawful Process to Apply for Immigration Relief. Taking reasonable, good faith steps to apply for immigration relief within twelve months of arrival to the United States, with U.S. Citizenship and Immigration Services or before an immigration judge or federal court. (See DHHS regulation, 10-144 C.M.R. ch. 323, for additional guidance).

Real Estate. Any land, buildings, homes, mobile homes, and any other things affixed to the land. (22 M.R.S. § 4301(13)).

Recipient. A person who has applied for and is currently receiving GA.

Recovery Residence. “Recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder. 5 M.R.S. § 20003(19-D).

Registered Domestic Partner. An individual registered as the domestic partner of the applicant pursuant to 22 M.R.S. § 2710.

Rehabilitation Facility. An inpatient facility that is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical services and other services that are provided under competent professional supervision.

Repeat Applicants. All applicants for GA benefits that are not initial applicants are repeat applicants. For purposes of this ordinance “repeat” and “subsequent” shall have the same meaning.

Resident. A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home, and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality, or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if they are eligible, until they establish a new residence in another municipality. (22 M.R.S. § 4307).

Resources. Resources include any program, service, or other sources of support which are an alternative to or supplement for GA. There are two kinds of resources: “available” and “potential”. Potential resources are programs, services, non-liquid assets, or trusts that typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Potential resources include, but are not limited to, state or federal assistance programs, employment benefits, governmental or private pension programs, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual. (22 M.R.S. § 4317). Potential resources include the TANF (previously known as AFDC) program, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market, or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). At the discretion of the Administrator, a minimum balance required by a financial institution in order to obtain free checking or in order to maintain the account shall not be considered an available resource.

The Administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities; however, eligibility for GA benefits shall not be based or conditioned on the use of a private charitable resource(s).

30-Day Need. An applicant's 30-day need is the sum of the household's prospective 30-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the 30-day cost for any basic need shall be the household's actual 30-day cost for the basic necessity or the maximum 30-day cost for the basic necessity as established by this ordinance, whichever is less.

Unearned Income. Unearned income is income acquired from investments and other sources unrelated to employment. Unearned income also includes unemployment compensation, taxable social security benefits, pensions, annuities, and distributions of unearned income from a trust or any other income not meeting the definition of earned income.

Unforeseen Repeat Applicants. A repeat applicant who has not applied for assistance within the last twelve months and who has been regularly employed or receiving support from a public benefit program or private source and who has unexpectedly become unemployed through no fault of their own or whose benefits (e.g., through an available resource) have ceased through no fault of their own.

Unmet Need. An applicant's unmet need is the household's 30-day need (established by Ordinance § 6.6) less the household income (calculated pursuant to Ordinance § 6.7), provided such a calculation yields a positive number. If the household income is greater than the household's 30-day need, the household does not have an unmet need.

Work Requirements. Work requirements are obligations the Administrator places on applicants as directed and/or authorized by 22 M.R.S. § 4316-A to the extent such obligations (1) ensure a continuing potential eligibility for GA when complied with, (2) result in ineligibility when violated, and (3) are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, maintaining employment, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

ARTICLE III – Administrative Rules and Regulations

Section 3.1—Confidentiality of Information

Case records and all other information relating to a GA applicant or recipient are confidential and will not be disclosed to the general public. (22 M.R.S. § 4306).

Release of Information. Applicants, recipients, and their legal representatives have the right to review their case records. No record will be released to a third party unless the Administrator receives a signed consent form in which the applicant expressly authorizes the release of their records to the specified parties. Whenever the Administrator releases any information, they will make a notation in the applicant's file stating to whom the record was released and the date. The Administrator may charge a reasonable fee for reproduction of records.

Information from Other Sources; Penalty. Information concerning an applicant or recipient furnished to the municipality by DHHS or any other agency or institution pursuant to 22 M.R.S. § 4314, is confidential. The Administrator will also comply with laws requiring confidentiality of vital statistic records such as birth, marriage, and death records. (22 M.R.S. § 2706).

Any representative of a financial institution or any employer of a GA applicant who, upon receipt of a written release signed by the depositor/employee and a written request from the Administrator, refuses to provide necessary information to the Administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. National banks are also obligated to disclose deposit information to the Administrator upon receipt of a written request and release signed by the depositor. Additionally, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than $25 nor more than $100. Any person, including the applicant, who knowingly and willfully makes a false representation of

a material fact to the Administrator commits a Class E crime. (22 M.R.S. § § 4314, 4315).

Misuse of Information. Misuse of any information relating to an applicant or recipient is a punishable offense. (22 M.R.S. § 42(2)).

Section 3.2—Maintenance of Records

The Administrator will maintain complete and accurate program records. (22 M.R.S. § 4306). These records are necessary to: (a) document and account for municipal program expenditures; (b) document and support decisions concerning applicants and recipients; and (c) ensure relevant information is available for any fair hearing or judicial review of the Administrator's decisions.

Case Records. The Administrator will maintain a separate case record, in paper or digital format, for each applicant or recipient. Each case record will include at least:

- household applications;
- household budget sheets;
- the types and amounts of assistance provided;
- narrative statements describing the nature of the emergency situation whenever GA is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less);
- written decisions;
- requests for fair hearings and the fair hearing authority decisions;
- workfare participation records;
- repayments to the municipality;
- narrative writings documenting the need for general assistance, the results of home visits, collateral information, referrals, changes in status;
- client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information;
- adjustments in aid, and suspension or termination of eligibility;
- physician's documentation;
- Supplemental Security Income (SSI) interim assistance reimbursement authorization forms; and

- vendor forms

Case records will not include information that is irrelevant to the applicant's or recipient's application or the Administrator's decisions.

Retention of Records. GA records shall be retained for at least three full years. The three-year period shall coincide with the state government's fiscal year which begins July 1 and ends on the following June 30. Records may be destroyed after three years by supervised shredding, burning or an appropriate digital deletion/destruction process. If a recipient's records contain SSI reimbursement forms, the recipient's records should be retained so that the municipality may seek reimbursement.

ARTICLE IV – Application Procedure

Section 4.1—Right to Apply

Who May Apply. Any person may apply for GA. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations (see Ordinance § 4.9) or when the applicant resides at an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents eligible for GA benefits. (22 M.R.S. § 4304(3)). In such cases, the Administrator may require a representative to present a signed statement documenting that they are authorized to apply on behalf of the named applicant. The applicant or representative must complete a written application and any other forms necessary for the Administrator to determine eligibility. (22 M.R.S. § § 4305, 4308). With notice, all members of the household receiving GA may be required to physically present themselves to the Administrator. Note that fugitives from justice are ineligible for GA benefits.

Telephone Applications. When a person has an emergency but is unable to apply in person due to illness, disability, lack of childcare, lack of transportation or other good cause, and they cannot send an authorized representative, the Administrator will accept an application by telephone. The telephone application is subject to written verification by mail and a visit to the applicant's home with their permission. (22 M.R.S. § 4304).

Written Application Upon Each Request. Each request for assistance will be administered in accordance with these guidelines, and the Administrator will make an independent determination of eligibility for GA each time a person applies. (22 M.R.S. § § 4308, 4309).

Applications Accepted; Posted Notice. Any person may apply for general assistance during the municipality's regular business hours. In an emergency, however, the Administrator or their designee will be available to accept applications for assistance whenever necessary.

The municipality will post notice stating the times and location where people may apply for assistance and contact information for the Administrator available to take

emergency applications at all other times. In addition, the posted notice shall state that the municipality must issue a written decision on all applications within 24-hours and will include the DHHS toll-free telephone number for reporting alleged violations or complaints. (22 M.R.S. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the Administrator will interview each applicant in person before making a decision. Interviews will be conducted in private, although the applicant may be accompanied by a legal representative, friend, or family member.

Section 4.3—Contents of the Application

An application must contain the following information:

a) the applicant's name, address, date of birth, SSN or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number;
b) the names, date(s) of birth, and SSN(s) or appropriate USCIS documentation of other household members for whom the applicant seeks assistance;
c) the total number of individuals living with the applicant;
d) employment and employability information;
e) a listing of all household income, resources, assets, and property;
f) the applicant's household expenses;
g) the types of assistance requested;
h) a statement of the penalty for false representation;
i) the applicant's permission for the Administrator to verify information;
j) the signature of applicant and date.

If an initial applicant is unable to provide identification records (e.g., SSN card/number) because the record may have been lost, stolen or misplaced, the Administrator may allow the initial applicant a reasonable amount of time (e.g., five working days), to obtain copies of identification records. Provided the initial applicant makes a good faith effort to obtain the item/record sought, GA benefits necessary to cure an immediate and/or emergency need shall not be withheld. In such cases the Administrator may elect to provide a prorated amount of GA (e.g., five days' worth), while the applicant attempts to obtain the required information.

Section 4.4— GA Administrator's Responsibilities at the Time of Application

The Administrator will inform all applicants of: (1) their rights and responsibilities; (2) general program requirements for applying for and receiving GA, and (3) application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The Administrator will help applicants complete application forms and inform applicants of any other information or documents necessary to evaluate the applicant's eligibility. The Administrator will fully explain the purpose of any forms consenting to release of the applicant's information and any benefit reimbursement agreements before the Administrator requests the applicant's signature or written authorization.

Eligibility Requirements. The Administrator will inform the applicant, either orally or in writing, of the eligibility requirements of the program, including:

- the income standard of need;
- the applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- the reduction in assistance that results from spending household income on non-basic necessities;
- immigration status (see definition of "Eligible Person"); and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant Rights. The Administrator will inform all applicants of their right to:

- review the municipal GA ordinance and Maine GA statute and regulations;
- apply for assistance;
- receive a written decision concerning eligibility within 24-hours after application;
- confidentiality of the application and other records;

- contact the DHHS with complaints;
- challenge the Administrator's decision by requesting a fair hearing.

Reimbursement/Recovery. The Administrator will inform the applicant/recipient that they must reimburse the municipality the amount of GA benefits they have been granted if they subsequently have the ability to pay. The municipality may also, as appropriate, contact and inform the applicant/recipient's legal representative of the recipient's obligation to repay the municipality.

The municipality may also recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant's support, such as a spouse, or the parents of persons under the age of 25. (*See Article VIII, "Recovery of Expenses*"). (22 M.R.S. § § 4318, 4319). Whenever applicable, the Administrator will explain the liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the Workers' Compensation lump sum payment lien, or the SSI "Interim Assistance Agreement" lien, described in Article VIII, "Recovery of Expenses."

Section 4.5—Responsibilities of the Applicant at Time of Application

The applicant is responsible to provide accurate, complete, and current household information and verifiable documentation at the time of each application concerning:

- Income
- Resources
- Assets
- Employment
- Use of income
- Names and addresses of any relatives legally liable for the applicant's support
- Any change in this information from a previous application that would affect household eligibility. (22 M.R.S. § 4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

a) has remained employed, if previously employed, and has not quit work without just cause or been discharged from employment for misconduct;

b) has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;

c has made use of all available and potential resources when directed in writing to such a program by the Administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and

d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the Administrator, in order to diminish the applicant's need for general assistance. (22 M.R.S. § § 4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The Administrator will issue a written decision concerning the applicant's eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to Ordinance § 5.6) to issue assistance conditionally on the successful completion of a workfare assignment. (22 M.R.S. § § 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced, or terminated.

Content of Decision. The Administrator's written decision will contain:

a) the type and amount of benefits granted, or the applicant's ineligibility for benefits;
b) the period of eligibility if the applicant is eligible for assistance;
c) the specific reasons for the Administrator's decision;
d) the applicant's right to a fair hearing; and
e) the applicant's right to notify the DHHS if they believe the municipality has acted illegally. (22 M.R.S. § 4321).

Section 4.7—Withdrawal of an Application

An application will be considered withdrawn if the applicant requests in writing that the application be withdrawn; or if the applicant refuses to complete or sign the application or any other document needed by the Administrator.

Section 4.8—Temporary Refusal to Accept Application

Under special circumstances, the Administrator may temporarily refuse to accept applications. Such circumstances include, but are not limited to, the following:

a) When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave; if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when their conduct is under control.
b) If the Administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to a municipal employee, if the applicant's behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one occasion, the applicant may be required to designate a third party to apply for assistance on their behalf and the applicant may be prohibited from entering the municipal building;
c) When a third person applies for assistance on behalf of the applicant that person may be required to provide written verification that they have been duly authorized to act as a representative for the applicant. (22 M.R.S. § 4308).

Section 4.9—Emergencies

An "emergency" means any life-threatening situation, or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household. (22 M.R.S. § 4301(4)). An emergency includes homelessness or imminent homelessness. Even if an applicant is otherwise ineligible to receive GA benefits, unless they are disqualified as provided below, emergency assistance may be granted to applicants who lack sufficient income and resources to meet the emergency need

and also have not had sufficient income and resources to avert the emergency. (22 M.R.S. § 4308).

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs to either the applicant or the municipality.

Disqualification for Emergency Assistance. A person who is currently disqualified from receiving GA due to a violation of Ordinance § § 5.5, 5.6, 5.7, 5.8, 5.9 or 6.4 is ineligible to receive emergency assistance. (22 M.R.S. § 4308(2)(A)). However, dependents of a disqualified person may be eligible for assistance. For the purposes of this section, "dependents" are defined as: (1) a dependent minor child; (2) an elderly, ill or disabled person; or (3) a person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

If one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Assistance Prior to Verification. Whenever an applicant informs the Administrator that they need assistance immediately, the Administrator will grant, pending verification, the assistance within 24 hours, provided that:

a) after interviewing the applicant the Administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and
b) the applicant submits documentation when possible, to verify their need. The Administrator may contact at least one other person to confirm the applicant's statements about his/her need for emergency assistance. No further assistance will be authorized until the applicant's eligibility is confirmed. (22 M.R.S. § 4310).

Benefits provided prior to verification are limited as follows:

a) The authorization of benefits may not exceed 30 days.

b) Until there has been full verification confirming the applicant's eligibility, further benefit may not be authorized.

c) The authorization of benefits may not exceed levels of assistance established in 22 M.R.S. § 4308. (22 M.R.S. § 4310(4)).

Telephone Applications. If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, or other good cause, and if there is no authorized representative who can apply on behalf of the applicant, the Administrator shall accept an application over the telephone. (22 M.R.S. § 4304).

Assistance will not be granted after a telephone application if the applicant refuses to allow the Administrator to verify information provided by the applicant either by visiting their home or by mail, and the Administrator cannot determine eligibility through any other means.

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If an applicant had income which could have been used to prevent all or part of an emergency, but they spent that income on items which are not basic necessities, the applicant will not be eligible to receive GA to replace the misspent money. (22 M.R.S. § § 4308(2) & 4315-A).

All applicants must provide the Administrator with verifiable documentation demonstrating that the applicant lacked sufficient income to avert the emergency situation. According to the following criteria, the Administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

a) The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage, or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period

shall be the consecutive length of time the account balance has been in the negative.

b) The Administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for their basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.

c) The Administrator shall calculate all costs per month for the household's basic necessities during the applicable time period, consistent with the maximum levels established by this ordinance for the specific basic necessity or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.

d) From the total household costs for basic necessities during the applicable time period, the Administrator shall subtract the total income and lump sum payments available to the household for the applicable time period, as well as the total general assistance actually received during the applicable time period.

e) The Administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.

f) The Administrator may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never before applied for general assistance.

g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

The municipality cannot exceed maximum levels of assistance for an applicant household for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn or other lodging place.

Section 4.10—Residence

The Administrator shall provide GA to all eligible applicants who are residents of this municipality. A resident is a person who has no other residence, is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the Administrator will determine their eligibility and, if eligible, will grant assistance until they establish a residence in another municipality. (22 M.R.S. § 4307).

Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the Administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 6 months after they move including processing applications and determining eligibility for assistance.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, they will be the responsibility of this municipality for up to 12 months after they enter the institution if the conditions of 22 M.R.S. § 4307 and § 4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which they intend to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution. (22 M.R.S. § 4307(4)).

Temporary Housing. Hotels/motels and similar places of temporary lodging are considered institutions if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging.

Note: A municipality which illegally denies housing assistance will be responsible for the applicant for up to 6 months if, as a result of the denial, the applicant stays in temporary lodging. The municipality may also be subject to other penalties. (22 M.R.S. § 4307(4)).

Disputes. When the Administrator believes that an applicant is a resident of another municipality, but that municipality disputes its responsibility, the Administrator will notify DHHS' Augusta office (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the Administrator will determine their eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S. § § 4307(5), 4307(6)).

ARTICLE V – Eligibility Factors

A person will be eligible for GA if they are an "Eligible Person" as defined in section 2.2, is in need, and has complied with the eligibility requirements set forth below. (*For guidance in determining whether an applicant is an Eligible Person, contact DHHS at (800) 442-6003 (TTY: 287-6948)).*

Section 5.1—Initial Application

Initial Application. For initial applicants, need will be the sole condition of eligibility, except that all applicants, including initial applicants, are disqualified for a defined period (1) for quitting employment without just cause or for being discharged from employment for misconduct *(see Ordinance § 5.5)* or (2) who are fugitives from justice as defined in 15 M.R.S. § 201(4), (22 M.R.S. § 4301(3)). An initial applicant is a person who has never before applied for GA in any municipality in Maine. (22 M.R.S. § 4308(1)).

"Need" means that the applicant's income (including prorated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in Ordinance § 6.8 or the applicant's 30-day need, whichever is less, and they do not have adequate income or other resources available to provide basic necessities.

Repeat Applicants. Persons who are not initial applicants are repeat applicants; these are persons who have previously applied for GA at some time, including persons on whose behalf a GA application was previously made at any time, provided that the applicant was not a dependent minor in the household at the time of the previous application. To be eligible for GA, repeat applicants must be in need and meet all other eligibility requirements. The eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Section 5.1A – Presumptive Eligibility

A person who is provided shelter in an emergency shelter for the homeless located in the municipality shall be presumed to be an eligible person. Presumed eligibility may not exceed 30 days within a 12-month period. After the period of presumed eligibility,

full eligibility must be verified before assistance will be issued. When presumptive eligibility is determined under this section, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

Section 5.1B – Recovery Residences

The Administrator will not deny GA benefits to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, housing assistance will not be provided to a person residing in a recovery residence that has not been certified in accordance with 5 M.R.S. § 20005(22), except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only. The Administrator will inform the person of the requirements and time limits regarding recovery residences. A person who is ineligible for housing assistance under this subsection may remain eligible to receive GA for other basic necessities. Upon request by a person residing in a certified recovery residence, who has been determined eligible for housing assistance, housing assistance payments will be issued to the operator of the certified recovery residence instead of to a landlord.

Section 5.2—Eligibility for Categorical Assistance

Receipt of categorical assistance will not disqualify an otherwise eligible person. Benefits received from other assistance programs will be considered as income when determining need, with the exception of Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need. (7 U.S.C. § 2017 (b)).

In addition, fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the Administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with their fuel needs. (42 U.S.C. § 8624(f)). When an applicant has received HEAP or ECIP, GA heating energy needs will be calculated pursuant to Ordinance § 6.7, subsection (c) under “Types of Income”. For several additional exceptions please refer to the definition of “Income” in this Ordinance (see Ordinance § 2.2, page 7, subsection 4).

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the Administrator. Persons who, without just cause, make no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit. (22 M.R.S. § 4317).

Section 5.3—Personal Property

a) Liquid Assets.

No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit, retirement accounts, life insurance policies and other marketable security will be eligible for GA unless and until they use these assets to meet their basic needs, and thereby exhausts them. At the discretion of the Administrator, liquid assets need not include a reasonable minimum balance necessary to obtain free checking. Although one checking account per household may be allowed, any monies over the minimum required to obtain free checking are to be considered available liquid assets.

b) Tangible Assets.

No person owning or possessing personal property, including but not limited to: a motor vehicle (except as provided immediately below in subsection c), or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant's household will be eligible for GA. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in Ordinance § 2.2 or when reasonable efforts to convert assets to cash at fair market value are unsuccessful. Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

c) Automobile Ownership.

Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment or for seeking employment, obtaining medical care, rehabilitation, or training facilities, or for any other reason the GA Administrator determines reasonable

for the maintenance of the applicant's household. GA recipients who own an automobile with a market value greater than $8,000 may be required, with 7-day's written notice, to make a good faith effort to trade that automobile for an automobile with a market value of less than $8,000. Any income received by the applicant by virtue of such a trade down must be used for their basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification. (22 M.R.S. § 4317).

The Administrator will neither pay nor consider as necessary any car payment or vehicle maintenance cost, including insurance, for which the applicant is responsible. However, if the vehicle's value is $8,000 or less and the applicant is utilizing the vehicle for an "essential" reason (see above), the Administrator may choose to not consider reasonable car payments, reasonable car insurance or reasonable associated costs of maintenance as "misspent" income. GA for travel-related needs shall be computed in accordance with Ordinance § 6.8(F)(7), (8) "Work Related/Travel Expenses."

d) Insurance.

Insurance available to an applicant on a non-contributory basis or required as a condition of employment will not be a factor in determining eligibility for GA. Life insurance with a cash surrender value may, at the discretion of the Administrator, be considered as a tangible asset.

e) Transfer of Property.

Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for GA will not be granted GA benefits to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will be issued. There will be a presumption that the applicant transferred their assets in order to be eligible for GA whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for GA unless the applicant can demonstrate the existence of a good faith transaction.

Section 5.4—Ownership of Real Estate

a) Principal Residence.

Solely for purposes of GA, the applicant's principal residence, including any adjoining land, is considered an exempt resource, even if temporarily unoccupied because of employment, job training, education, illness, or disaster, provided the applicant demonstrates an intent to return. If the applicant owns land in excess of the minimum lot size for the zone or district in which the home is located, that land may be considered a potential resource if:

1. The applicant has received GA for the last 120 consecutive days; and
2. The applicant has the legal right to sell the land (e.g., any mortgagee will release any mortgage, any co-owners agree to the sale, zoning or other land use laws do not render the sale illegal or impracticable); and
3. The applicant has the financial capability to put the land into a marketable condition (e.g., the applicant can pay for any necessary surveys); and
4. The land is not utilized for the maintenance and/or support of the household; and
5. A knowledgeable source (e.g., a realtor) indicates that the land in question can be sold at fair market value, for an amount which will aid the applicant's financial rehabilitation; and
6. No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

If conditions above are met, the Administrator may condition the receipt of future assistance on the applicant's good faith efforts to sell, or render saleable, land which could be used to provide necessary support for the applicant (e.g., the applicant owns 100 "excess" acres. Sale of 10 of the acres would provide for the necessary support; therefore, the entire 100 acres need not be sold at the present time.) Assistance shall not be denied during the time that the applicant is making a good faith effort to sell or render saleable the land in question.

Once the applicant ceases to receive assistance the obligations under this section shall also cease.

b) Other Property.

If the applicant or dependents own real property other than that occupied as the principal residence, continued GA eligibility will depend on the applicant making a reasonable effort to:

1. Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or
2. Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for GA will be ineligible.

If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the sale of the property or upon the death of the recipient *(see also Ordinance § 6.8).* 22 M.R.S. § 4320.

Section 5.5—Work Requirement

All GA recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

Employment; Rehabilitation. All unemployed applicants and household members who are 16 years of age or older and who are not attending a full-time primary or secondary school intended to lead to a high school diploma will be required to accept any suitable job offer and/or meet with job counselors, attend employment workshops and rehabilitative services, except as provided below *(see "Exemptions").* Applicants must demonstrate to the Administrator that they are available for work and are actively seeking employment.

A "suitable job" means any job, which the applicant is mentally and physically able to perform. "Available for work" means that applicants must make themselves available for work during normal business hours prevailing in the area and show that no circumstance exists which would prevent them from complying with the work requirement.

Verification. Unemployed applicants or applicants employed on a part-time basis must provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation will consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. "Pursuit of Employment" means actually submitting a written application or applying for a job in person when reasonable or submitting a written application or letter of inquiry to employers.

For the duration of any repeat applicant's period of unemployment or partial employment, the Administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill their work search requirements. The number of weekly employer contacts required by the Administrator shall be reasonably related to the number of potential employers in the region and the number of hours per week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application but will be a condition of eligibility for subsequent assistance.

Ineligibility. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:

a) refuse to register for employment with the Maine Job Service;
b) refuse to search diligently for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent work search and will be disqualified;
c) refuse to accept a suitable job offer;
d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
e) fail to be available for work; or

f) refuse to participate or participate in a substandard manner in the municipal work program *(see Ordinance § 5.6).*

Ineligibility Due to Job Quit or Discharge for Misconduct. No initial or repeat applicant who has quit their full-time or part-time job without just cause or who has been discharged from employment for misconduct *(see definition in Appendix I)* will be eligible to receive GA of any kind for 120-days from the date the applicant is separated from employment. (22 M.R.S. § § 4301(8), 4316-A (1-A)).

Just Cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

a) the applicant has a physical or mental illness or disability which prevents them from working;
b) the work assignment pays below minimum wages;
c) the applicant was subject to sexual harassment;
d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
e) the applicant has no means of transportation to or from work or a training or rehabilitation program;
f) the applicant is unable to arrange for necessary childcare or care of ill or disabled family members; or
g) any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason the Administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S. § 4316-A(5)).

Applicant's Burden of Establishing Just Cause. If the Administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause. (22 M.R.S. § 4316-A).

Eligibility Regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed

or otherwise satisfy the Administrator that they are complying with the work requirement by fulfilling the work requirement(s) the person violated.

For the purpose of regaining eligibility by becoming employed, "employment" shall mean employment by an employer as defined in 26 M.R.S. § 1043 or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in Ordinance § 5.6, under "Eligibility Regained."

Dependents. Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person's household who is not capable of working, including:

a) a dependent minor child;
b) an elderly, ill, or disabled person; and
c) a person whose presence is required in order to provide care for any child under 6 years of age or for any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

If one or more member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Exemptions. The above work requirements do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the household is also exempt from these requirements.

The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom

or on site participation in a training program which is either approved by the Department of Labor (DOL) or determined by the DOL to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program operated under the control of the DOL.

Section 5.6—Municipal Work Program

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance. (22 M.R.S. § 4316-A(2)).

As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in Ordinance § 5.5 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of GA and the work program. Before signing the form, the Administrator will read it to the applicants or allow the applicants to read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.

Subtracting Value of Workfare Performed from Client's GA Debt. Pursuant to 22 M.R.S. § 4318, individuals who received GA benefits are obligated to repay the municipality when and if they become able (see Ordinance Article VIII). However, persons performing workfare shall have the value of the workfare performed deducted from any and all GA debt including GA liens (e.g., Workers' Compensation Settlement, SSI Retroactive Payment, Capital Improvement, Home Mortgage) that might exist against their settlements, payments or other such property.

Limitations. The work requirement is subject to the following limitations. (22 M.R.S. § 4316-A(3)).

1) No person shall, as a condition of eligibility, be required to perform any amount of work that exceeds the value of the net GA that the person receives under municipal GA standards. Any person performing work under this subsection shall be provided with net GA, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law at the time the workfare was performed.

2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.

3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.

4) In no case will work performed under this subsection interfere with an eligible person's:

   a) existing employment;
   b) ability to follow up on a bona fide job offer;
   c) attendance at an interview for possible employment;
   d) classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
   e) classroom or on-site participation in a training program which is approved by the Department of Labor (DOL) or determined by the DOL to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program administered by the DHHS or the DOL.

5) In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with their regular employment would result in the person working more than 40 hours per week.

6) In no case will an eligible person be required to perform work beyond their capabilities. However, when an illness or disability is claimed, an

eligible person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness. (22 M.R.S. § 4309).

If the Administrator requires a doctor's statement to verify an applicant's illness or disability and the applicant is not currently under the care of a provider, the municipality may pay for the doctor's evaluation if the applicant has no means to pay for the exam. However, in such a case the Administrator will choose the doctor. If there is a no-cost or low-cost health care option, the municipality may elect to refer the client to such a resource. The Administrator will not require verification of medical conditions which are apparent, or which are of such short duration that a reasonable person would not ordinarily seek medical attention. (22 M.R.S. § 4316(5)).

7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving GA. The Administrator shall meet immediate needs upon receiving written assurance from the eligible person that they are willing to work to maintain eligibility for GA. When the recipient has no immediate need, workfare participation may be required prior to receiving GA in accordance with the "workfare first" policy below.

"Workfare First" Policy. Pursuant to 22 M.R.S. § 4316-A(2)(D), the Administrator may, in accordance with the following guidelines, require a GA recipient to perform a workfare assignment prior to the actual issuance of the GA benefit conditionally granted.

1) In no circumstance will emergency GA for which an applicant is eligible be withheld pending the satisfactory performance of workfare.
2) All workfare participants under this policy will be provided a written decision within 24 hours after submitting an application for GA and prior

to performing any workfare for the municipality associated with that request for assistance.

That written decision must include:

a) a specific description of the amount of GA being conditionally granted to the household, and for which basic needs;
b) the period of eligibility for which the GA grant is being issued (in days or weeks, but not to exceed 30 days);
c) the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;
d) the actual duration of the workfare assignment that must be performed, in hours, before the GA grant will be actually issued;
e) the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of worksite, date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers; and
f) any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.

3) As previously provided in this section, all workfare participants must sign a consent form that informs the participant of their workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.
4) If a portion of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the Administrator shall issue a grant of GA benefits corresponding to the number of workfare hours satisfactorily performed multiplied by the hourly rate used to calculate the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued GA grant shall be terminated, and notice of the partial termination, together with the reasons; therefore, will be issued to the workfare participant in accordance with Ordinance § 6.10.

5) If any part of the workfare assignment is not performed because the workfare participant was temporarily unable to perform the assignment for just cause reasons, it shall be reassigned or excused at the discretion of the Administrator.

Work-Related Expenses. A participant's expenses related to work performed under this section will be added to the amount of net GA to be provided to the person (22 M.R.S. § 4316-A(2)(E)). The municipality will provide any special clothes or equipment the recipient needs to perform their work assignment.

Disqualification. Any person who either willfully fails to perform or willfully performs below average standards the work assigned by the municipality, will be ineligible for assistance for 120 days (22 M.R.S. § 4316-A(1)). As soon as the Administrator knows that a recipient failed to fulfill the work assignment, the Administrator will notify the recipient in writing that they are disqualified for 120 days starting from the last date of authorized assistance unless the recipient can show just cause. The workfare participant has the burden of demonstrating there was just cause for any failure to perform a workfare assignment.

Eligibility Regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions:

- Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible *(see Ordinance § 5.5, "Dependents")*.
- If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which they, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The Administrator will give the recipient a work assignment as soon as possible.
- If a recipient under a 120-day disqualification has an emergency need and the Administrator is unable to schedule a work assignment in time to alleviate the emergency, the Administrator will provide sufficient assistance to the

recipient to avert the emergency. However, the provision of emergency assistance will not bar the Administrator from subsequently enforcing the previously issued 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number of hours the recipient must work.

- Recipients who have asked for the opportunity to regain their eligibility during a 120-day disqualification period and who agreed to fulfill the assignment which they previously failed to perform but who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the Administrator will enforce the 120-day disqualification for the term of its initial duration.
- If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of ineligibility for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date but will be provided no opportunity to requalify.
- Any recipient who intentionally causes damage to property, harasses or harms other employees or who otherwise conducts themselves in a disruptive manner and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The Administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the DHHS. (22 M.R.S. § 4316-A(2)).

Section 5.7—Use of Resources

Each applicant is responsible to make a good faith effort to utilize every available or potential resource that may reduce their need for GA *(see Ordinance § 2.2, definition of "Resources")*. Persons who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are

required to prove that they have made a good faith effort to secure the resource. (22 M.R.S. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for GA and who is pregnant or has a dependent child or children will be eligible to receive GA only if the minor is residing in the home of their parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

1) the minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or
2) the minor has no living parent or the whereabouts of both parents are unknown; or
3) no parent will permit the minor to live in the parent's home; or
4) the minor has lived apart from both parents for at least one year before the birth of any dependent child; or
5) the DHHS determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and their child or children lived with a parent; or
6) the DHHS determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility. (22 M.R.S. § 4309(4)).

Any person under the age of 25 who is applying independently from their parents for GA will be informed that until they reach the age of 25, the applicant's parents are still legally liable for their support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent their parents are financially capable of repaying the municipality. (22 M.R.S. § 4319).

With regard to such application, the municipality may seek verification of the applicant's need for GA by contacting their parents. If the applicant's parents declare a willingness to provide the applicant with their basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on their parents for basic needs, the Administrator may find the applicant not to be in need of GA for the reason that their needs can be provided by a legally liable relative.

Mental or Physical Disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

Written Notice; Disqualification. The Administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resource(s). Any applicant who refuses to utilize potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until they have made a good faith effort to utilize or obtain the resources. GA will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.

Forfeiture of Benefits. Any applicant who forfeits receipt of, or causes a reduction in, benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive GA to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under GA law, the value of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture.

To the extent the forfeited benefits were provided in the form of a specific, regularly issued resource of a calculable value rather than in the form of income, that resource, up to its forfeited value, need not be replaced with GA for a period of 120 days from the date of the forfeiture—unless the municipality is prohibited by federal or state law from considering the forfeited resource as available with respect to local public assistance programs. (22 M.R.S. § 4317).

Section 5.8—Period of Ineligibility

No one will have their GA terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing. (22 M.R.S. § § 4321-4322). Each person will be notified in writing of the reasons for their ineligibility, and any person

disqualified for not complying with the ordinance will be informed in writing of the period of ineligibility.

Work Requirement. Applicants/recipients who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility) *(see Ordinance § § 5.5, 5.6)*. If an applicant/recipient is provided assistance and does not comply with the work requirement, the applicant/recipient shall be disqualified for 120 days following the end of the period covered by the grant of assistance. The Administrator shall give recipients written notice that they are disqualified as soon as the Administrator has sufficient knowledge and information to render a decision of ineligibility.

Fraud. Persons who commit fraud are disqualified from receiving GA for a period of 120 days *(see Ordinance § 6.4, "Fraud")*. The Administrator shall give recipients written notice that they are ineligible as soon as the Administrator has sufficient knowledge and information to render a decision. If the disqualification for fraud is issued before the expiration of a grant of assistance, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of ineligibility.

Section 5.9 – Unemployment Fraud

An applicant who is found ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to 26 M.R.S. § 1051(1) is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor. 22 M.R.S. § 4317.

ARTICLE VI – Determination of Eligibility

Section 6.1—Recognition of Dignity and Rights

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate their individual rights.

Section 6.2—Determination; Redetermination

The Administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for GA. The Administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The Administrator may redetermine a person's eligibility at any time during the period they are receiving assistance if the Administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the Administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority. (22 M.R.S. § 4309).

Section 6.3—Verification

Eligibility of Applicant; Duration of Eligibility. The overseer shall determine eligibility each time a person applies or reapplies for GA. The period of eligibility will not exceed one month. At the expiration of this period applicants/recipients may reapply for assistance and the person's eligibility will be redetermined.

Applicant's Responsibilities. Applicants and recipients for GA are responsible for providing to the Administrator all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or

documentation required by the Administrator. When such information is unavailable, the Administrator must accept alternative available information, which is subject to verification.

Each applicant and recipient has the responsibility at the time of application and continuing thereafter, to provide complete, accurate, current information and documentation concerning his/her:

- Need
- Income
- Employment
- Use of income
- Expenses
- Assets & liabilities
- Use of available resources
- Household composition

Initial Applicants. Persons who have not applied for assistance in this or any other municipality are considered initial applicants and must have their eligibility determined solely on the basis of need. Initial applicants are not subject to eligibility conditions placed on repeat applicants *(see below)*. However, such applicants must still provide the GA Administrator with reasonably obtainable documentation adequate to verify that there is a need for assistance. In addition, initial applicants must also comply with both lump sum and relevant work rules (i.e., quit job).

Repeat Applicants. All applicants for GA who are not initial applicants are repeat applicants. The eligibility of repeat applicants must be determined on the basis of need and all other conditions of eligibility established by law and this municipal ordinance.

The Administrator will require documentation of a repeat applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services, and other basic necessities. In addition, repeat applicants instructed to seek employment shall verify their work search results, (e.g., provide a list of the employers contacted, the date and time of the application contact,

and the name of the employer representative contacted) as required by the Administrator.

Repeat applicants must provide updates to information reported on previous applications, including changes in his/her household or income that may affect his/her eligibility.

Unforeseen Repeat Applicants. Unforeseen repeat applicants are applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source but who have unexpectedly become unemployed through no fault of their own or whose income and/or benefits (e.g., through an available resource) have ceased through no fault of their own. Such unforeseen repeat applicants may be considered initial applicants for purposes of verification requirements and misspent income if the Administrator finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

Administrator's Responsibilities. In order to determine an applicant's eligibility for GA, the Administrator first must seek information and documentation from the applicant. Once the applicant has presented the necessary information, the Administrator must determine eligibility. The Administrator will seek verification necessary to determine eligibility and may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant – except that the Administrator may examine public records without the applicant's knowledge and consent.

Appropriate sources, which an Administrator may contact, include, but are not limited to:

- DHHS, any other department or agency of the state, or non-profit organizations
- financial institutions
- creditors
- utility companies
- employers
- landlords
- physicians
- persons with whom the applicant/recipient is a cohabitant

- legally and non-legally liable relatives

Assistance will be denied or terminated if the applicant is unwilling to supply necessary information, documentation, or permission to make collateral contacts, or if the Administrator cannot determine that eligibility exists based on information supplied by the applicant or others.

Redetermination of Eligibility. The Administrator may redetermine a person's eligibility at any time during the period that person is receiving assistance if the Administrator is informed of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled, or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction in assistance for that time period may not be made without prior written notice to the recipient stating the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

Penalty for Refusing to Release Information. Any person governed by 22 M.R.S. § 4314 who refuses to provide necessary information to the Administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than $25 nor more than $100 which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the Administrator is guilty of a Class E crime. (22 M.R.S. § § 4314(5), 4314(6), 4315).

Section 6.4—Fraud

It is unlawful for a person to knowingly and willfully make a false representation of a material fact to the Administrator in order to receive GA or cause someone else to receive GA. (22 M.R.S. § 4315). A person who commits fraud in an effort to receive GA benefits may be prosecuted for this offense.

False representation means any individual who knowingly and willfully:

a) makes a false statement to the Administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
b) conceals information from the Administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
c) uses GA benefits for a purpose other than the purpose for which they were intended.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

Period of Ineligibility. When the Administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making themselves eligible for GA, the Administrator shall notify that applicant in writing that they must reimburse the municipality for the assistance they were not entitled to receive and that they are ineligible for assistance for the longer of: (a) a period of 120 days; (b) until they reimburse the municipality for the assistance; or (c) until they enter a reasonable written agreement to reimburse the municipality. (22 M.R.S. § 4315).

For the purpose of this section, a material misrepresentation is a false statement about eligibility factors in the absence of which some or all of the assistance would not be or would not have been granted.

The notification of ineligibility issued by the Administrator shall inform the applicant of their right to appeal the Administrator's decision to the fair hearing authority (FHA) within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of ineligibility, whichever is later.

Right to a Fair Hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority (FHA) in accordance with Article VII of this Ordinance. No recipient shall have their assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the FHA may appeal that decision to the Superior

Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure. (22 M.R.S. § 4309(3)).

Reimbursement. If a recipient does not appeal the decision or if the FHA determines that a recipient made a false representation, the recipient will be required to reimburse the municipality for any assistance received to which they were not entitled. The recipient may enter a reasonable written agreement to reimburse the municipality over a period of time.

Dependents. In no event will the ineligibility of a person under this section serve to disqualify any eligible dependent in that household. (22 M.R.S. § 4309(3)). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Section 6.5—Period of Eligibility

The Administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month. (22 M.R.S. § 4309). Upon receiving a completed and signed application the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis.

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA Administrator, the GA Administrator shall render a notice of "ineligibility" and advise the applicant that they have a right to reapply as soon as they have the necessary information and/or as soon as is practicable for the applicant.

Although eligibility is determined on a 30-day basis, for reasons of administrative efficiency, the Administrator may elect to disburse an applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the Administrator elects to disburse GA for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant

to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

Section 6.6—Determination of Need

The period of time used to calculate need will be the next 30-day period from the date of application. (22 M.R.S. § 4301(7)). The Administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in Ordinance § 6.8, whichever is less. The sum of these expenses, as calculated for a prospective 30-day period, is the applicant's 30-day need. Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency. (22 M.R.S. § 4308(2)) *(see Ordinance § 4.9)*.

Applicants will also not be considered in need of GA if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of Ordinance § 6.8. (22 M.R.S. § § 4301(10), 4305(3-B)). The difference between the applicant's income and the overall maximum levels of assistance established by this Ordinance is the applicant's deficit.

Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity shall guide Administrator's distribution of assistance for which the applicant is eligible. *(See Ordinance Appendices A-H).* The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency. (22 M.R.S. § 4305(3-A)).

Income for Basic Necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no *applicant* is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility. (22 M.R.S. § 4315-A). Applicants who have

sufficient income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

Use-of-Income Requirements. The Administrator may require that anyone applying for GA provide documentation of their use of income. This documentation can take the form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Except as is deemed appropriate by the Administrator for "unforeseen" repeat applicants *(See Ordinance § 6.3);* repeat applicants may be required to verify that expenditure of income was for basic necessities. Income expended that cannot be verified will generally be considered available and in such case will be added to the 30-day prospective income.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons, the cost of non-elective medical services as recommended by a physician which are not otherwise covered by medical entitlement, Hospital Free Care or insurance; the reasonable cost of essential clothing and non-prescription drugs, and the costs of any other commodity or service determined essential by the Administrator.

Items not considered to be basic necessities and thus will not be allowed in the budget computation include:

- Internet services
- Cable or satellite television
- Cellular phones, except when deemed essential by the overseer for medical or work related purposes
- Cigarettes/alcohol
- Gifts purchased
- Pet care costs
- Costs of trips or vacations
- Paid court fines
- Repayments of unsecured loans
- Legal fees
- Late fees

- Credit card debt

The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use their income for basic necessities or fails to reasonably document their of income. (22 M.R.S. § 4315-A). Those additional requirements will be applied in the following manner:

1) The Administrator may require the applicant to use some or all of their income, at the time it becomes available, toward specific basic necessities. The Administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified basic necessities;
2) The Administrator will notify applicants in writing of the specific use-of-income requirements placed on them;
3) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency general assistance to replace that income; and
4) If the applicant does not spend their income as directed but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

Calculation of Income and Expenses. When determining eligibility, the Administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of Ordinance § 6.8. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency *(see Ordinance § 4.9)*. If income is less than the overall maximum level of assistance, the applicant has a deficit.

The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in Ordinance § 6.8 for specific basic necessities except in an emergency or when the

Administrator elects to consolidate the applicant's deficit, as provided immediately below.

Consolidation of Deficit. As a general rule, and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this ordinance or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the Administrator may consolidate the applicant's deficit and apply it toward a basic necessity in an amount greater than the ordinance maximum for that necessity.

1) The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the ordinance maximum shall be the exception rather than the rule;
2) The total GA grant cannot exceed the total deficit unless the applicant is in an emergency situation; and
3) The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient misspending their income or resources in violation of the use-of-income requirements of this ordinance.

Section 6.7—Income

Income Standards. Applicants whose income exceeds the overall maximum level of assistance provided in Ordinance § 6.8 shall not be eligible for GA except in an emergency. Each time an applicant applies, the Administrator will conduct an individual factual inquiry into the applicant's income and expenses.

Calculation of Income. To determine whether applicants are in need, the Administrator will calculate the income they will receive during the next 30-day period commencing on the date of application and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the Administrator will also consider as available income any income that was not spent during the previous 30-day period on basic necessities as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the

household's need for basic necessities, up to the maximum levels contained in Ordinance § 6.8, applicants will not be considered in need.

Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded. (22 M.R.S. § 4308) *(see Ordinance § 4.9)*. To calculate weekly income and expenses, the Administrator will use actual income received or actual anticipated income.

Types of Income. Income that will be considered in determining an applicant's need includes:

a) **Earned Income.** Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.

   Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and childcare costs will be deducted from an applicant's income. (22 M.R.S. § 4301(7)).

b) **Income from Other Assistance or Social Services Programs.** State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and Fuel Assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of GA the applicant is eligible to receive. Although applicants may have only a limited or reduced need for GA for heating fuel or electricity if a recently received

HEAP/ECIP benefit has sufficiently credited their account or otherwise prevented the fuel-related costs for the prospective 30-day period.

The Administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for their total fuel costs. Accordingly, in such cases, the Administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the Administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with their utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely on the basis of the recipient's receipt of HEAP/ECIP.

Other programs whose income cannot be counted for purposes of GA eligibility include:

- Family Development Accounts (22 M.R.S. § 3762)
- Americorp VISTA program benefits (42 U.S.C. § 5044(f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, only so long as the money is spent on basic necessities. (22 M.R.S. § 4301(7))

c) **Court-Ordered Support Payments.** Alimony and child support payments will be considered income only if actually received by the applicant. The Administrator will refer cases in which support payments were not actually received to the Maine DHHS Child Support Enforcement Unit. In order to be eligible for future GA benefits, applicants referred to DHHS for support enforcement assistance shall be required to follow-through with such services. Because child support payments are considered a resource, applicants must make a good faith effort to secure such payments.

d) **Income from Other Sources.** Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered

income as will cash or in-kind contributions provided to the household from any other source, including relatives. (22 M.R.S. § 4301(7)).

e) **Earnings of a Son or Daughter.** Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time will not be considered income. The unearned income of a minor in the household will be considered available to the household.

f) **Income from Household Members.** Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another.

g) **The Pooling or Non-Pooling of Income.** When two or more individuals share the same dwelling unit but not all members of the household are applying for GA, the Administrator shall make a finding under a rebuttable presumption that the entire household is pooling income. (22 M.R.S. § 4301(12-A)).

   One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the Administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling during the duration of the shared living arrangement. Such documentation would include evidence of the entire household's expenses, bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for their pro-rata share of household costs.

   If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of their income and their pro-rata share of actual household expenses.

h) **Lump Sum Income.** A lump sum payment received by any GA applicant or recipient prior or subsequent to the date of application for GA will be considered as income available to the household. However, verified required

payments (i.e., any third-party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities, as described below, will not be considered available income.

Where a household receives a lump sum payment at any time prior or subsequent to the date of application for GA, the Administrator will assess the need for prorating an applicant's eligibility for GA according to the following criteria. (22 M.R.S. § 4301(7), (8-A)):

1) identify the date the lump sum payment was received;
2) subtract from the lump sum payment all required payments;
3) subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities as defined by the GA program such as: reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities. Repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid must also be subtracted. (22 M.R.S. § 4301(7), (8-A));
4) add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for GA; and
5) divide the sum created in subsection (4) by the verified actual monthly amounts for all of the household's basic necessities. 22 M.R.S. § 4305(3-B).

This dividend represents the period of proration determined by the Administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely on the basis of the proration of a lump sum payment. (22 M.R.S. § 4308).

Section 6.8—Basic Necessities; Maximum Levels of Assistance

Overall Maximum Levels of Assistance. Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in Ordinance Appendices B-H, an applicant's eligibility for GA will be first determined by subtracting their income from the overall maximum level of assistance designated in Appendix A for the applicable household size. (22 M.R.S. § 4305 (3-B)). The difference yielded by this calculation shall be the applicant's deficit.

Applicants will be eligible for GA up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for GA unless they are in an emergency, in which case eligibility for emergency GA will be determined according to Ordinance § 4.9.

Maximum Levels of Assistance for Specific Basic Necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The Administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the Administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs.

Note. The municipality cannot exceed maximum levels of assistance for an applicant household for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn or other lodging place.

In all cases either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In addition, as a general rule the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance.

Temporary exceptions to this general rule may be made by the Administrator in the following circumstances: (1) a recent, unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (2) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with GA; and (3) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

(A) **Food.** The Administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size.

For this purpose, the municipality hereby incorporates by reference the U.S.D.A. Thrifty Food Plan, as distributed by the Maine DHHS on or about October of each year. See Ordinance Appendix B for the current year's food maximums.

In determining need for food, the Administrator will not consider the value of the food stamps an applicant receives as income. (22 M.R.S. § 4301.7(A); 7 U.S.C. § 2017(b)). The municipality will authorize vouchers to be used solely for approved food products.

The Administrator will exceed the maximums when necessary for households having members with special dietary needs. The Administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

(B) **Housing.** The Administrator will provide assistance with rent or mortgage payments that are reasonable and/or within the allowed maximum levels. See Ordinance Appendix C for the current year's housing maximums. It is the applicant's responsibility to find suitable housing, although the Administrator may help the applicant find housing when appropriate. The Administrator will inform the applicant of the allowed housing maximums to assist the applicant in their search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

Rental Payments to Relatives. The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their basic needs. For the purpose of this section, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parent's siblings, or any of those relative's children. (22 M.R.S. § 4319(2)).

Rental Payments to Non-Relatives. When applicants are living in private homes with the owner or sharing dwelling units with people who are not pooling income or who are not legally liable relatives, the amount allowed as the applicant's shelter expense will be the applicant's pro rata share of the actual, total shelter cost, up to the ordinance maximum. (22 M.R.S. § 4301(6)).

Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

When the municipality issues in aggregate more than $600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental

payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation (see § 6041(a) of Internal Revenue Code).

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the DHHS Division of Health Engineering, pursuant to 10-144A CMR, Chapter 201, as a condition of that landlord receiving future GA payments on behalf of their tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the Administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the Administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

(1) the marketability of the shelter's equity;
(2) the amount of equity;
(3) the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs;
(4) the extent to which liquidation may aid the applicant's financial rehabilitation;
(5) a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if they were to be dislocated to rental housing;
(6) the imminence of the applicant's dislocation from owned housing because of their inability to meet the mortgage payments;
(7) the likelihood that the provision of housing assistance will prevent such dislocation; and
(8) the applicant's age, health, and social situation.

These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide.

The Administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for GA if after review of the criteria above, the Administrator determines that:

(1) the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size;
(2) there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or re-amortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and
(3) the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property.

If a mortgage payment is necessary, the Administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of their home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the Administrator will inform the applicant that they are responsible for finding alternative housing within their ability to pay and will be obligated to make all reasonable efforts to secure such housing.

Liens. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments. In addition, a municipality may claim a lien against the owner of real estate for the amount of money spent by it to make capital improvements to the real estate. (22 M.R.S. § 4320). No lien may be enforced against a recipient except upon their death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for GA if the lien were enforced.

If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing GA for a mortgage payment or capital

improvement it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage or capital improvement payment and all subsequent mortgage or capital improvement payments made on behalf of the same eligible person, plus interest and costs.

Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the GA recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

The municipality may charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

Property Taxes. In the event an applicant requests assistance with their property taxes, the Administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.R.S. § 841(2)) and GA. If the applicant chooses to seek property tax assistance through GA, or if the applicant is denied a poverty tax abatement, the Administrator may consider using GA to meet this need only if:

a) the property tax in question is for the applicant's place of residence;
b) there is a tax lien on the property which is due to mature within 60 days of the date of application;
c) as a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that

a tax lien foreclosure will result in subsequent eviction from the residential property; and

d) the applicant, with sufficient notice, applies for property tax relief through the Maine Property Tax Fairness Credit program, when available.

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the U.S. Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. See Ordinance Appendix C for the current year's housing maximums.

If and when the maximum levels of housing assistance in this Ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this Ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S. § 4305.

(C) **Utilities.** Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 4.9.

Disconnection of utility service will not be considered an emergency in all cases. The Administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The Administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay

their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive GA to replace those funds.

Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S. § 4308(2)) *(see Ordinance § § 4.9; 6.3)*. The Administrator will notify applicants in writing that they must give the Administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the Administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Non-Electric Utilities. The allowed amount for water and sewer utility service will be budgeted at a 30-day reasonable usage rate.

(D) **Fuel.** Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the Administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in Ordinance § 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the Administrator timely notice of their need for fuel, the Administrator shall find that the emergency was not beyond the applicants' control, and process the emergency

request accordingly, pursuant to Ordinance § 4.9. See Ordinance Appendix E for the current year's fuel maximums.

(E) **Personal Care and Household Supplies.** Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags light bulbs and supplies for children under 5 years of age. See Ordinance Appendix F for the current year's personal care and household supplies maximums.

(F) **Other Basic Necessities.** Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the Administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.

1) **Clothing.** The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the general assistance Administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.
2) **Medical.** The municipality will pay for essential medical expenses, other than hospital bills *(see below)*, provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state

program, that will diminish their need to seek general assistance for medical expenses. The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the Administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

Generally, the municipality will issue GA at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing GA for any medical expenses, the Administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate and ask to be billed accordingly.

Ordinary medical supplies/non-prescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic brand, non-prescription medicines. In addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the household. In order for telephone service to be considered an allowable expense the applicant must provide a written statement from a physician certifying that the telephone is essential.

3) **Hospital Bills.** In the event of an emergency admission to the hospital, the hospital must notify the Administrator within 5 business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the Administrator, the municipality will have no obligation to pay the bill.

   Any person who cannot pay their hospital bill must apply to the hospital for consideration under the Hospital's Free Care Program as provided in Title 22 M.R.S. § 1716. Anyone who is not eligible for the hospital's free care program may apply for GA. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that they are not eligible for the hospital's free care program.

Before the Administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time they apply by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at Ordinance § 6.6.

4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue GA for dental services at the established Medicaid rates for those services, and before authorizing the GA benefit for dental services, the Administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The Administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.
5) **Eye Care.** In order to be eligible to receive GA for eyeglasses, an applicant must have their medical need certified by a person licensed to practice optometry. The Administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources and generally only at the Medicaid rate.
6) **Telephone Charge.** A payment for basic telephone will only be allowed if a telephone is necessary for medical reasons as verified by a physician. At the discretion of the GA Administrator, minimum/basic telephone services may be allowed for households with children, for households where job search or work-related reasons exist and/or for any other reasons the Administrator deems necessary.

7) **Work-Related Expenses.** In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include childcare costs, work clothes, supplies and transportation at the actual costs not to exceed the ordinance maximum. See Ordinance Appendix G for the current maximum mileage allotment. The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.

8) **Travel Expenses.** In determining need, necessary travel which is not work-related will be budgeted if the applicant can satisfy the Administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically necessary travel. See Ordinance Appendix G for the current rate at which such necessary travel will be budgeted. This rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.

9) **Burials, Cremations.** Under the circumstances and in accordance with the procedures and limitations described below *(see Ordinance § 6.9)*, the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons. See Ordinance Appendix H for the current maximums.

10) **Capital Improvements.** The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only when the capital improvement/repair has been pre-approved by the Administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The Administrator may grant GA for capital improvements when:

    1) the failure to do so would place the applicant(s) in emergency circumstances;
    2) there are no other resources available to effect the capital repair; and

3) there is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation.

In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S. § 4320 when GA has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (B) "Liens", above.

Section 6.9—Burials; Cremations

Funeral Director Must Give Timely Notice. In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the Administrator prior to the burial or cremation or by the end of three business days following the funeral director' receipt of the body, whichever is earlier. (22 M.R.S. § 4313(2)). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director's responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the Administrator. In addition, the funeral director may refer legally liable relatives to the Administrator so that a timely determination of financial capacity may be accomplished.

Application for Assistance Shall be Calculated on Behalf of the Deceased. For the purposes of determining residency, calculating eligibility and issuing GA for burial or cremation purposes, an application for assistance shall be completed by the Administrator on behalf of the deceased.

With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under Ordinance § 4.10.

Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for GA in as much as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are themselves eligible for GA, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all GA issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

The Financial Responsibility of Certain Family Members. Grandparents, parents, children and grandchildren of the deceased whether or not living in or owning property in Maine, and the spouse or registered domestic partner of the deceased, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the Administrator, all legally liable relatives must provide the Administrator with any reasonably requested information regarding their income, assets, and basic living expenses. The Administrator may also seek information from financial institutions holding assets of the deceased. Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with section 4313(2) and provide a written request and a notarized affidavit signed by the Administrator of the municipality or its agents stating that the named depositor is deceased.

Consideration of the Financial Responsibility of Family Members. Generally, when the Administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the Administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

Proration of Familial Responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the Administrator is unable to determine the financial capacity of one or more of said relatives.

Under these circumstances, each legally liable relative is considered to be responsible for their pro rata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial or cremation benefit the aggregate of all pro rata shares less the share of any legally liable relative who refuses to cooperate with the Administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

Eight Days to Determine Eligibility. The Administrator may take up to 8 days from the date of an application for burial/cremation assistance to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 8-day eligibility determination period from the date of application shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The Administrator shall not use this 8-day period allowed by law to unreasonably delay the municipality's decision.

The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any

other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of $75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the Administrator.

Burial Expenses. The Administrator will respect the wishes of family members concerning whether the deceased is interred by means of burial or cremated. See Ordinance Appendix H for the maximum levels of burial assistance.

Cremation Expenses. In the absence of any objection by any family members of the deceased, or when neither the Administrator nor the funeral director can locate any family members, the Administrator may issue GA for cremation services. See Ordinance Appendix H for the maximum assistance levels for cremations.

Section 6.10—Notice of Decision

Written Decision. Each time a person applies, the Administrator will provide a written decision to the applicant after making a determination of eligibility. The decision will be given to the applicant within 24 hours after a completed and signed application is received (22 M.R.S. § 4305(3)) *(see Ordinance § 4.6)*.

In order to comply with the statutory requirement to issue a decision within 24 hours, if an applicant submits an incomplete or unsigned application, the Administrator may decide to issue a notice of "ineligibility" and provide the applicant with another application to submit as soon as is practicable for the applicant.

The Administrator must explain the applicant's right to a fair hearing in the Administrator's written notice of decision.

Contents of Decision. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the items listed in Ordinance § 4.6, the notice of decision will include a statement that:

a) the applicant has the right to a fair hearing and how to request a fair hearing, and;
b) the applicant has the right to contact the DHHS if they believe the municipality has violated the law. The decision will include contact information for the appropriate DHHS office.

Disbursement of General Assistance. Except when the Administrator determines it is impractical, all GA will be provided as a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. GA will not be issued in the form of a cash payment to an applicant unless there is no alternative to the cash payment, in which case the Administrator shall document the circumstances requiring GA to be issued in the form of cash. (22 M.R.S. § 4305(6)).

ARTICLE VII – The Fair Hearing

Section 7.1—Right to a Fair Hearing

Within 5 working days of receipt of a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or their authorized representative has the right to request a fair hearing. (22 M.R.S. § 4322). The right to review a decision of the Administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision.

Section 7.2—Method of Obtaining a Fair Hearing

Upon receiving notification of the decision of the Administrator, all claimants will be informed of how to request a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the Administrator. If the client is satisfied with the adjustment or explanation, the Administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or their authorized representative, must make a written request within 5 working days of receipt of the Administrator's decision to grant, deny, reduce or terminate assistance, or within 10 working days after any other act or failure to act. The Administrator will make a form available to request a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

a) the decision on which review is sought;
b) the reason(s) the claimant is dissatisfied and why the claimant believes they are eligible to receive assistance; and
c) the relief sought by the claimant.

The Administrator may not deny or dismiss a request for a hearing unless it has been withdrawn (in writing) by the claimant.

Scheduling the Fair Hearing. Upon receipt of the completed written request, the FHA must meet and hold the hearing within 5 working days. The Administrator will notify

the claimant in writing when and where the hearing will be held. (22 M.R.S. § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing shall include, at a minimum, the claimant's rights to:

a) be their own spokesperson at the fair hearing, or at the claimant's own expense be represented by legal counsel or another;
b) confront and cross-examine any witnesses presented at the hearing; and
c) present witnesses on their own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of their case.

Section 7.3—The Fair Hearing Authority

The municipal officers will appoint a fair hearing authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA. The FHA is charged with ensuring that GA is administered in accordance with state law and this ordinance.

The FHA may consist of the municipal officers, one or more persons appointed by the municipal officers to act as the FHA, or, if designated by ordinance, a municipal board of appeals created under 30-A M.R.S. § 2691. (22 M.R.S. § 4322). In determining the FHA, the municipal officers will ensure that all person(s) serving as FHA must:

a) have not participated in the decision which is the subject of the appeal;
b) be impartial;
c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and
d) be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the Administrator operated, and conveying to the Administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4—Fair Hearing Procedure

At the time that written notice of the date, time, and place of the fair hearing is provided to a claimant, they will also be given adequate information about the hearing procedure to allow them to effectively prepare their case. The claimant shall be permitted to review their file before the hearing. At a minimum, the claimant will be provided with the following information regarding fair hearing procedures. All fair hearings will:

a) be conducted in private, with only to the claimant, witnesses, the claimant's legal counsel, others whom the claimant wants present, and Administrator, the Administrator's agents, counsel and witnesses present;
b) be opened with a presentation of the issue by the FHA;
c) be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
d) allow the claimant and the Administrator the option to present their positions for themselves or with the aid of others, including legal counsel;
e) give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
f) result in a decision, based exclusively on evidence or testimony presented at the hearing; and
g) be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The FHA will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the FHA must be made available to the claimant or their representative. The claimant will be responsible for preparing a written transcript if they wish to pursue court action.

The FHA shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. (22 M.R.S. § 4322).

Claimant's Failure to Appear. If the claimant fails to appear at the hearing, the FHA will send a written notice to the claimant indicating that the Administrator's decision remains unchanged because of the claimant failure to appear. The notice will state that the claimant has 5 working days from receipt of the notice to provide the Administrator with information demonstrating "just cause," for failure to appear.

"Just cause" for a claimant's failure to appear at a fair hearing, may include:

a) a death or serious illness in the family;
b) a personal illness which reasonably prevents the party from attending the hearing;
c) an emergency or unforeseen event which reasonably prevents the party from attending the hearing;
d) an obligation or responsibility which a reasonable person in the conduct of their affairs could reasonably conclude takes precedence over the attendance at the hearing; or
e) lack of receipt of adequate or timely notice; excusable neglect, excusable inadvertence, or excusable mistake.

If the claimant (or his/her attorney) establishes that just cause existed, the request for the hearing will be reinstated and a hearing rescheduled.

If a claimant who is represented by legal counsel fails to appear at a fair hearing, legal counsel shall not testify in place of the claimant on matters of 'fact' but may cross examine witnesses and make 'legal' arguments on behalf of the claimant.

Section 7.5—The Fair Hearing Decision

The FHA's decision will be binding on the Administrator, and will be communicated in writing to the claimant within 5 working days after completion of the hearing. Written notice of the decision will contain:

a) a statement of the issue;
b) relevant facts brought out at the hearing;
c) pertinent provisions in the law or GA ordinance related to the decision; and
d) the FHA's decision and the reasons for it.

A copy of the decision will be given to the claimant. The hearing record and the case record will be maintained by the Administrator.

The written decision will state that if the claimant is dissatisfied with the fair hearing decision, they may appeal pursuant to Maine Rule of Civil Procedure, Rule 80B. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

When the decision by the FHA or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII – Recovery of Expenses

Recipients. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or their executors or administrators in a civil action. However, prior to recovering assistance granted, the municipality shall "offset" the value of any workfare performed by a GA recipient against the repayment obligation, at a rate not less than minimum wage.

Before filing a court action to seek repayment of GA benefits previously provided to a recipient, the municipality will seek voluntary repayment after written notice and discussion with the recipient However, the municipality will not attempt to recover such amounts if, as a result of the repayment, the recipient would again become eligible for GA. (22 M.R.S. § 4318).

Recipients Anticipating Workers' Compensation Benefits. The municipality shall claim a lien on any lump sum payment under the Workers' Compensation Act or similar law of any other state, which lien shall equal the value of all GA payments made to a recipient of any such lump sum payment. (22 M.R.S. § 4318, 39-A M.R.S. § 106). After issuing any GA on behalf of a recipient who has applied for or is receiving Workers' Compensation, the municipality shall file a notice of the municipal lien with the GA recipient and the Maine Office of Secretary of State, Uniform Commercial Code division.

The notice of lien shall be filed on a UCC-1 form which must be signed by the GA recipient who has applied for or is receiving Workers' Compensation. Any GA applicant who has applied for or who is receiving Workers' Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive GA until they provide the required signature. The municipality shall also send a photocopy of that filing to the recipient's Worker's Compensation attorney, if known, the applicant's employer or the employer's insurance company, and, at the Administrator's discretion, to the Workers' Compensation Board. The lien shall be enforced at the time any lump sum Workers' Compensation benefit is issued.

Recipients of SSI. All applicants who receive GA while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended (and which therefore may

be retroactively issued to the applicant at a later date), will be required to sign a statement on an Interim Assistance Agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the GA granted. Any GA applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive GA until they provide the required signature. (22 M.R.S. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S. § 4319). In addition, the grandchildren, children, parents, grandparents, the spouse and a registered domestic partner, are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on behalf of a recipient if the relatives fail to fulfill their responsibility. (22 M.R.S. § 4319).

ARTICLE IX – Severability

If any provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not invalidate any other provision of the ordinance.

APPENDICES

APPENDIX A – 2024-2025 GA Overall Maximums..... 89

APPENDIX B – 2024-2025 Food Maximums 91

APPENDIX C – 2024-2025 GA Housing Maximums 93

APPENDIX D – 2024-2025 Electric Utility Maximums 99

APPENDIX E – 2024-2025 Heating Fuel Maximums..... 101

APPENDIX F – 2024-2025 Personal Care & Household Supplies Maximums ... 103

APPENDIX G – Mileage Rate 105

APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums..... 107

APPENDIX I – 26 M.R.S. § 1043 (23) 109

Appendix A
Effective: 10/01/24-09/30/25

2024-2025 GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household 1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	969	1,068	1,367	1,744	2,333
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,139	1,280	1,689	2,131	2,476
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	881	965	1,232	1,608	1,947
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	874	884	1,169	1,464	1,603
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,451	1,663	2,141	2,715	3,332
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	969	1,159	1,413	1,939	2,335

Prepared by MMA
8/2024

COUNTY	1	2	3	4	5*
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,192	1,261	1,567	2,039	2,297
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,371	1,444	1,905	2,589	3,305

***Note: Add $75 for each additional person.**

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	766	842	1,043	1,421	1,524
Franklin County	807	893	1,174	1,558	1,764
Hancock County	1,096	1,102	1,307	1,734	1,740
Kennebec County	943	946	1,214	1,529	1,784
Knox County	935	946	1,163	1,550	1,657
Lincoln County	1,037	1,076	1,332	1,733	2,154
Oxford County	902	910	1,185	1,575	1,869
Piscataquis County	777	860	1,131	1,398	1,689
Somerset County	897	931	1,140	1,487	1,612
Waldo County	1,075	1,085	1,305	1,620	2,219
Washington County	838	846	1,101	1,508	1,598

*** Please Note: Add $75 for each additional person.**

2024-2025 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2024, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	67.91	292.00
2	124.65	536.00
3	178.60	768.00
4	226.74	975.00
5	269.30	1,158.00
6	323.26	1,390.00
7	357.21	1,536.00
8	408.37	1,756.00

Note: For each additional person add $220 per month.

2024-2025 GA Housing Maximums
(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! ONLY **consider** adopting the following numbers if these figures are consistent with local rent values. If not, a market survey should be conducted, and the figures altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

Aroostook County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	144	619	174	748
1	152	654	191	822
2	186	798	237	1,019
3	261	1,123	324	1,393
4	270	1,162	347	1,492

Franklin County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	154	660	184	789
1	164	705	203	873
2	216	929	267	1,150
3	293	1,260	356	1,530
4	326	1,402	403	1,732

Hancock County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	224	964	251	1,079
1	224	964	252	1,083
2	253	1,087	299	1,284
3	341	1,467	397	1,707
4	341	1,467	397	1,707

Kennebec County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	189	811	215	926
1	189	811	216	927
2	231	994	277	1,191
3	294	1,262	349	1,502
4	339	1,459	407	1,752

Appendix C

Effective: 10/01/24-09/30/25

Non-Metropolitan FMR Areas

Knox County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	187	803	214	918
1	187	803	216	927
2	219	943	265	1,140
3	298	1,283	354	1,523
4	310	1,332	378	1,625

Lincoln County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	210	905	237	1,020
1	211	906	246	1,057
2	259	1,112	304	1,309
3	341	1,466	397	1,706
4	425	1,829	493	2,122

Oxford County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	179	770	206	885
1	179	770	207	891
2	224	965	270	1,162
3	304	1,308	360	1,548
4	359	1,544	427	1,837

Piscataquis County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	147	630	177	759
1	156	672	195	840
2	206	886	257	1,107
3	256	1,100	319	1,370
4	309	1,327	385	1,657

Somerset County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	178	765	205	880
1	178	765	212	912
2	214	920	260	1,117
3	284	1,220	339	1,460
4	299	1,287	367	1,580

Non-Metropolitan FMR Areas

Waldo County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	219	943	246	1,058
1	219	943	248	1,066
2	252	1,085	298	1,282
3	315	1,353	370	1,593
4	440	1,894	509	2,187

Washington County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	164	706	191	821
1	164	706	192	827
2	205	881	251	1,078
3	289	1,241	344	1,481
4	296	1,273	364	1,566

Metropolitan FMR Areas

Bangor HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	195	837	221	952
1	209	898	244	1,049
2	267	1,147	312	1,344
3	344	1,477	399	1,717
4	467	2,008	535	2,301

Cumberland Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	234	1,007	261	1,122
1	258	1,110	293	1,261
2	342	1,469	387	1,666
3	434	1,864	489	2,104
4	500	2,151	568	2,444

Lewiston/Auburn MSA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	174	749	201	864
1	185	795	220	946
2	235	1,012	281	1,209
3	312	1,341	368	1,581
4	377	1,622	445	1,915

Metropolitan FMR Areas

Penobscot Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	173	742	199	857
1	173	742	201	865
2	221	949	266	1,146
3	278	1,197	334	1,437
4	297	1,278	365	1,571

Portland HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	307	1,319	334	1,434
1	347	1,493	382	1,644
2	447	1,921	492	2,118
3	569	2,448	625	2,688
4	699	3,007	767	3,300

Sagadahoc Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	195	837	221	952
1	230	989	265	1,140
2	277	1,193	323	1,390
3	389	1,672	445	1,912
4	467	2,010	536	2,303

York Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	247	1,060	273	1,175
1	254	1,091	289	1,242
2	313	1,347	359	1,544
3	412	1,772	468	2,012
4	459	1,972	527	2,265

York/Kittery/S. Berwick HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	288	1,239	315	1,354
1	296	1,274	331	1,425
2	392	1,685	438	1,882
3	540	2,322	596	2,562
4	693	2,980	761	3,273

2024-2025 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2024 to September 30, 2025.**

APPENDIX A - OVERALL MAXIMUMS

County	Persons in Household					
	1	2	3	4	5	6

NOTE: For each additional person add $75 per month.

(The applicable figures from Appendix A, *once adopted,* should be inserted here.)

APPENDIX B - FOOD MAXIMUMS

Number in Household	Weekly Maximum	Monthly Maximum
1	$ 67.91	$ 292.00
2	124.65	536.00
3	178.60	768.00
4	226.74	975.00
5	269.30	1,158.00
6	323.26	1,390.00
7	357.21	1,536.00
8	408.37	1,756.00

NOTE: For each additional person add $220 per month.

APPENDIX C - HOUSING MAXIMUMS

	Unheated		Heated	
Number of Bedrooms	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

FOR MUNICIPAL USE ONLY

MMA
08/24

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is ***not automatically*** entitled to the "maximums" established—applicants must demonstrate need.

1) Electricity Maximums for Households *Without Electric Hot Water*: The maximum amounts allowed for utilities, for lights, cooking and other electric uses ***excluding*** electric hot water and heat:

Number in Household	Weekly	Monthly
1	$19.95	$ 85.50
2	$22.52	$ 96.50
3	$24.97	$107.00
4	$27.53	$118.00
5	$29.88	$128.50
6	$32.55	$139.50

NOTE: For each additional person add $10.50 per month.

2) Electricity Maximums for Households *With Electrically Heated Hot Water*: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses ***excluding*** heat:

Number in Household	Weekly	Monthly
1	$29.63	$127.00
2	$34.07	$146.00
3	$39.67	$170.00
4	$46.32	$198.50
5	$55.65	$238.50
6	$58.68	$251.50

NOTE: For each additional person add $14.50 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

Number in Household	Weekly Amount	Monthly Amount
1-2	$10.50	$45.00
3-4	$11.60	$50.00
5-6	$12.80	$55.00
7-8	$14.00	$60.00
NOTE: For each additional person add $1.25 per week or $5.00 per month.		

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	$12.80	$55.00
2	$17.40	$75.00
3	$23.30	$100.00
4	$27.90	$120.00

Appendix G
Effective: 10/01/24-09/30/25

2024-2025 Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Comptroller. The current rate for approved employment and necessary medical travel etc. is 50 cents (50¢) per mile.

Please refer to the Office of the State Controller for changes to this rate at 626-8420 or visit http://www.state.me.us/osc/

Prepared by MMA
8/2024

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **$1,620.** The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **$1,125.**

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed $55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

2024-2025 GA Housing Maximums

Recovery Residences

The following Recovery Residence maximums are in effect from 10/1/2024- 9/30/2025

Non-Metropolitan FMR Areas

Aroostook County	Recovery Residence Rates	
	Weekly	Monthly
	$143.25	$616.50

Franklin County	Recovery Residence Rates	
	Weekly	Monthly
	$152.25	$654.75

Hancock County	Recovery Residence Rates	
	Weekly	Monthly
	$189.00	$812.25

Kennebec County	Recovery Residence Rates	
	Weekly	Monthly
	$162.00	$695.25

Knox County	Recovery Residence Rates	
	Weekly	Monthly
	$162.00	$695.25

Lincoln County	Recovery Residence Rates	
	Weekly	Monthly
	$184.50	$792.75

Oxford County	Recovery Residence Rates	
	Weekly	Monthly
	$155.25	$668.25

Piscataquis County	Recovery Residence Rates	
	Weekly	Monthly
	$146.25	$630.00

Somerset County	Recovery Residence Rates	
	Weekly	Monthly
	$159.00	$684.00

Waldo County	Recovery Residence Rates	
	Weekly	Monthly
	$186.00	$799.50

Washington County	Recovery Residence Rates	
	Weekly	Monthly
	$144.00	$620.25

Metropolitan FMR Areas

Bangor HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$183.00	$786.75

Cumberland Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$219.75	$945.75

Lewiston/ Auburn MSA	Recovery Residence Rates	
	Weekly	Monthly
	$165.00	$709.50

Penobscot Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$150.75	$648.75

Portland HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$286.50	$1,233.00

Sagadahoc Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$198.75	$855.00

York Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$216.75	$931.50

York/Kittery/S. Berwick HMFA	Recovery Residence Rates	
	Weekly	Monthly
	$248.25	$1,068.75

Rev. 09/09/24

2024 General Assistance Maximums Reference Sheet-Lewiston/Auburn MSA 2025

Oct 1, 2024 to Sept 30, 2025

OVERALL MAXIMUMS (A)

Persons in Household

1	2	3	4	5
$881	$965	$1,232	$1,608	$1,947

Household of 6 = $2,022

* Add $75 for each additional person

FOOD MAXIMUMS (B)

Persons	Weekly	Monthly
1	$67.91	$292
2	$124.65	$536
3	$178.60	$768
4	$226.74	$975
5	$269.30	$1,158
6	$323.26	$1,390
7	$357.21	$1,536
8	$408.37	$1,756

Add $220 per month for each + person

HEATING FUEL (E)

Month	Gallons	Month	Gallons
January	225	June – Aug	0
February	225	September	50
March	125	October	100
April	125	November	200
May	50	December	200

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

HOUSING MAXIMUMS (C)

	UNHEATED		Heated	
BEDROOM	Weekly	Monthly	Weekly	Monthly
0	$174	$749	$201	$864
1	$185	$795	$220	$946
2	$235	$1,012	$281	$1,209
3	$312	$1,341	$368	$1,581
4	$377	$1,622	$445	$1,915
Recovery Residence			$165	$709.50

PERSONAL CARE & HOUSEHOLD SUPPLIES (F)

Number in Household	Weekly Amount	Monthly Amount
1-2	$10.50	$45.00
3-4	$11.60	$50.00
5-6	$12.80	$55.00
7-8	$14.00	$60.00

NOTE: For each additional person add $1.25 per week or $5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	$12.80	$55.00
2	$17.40	$75.00
3	$23.30	$100.00
4	$27.90	$120.00

MILEAGE RATE (G)

50 cents ($0.50) per mile

FUNERAL MAXIMUMS (H)

Burial: $1,620+; Cremation: $1,125+

ELECTRIC (D)

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is not automatically entitled to the "maximums" established applicants must demonstrate need.

1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses excluding electric hot water and heat:

Number in Household	Weekly	Monthly
1	$19.95	$85.50
2	$22.52	$96.50
3	$24.97	$107.00
4	$27.53	$118.00
5	$29.88	$128.50
6	$32.55	$139.50

NOTE: For each additional person add $10.50 per month.

2) Electricity Maximums for Households with Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:

Number in Household	Weekly	Monthly
1	$29.63	$127.00
2	$34.07	$146.00
3	$39.67	$170.00
4	$46.32	$198.50
5	$55.65	$238.50
6	$58.68	$251.50

NOTE: For each additional person add $14.50 per month.

1-800-442-6003

(Revised 09/09/24)

APPENDIX I – Definition of Misconduct (26 M.R.S. § 1043 (23))

23. Misconduct. "Misconduct" means a culpable breach of the employee's duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee's entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge.

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

(1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;

(2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;

(3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;

(4) Failure to exercise due care for punctuality or attendance after warnings;

(5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;

(6) Intoxication while on duty or when reporting to work, or unauthorized use of alcohol or marijuana while on duty except for the use of marijuana permitted under Title 22, chapter 558-C;

(7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;

(8) Unauthorized sleeping while on duty;

(9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;

(10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;

(11) Destruction or theft of things valuable to the employer or another employee;

(12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;

(13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or

(14) Absence for more than 2 work days due to incarceration for conviction of a crime.

[PL2019, c. 125, §1 (AMD).]

B. "Misconduct" may not be found solely on:

(1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;

(2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or

(3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

[PL 2019, c. 125, §1 (AMD).]

City of Auburn, Maine
General Assistance Office
Jamie Longley, Manager
60 Court Street | Auburn, Maine 04210 www.auburnmaine.gov |
207.333.6601 Extension 1411

Pursuant to 22 M.R.S. § 4305(1), the municipal officers of the Municipality of **Auburn**, after notice and hearing, hereby amend the municipal General Assistance Ordinance with appendices in its entirety. This Ordinance shall supersede and replace all previous Ordinance versions. A copy of this Ordinance will be filed with the Maine Department of Health & Human Services (DHHS) pursuant to 22 M.R.S. § 4305(4), and shall be available for public inspection at the municipal office along with a copy of 22 M.R.S. chapter 1161.

Signed this_____ **day of** _____ **2024**, by the municipal officers:

Richard S. Whiting, Ward 1 _____
(Signature)

Timothy M. Cowan, Ward 2 _____
(Signature)

Stephen G. Milks, Ward 3 _____
(Signature)

Benjamin J. Weisner, Ward 4 _____
(Signature)

Leroy G. Walker, Sr., Ward 5 _____
(Signature)

Belinda A. Gerry, At-Large _____
(Signature)

Adam R. Platz, At-Large _____
(Signature)

Ordinance 19-10032024

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council hereby amends Sec. 24-23 of the City's Code of Ordinances as follows:

Sec. 24-23. - Annual adjustment of maximum benefits.

(a) The City of Auburn adopts the Maine Municipal Association's General Assistance Ordinance, dated September 2024, and a copy thereof is available in the office of the city clerk.

(b~~a~~) Each year the Maine Municipal Association provides the city ~~three appendices~~ Appendices A-H providing maximum benefits applicable for the period beginning October 1 and ending September 30 as mandated by state law and based on certain federal values effective on October 1 of each year, as follows:

(1) Appendix A, a listing of overall maximum levels of general assistance relating to all Maine municipalities.

(2) Appendix B, a listing of maximum levels of assistance for food.

(3) Appendix C, a listing of maximum levels for heated and unheated housing.

(4) Appendix D, a listing of maximum levels of assistance for electricity.

(5) Appendix E, a listing of maximum levels of assistance for heating fuel.

(6) Appendix F, a listing of maximum levels of assistance for personal care & household supplies.

(7) Appendix G, adopting the State of Maine travel expense reimbursement rate.

(8) Appendix H, a listing of maximum levels of assistance for funeral expenses.

(9) Recovery Residence Maximums for the Lewiston/Auburn MSA.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

(c~~b~~) The portion of these annual appendices applicable to the city, as adopted each year by the city council, are made a part of this chapter as though fully set forth herein and a copy thereof is available in the office of the city clerk.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 21, 2024 **Order: 146-10212024**

Author: Councilor Steve Milks & Councilor Benjamin Weisner

Subject: Amending ORDER 106-08192024 regarding composition of the City's Comprehensive Plan Committee

---

Information: Councilors Milks and Weisner are submitting the following proposed amendment to ORDER 106-08192024:

Removing bullet point:

- Up to 10 residents of Auburn, who are not a member of the City Council or Planning Board, including at least one resident residing in each Ward, nominated by the Appointment Committee and appointed by the City Council (voting members)

Replacing with:

- To ensure a committee that represents all Wards of the City, each sitting member of the Auburn City Council will appoint two residents of Auburn, not to exceed 14.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History: ORDER 106-08192024 was passed August 19, 2024 and amended at the October 7, 2024 meeting.

City Manager Comments: Phillip Crowell Jr.

Attachments: ORDER 106-08192024 as amended at the 10/7/24 meeting (amendment shown in red text), ORDER 146-10212024 with proposed amendment to ORDER 106-08192024

ORDER 106-08192024

City Council Order

AMENDED 10/7/24

IN CITY COUNCIL

Ordered, that the Auburn City Council adopt the attached Membership, Schedule, Charge and Directive defining and initiating the appointment process for the Comprehensive Plan Committee and directing the City Manager to provide staff support for selecting a consultant, the planning process and to provide facilities for meetings.

Passed 8/19/24, 7-0.
Amended 10/7/24, 5-2 (Gerry, Whiting).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Comprehensive Plan Committee Membership

- The mayor (voting member)
- Up to two city councilors, appointed by the City Council (voting members)
- Up to two members of the Planning Board, nominated by the Planning Board and appointed by the City Council (voting members)
- Up to 10 residents of Auburn, who are not a member of the City Council or Planning Board, including at least one resident residing in each Ward, nominated by the Appointment Committee and appointed by the City Council (voting members)
- Up to two residents of the State of Maine who have expertise in municipal comprehensive or master planning and/or land use regulation, nominated jointly by the Mayor and City Manager and appointed by the City Council (voting if an Auburn resident, non-voting if not an Auburn resident)
- The city manager (non-voting)
- The assistant city manager (non-voting)

Comprehensive Plan Committee Schedule

- The deadline to receive applications shall be November 8, 2024.
- Nominations for members of the Comprehensive Plan Committee shall be forwarded to the City Council within 35 days of the enactment of this order.
- The Comprehensive Plan Committee shall meet within 30 days of the enactment of the order confirming nominated members to the Comprehensive Plan Committee.
- The Comprehensive Plan Committee shall elect, from their voting membership, a chairperson and a vice-chairperson at their first meeting.
- The Comprehensive Plan Committee shall submit a draft comprehensive plan to the Planning Board for their review within 12 months of the Committee's first meeting.
- The Planning Board shall review the draft comprehensive plan and submit their recommendations regarding the draft plan to the City Council within 65 days of receipt of the draft plan from the Comprehensive Plan Committee.

Comprehensive Plan Committee Charge

- Shall prepare a comprehensive plan and implementation strategies in compliance with 30-A MRSA Chapter 187, Subchapter 2.
- Shall review the current zoning district regulations and zoning maps and prepare recommendations for revised zoning district regulations and maps.
- Shall review all relevant local municipal information related to the comprehensive planning process including but not limited to maps, data, capital plans, city services, inventories, and analysis.

Directive to City Manager

- The city manager shall provide staff support and meeting facilities to the Comprehensive Plan Committee.
- The city manager shall provide subject matter experts from the city staff to assist the Comprehensive Plan Committee with the preparation of the comprehensive plan.
- The city manager shall develop a request for proposal to secure the services of a comprehensive planning consultant to assist the Comprehensive Plan Committee with the preparation of the comprehensive plan.
- The city manager shall create a proposal review committee to review the responses from the consultants to the RFP, and to select a successful proposer, which includes an equal number of city staff and members of the Comprehensive Plan Committee.

ORDER 146-10212024

City Council Order

IN CITY COUNCIL

ORDERED, that ORDER 106-08192024, as passed August 19, 2024 and amended on October 7, 2024, be amended as follows:

Removing bullet point:

•Up to 10 residents of Auburn, who are not a member of the City Council or Planning Board, including atleast one resident residing in each Ward, nominated by the Appointment Committee and appointed by the City Council (voting members)

Replacing with:

•To ensure a committee that represents all Wards of the City, each sitting member of the Auburn City Council will appoint two residents of Auburn, not to exceed 14.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 21, 2024 **PUBLIC HEARING**

Author: Glen E. Holmes, Director of Business & Community Development

Subject: CDBG/HOME Consolidated Annual Performance Evaluation Report (CAPER) Program Year 2023

Information:
The City of Auburn receives allocations from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) and HOME Investment Partnership programs each year. This CAPER incorporates the utilization of Auburn's CDBG funds, HOME funds for Auburn and Lewiston as well as leveraged funds for the period spanning July 1, 2023, through June 30, 2024.

This program year, a key focus has been the deployment of HOME-ARP funds across both Auburn and Lewiston. This one-time funding is specifically aimed at addressing the needs of individuals experiencing homelessness or those at imminent risk of becoming homeless. Through the HOME-ARP program, new initiatives have been launched, including public service sub-grants that are vital to meeting the increasing demands of vulnerable populations.

Since these activities were not outlined in the original Five-Year Consolidated Plan, they are not reflected in the data tables within this report. However, their significance and the substantial staff resources dedicated to their success will be highlighted in the narrative sections. This will provide a comprehensive overview of the initiatives, detailing their impact, the staff efforts involved, and the allocation of resources to support these critical programs.

City Budgetary Impacts:
CDBG funds expended during this program year totaled $1,560,240.88. Home Funds expended totaled $140,458.61. Total HOME-ARP funds expended totaled $347,689.78. Funds expended from the Office of Lead Hazard and Healthy Homes totaled 232,930.74. These federal grant dollars cover staff salary/benefits as well as program activities for the Business and Community Development program.

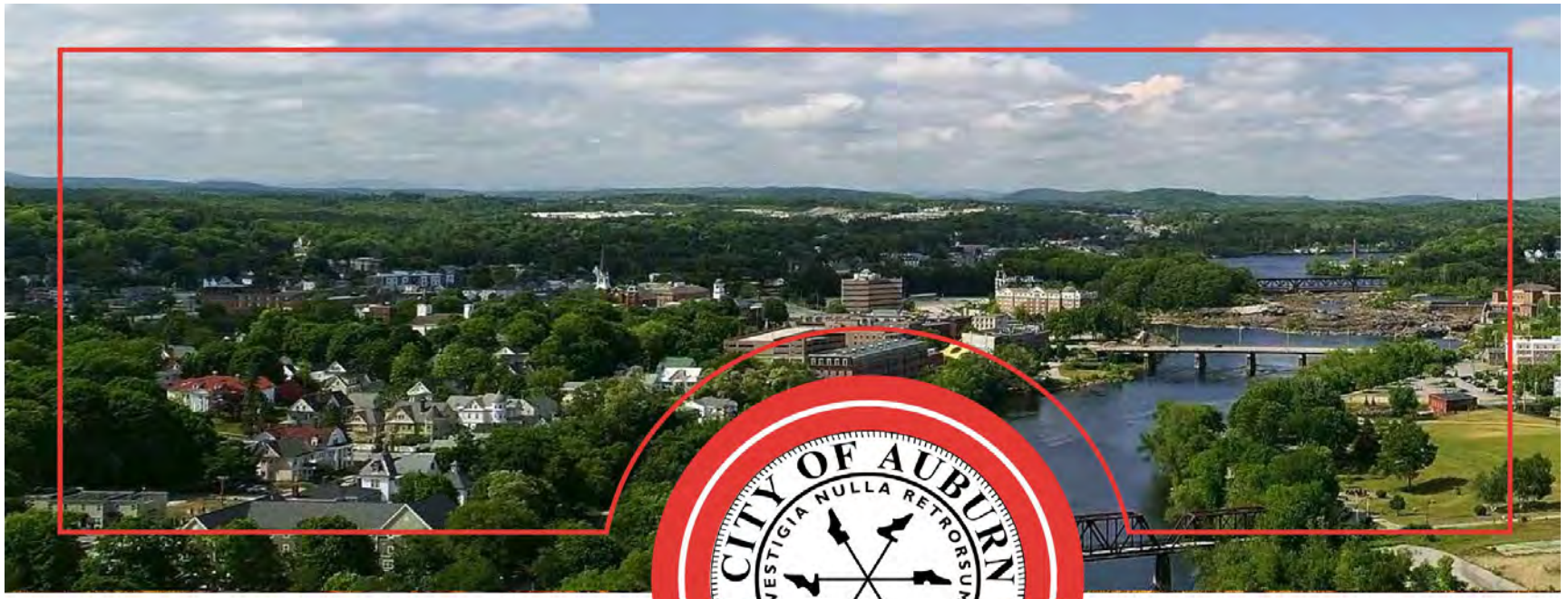
Staff Recommended Action:
Hold Public Hearing

Previous Meetings and History:
Draft CAPER published October 10th, 2024
Public Comment Period October 10th - Oct. 28th, 2024

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
PY23 CAPER



Consolidated Annual Performance Report (CAPER)

CITY OF AUBURN

Program Year 2023

On behalf of:

The Auburn-Lewiston Home Consortium &
City of Auburn CDBG program

Prepared by Auburn Community Development Office

OMB Control No: 2506-0117 (exp. 09/30/2021)

Contents

CR-05 - Goals and Outcomes 3

CR-10 - Racial and Ethnic composition of families assisted 10

CR-15 - Resources and Investments 91.520(a) 12

CR-20 - Affordable Housing 91.520(b) 19

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c) 23

CR-30 - Public Housing 91.220(h); 91.320(j) 27

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j) 29

CR-40 - Monitoring 91.220 and 91.230 33

CR-45 - CDBG 91.520(c) 35

CR-50 - HOME 24 CFR 91.520(d) 36

CR-58 – Section 3 38

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of Auburn receives entitlement funding from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) and HOME Investment Partnership programs. The CDBG program aims to strengthen urban communities by enhancing housing quality, improving living environments, and expanding economic opportunities for low- and moderate-income individuals. Similarly, the HOME program is dedicated to creating affordable housing solutions for low-income households, aligning with national objectives to assist those in greatest need.

This Consolidated Annual Performance Evaluation Report (CAPER) encompasses the utilization of HOME funds for both Auburn and Lewiston, along with CDBG funds specific to Auburn, as well as leveraged funding for the period from July 1, 2023, through June 30, 2024. The objectives and anticipated outcomes for the deployment of HOME and CDBG funds are informed by the Consolidated Plan developed for the program years 2020-2024. The Annual Action Plan outlines specific 1-year performance measures and strategies to achieve these objectives.

This program year, a key focus has been the deployment of HOME-ARP funds across both Auburn and Lewiston. This one-time funding is specifically aimed at addressing the needs of individuals experiencing homelessness or those at imminent risk of becoming homeless. Through the HOME-ARP program, new initiatives have been launched, including public service sub-grants that are vital to meeting the increasing demands of vulnerable populations.

Since these activities were not outlined in the original Five-Year Consolidated Plan, they are not reflected in the data tables within this report. However, their significance and the substantial staff resources dedicated to their success will be highlighted in the narrative sections. This will provide a comprehensive overview of the initiatives, detailing their impact, the staff efforts involved, and the allocation of resources to support these critical programs.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Improve Infrastructure and reduce blight	Non-Housing Community Development	CDBG: $ / HOME: $	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	3000	7215	240.50%	1000	3625	362.50%
Improve Infrastructure and reduce blight	Non-Housing Community Development	CDBG: $ / HOME: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	0				
Promote Economic Opportunities	Non-Housing Community Development	CDBG: $ / HOME: $	Jobs created/retained	Jobs	10	11	110.00%	5	0	0.00%
Promote Economic Opportunities	Non-Housing Community Development	CDBG: $ / HOME: $	Businesses assisted	Businesses Assisted	10	7	70.00%	5	0	0.00%
Provide Essential Services	Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1200	3915	326.25%	500	1650	330.00%

Provide Essential Services	Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Homeless Person Overnight Shelter	Persons Assisted	0	5				
Provide Essential Services	Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	0	0				
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Rental units constructed	Household Housing Unit	0	2		7	2	28.57%
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Rental units rehabilitated	Household Housing Unit	100	6	6.00%	25	0	0.00%

Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Homeowner Housing Added	Household Housing Unit	0	0				
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Homeowner Housing Rehabilitated	Household Housing Unit	50	19	38.00%	10	3	30.00%
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Direct Financial Assistance to Homebuyers	Households Assisted	0	0				

Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	125	28	22.40%	15	3	20.00%
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Housing Code Enforcement/Foreclosed Property Care	Household Housing Unit	0	2				

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The PY23 Action Plan identifies four specific objectives, and this section assesses how the City of Auburn's use of CDBG funds aligns with these priorities, with a particular focus on the highest priority activities.

1. **Safe and Affordable Housing**: CDBG funds were utilized to rehabilitate homes for low- to moderate-income residents in Auburn. This initiative was supported by additional resources from a grant received from the Office of Lead Hazard Control & Health Homes. Of the 82 applications initiated during PY23, three rehabilitation projects were completed by the end of the program year. Additionally, the city

launched an affordable housing program targeting smaller developers with HOME funds, initiating four applications in PY23; however, none advanced to the shovel-ready stage by year-end. Furthermore, the Auburn Community Development Office (ACDO) allocated $155,550 in American Rescue Plan Act (ARPA) funds to provide energy efficiency rebates to 181 residents, demonstrating a complementary funding strategy outside of HUD resources.

2. **Infrastructure Improvement and Blight Reduction**: In 2022, a project to remove lead-based paint from the Community Little Theatre in Bonney Memorial Park was completed at the beginning of PY23. Additionally, a significant project to replace sidewalks and enhance pedestrian safety in the downtown area (a qualified low- to moderate-income neighborhood) was successfully completed. CDBG funds were also used to demolish a dilapidated building along the Little Androscoggin River to facilitate the expansion of the Auburn Riverwalk. Moreover, renovations commenced at the Police Activities League (PAL) Center, located in the Union Street neighborhood, which serves as a hub for afterschool activities for at-risk youth and houses the city's grab-and-go food pantry program. This project includes the demolition of 15 substandard residential units and will be reported in detail in the PY24 CAPER.
3. **Promotion of Economic Opportunities**: While no economic development projects were funded through CDBG or HOME during PY23, the city utilized ARPA dollars to provide $308,880 in business loans to ten local businesses, thus supporting economic stability and growth in Auburn. Additionally, the city has also approved 6 new Tax Increment Financing (TIF) districts which dedicated $2,715,200 towards capital infrastructure projects, creating 24 new full-time and 30 new part-time jobs while saving 36 additional jobs from relocating outside of the city.
4. **Provision of Essential Services**: This program year saw CDBG funds allocated to three essential public service programs targeting low- and moderate-income residents of Auburn. These included support for Safe Voices, scholarships for Auburn Recreation's summer camp, and the SeniorsPlus Meals-on-Wheels program. Notably, the Recreation Scholarship Program received $20,000 to enable 31 local youth from low- and moderate-income families to participate in summer camp, fostering diversity and allowing parents to seek employment opportunities. SeniorsPlus was awarded $25,000 to provide meals and educational resources to 694 seniors. Safe Voices received $20,000 to offer resources and shelter to 57 victims of homelessness and domestic violence.

Furthermore, through HOME-ARP funds, Auburn provided financial support to three subrecipients—Rumford Group Homes, Community Concepts Inc., and Housing Resources for Youth—offering critical services to households experiencing homelessness or at risk of homelessness. In a similar vein, the City of Lewiston allocated funds to three subrecipients—Trinity Jubilee Center, Safe Voices, and New Beginnings Shelter—to support

residents facing similar challenges.

Please note that the HOME-ARP, and ARPA projects are not detailed in Table 1 but will be provided in more detail below.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG	HOME
White	1,931	4
Black or African American	1,052	9
Asian	4	0
American Indian or American Native	6	0
Native Hawaiian or Other Pacific Islander	10	0
Total	**3,003**	**13**
Hispanic	36	0
Not Hispanic	2,967	13

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

According to the 2020 Census, Auburn's population stands at 24,061. The demographic breakdown indicates that 87.7% of residents identify as White, 4.5% as Black or African American, and 0.4% as American Indian or Alaskan Native. Among the beneficiaries of the CDBG program, 64% identified as White, 35% as Black or African American, 0.1% as Asian, 0.3% as Native Hawaiian or Pacific Islander, and 0.2% as American Indian. For recipients of HOME funds, 30% were White, while 70% identified as Black or African American.

It is important to note that the CR-10 reporting system does not account for individuals or households with mixed racial backgrounds. For example, individuals identifying as both American Indian/Alaskan Native and Black are classified under the primary race indicated, which may lead to underreporting in some categories. Furthermore, 65 individuals or households with multiple racial identities were excluded from the CDBG program data.

In Program Year 2023, three activities funded through CDBG were classified as "area-wide benefit." While these activities have a significant impact, they do not collect data on the racial and ethnic composition of beneficiaries. These projects are in census tracts primarily composed of low- to moderate-income households, which tend to be more racially and ethnically diverse than the city's overall population. As a result, these initiatives serve a broader and more diverse range of individuals.

Lastly, accomplishments related to HOME-ARP activities are not represented in the data table above.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	1,877,316	
HOME	public - federal	1,267,595	

Table 3 - Resources Made Available

Narrative

In Program Years 2021 and 2022, the city received a substantial amount of Program Income, which has carried over into the current year.

During this period, significant efforts were made to meet key objectives by utilizing new funding sources, allowing the city to reserve valuable entitlement funds for priority projects. This strategy included using Lead & Healthy Homes funds for housing rehabilitation, HOME-ARP funds for delivering essential services to at-risk residents, and American Rescue Plan Act (ARPA) funds for economic development initiatives.

The city also made a concerted effort to invest its available CDBG funds into high-impact infrastructure projects, as outlined above. Although the city was deemed untimely for the second consecutive year, the outstanding balance was significantly reduced, with the remaining funds committed to ongoing projects, including the development of the PAL Center and related Urban Renewal Authority (URA) activities. These larger public improvements are expected to fully align with program goals by 2025.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

Narrative

The 2020-2024 Consolidated Plan employed a city-wide approach for categorizing activities, without a specific target area of focus. Consequently, the IDIS reporting system did not capture detailed demographic data. However, the most recent Action Plan introduced a targeted focus area for Public Infrastructure projects. This area encompasses Census tracts 101, 103, and 105, which were identified as having a population with 51% or more Low-to-Moderate Income status, according to the 2015 American Community Survey (ACS) data derived from the 2010 Census.

During the current program year, three Public Infrastructure projects were successfully completed. Additionally, one project commenced this year but was not finished by June 30, 2024; it is expected to be

completed in early FY 2025.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The city diligently monitors the carry-forward of available matching funds from prior years. In the current year, there was a carry-forward of $1,433,509.27 in matching funds. It's noteworthy that no matching funds were required for HOME projects in 2020-2022.

HUD funded programs augment their financial resources by stipulating that owner-investors of rental properties contribute matching funds. Specifically, Lead projects entail matching funds from investor/owners' projects of up to $2,000 per unit.

Public Service funds were leveraged with other federal, state, and local funding. These funders include:

- MaineCare
- EFSP (Emergency Food and Shelter Program)
- Maine Housing
- Individual donors
- United Way
- John T. Gorman Foundation
- Lewiston Auburn Metropolitan Chamber of Commerce
- Lewiston Adult Education
- Auburn school system

Numerous public facilities were employed for various public service initiatives. For instance, the Auburn Senior Center at 48 Pettengill Park Road served as a location for the Auburn Recreation Summer Camp. The Grab-N-Go Food Pantry operated from the PAL Center at 24 Chestnut Street. Additionally, 6 service provider partners utilize space donated by the city at their 95 Main St. office to meet with clients and deliver services to Auburn residents.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	1,333,949
2. Match contributed during current Federal fiscal year	0
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	1,333,949
4. Match liability for current Federal fiscal year	11,819
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	1,322,130

Table 5 – Fiscal Year Summary - HOME Match Report

Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated labor	Bond Financing	Total Match

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period $	Amount received during reporting period $	Total amount expended during reporting period $	Amount expended for TBRA $	Balance on hand at end of reporting period $
13,374	123,613	1,840	0	135,147

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	**Minority Business Enterprises**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Contracts						
Dollar Amount	0	0	0	0	0	0
Number	0	0	0	0	0	0
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

	Total	**Women Business Enterprises**	**Male**
Contracts			
Dollar Amount	0	0	0
Number	0	0	0
Sub-Contracts			
Number	0	0	0
Dollar Amount	0	0	0

Table 8 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted						
	Total	**Minority Property Owners**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 9 – Minority Owners of Rental Property

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition		
Parcels Acquired	0	0
Businesses Displaced	0	0
Nonprofit Organizations Displaced	0	0
Households Temporarily Relocated, not Displaced	0	0

Households Displaced	**Total**	**Minority Property Enterprises**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	5	0
Number of Non-Homeless households to be provided affordable housing units	5	3
Number of Special-Needs households to be provided affordable housing units	0	0
Total	**10**	**3**

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	3
Number of households supported through The Production of New Units	10	0
Number of households supported through Rehab of Existing Units	0	0
Number of households supported through Acquisition of Existing Units	0	0
Total	**10**	**3**

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

In the context of the HOME programs, **goals** refer to the specific objectives outlined in the 2023 Annual Action Plan, such as increasing access to affordable housing through initiatives like Tenant-Based Rental Assistance (TBRA) and security deposit assistance. **Outcomes**, on the other hand, measure the actual results of these programs, such as the number of households assisted and the overall effectiveness of the initiatives. It is important to note that the data table above includes ONLY HOME program data, excluding activities funded by CDBG or HOME-ARP.

The Auburn-Lewiston Consortium operates three key programs to help low-income residents secure and maintain decent, safe, and affordable housing:

- **TBRA Program**: Provides security deposit assistance to low-income households seeking affordable housing.
- **Auburn Lead Hazard Program**: Removes lead hazards in income-qualified units for low- to moderate-income homeowners and tenants. Landlords are required to create or maintain affordable housing for at least three years.
- **HOME Funds**: Allocated to the development of new affordable housing in both cities.

During the program year, security deposit assistance and ongoing rent support were provided to low- and moderate-income households in both Auburn and Lewiston through gap-financing programs operated by community nonprofits. The Immigrant Resource Center of Maine (IRC), in collaboration with Auburn General Assistance, assisted 161 households (364 individuals) in Auburn with rent payments totaling $51,108. In Lewiston, IRC supported 1,114 households (2,071 individuals) with an investment of $357,559.

The **Auburn Housing and Urban Development (AHUD)** program generated significant interest; however, applicants are required to act as their own developers, with projects needing to be shovel-ready for approval. This requirement caused delays between initial interest and formal applications, and by year-end, no shovel-ready projects had been completed.

All housing programs, except TBRA, are subject to an affordability period and rent maximums. TBRA rent caps are aligned with the Fair Market Rents (FMR) published by HUD, while newly created units using HOME funds are subject to a 20-year affordability period, with rent rates adjusted annually to account for rising housing costs.

Several challenges are hindering the achievement of these goals:

- **Rent Caps vs. Market Rent**: TBRA clients face increasing difficulty finding rental units that comply with rent limits, especially when considering utility costs. Landlords must weigh potential loan funds against possible rent differentials to determine profitability. Raising rent caps could help alleviate this barrier.
- **Low Rental Vacancy Rates**: A July 9, 2023, report from the Sun Journal indicated a nearly 0% vacancy rate in Lewiston and Auburn. This severe shortage of available rental units further complicates efforts for TBRA clients to secure affordable housing.

To address these challenges, the city plans to ramp up marketing efforts in 2025 for its rental assistance, rehabilitation, and new unit creation programs, anticipating an increase in both project numbers and overall impact.

Discuss how these outcomes will impact future annual action plans.

Securing safe, quality, and affordable housing continues to be an escalating challenge across Maine. As the Auburn-Lewiston Consortium develops future action plans, there is an urgent need for more comprehensive research aimed at reducing barriers to affordable housing programs. To address this, the Community Development Office has partnered with a statistics program at Bates College to assess impediments to fair housing. The assessment revealed that average rents have nearly doubled since 2011, significantly worsening housing affordability.

A key policy recommendation from this research is to increase subsidy caps to help prevent evictions. However, it is important to note that the High HOME Rent caps are set by HUD, making this solution beyond local control.

The availability of HOME-ARP funds also provides an opportunity to enhance support for individuals experiencing homelessness. These funds can cover a broader range of housing-related expenses, such as moving costs, storage fees, and utility payments. The Community Development Office has partnered with local nonprofits to leverage HOME-ARP funds, offering new and enhanced support to low- and extremely low-income residents. In Auburn, partners include Community Concepts Inc., Housing Resources for Youth, Rumford Group Homes, and Preble Street, while in Lewiston, partners include New Beginnings, Safe Voices, and Trinity Jubilee Center. The City of Auburn has also collaborated with Maine Immigrant and Refugee Services (MEIRS) and the Immigrant Resource Center of Maine (IRCM) to address additional housing barriers. This partnership provides immigrant, refugee, and asylum-seeking families with training on their rights and responsibilities as tenants.

Moreover, these organizations are equipped to assist with workforce development by offering referrals to English Language Learning classes, State benefits, and support with employment applications and interview skills. By equipping families with these essential tools, the likelihood of sustained housing stability post-assistance is greatly improved. These critical insights will shape the objectives of the forthcoming 2025 Action Plan, ensuring that the Consortium effectively responds to the evolving needs of the community.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	1	1
Low-income	2	2
Moderate-income	0	0
Total	**3**	**3**

Table 13 – Number of Households Served

Narrative Information

In Program Year 2023, no HOME rehabilitation or unit creation projects were completed. However, HOME funds were effectively utilized to assist three low-income households with security deposits, helping them transition into affordable housing. It is important to note that the table above does not include activities funded by HOME-ARP, ARPA, or other non-HUD-funded programs managed by the Business & Community Development Office.

Ongoing efforts are focused on preserving and maintaining affordable housing through the Lead & Healthy Homes program. This initiative provides grants to homeowners and landlords, enabling them to address lead hazards and improve living conditions. All units benefiting from the program must either be occupied by low- to moderate-income families or made available to such tenants in the future.

Additionally, the Lead & Healthy Homes program leverages CDBG funds to cover the required matching funds for income-qualified homeowners, ensuring an affordability period of three years. During this time, rent rates are monitored to maintain affordability. Each newly rehabilitated unit also adds one affordable housing unit to the city's stock, supporting the community's broader housing needs.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Auburn-Lewiston Consortium has demonstrated leadership in the early implementation of the HOME-ARP (American Rescue Plan) Program, securing approval for its allocation plan of many other communities. Collaborative efforts with nonprofit service providers focused on assisting individuals and families experiencing homelessness or at risk of homelessness have been crucial in preventing service duplication and building a robust referral network.

With HOME-ARP funds, Auburn provided support to three subrecipients—Rumford Group Homes, Community Concepts Inc., and Housing Resources for Youth—who directly engaged with 359 households facing homelessness or the risk of homelessness. Of these households, 32 successfully transitioned into stable housing with assistance from program staff. Community Concepts Inc. and Rumford Group Homes conducted direct outreach to unhoused individuals, connecting with them at local drop-in centers and encampments. Housing Resources for Youth focused on unhoused students, collaborating with the school department and receiving referrals from the district's McKinney-Vento liaison.

Community Development staff actively participated in provider sessions at the Pleasant Street Drop-In Center, establishing connections with potential clients. Residents at risk of homelessness received comprehensive assistance, including housing searches, apartment applications, housing subsidy applications, and referrals to employment training programs, shelters, and food assistance.

The Community Development Department continued its collaboration with the General Assistance program and the Public Health Manager, both of whom share office space. During this reporting period, the General Assistance team saw a dramatic increase in demand, receiving a total of 1,645 applications—a 386% increase compared to the previous period. Notably, 521 of these applications were related to pending asylum requests, reflecting a 465% rise from the previous year. The City's General Assistance budget amounted to $850,450 annually, a 364% increase from the prior year, with the majority allocated to housing-related expenses, including housing, utilities, and food aid. Due to program income requirements, all residents receiving funds through General Assistance qualify as extremely low income.

Additionally, the City Council allocated resources from the American Rescue Plan Act (ARPA) to support the Project Support You (PSY) program, which introduced a dedicated co-responder specializing in mental health and substance abuse. This individual collaborated closely with the Auburn police and fire departments, enhancing care during 555 rescue calls. Over the first two quarters of PY23, city-contracted staff, in partnership with Tri-County Mental Health, provided services to 125 Auburn residents. Unfortunately, the position became vacant in December 2023, following a mass shooting in Lewiston in

October 2023, which stretched many providers thin. In spring 2024, Tri-County Mental Health was acquired by Spurwink, resulting in the transfer of the contract for this program. A second co-responder position was added to ensure both the Auburn Fire Department and Police Department had dedicated support, although both positions remained unfilled by the end of June 2024.

Addressing the emergency shelter and transitional housing needs of homeless persons

Maine continues to address the critical needs for emergency shelter and transitional housing for individuals experiencing homelessness. This effort is coordinated through the leadership and advocacy of the Maine Continuum of Care, the Maine Statewide Homeless Council, and various regional homeless councils.

In response to the homelessness crisis, the cities of Auburn and Lewiston established Mayoral Ad-hoc Committees on Homelessness. These committees have been actively working to identify resources, recommend locations, and develop proposals for establishing warming centers and permanent homeless shelters within their jurisdictions.

During the winter months, Maine Housing provided funding to a local nonprofit organization to operate a warming shelter in Lewiston. The City of Auburn supplemented this initiative by allocating $89,306 in non-HUD funds to support the shelter's overnight operations, ensuring the availability of critical services during harsh weather conditions.

It is important to note that many local shelters do not receive direct financial support from the Maine Housing Authority. As a result, the City of Auburn allocates a portion of its Public Service funding to support these essential services. A key beneficiary of this support is Safe Voices, an organization dedicated to assisting victims of domestic violence and sex trafficking. Safe Voices offers a range of services, including re-housing and homelessness diversion programs, aimed at providing safety and stability for vulnerable populations.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City's Community Development and General Assistance programs have formed partnerships with various housing-focused organizations to enhance service delivery. These community partners embed staff within city facilities, facilitating the sharing of resources and clients across multiple programs. Services provided through this collaboration include housing navigation, gap financing to cover rental costs exceeding General Assistance maximums, and English language instruction and job training programs for new Mainers. These efforts target a wide range of individuals and families experiencing or

at risk of homelessness, including those fleeing domestic or dating violence, sexual assault, stalking, trafficking, and individuals discharged from public institutions or systems of care.

Additionally, both Auburn and Lewiston's HOME Tenant-Based Rental Assistance (TBRA) programs support individuals based on income eligibility, serving many recently discharged individuals who meet the income requirements. These programs provide Auburn residents with a broad array of services aimed at preventing or alleviating homelessness. Through the TBRA programs, eligible residents receive assistance with security deposits equivalent to two months' rent, as outlined in program guidelines.

The Housing Resources Program extends further assistance to those ineligible for TBRA, including:

- Security deposits
- First and last month's rent
- Housing application fees
- Relief for utility arrears and short-term payments for ongoing utility costs
- Support for rent arrears
- Moving expenses and temporary storage fees
- Financial aid for non-housing expenses, such as childcare, transportation (bus passes or gas vouchers), supplies and testing for HiSET (high school equivalency) classes, certification courses and exams, credit repair services, and outpatient medical care not covered by MaineCare or private insurance.

Both programs also offer referrals to additional services, including:

- Housing navigators to assist clients in securing homes in a competitive rental market
- Employment and job training programs
- Educational resources, including adult education programs
- Case management services
- Credit counseling

A significant challenge faced by these programs is the distribution of move-in costs for rental units. HUD's Fair Market Rent (FMR) caps limit the rent that can be covered, leading to hesitation among landlords who are often reluctant to participate in programs that cap rental income at below-market rates, particularly in a climate of rising market rents. To address this issue, General Assistance, in collaboration with GAP funding from IRCM, has filled the need for income-qualifying families as the contracted rental rates frequently exceed TBRA allowable amounts.

Moreover, the Statewide Homeless Council, in partnership with the Department of Corrections, is implementing the Maine Criminal Justice System Blueprint for Ending and Preventing Homelessness. This initiative aims to prevent individuals from being released from incarceration into homelessness. A similar Blueprint for Ending Homelessness, developed in collaboration with the Department of Health and Human Services (DHHS), focuses on discharge planning for individuals leaving state-run mental health facilities,

further addressing homelessness prevention at the systemic level.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City's Community Development staff, including the Public Health Manager and General Assistance Administrator, collaborate closely with the School Department, Police and Fire Departments, and local non-profits such as Safe Voices and New Beginnings. This coordinated approach ensures seamless referrals for residents in need, connecting them with appropriate service providers.

The HOME-ARP Housing Resources Program and HOME Tenant-Based Rental Assistance (TBRA) programs offer vital financial support for move-in costs, including security deposits and utility connections, directly benefiting individuals experiencing homelessness or at risk of becoming homeless. Program staff are trained to mediate between tenants and landlords, helping to ensure stable housing situations. Additionally, they provide referrals to organizations that assist recently unhoused families in rebuilding essential life skills, such as home management, budgeting, financial literacy, credit repair, and other skills crucial for long-term housing stability.

In the upcoming year, Auburn and Lewiston plan to expand their collaboration with local non-profit organizations to broaden the scope of HOME-ARP projects. A key initiative includes a new partnership with Preble Street Inc., a prominent shelter operator in Portland. Under this expansion, Preble Street will establish a base of operations in the Auburn-Lewiston area, staffed by four case managers dedicated to serving the local homeless population.

Additionally, utilizing Auburn’s HOME-ARP funds, the City has contracted with a specialist from Community Concepts Inc. to serve as a Homeless Encampment Outreach Coordinator. This individual visited over 65 homeless encampments within the City of Auburn, providing services and making referrals before the sites were cleaned up by a private contractor. By the end of the fiscal year, 29 encampments remained, with 10 still active and utilized by more than 21 homeless individuals.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City of Auburn continues to make significant progress in promoting and developing affordable housing in partnership with the Auburn Housing Authority (AHA). As part of the city's efforts to implement LD 2003, Auburn has introduced a 2.5X bonus density allowance across all residential zones, further incentivizing the creation of diverse, high-density housing options. This policy is intended to address the growing demand for housing and advance the city's goals of increasing both accessibility and affordability.

At the close of the program year, the Auburn Housing Authority reported an occupancy rate of 94% across its 13 developments, which encompass 564 housing units. These units consist of Section 8 vouchers, public housing units, and Low-Income Housing Tax Credit (LIHTC) subsidized units. According to 2024 ESRI data, Auburn has a total of 10,030 households, with renters comprising 59.5% of this total, equating to approximately 5,967 rental units. AHA's low-income or subsidized units account for 9.5% of the city's total rental units, highlighting the crucial role it plays in providing affordable housing options for Auburn residents.

This year, in response to rising rental rates and limited housing availability, AHA increased payment standards within its Section 8 voucher program to 110% of Fair Market Rent. This adjustment aims to help low-income renters secure affordable housing and reflects AHA's ongoing commitment to adapting to local market conditions and ensuring housing stability for families in need.

Maine Housing's Family Self-Sufficiency (FSS) staff continue to lead statewide initiatives to improve program processes and evaluation across Public Housing Authorities (PHAs). Working closely with other FSS staff, Maine Housing is navigating new HUD regulations to maintain consistent and effective service delivery. In collaboration with Compass Working Capital, Maine Housing is also an active member of the National FSS Network, partnering with the Portland Housing Authority to advance these goals.

In line with its strategic priorities, AHA is also focusing on shifting operations toward a voucher-based model. This approach encourages the development of privately constructed housing that accepts housing vouchers, broadening affordable housing opportunities and integrating low-income households into a wider range of community environments.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The City of Auburn is dedicated to expanding affordable housing opportunities and supporting low-income residents in their journey toward homeownership. To help achieve this, the city actively refers low-income individuals, including public housing residents, to Community Credit Union (CCU) and Community Concepts Inc. (CCI). These organizations provide critical programs that assist residents in securing mortgages and offer down payment support, essential components for families seeking to achieve stable and sustainable housing.

One key program prepares residents to meet the qualifications for a $5,000 grant from Maine Housing, which can be applied toward down payments or closing costs. This initiative reduces financial barriers to homeownership for low-income families, making stable housing more accessible.

Despite these proactive efforts, the city's recent application for the Pathways to Remove Obstacles to Housing (PRO HOUSING) program was not successful. The $9.5 million grant would have funded infrastructure for a proposed mixed-income neighborhood comprised of 100 affordable units. While this was a setback, the city remains committed to exploring alternative funding sources and partnerships to meet its housing development goals.

Looking ahead, the City of Auburn has initiated a collaboration with a non-profit developer to utilize HOME funds in the creation of 15 new affordable housing units within the Union Street neighborhood. This project aims to replace substandard housing being removed from Chestnut Street, ensuring continued access to safe, quality housing for low-income residents. This development highlights Auburn's commitment to revitalizing neighborhoods and improving living conditions for all its residents.

Actions taken to aid troubled PHAs

Neither the Lewiston Housing Authority nor the Auburn Housing Authority (AHA) are classified as troubled. In fact, Auburn Housing Authority's Section 8 Management Assessment Program (SEMAP) submission for the year ending March 31, 2024, earned the designation of **High Performer**, the highest rating awarded by HUD.

On August 14-15, HUD conducted a Real Estate Assessment Center (REAC) inspection at AHA, using the new National Standards for the Physical Inspection of Real Estate (NSPIRE) paradigm. AHA received a score of 90, equivalent to an "A" grade. The NSPIRE inspection places a greater emphasis on the condition of individual housing units, in contrast to the previous focus on common areas and mechanical facilities. This inspection included 177 Public Housing units at Towne House, Family Development, Merrill Estates, Broadview Acres, and Lincoln School developments.

In September 2023, AHA was awarded a $988,220 grant through HUD's Capital Fund Program (CFP) Emergency Fund. This grant will fund the replacement of domestic hot water, cold water, and heating pipes within the crawlspaces of eight buildings at AHA's Family Development facility, impacting 44 of the 50 units. This two-year project is crucial for extending the life of these units. Notably, approximately 84% of the grant dollars were awarded to two companies based in the Lewiston/Auburn community, injecting new federal dollars into the local economy and supporting local workers.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City of Auburn continues to take proactive steps to eliminate barriers to housing development through several key initiatives over the past three years. One of the most impactful changes has been the implementation of LD 2003, which allows for accessory dwelling units (ADUs) in all residential zoning districts. This legislation enables the construction of up to four units on a single lot, significantly enhancing housing flexibility and density throughout the city.

In addition to these reforms, Auburn has introduced a form-based code across approximately 3,300 acres of core city land. This approach represents the city's most flexible zoning framework for housing, focusing on the physical form and scale of buildings rather than the number of units. By establishing parameters for lot design, building height, and parking requirements, the form-based code encourages greater creativity and diversity in residential development, facilitating multi-unit housing projects without imposing unit restrictions.

These zoning changes are specifically designed to encourage infill development, promote multi-unit housing in residential zones, and provide incentives such as waivers or reductions in permit fees for targeted demographics.

In a notable policy update, the Auburn City Council removed the income requirement for building homes on rural land. Previously, ordinances mandated that 30% of a household's income be derived from farming activities in rural zones. The revised ordinance now requires landowners to demonstrate a connection to the land and possess a minimum of 10 acres to build homes. While this policy faced significant public opposition, it marks a step toward increasing housing opportunities in rural areas.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The General Assistance Administrator and Public Health Manager continue to be crucial members of Auburn's Community Development team. Additionally, new contracted team members have been hired under the HOME-ARP program to provide direct services to underserved residents who are homeless or at risk of homelessness.

These staff members play vital roles in weekly team meetings and significantly contribute to the development of both the Action Plan and the CAPER reporting. Their community-facing roles enable them to interact daily with underserved populations, allowing for swift communication of program challenges and changing community needs to the broader team. This flexible approach facilitates rapid adjustments to program delivery when necessary.

A strategic addition this year was the hiring of a Project Support You (PSY) staff member. This position collaborates closely with the police and fire departments to engage individuals in crisis, including those who are unhoused and individuals with substance use or mental health disorders, ensuring they receive appropriate support and connections to housing services.

Furthermore, the city has initiated the establishment of a "hub" within the Community Development Office, inviting several non-profit organizations to co-locate their staff in the same physical space. This initiative aims to streamline referrals, improve client updates, and foster a greater understanding among staff about each step of a client's housing journey. The goal is to have staff from five non-profit organizations operating out of the Community Development Office, thereby enhancing collaboration and service delivery to those in need.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City of Auburn secured a three-year Lead Hazard Control & Healthy Homes (OLHCHH) grant commencing in November 2021. To complement this grant, CDBG funds are employed as matching resources to offer supplementary subsidy grants to residents who meet income qualifications.

In 2022, a total of eleven housing units underwent lead assessments, and subsequent remediation efforts were undertaken for six of these units. During 2023 there was 100% turnover of staff working on this program, so there was a delay in project development. As of the end of PY23 16 new units were enrolled in the program and abatement work slated to be completed within the first half of PY24.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The City of Auburn administers four key programs designed to directly support individuals and families facing poverty:

1. **General Assistance (GA):** This program provides emergency and ongoing support to low-income families, including food vouchers, temporary lodging in hotels or motels, and continuous rent aid. In 2023, GA assisted 1,396 cases, offering: 1,059 with housing assistance, 502 with utility support, 153 with food assistance, 33 with medical aid, 15 with burial or cremation assistance, 44 with baby supplies and 436 with misc. household items.
2. **Project Support You (PSY):** Funded through ARPA, this frontline initiative works closely with the police and fire departments to provide immediate assistance to individuals in crisis. During PY23 the PSY worker responded to 555 emergency calls, including 125 who were unhoused. Due to the vacancies left by staff departures, all these impacts were seen within the first 6 months of PY23.
3. **HOME TBRA (Tenant-Based Rental Assistance):** Auburn and Lewiston together supported 2 families through HOME funded TBRA. This program helps low-income families by covering the security deposit required when moving into a new rental unit. Due to the average rental rates exceeding HUDs High Home rent maximums, General Assistance, augmented with GAP financing from local nonprofits, provided most of the rental assistance during PY23.

4. **HOME-ARP Housing Resources Program:** This program assists individuals and families living in unstable housing situations, including those in encampments, vehicles, and emergency shelters. The residents serviced by the city of Auburn and their contractors totaled over 359 with 32 individuals moving from homelessness to housed.

Additionally, Auburn Community Development continues to allocate resources to support various public services and housing programs. These services include food pantries, homelessness prevention, housing navigators, domestic violence support, neighborhood centers, Meals on Wheels, and youth programs.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Internally, the City of Auburn has undertaken a comprehensive redevelopment of its Community Development department. This overhaul includes the integration of the General Assistance program with the Public Health Manager role, fostering a more team-based approach to service delivery. This restructuring has enabled staff to offer a more comprehensive and holistic range of services tailored to specific communities.

This redevelopment aligns with broader city initiatives aimed at streamlining application, approval, and service delivery processes. These efforts have significantly reduced response times and improve the program's ability to address identified needs more effectively. The success of this program has precipitated in the relocation and expansion of the city of Auburn Homeless Resource Center to a larger, 5,500 square foot facility by the end of PY24.

In tandem with these internal changes, Maine Housing and the Maine Continuum of Care (CoC) have continued their collaboration to revamp and enhance the Coordinated Entry system. The Maine CoC has also made progress in addressing issues identified in the 2019 gaps and needs analysis, further supporting the city’s goal of improving service delivery and resource allocation.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The Community Development Staff is collaborating closely with Auburn Housing Authority (AHA) staff and regional nonprofit housing developers to formulate plans for the creation of new affordable housing units. Additionally, they are jointly managing the Security Deposit assistance and Housing Resources programs.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City of Auburn has dedicated significant effort to overcoming obstacles hindering the development of new affordable housing units. Initiatives include adopting a form-based code, revising density standards in residential zones to permit accessory dwelling units, and reducing required road frontage to facilitate infill development. Additionally, considerable attention has been directed toward identifying and

addressing impediments to fair housing, as highlighted by the Maine Housing Authority.

In 2019, the Maine State Housing Authority (MSHA) issued an analysis of Impediments to Fair Housing Choice, recognizing that community opposition to planning and zoning improvements designed to promote affordable housing is discriminatory. MSHA committed to supporting affordable housing projects despite such opposition. The City of Auburn shares this commitment, advancing fair housing not only as a federal funding requirement but also as a fundamental principle of community equity and justice. Restricting access to specific types or locations of housing development for low-income populations limits opportunities and fairness for our most vulnerable residents.

Moreover, concentrating subsidized housing exclusively in downtown urban areas often encounters the opposition identified by MSHA. Therefore, the city embraces development models that expand housing choices across all neighborhoods, recognizing the unique value each area and resident brings. Ensuring that all families, regardless of income, have the freedom to choose their homes and the environment in which to raise their children is a fundamental right.

The Community Development Department supports the inclusive zoning efforts led by the Planning & Permitting Department and remains committed to creating affordable housing in Auburn with a focus on increased inclusion, accessibility, and choice. This approach aligns with MSHA's recommendations to promote economic diversity through mixed-income housing and the increased utilization of housing choice vouchers in low-poverty areas.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The Community Development staff, in collaboration with the Auburn-Lewiston Consortium, has implemented a comprehensive monitoring program to ensure that fund recipients adhere to program guidelines throughout the federally mandated affordability period. This program includes an annual desk monitoring, risk assessment, and on-site inspection process to verify and document compliance with income levels, fair market rental rates, and the city's housing standards.

Enhanced oversight and technical assistance have been established for Public Service and HOME-ARP grant recipients. The city requires subrecipients to submit quarterly demographic and impact reports for preliminary review before requesting fund disbursements. These reports include demographic information on low- and moderate-income program recipients, as well as administrative data such as payroll records and financial expenditure reports. This rigorous review process ensures that grant recipients are not only able to deliver essential services but also effectively track and report their impact.

However, there are a few action items that were not completed in the past year:

1. Conducting required HOME inspections for two Auburn properties has now been completed.
2. Reviewing updated affirmative marketing plans for HOME units and programs has now been completed.

The city of Auburn is still working with Lewiston staff to facilitate the inspection of Lewiston HOME project and expects these to be completed by December 30, 2024, with results to be reported in the PY2024 CAPER.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The draft 2023 Consolidated Annual Performance and Evaluation Report (CAPER) was made available for public comment in compliance with statutory requirements from October 11th to October 26th. A notice was published in the Sun Journal on October 11th, with the original comment period set to end on October 28th to align with a Public Hearing conducted by the Auburn City Council on October 21st.

Public notification was carried out in accordance with the Citizen Participation Plan, and documentation of the public hearing notice was maintained on the administration screen. The city also utilized social media platforms to solicit input and directly emailed the CAPER to the 2,041 individuals subscribed to email alerts through the city's marketing department.

Enhanced outreach initiatives included posting CAPER notices with direct access links and QR codes in key public facilities across the city, such as city hall, the public library, senior housing facilities, and food pantries. Additional outreach efforts featured a multilingual website, social media notifications, and a press release, all of which provided information on language translation services and access to printed versions of the report.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

No changes were made to the city's program objectives during the program year

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-50 - HOME 24 CFR 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in 24 CFR §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

The city has begun utilizing the Code Enforcement office to assist in the completion of HQS and property standard inspections.

Activity #904, Vincent Square: Desk monitoring was conducted on the property. On-site inspection reports were provided for the 6 units.

Activity #1175, Tedford Housing: desk monitoring was conducted on the property. On-site inspection was conducted for 5 units.

Activity #1821, Gauvreau Place: units 202 and 211 were inspected post-construction. No deficiencies were found to remedy.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 24 CFR 91.520(e) and 24 CFR 92.351(a)

Property owners are required to develop and maintain both a Management Plan and a Marketing Plan that actively promote Fair Housing objectives. These plans must ensure the impartial selection of residents and adherence to nondiscriminatory practices. Property owners are also responsible for maintaining a documented waiting list of applicants and ensuring that their resident selection policies and criteria comply with all federal and state regulations prohibiting discrimination based on race, color, national origin, religion, sex, physical or mental handicap, sexual orientation, familial status, ancestry, and receipt of public assistance.

In response to the evolving needs of the community, the city has recently revised its affirmative marketing plan. The updated plan introduces new outreach methods, translation services, and enhanced accessibility provisions to better meet the needs of all residents and promote equitable housing opportunities.

This year, eight properties were obligated to implement an affirmative marketing plan, 2 in Auburn and 6 in Lewiston. The two-organization located in Auburn have provided updated affirmative marketing plans for review. However, the city of Lewiston did not effectively monitor these properties' affirmative marketing activities. This oversight will be addressed, and compliance will be ensured by December 31,

2024.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

This year two TBRA projects were funded with HOME funds.

Describe other actions taken to foster and maintain affordable housing. 24 CFR 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 24 CFR 91.320(j)

The cities of Auburn and Lewiston are dedicated to supporting the construction and maintenance of affordable housing through their Housing Development and Rehabilitation programs. These initiatives provide federal funding to developers and property owners to cover eligible costs, with the condition that the units created or refurbished adhere to strict affordability standards.

Affordability criteria for these units are established according to HUD guidelines, with rent limits set at either the Fair Market Rent (FMR), Low HOME Rent, or High HOME Rent levels. These measures ensure that the housing remains accessible and affordable to low- and moderate-income residents.

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	0	0	0	0	0
Total Labor Hours					
Total Section 3 Worker Hours					
Total Targeted Section 3 Worker Hours					

Table 14 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers					
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.					
Direct, on-the job training (including apprenticeships).					
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.					
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.					
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding childcare.					
Assisted residents to apply for or attend community college or a four year educational institution.					
Assisted residents to apply for or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
Provided or connected residents with training on computer use or online technologies.					
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.					
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.					

Other.					

Table 15 – Qualitative Efforts - Number of Activities by Program

Narrative

The city did not have a project which required Section 3 tracking. Outreach efforts continued during the program year, including hosting lead hazard control and RRP training for local contractors and their employees.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 21, 2024 **Order:** 147-10212024

Author: Kelsey Earle, Finance Director

Subject: FY25 School Department CIP First Reading

Information: First reading of the FY25 School Department Capital Improvement Plan (CIP). The school committee approved amount was inadvertently omitted from the full municipal list and order in June. Second reading/ public hearing and final action scheduled for the November 4th, 2024, meeting.

City Budgetary Impacts: None at this time.

Staff Recommended Action: Review

Previous Meetings and History: The school department CIP plan was reviewed via school committee with final approval given 4/24/24 and was part of total approved school budget.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Order

ORDER 147- 10212024

City Council Order

IN CITY COUNCIL

ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Following a public hearing duly called and held as required by Article 8, Section 8.13 of the City Charter, **by the Auburn City Council BE IT ORDERED:**

THAT, pursuant to Title 30-A, §5772 of the Maine Revised Statutes, as amended, the City Charter, as amended, and all other authority thereto enabling, there is hereby authorized the issue and sale of the City's general obligation bonds (the "Bonds") and notes in anticipation thereof (the "Notes"), in the principal amount not to exceed $983,000, the proceeds of which, including original issue premium, if any, and investment earnings thereon, are hereby appropriated to finance the Auburn School Department FY25 Capital Improvement Plan approved by the Auburn School Committee on April 24, 2024 (including costs of issuance for the Bonds)(the "School CIP Projects").

THAT the Bonds and Notes shall be signed by the manual or facsimile signatures of the City's Finance Director and its Treasurer (provided that at least one of such signatures shall be a manual signature), attested by the City Clerk under the seal of the City.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the time of the sale, award and settlement of the Bonds and Notes, which may be issued at one time, or from time to time, through a public offering or a private placement, on a competitive or negotiated basis, in serial form or as term bonds, or some combination of any of the foregoing, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the date, form, denominations, interest rates, maturities (not to exceed the maximum term authorized by law), provisions for early redemption, and all other details of such Bonds and Notes, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT to the extent not payable from other funds, each year that any of the Bonds remain outstanding, the City shall levy a tax in an amount sufficient to pay the annual installment of principal and the annual interest on such Bonds.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things necessary and expedient in respect in connection with the financing of the School CIP Projects and the issuance the Bonds and Notes, and the investment of the proceeds thereof, including to select a financial advisor, underwriter, or paying agent/registrar with respects to the Bonds and Notes, and to execute, deliver and approve all agreements, investment agreements, bond purchase agreements, preliminary and final official statements or other offering documents, escrow agreements, continuing disclosure agreements, tax compliance agreements, or arbitrage certificates, and all other closing certificates and documents (collectively referred to as the "Bond Documents"), which

Richard S. Whiting, Ward One | **Timothy M. Cowan**, Ward Two | **Stephen G. Milks**, Ward Three
Benjamin J. Weisner, Ward Four | **Leroy G. Walker, Sr.**, Ward Five | **Belinda A. Gerry**, At Large
Adam R. Platz, At Large | **Jeffrey D. Harmon**, Mayor | **Phillip L. Crowell, Jr.,** City Manager

City Council Order

Bond Documents may be in such form and contain such terms, conditions and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, which waiver of sovereign or governmental immunity is hereby authorized, confirmed and approved, as the Finance Director shall establish, determine and approve, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT to the extent the Bonds or Notes are issues on a tax-exempt basis, the Finance Director is hereby authorized, in the name of and on behalf of the City:

- To covenant, agree and certify (A) that no part of the proceeds of such Bonds and Notes shall be used directly or indirectly to acquire any securities or obligations or property, the acquisition or use of which would cause the Bonds or Notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended, and (B) that the City will file any required reports and take any other action that may be necessary to insure that interest on the Bonds or Notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds and Notes to be subject to federal income taxation; and

- To designate the Bond or Notes, or a portion thereof, as qualified tax-exempt obligations under and as permitted by Section 265(b)(3) of the Code, to the extent such designation is available and permissible under said Section 265(b)(3).

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the Bonds, Notes or any related Bond Document, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, in an interim or acting capacity, is hereby authorized, in the name of and on behalf of the District, to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT if any authorized representative of the City who has signed or sealed the Bonds or Notes shall cease to be such officers or officials before the Bonds or Notes so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or Notes nevertheless may be issued, delivered and authenticated with the same force and effect as though the person or persons who signed or sealed such Bonds or Notes had not ceased to be such officer or official; and also any such Bonds or Notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or Notes, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or Notes any such person shall not have been such officer or official.

THAT if the actual cost of any School CIP Project differs from the estimated cost, whether due to completion, delay or abandonment of such School CIP Project or for any other reason, the Finance Director is hereby authorized, in the name of and on behalf of the City, in her discretion, to reallocate proceeds of the Bonds and Notes to any other listed School CIP Project, or to any other project or improvement that the Auburn School Committee has approved or may in the future approve as part of the Auburn School Department capital improvement plan.

ORDER 147- 10212024

City Council Order

THAT the authority to issue any Bonds or Notes not issued within 2 years of the date of approval of this Order shall automatically expire 2 years from the date of approval of this Order.

THAT notwithstanding the foregoing paragraph, during the term any of the Bonds issued pursuant to this Order remain outstanding, the Finance Director is hereby authorized, in the name of and on behalf of the City, to issue refunding bonds on either a current or advance refunding basis, to refund some or all of the Bonds then outstanding, and to establish, determine and approve the time of the sale, award and settlement of such refunding bonds, the date, form, denominations, interest rates, maturities (not to exceed the maximum term authorized by law), provisions for early redemption, and all other details of such refunding bonds, such establishment, determination and approval to be conclusively evidenced by the execution thereof, and to execute and deliver, in the name of and on behalf of the City, such additional Bond Documents as may be reasonable or necessary with respect to such refunding, and each refunding bond issued hereunder shall be signed in the same manner as the Bonds.

THAT this Order shall constitute a Declaration of Official Intent pursuant to Treasury Regulation §1.150-2, and the City hereby declares its official intent to use proceeds of the Bonds or Notes to reimburse costs of the School CIP Projects (referred to as "original expenditures") paid prior to the issuance of the Bonds or Notes.

A notice describing the above borrowing and the general purpose of such borrowing was published on or before October 21, 2024, in the *Sun Journal*, a daily newspaper of general circulation published in the City of Auburn and in Androscoggin County.

NOTE: Must be approved by roll call vote.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Adam R. Platz, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Belinda A. Gerry, At Large
Phillip L. Crowell, Jr., City Manager

Monthly Financial Report
July 2024 - Fiscal Year 2025

Authored by: Kelsey Earle

To: Honorable Mayor, Members of the City Council and City Manager
Subject: Financial Report for the Month Ending July 31, 2024

I respectfully submit the financial summaries of the revenue and expenditure activities for the City during the month ending July 31, 2024.

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 first month of the current fiscal year. As a guideline for tracking purposes, if split evenly throughout the year, revenues and expenditures should amount to approximately 8.33% of the annual budget. However, not all costs and revenues are distributed evenly as individual line items can vary based upon cyclical activity.

General Fund Highlights

Revenues

• Total revenues collected through July 2024 were **$7.49M** or **11.1%** of budgeted general fund revenue, as compared to 3.4**%** of actual revenues through July 2023.

- Year-to-date tax revenues of **$220K** were **0.6% higher** than the prior year Percentages based upon total collected vs. tax levy for the year

Expenditures

• Expenditures through July 2024 were **$4.68M** or **5.5%** of the budget, as compared to 4.7**%** of actual expenditures through July 2023.

- IT expenditures had increased costs in yearly software licensing and security

- 1020-Capital Investment & Purchasing budget was moved to 1014-Engineering & 1015-Facilities. Some expenses were billed to 1020, adjustments will be made to move expenses to those accounts

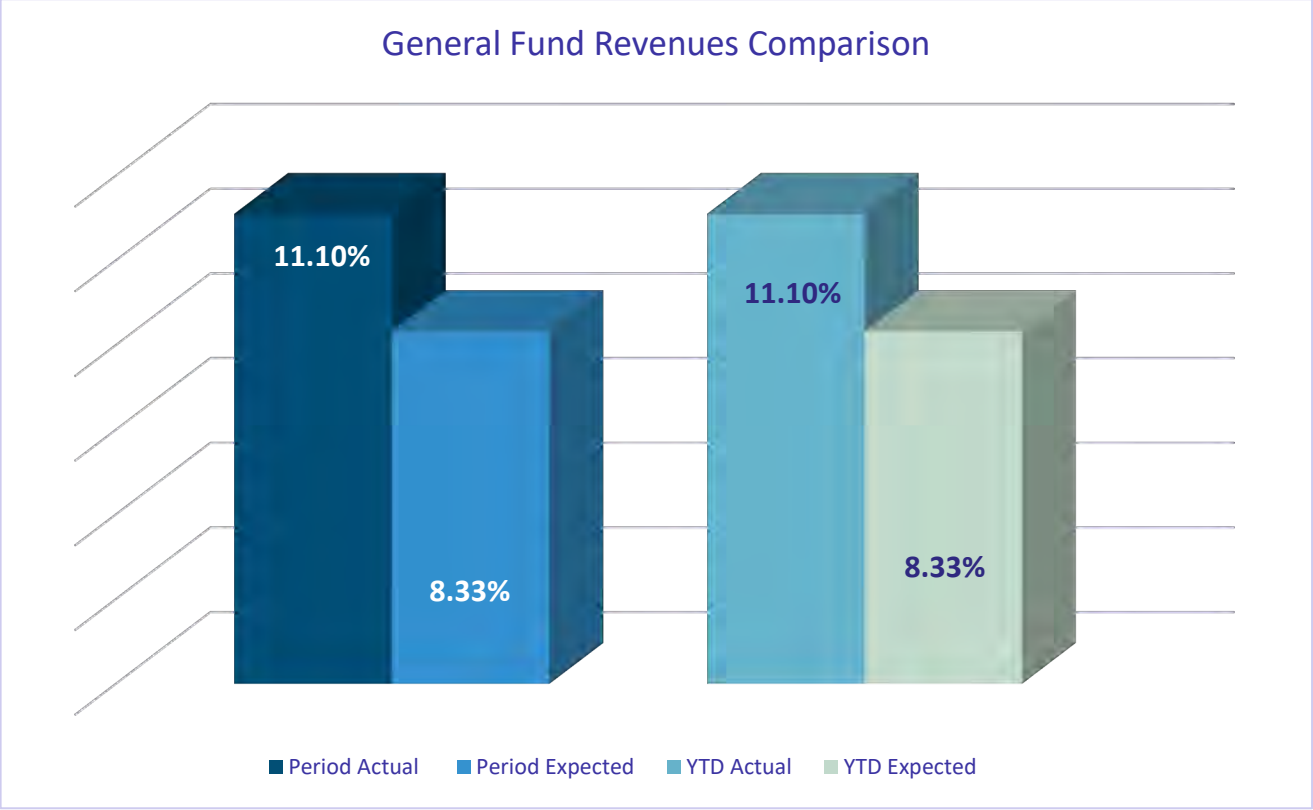
Respectfully submitted,

Kelsey L. D. Earle

Kelsey L. D. Earle
Finance Director

General Fund

for the Period Ended July 31, 2024



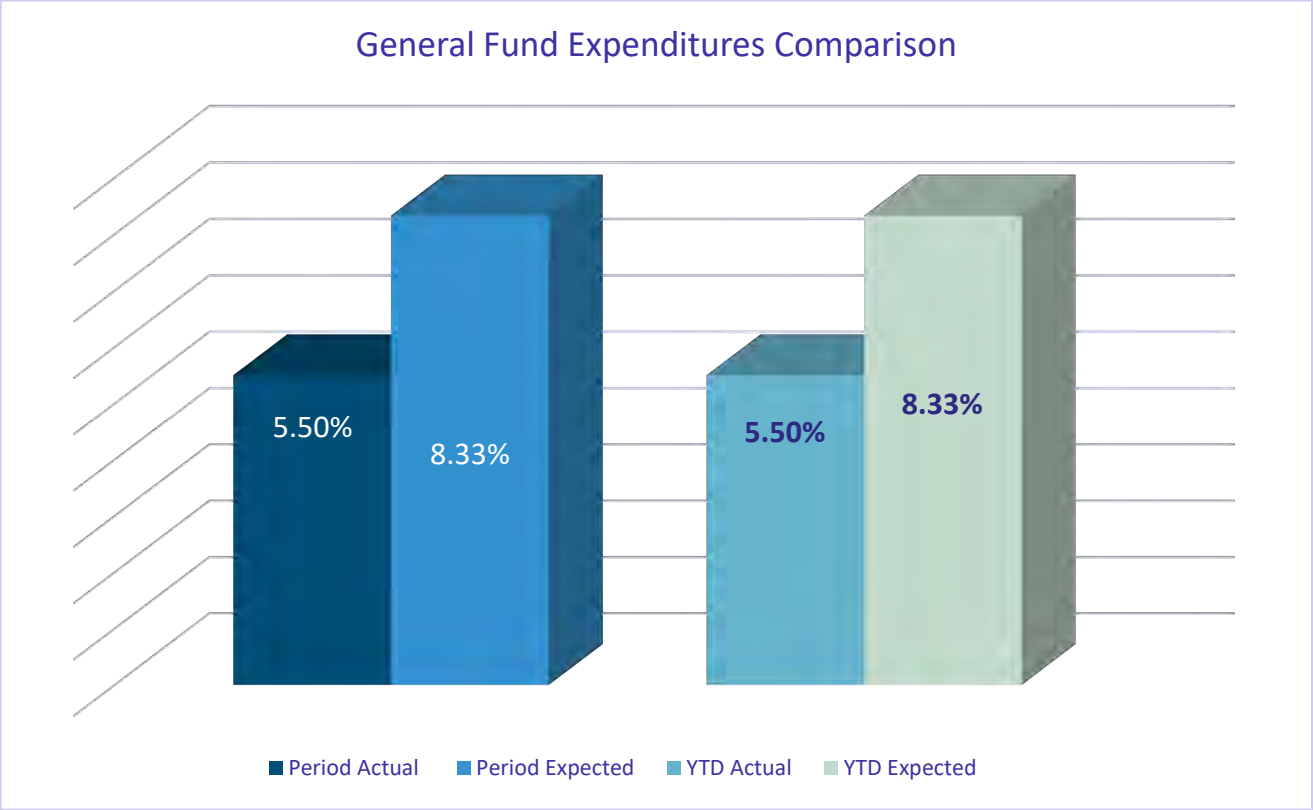
CITY OF AUBURN
REVENUES - JULY 2024

FROM 2025 01 TO 2025 02

ACCOUNTS FOR: 1000 General Fund		ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1006	Communications & Engagement	-65000	0.00	0.00	65000.00	0.0%
1007	City Clerk	-308860	-41,189.20	0.00	267670.80	13.3%
1008	Finance	-22535996	-6,959,654.48	0.00	15576341.52	30.9%
1010	Planning & Permitting	0	-24,500.00	0.00	-24500.00	0.0%
1012	Planning & Permitting	-183400	-53,152.85	0.00	130247.15	29.0%
1014	Engineering	-20450	-120.00	0.00	20330.00	0.6%
1015	Facilities	-104000	-25,833.50	0.00	78166.50	24.8%
1021	Fire & EMS Transport	-100	0.00	0.00	100.00	0.0%
1022	Police	-64000	-4,181.86	0.00	59818.14	6.5%
1023	Fire EMS Transport	-1700000	-260,626.09	0.00	1439373.91	15.3%
1032	Health and Social Serv Assist	-630840	-125,839.09	0.00	505000.91	19.9%
1042	Public Works	-400000	0.00	0.00	400000.00	0.0%
1070	Education	-41368735	0.00	0.00	41368735.00	0.0%
	TOTAL General Fund Revenues	**-67381381**	**-7,495,097.07**	**0.00**	**59,886,283.93**	**11.1%**

General Fund

for the Period Ended July 31, 2024



CITY OF AUBURN
EXPENSES - JULY 2024

FROM 2025 01 TO 2025 02

ACCOUNTS FOR: 1000 General Fund	ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1004 Mayor and Council	178800	33,369.62	0.00	-145,430.38	18.7%
1005 City Manager	711450	119,095.62	1,506.75	-592,354.38	16.7%
1006 Communications & Engagement	378966	45,846.49	19,728.00	-333,119.51	12.1%
1007 City Clerk	335291	41,130.01	0.00	-294,160.99	12.3%
1008 Finance	1351064	266,306.21	0.00	-1,084,757.79	19.7%
1009 Human Resources	280420	39,678.21	0.00	-240,741.79	14.1%
1010 Planning & Permitting	829048	115,901.99	0.00	-713,146.01	14.0%
1011 Economic Development	135461	29,346.49	0.00	-106,114.51	21.7%
1012 Planning & Permittin	0	500.00	0.00	500.00	#DIV/0!
1013 Business & Community Developme	804568	82,480.52	0.00	-722,087.48	10.3%
1014 Engineering	363646	80.00	0.00	-363,566.00	0.0%
1015 Facilities	1874151	56,517.12	149,160.09	-1,817,633.88	3.0%
1016 Worker's Compensation	719025	0.00	0.00	-719,025.00	0.0%
1017 Fringe Benefits & Salary Incre	8212715	1,305,570.18	0.00	-6,907,144.82	15.9%
1019 Debt Service	9772812	0.00	0.00	-9,772,812.00	0.0%
1020 Capital Investment and Purchas	0	73,687.73	-9,985.50	73,687.73	#DIV/0!
1021 Fire & EMS Transport	6634967	969,940.22	-1,097.87	-5,665,026.78	14.6%
1022 Police	5517652	760,722.95	66,152.19	-4,756,929.05	13.8%
1025 Information Technology	1039215	328,282.44	25,808.24	-710,932.56	31.6%
1030 Recreation and Sports Tourism	590866	87,001.22	4,000.00	-503,864.78	14.7%
1032 Health and Social Serv Assist	901200	134,769.67	0.00	-766,430.33	15.0%
1042 Public Works	6368936	748,236.53	209,881.64	-5,620,699.47	11.7%
1043 Solid Waste Disposal	1616500	152,336.72	0.00	-1,464,163.28	9.4%
1045 County Tax	3117240	3,117,240.00	0.00	0.00	100.0%
1046 PW School Maint & Custodial	3745487	230,172.98	1,009,863.97	-3,515,313.99	6.1%
1049 Auburn Art in the Park	25000	0.00	0.00	-25,000.00	0.0%
1050 Public Library	1199897	267,761.14	0.00	-932,135.86	22.3%
1051 Transfer to TIF	3049803	0.00	0.00	-3,049,803.00	0.0%
1052 Water & Sewer	840280	0.00	0.00	-840,280.00	0.0%
1053 Tax Sharing	260000	0.00	0.00	-260,000.00	0.0%
1054 Auburn-Lewiston Airport	205000	-9,777.75	0.00	-214,777.75	-4.8%
1056 LA Transit Committee	458502	0.00	0.00	-458,502.00	0.0%
1057 LA-911	1380000	176,158.02	0.00	-1,203,841.98	12.8%
1070 Education	62123472	0.00	0.00	-62,123,472.00	0.0%
TOTAL General Fund Expenses	**84390117**	**4,682,127.64**	**1219745.61**	**-115,849,079.64**	**5.5%**

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2024 - July 31,2024
Report as of July 31st, 2024

	Beginning Balance 7/1/2024	July 2024 New Charges	Payments	Refunds	Adjustments	Write-Offs	Ending Balance 7/31/2024
Attorney/In care of	**$ (16.75)**	$ -	$ -	$ -	$ -	$ -	$ (16.75)
Bluecross	**$ 80,159.85**	$ 7,402.00	$ (5,699.20)	$ -	$ (3,117.40)	$ -	$ 78,745.25
Intercept	**$ (2,169.40)**	$ 100.00	$ (100.00)	$ -	$ -	$ -	$ (2,169.40)
Medicare	**$ 457,917.35**	$ 177,572.00	$ (36,030.88)	$ -	$ (67,695.17)	$ -	$ 531,763.30
Medicaid	**$ (184,337.63)**	$ 58,324.00	$ (35,289.28)	$ -	$ (27,992.28)	$ -	$ (189,295.19)
Other/Commercial	**$ 154,332.76**	$ 32,611.30	$ (16,762.80)	$ 650.00	$ (3,123.49)	$ -	$ 167,707.77
Patient	**$ (26,262.44)**	$ 10,512.00	$ (10,021.94)	$ 1,658.93	$ (300.00)	$ (12,955.53)	$ (37,368.98)
Worker's Comp	**$ (12,554.01)**	$ 2,054.00	$ (928.00)	$ -	$ -	$ -	$ (11,428.01)
TOTAL	**$ 467,069.73**	**$ 288,575.30**	**$ (104,832.10)**	**$ 2,308.93**	**$ (102,228.34)**	**$ (12,955.53)**	**$ 537,937.99**

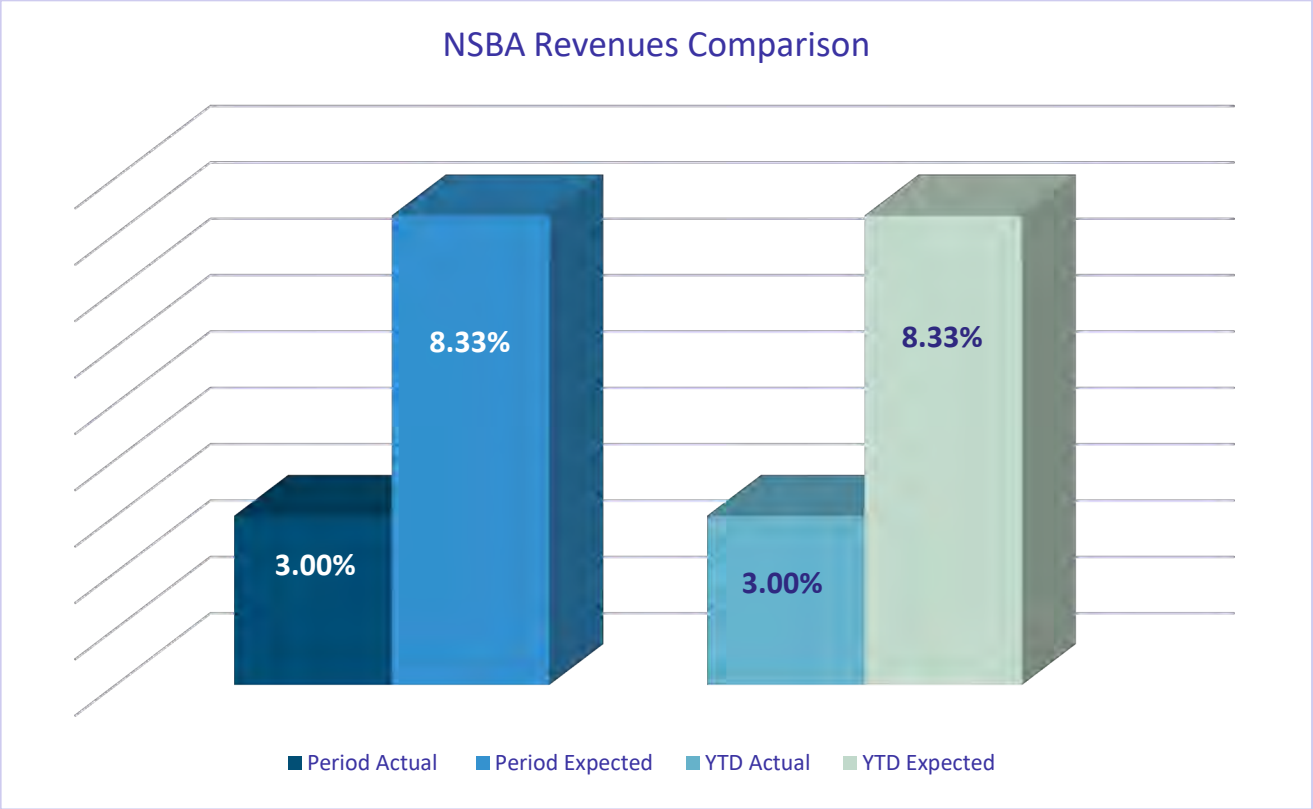
Norway Savings Bank Arena

for the Period Ended July 31, 2024

As of July 2024, Norway Arena had an operating gain fiscal YTD of $1,534.45.

Revenues:

The operating revenues for Norway Arena through July 2024 are $33,065 or 3.0% of the budget as compared to 2.83**%** of actual revenues through July 2023. This revenue comes from concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals. Table 1 reflects revenues collected for the current year with comparison for the same period a year ago.



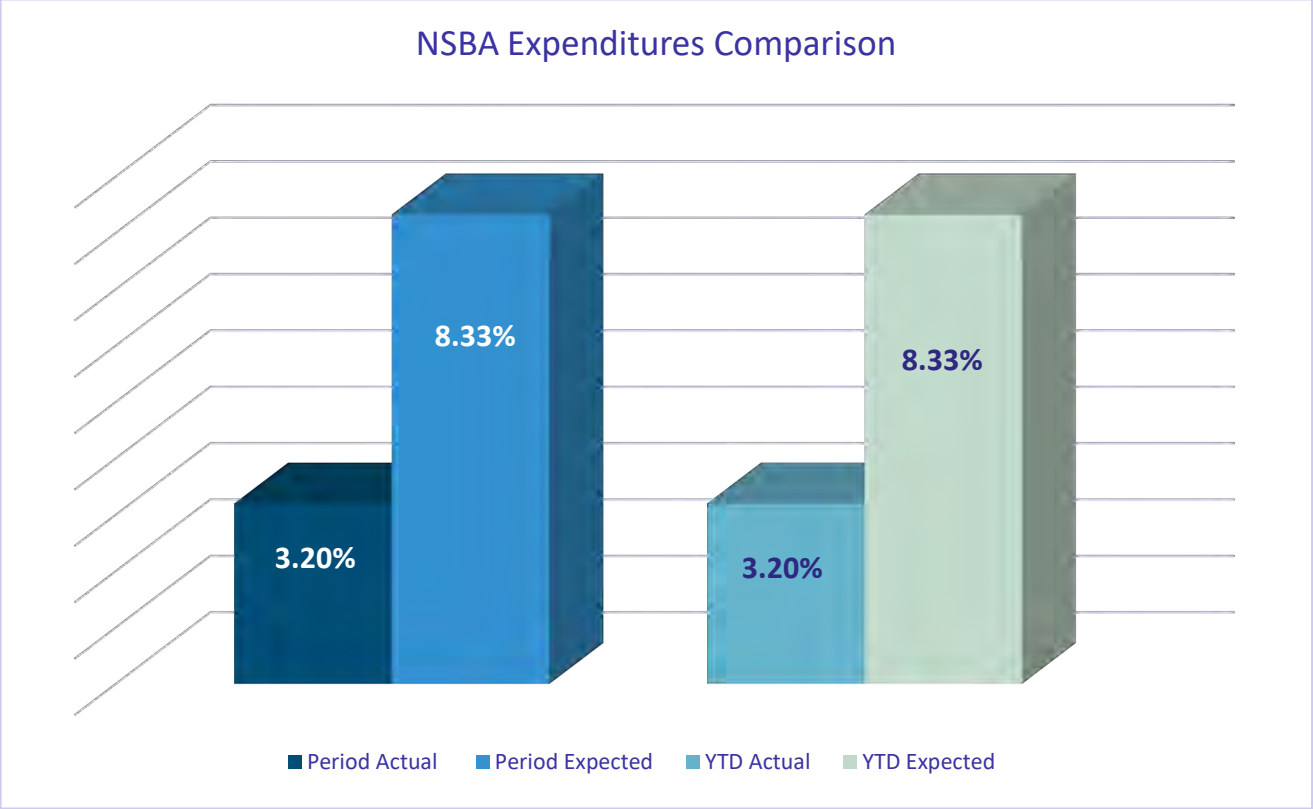
CITY OF AUBURN

NSBA REVENUES - JULY 2024

FOR 2025 01 ACCOUNTS FOR: 6200 Norway Savings Bank Arena			ORIGINAL APPROP	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
6200 Norway Savings Bank Arena							
6200	4201	Ice Rental-Gladiators	-280,000.00	0.00	0.00	-280,000.00	0.0%
6200	4202	Ice Rental-Edward Lit	-22,500.00	0.00	0.00	-22,500.00	0.0%
6200	4203	Ice Rental-Red Hornet	-18,500.00	0.00	0.00	-18,500.00	0.0%
6200	4205	Ice Rental-St Doms (B	-35,000.00	0.00	0.00	-35,000.00	0.0%
6200	4206	Ice Rental-Poland/Gra	-18,500.00	0.00	0.00	-18,500.00	0.0%
6200	4207	Ice Rental-CMCC	-22,500.00	0.00	0.00	-22,500.00	0.0%
6200	4208	Ice Rental-SMMHL	-2,000.00	0.00	0.00	-2,000.00	0.0%
6200	4209	Ice Rental-Adult Leag	-162,000.00	-4,320.00	0.00	-157,680.00	2.7%
6200	4210	Ice Rental-Youth Othe	-33,800.00	0.00	0.00	-33,800.00	0.0%
6200	4211	Ice Rental-HS/MS Othe	-28,600.00	-1,116.00	0.00	-27,484.00	3.9%
6200	4215	Freestyle-Figure Skat	-7,500.00	-120.00	0.00	-7,380.00	1.6%
6200	4220	Camps/Clinics	-45,000.00	-6,860.00	0.00	-38,140.00	15.2%
6200	4221	Tournaments	-75,000.00	0.00	0.00	-75,000.00	0.0%
6200	4222	Birthday Party Rental	0.00	0.00	0.00	0.00	#DIV/0!
6200	4223	Private Rentals	-30,000.00	-2,010.00	0.00	-27,990.00	6.7%
6200	4224	Public Skate	-25,000.00	0.00	0.00	-25,000.00	0.0%
6200	4225	Shinny Hockey	-4,000.00	0.00	0.00	-4,000.00	0.0%
6200	4240	Programs	-20,000.00	0.00	0.00	-20,000.00	0.0%
6200	4250	Non Ice & Facility Re	-40,000.00	2,608.75	0.00	-42,608.75	-6.5%
6200	4252	Skate Rentals	-3,000.00	0.00	0.00	-3,000.00	0.0%
6200	4260	Concession	-21,000.00	0.00	0.00	-21,000.00	0.0%
6200	4261	Pepsi Vending Machine	-3,000.00	-498.22	0.00	-2,501.78	16.6%
6200	4265	Pro Shop	-7,000.00	0.00	0.00	-7,000.00	0.0%
6200	4270	Sponsorships	-195,000.00	-20,750.00	0.00	-174,250.00	10.6%
6200	4271	Sign Advertisement	0.00	0.00	0.00	0.00	#DIV/0!
6200	429000	Events	0.00	0.00	0.00	0.00	#DIV/0!
		TOTAL NSBA Revenues	-1,098,900.00	-33,065.47	0.00	-1,065,834.53	3.0%

Expenditures:

The operating expenses for Norway Arena through July 2024 were $31,531 or 3.2 % of the budget as compared to 4.28**%** of actual expenditures through July 2023. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance. Table 2 reflects expenditures for the current year with comparison for the same period a year ago.



CITY OF AUBURN

NSBA EXPENSES - JULY 2024

FOR 2025 01

ACCOUNTS FOR: 6200 Norway Savings Bank Arena			ORIGINAL APPROP	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
6200 Norway Savings Bank Arena							
6200	611000	Regular Salaries	311032	20,841.90	0.00	290,190.10	6.7%
6200	612000	Part Time	60000	2,648.68	0.00	57,351.32	4.4%
6200	612008	Programs	10000	242.50	0.00	9,757.50	2.4%
6200	620000	Advertising	2000	0.00	0.00	2,000.00	0.0%
6200	628000	PS - Gen/Profession	12000	0.00	0.00	12,000.00	0.0%
6200	628003	PS - Drug Testing	400	0.00	0.00	400.00	0.0%
6200	628014	PS - Solid Waste Di	600	0.00	0.00	600.00	0.0%
6200	628019	Repairs - Buildings	50000	619.92	0.00	49,380.08	1.2%
6200	628020	Repairs - Vehicles	4000	5,385.51	0.00	-1,385.51	134.6%
6200	628021	Repairs - Equipment	4000	0.00	0.00	4,000.00	0.0%
6200	628051	PS-Cleaning Service	20000	0.00	0.00	20,000.00	0.0%
6200	628070	PS-Security	4900	0.00	0.00	4,900.00	0.0%
6200	629000	Training & Tuition	5000	0.00	0.00	5,000.00	0.0%
6200	632000	Dues & Subscription	7412	0.00	1,350.00	7,412.00	0.0%
6200	633000	Office Supplies	2000	0.00	0.00	2,000.00	0.0%
6200	633001	Operating Supplies	70000	1,752.20	0.00	68,247.80	2.5%
6200	633002	ADVERTISITNG SIGNS	3000	0.00	0.00	3,000.00	0.0%
6200	633021	Safety Equipment	4000	40.31	0.00	3,959.69	1.0%
6200	640000	Telephone	5000	0.00	0.00	5,000.00	0.0%
6200	640001	Cable	2500	0.00	0.00	2,500.00	0.0%
6200	641000	Water/Sewer	46000	0.00	0.00	46,000.00	0.0%
6200	641001	Natural Gas	42153	0.00	0.00	42,153.00	0.0%
6200	641002	Electricity	220000	0.00	0.00	220,000.00	0.0%
6200	641003	Bottled Gas	5000	0.00	0.00	5,000.00	0.0%
6200	642000	Postage	150	0.00	0.00	150.00	0.0%
6200	645000	Insurance Premiums	43223	0.00	0.00	43,223.00	0.0%
6200	650000	Capital Outlay	40000	0.00	0.00	40,000.00	0.0%
		TOTAL NSBA Expenses	974,370.0	31,531.02	1,350.00	942,838.98	3.2%

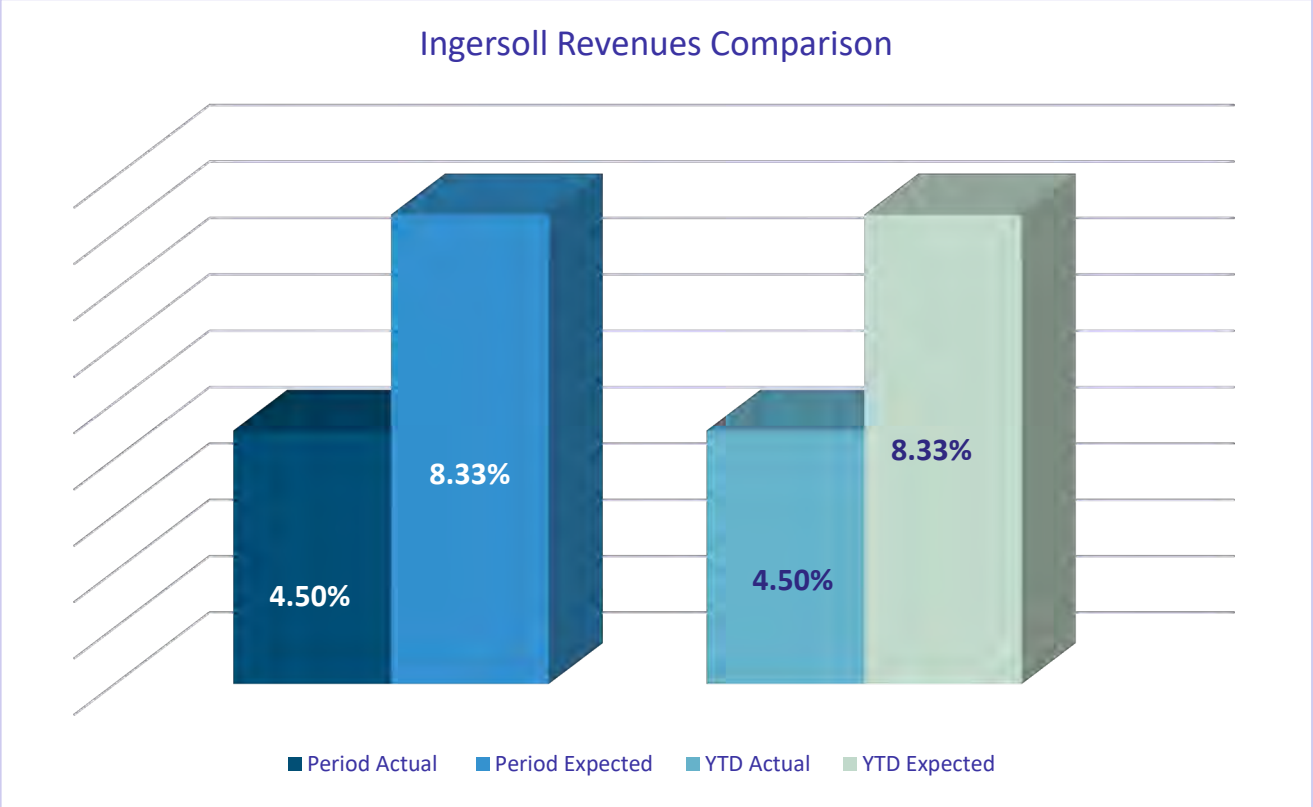
Ingersoll Turf Facility

for the Period Ended July 31, 2024

As of July 2024, Ingersoll had an operating gain YTD of $9,720. Of note, revenue to expenditure comparison is disproportionate as some expenditures are listed under the Recreation department budget, and regular salaries under Public Works.

Revenues:

The operating revenues for Ingersoll through July 2024 are $9,889 or 4.5% of the budget as compared to 1.1**%** of actual revenues through July 2023. This revenue comes from sponsorships, programs, rental income, and batting cages. Table 1 reflects revenues collected for the current year with comparison for the same period a year ago.



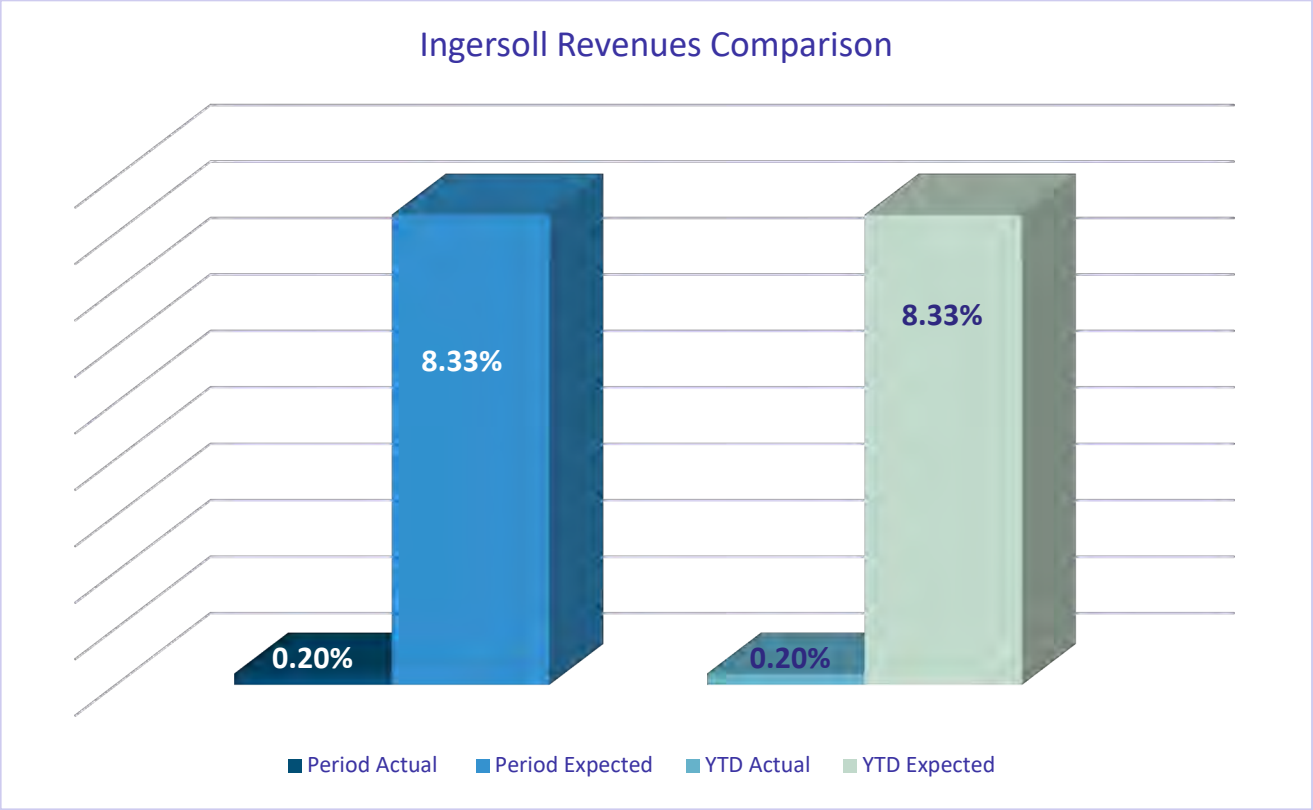
CITY OF AUBURN

INGERSOLL REVENUES - JULY 2024

FOR 2025 01 ACCOUNTS FOR: 6100 Ingersoll Turf Facility			ORIGINAL APPROP	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
6100 Ingersoll Turf Facility							
6100	420070	Sponsorship	-20000	-1,000.00	0.00	-19,000.00	5.0%
6100	420800	Batting Cages	-18000	-1,895.00	0.00	-16,105.00	10.5%
6100	420903	Programs	-42000	0.00	0.00	-42,000.00	0.0%
6100	420903	TF01 Programs-Adult	0	0.00	0.00	0.00	#DIV/0!
6100	420903	TF02 Youth Softball	0	0.00	0.00	0.00	#DIV/0!
6100	420903	TF03 High School Soc	0	0.00	0.00	0.00	#DIV/0!
6100	420903	TF04 Birthday Partie	0	-145.00	0.00	145.00	#DIV/0!
6100	420903	TF05 Senior Walking	0	0.00	0.00	0.00	#DIV/0!
6100	420903	TF06 Sports Clinics	0	0.00	0.00	0.00	#DIV/0!
6100	422000	Investment Income	0	-448.91	0.00	448.91	#DIV/0!
6100	429010	Rental Income	-140000	-6,400.00	0.00	-133,600.00	4.6%
		TOTAL Ingersoll Revenues	-220000	-9,888.91	0.00	-210,111.09	4.5%

Expenditures:

The operating expenses for Ingersoll through July 2024 were $169 or 0.2% of the budget as compared to 0.05**%** of actual expenditures through July 2023. These expenses include supplies, repairs, capital purchases and maintenance. Table 2 reflects expenditures for the current year with comparison for the same period a year ago.



CITY OF AUBURN

INGERSOLL EXPENSES - JULY 2024

FOR 2025 01 ACCOUNTS FOR: 6100 Ingersoll Turf Facility			ORIGINAL APPROP	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
6100 Ingersoll Turf Facility							
6100	611000	Regular Salaries	40000	0.00	0.00	40000.00	0.0%
6100	612000	Part Time	25000	45.00	0.00	24955.00	0.2%
6100	620000	Advertising	500	0.00	0.00	500.00	0.0%
6100	628000	PS - Gen/Profession	5300	0.00	0.00	5300.00	0.0%
6100	628019	Repairs - Buildings	20000	0.00	0.00	20000.00	0.0%
6100	629000	Training & Tuition	500	0.00	0.00	500.00	0.0%
6100	629001	Travel - Mileage Re	200	0.00	0.00	200.00	0.0%
6100	632000	Dues & Subscription	500	0.00	0.00	500.00	0.0%
6100	633000	Office Supplies	500	0.00	0.00	500.00	0.0%
6100	633003	Janitorial Supplies	2000	123.88	0.00	1876.12	6.2%
6100	633033	Program Expenses	16300	0.00	0.00	16300.00	0.0%
6100	640000	Telephone	1400	0.00	0.00	1400.00	0.0%
6100	641005	Diesel	300	0.00	0.00	300.00	0.0%
6100	642000	Postage	50	0.00	0.00	50.00	0.0%
		TOTAL Ingersoll Expenses	112550	168.88	0.00	112381.12	0.2%

City Council Workshop & Meeting
Agenda
November 4, 2024
Auburn Hall, Council Chambers

5:30 PM Workshop

- FY23 Audit Presentation – School Committee & City Council
- Discussion: Proposed Text & Map Amendment – Lake Auburn Watershed Overlay District
- Discussion: Ordinance Amendment - Manufactured housing, trailers, office trailers to allow shipping containers, Conex boxes, railroad cars and tractor trailer bodies for storage
- Senior Property Tax Relief Mailing

7:00 PM Meeting

Pledge of Allegiance & Roll Call **-** *Roll call votes will begin with Councilor Walker*

I. **Consent Items –** *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Passage of items on the Consent Calendar require majority vote.*

II. **Minutes** – October 21, 2024 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

IV. **Open Session –** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. **Unfinished Business**

VI. **New Business**

1. ORDINANCE 20-11042024 – Amending Chapter 12 Article IV.- Housing Code regarding property maintenance and vacant buildings. *First reading. ROLL CALL VOTE.*

2. ORDER 148-11042024 - Amendment to ORDER 106-08192024 regarding the City's Comprehensive Plan Committee. *Passage requires majority vote.*

3. RESOLVE 7-11042024 – Supporting an "interim trail" for the Casco Bay Trail. *Passage requires majority vote.*

4. ORDER 149-11042024 – Amending ORDER 123-09162024 extending the reporting deadline for the Mayor's Ad-Hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee from November 18, 2024 to December 16, 2024. *Passage requires majority vote.*

VII. Reports

a. **Mayor's Report**
b. **City Councilors' Reports**
c. **Student Representative Report**
d. **City Manager Report**
e. **2024 August Finance Report – Gina Klemanski, Deputy Finance Director**

VIII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

IX. Executive Session

Executive Session pursuant to 1 M.R.S.A. Section 405(6) (E) to consult with the City's attorney regarding a legal matter. *No action to follow. Passage requires 3/5 majority vote to enter Executive Session.*

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 4, 2024

Author: John Blais , Deputy Director of Planning & Permitting

Subject: Discuss/Workshop amendments to Chapter 60, Article XII, Division 4, Lake Auburn Watershed Overlay District of the Auburn Code of Ordinances to more precisely identify the standards governing definitions, agriculture, pesticides, fertilizers, forestry, resource protection and erosion control in the Lake Auburn Watershed Overlay District. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Information:
In January of 2024, City Council ordered (04-01022024) the City Manager to direct staff to work with city wide interest groups (AG Working Group, Sustainability and Natural Resources Board, LAWPC, Planning Board and public stakeholders) to create the Lake Auburn Stakeholders Group. Since that time the group(s) have met on approximately 10 occasions to address continued concerns pertaining to protecting Lake Auburn. The groups have relied on the ordinance to drive the discussion on what is best for the public water supply of Lewiston and Auburn. The proposed changes are detailed in the attached ordinance and proposed text. The proposed changes include amendments to Section 60.2 Definitions, Sec. 60-951 Use and environmental regulations and Sec. 60-952 as they relate to agricultural, forestry and erosion control. The amendments include changes that will strengthen the ordinances pertaining to Lake Auburn Watershed and the source water protection for the communities of Auburn and Lewiston which serves clean drinking water to 39,000 residents from Lake Auburn.

Planning Board: Provided a favorable recommendation to City Council to **amend the text** in Chapter 60, Article II General Provisions, Division 4 Lake Auburn Watershed Overlay District, Sec. 60-951, Sec.60-952 and Sec. 60-953. Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map on the October 8, 2024 Planning Board Meeting.

Planning Board Provided: to forward a favorable recommendation to City Council to **adopt the Lake Auburn Watershed Overlay District, Agricultural Buffer Setbacks Map**. This map is for establishing a 250' setback to agricultural field tillage from natural resources and will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

City Budgetary Impacts: none .

Staff Recommended Action: As this is a workshop item, please provide feedback to Staff on the proposed ordinances and any questions. Staff will have an overview Power Point for workshop.

Previous Meetings and History: January 2024 CC Meeting and Planning Board favorable recommendation at the October 8, 2024 meeting.

City Manager Comments:
Signature: Phillip Crowell Jr.

Attachments: Proposed Ordinance Amendment and Agricultural Buffer Setbacks Map.

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn Water District on file in the office of the Auburn Water District, the city planning, permitting and code department and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying zoning districts within the city. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned.

Agricultural use means the production, growing, cultivation, or harvesting of any agricultural commodity or product or the raising, shearing, feeding, caring for, training, and management of livestock or poultry for commercial or personal use.

Animal unit has the same meaning as in section 60-2.

Building has the same meaning as in section 60-2.

Clearcutting means any cutting of any trees or timber on a forested site that results in a residual basal area of trees over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under Section 8869, subsection 1 of the Maine Forest Practices Act.

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Dwelling Unit has the same meaning as in section 60-2.~~*Hobby agricultural use* means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where:~~

~~(1) The products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit; and~~

~~(2) The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded.~~

Invasive Species. Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the Auburn Water District, City of Lewiston, and the Town of Turner, consisting of three commissioners appointed by the Auburn Water District, three commissioners appointed by the City of Lewiston, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Livestock has the same meaning as in section 60-2.

Local plumbing inspector means a plumbing inspector or alternate plumbing inspector as defined in Section 12-22 of the Auburn City Ordinances. ~~*Non-hobby agricultural use* means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.~~

Natural Resource Conservation Service or NRCS means the U.S. Department of Agriculture, Natural Resources Conservation Service or, in those instances where the NRCS is prohibited by federal law from providing services to the property owner or lessee, an alternative service provider approved by the director of the city planning, permitting, and code department, or their designee.

Normal high-water line and Normal high-water mark mean~~s~~ that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land.

NWI Wetland means any waterbody shown on the U.S. Fish & Wildlife Service National Wetlands Inventory.

Organic fertilizer means fertilizer derived from either plant or animal products that contain nutrients for plant growth. It is acceptable for the materials in these fertilizers to have been subjected to biological degradation processes under normal conditions of aging, rainfall, sun curing, air drying, composting, rotting, enzymatic, or anaerobic/aerobic bacterial action, or any combination of these. In order to qualify as organic fertilizer, the materials in these fertilizers may not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by processing such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting. Organic fertilizers are broken down by and feed the microbial life in the soil.

Pest shall have the same meaning as the term set forth in 40 C.F.R.§ 152.5, as the same may be amended from time to time.

Pesticide means any substance, or mixture, or combination of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Pests of significant public health importance means pests listed by the U.S Environmental Protection Agency, in conjunction with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, as pests of significant public health importance.

Poultry means domesticated birds.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistency of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material excessively coarse soil horizons and parent material, and the seasonal groundwater table. Any of these limiting horizons may from time to time be referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of six inches of upper fill layer meeting the following upper fill layer specifications.

Soil Filter Media Specifications

Upper fill layer	
Sieve #	% passing by weight
No. 4	75—95
No. 10	60—90
No. 40	35—85
No. 200	20—40
200 (clay size)	< 2.0

Lower fill layer	
Sieve #	% passing by weight
No. 10	85—100
No. 20	70—100
No. 60	15—400
No. 200	6—8
200 (clay size)	< 2.0

Soil test means the Comprehensive Soil Test provided by the Maine Soil Testing Service, or equivalent.

State licensed site evaluator means a person licensed by the Maine Department of Health and Human Services to evaluate soils for the purpose of designing subsurface wastewater disposal systems.

Stream or Brook means a channel between defined banks as depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map.

Subsurface wastewater disposal system inspector means a person who holds a current certification issued by the Maine Department of Health and Human Services, Division of Environmental and Community Health as a Subsurface Wastewater Disposal System Inspector.

Summer dormancy means the period during mid-summer most commonly observed in unirrigated grasses when growth ceases. Dormancy is characterized by brittle texture and a loss of green color.

Synthetic fertilizer means any fertilizer manufactured from one or more synthetic materials containing no animal parts, animal byproducts, manures or renderings.

Tillage or tilled means the reconfiguration of the soil into a desired condition by mechanical means.

Total nitrogen means the sum of all nitrogen forms contained within fertilizer, including water soluble nitrogen forms, slow-release nitrogen forms, and water insoluble nitrogen forms. The percentage of total nitrogen appears as the leftmost number of the grade on fertilizer labels or containers.

Wetland, see NWI Wetland.

(Ord. of 9-21-2009, § 5.3B; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-952. Use and environmental regulations.

1. *Subsurface Wastewater Disposal Systems*.

(a) *Dwelling units in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), ~~60-145(b)(18)~~ and 60-146(1)c., new dwelling units are prohibited in that part of the Lake Auburn Watershed Overlay District which overlies the Agriculture and Resource Protection Zone. Pursuant to 30-A M.R.S.A. §§ 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.

(b) *Private subsurface wastewater disposal systems.* Each new building, or any existing building for which there is any addition, alteration, or change of use, each new dwelling unit, or any existing dwelling unit for which there is an addition or alteration thereto that includes the addition of one or more bedrooms, in the Lake Auburn Watershed Overlay District, not served by public sewer, shall, in the development of a private subsurface wastewater disposal system, adhere to the requirements of this section as well as the requirements of the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241. Notwithstanding any provision of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 the Rule shall be applied regardless of whether the addition or alteration is an initial or subsequent addition or alteration~~.~~:

(1) Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filer media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a state licensed site evaluator affirm that these design requirements are met before the local plumbing inspector finds the design or installation of the system to comply with this section.

(2) New (first use), expanded, or replacement disposal fields shall be set back from the normal high-water mark of any lake, pond, stream, or brook as follows:

a. Where the daily wastewater flow is, or is reasonably likely to be, 2,000 gallons or less, the system shall be set back at least 400 feet from the normal high-water mark of any lake, pond, stream, or brook.

b. Where the daily wastewater flow is, or is reasonably likely to be, in excess of 2,000 gallons, the system shall be set back at least 1,000 feet from the normal high-water mark of any lake, pond, stream, or brook.

(3) All new (first use), expanded, or replacement private subsurface wastewater disposal systems shall include one of the two following design elements. The selection of which design element is most appropriate shall be determined by a state licensed site evaluator based upon the evaluation of the groundwater conditions, soils, and slopes present at the site where the system is to be installed.

a. Curtain drain installed per Section 12(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2023), as may be amended from time to time; or

b. Diversion ditch, upslope of the disposal field, installed for the disposal field's entire length including fill extensions, and constructed so that the curtain drain or diversion ditch is located to prevent any short circuiting of the disposal field

(4) All new (first use), expanded, or replacement private subsurface wastewater disposal systems shall be installed on the same lot as the building or dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of an expanded or replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the expanded or replacement system's location on adjacent lots if the property owner holds a perpetual easement from the adjacent lot owner allowing the installation and maintenance of the system.

(5) Commencing July 1, 2024, the owner of each building or dwelling unit in the Lake Auburn Watershed Overlay District, not served by public sewer, shall have their private subsurface wastewater disposal system inspected to ensure continuing compliance with this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241.

a. *Inspections.* An initial inspection shall be completed by the completion date specified in the Lake Auburn Watershed Overlay District Septic Systems Inspection Map, dated June 24 ~~March 19~~, 2024, which is on file in the office of the city planning, permitting and code department.

Subsequent inspections shall be completed within five years of the initial inspection and every subsequent inspection, unless the property is sold, in which case a subsequent inspection shall be conducted at the time of sale.

Such inspections shall be completed by a certified subsurface wastewater disposal system inspector. Such inspector shall inspect the private subsurface wastewater disposal system using the minimum requirements established by the Maine Department of Health and Human Services, Division of Environmental and Community Health for evaluating and reporting on existing subsurface wastewater disposal systems.

b. *City record keeping and notifications.* The city planning, permitting and code department shall maintain, within the city GIS system, a record of each subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District that requires inspection. The record must include, at a minimum, the city parcel identifier, date the next inspection is due, and date of the last inspection.

The city planning, permitting and code department shall provide the owner of each building or dwelling unit written notices by regular mail, to the address shown on the city property tax records, of the date by which the inspection of the subsurface wastewater disposal system must be completed. The first notice shall be mailed 12 months prior to each required completion date and the second notice six months prior to each required completion date.

c. *Reporting and reviewing of results of inspections.* Reporting shall be made utilizing the latest version of the HHE-240 reporting form, for initial inspections, and the Supplement HHE-240 reporting form, for subsequent inspections, as published by the Maine Department of Health and Human Services, Division of Environmental and Community Health. Such reports shall be submitted to the local plumbing inspector.

The local plumbing inspector shall review the report and determine if corrective action is required to ensure that;

1. for subsurface wastewater disposal systems for which a design is on file with the planning, permitting and code department, the system is functioning per the design on file,
2. for subsurface wastewater disposal systems for which there is no design on file with the planning, permitting and code department, the system is functioning as built.

d. *Alternative design for replacement subsurface wastewater disposal systems.* For buildings or dwelling units that exist in the Lake Auburn Watershed Overlay District as of July 1, 2024, should the local plumbing inspector determine, upon review of the report from the subsurface wastewater disposal system inspector, through personal observation, or through independent means, that the subsurface wastewater disposal system is not functioning as designed or built and a replacement system is required, and:

1. a state licensed site evaluator informs the local plumbing inspector that the parcel on which the building or dwelling unit is situated is not suitable to site a replacement subsurface wastewater disposal system that meets the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241; and
2. the local plumbing inspector determines that the replacement subsurface wastewater disposal system cannot be sited pursuant to Subsection 4;

then a state licensed site evaluator may propose, and the local plumbing inspector may approve, after consultation with the Lake Auburn Watershed Protection Commission, an alternative subsurface wastewater design that does not meet the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 but which meets as many of the requirements as possible, and for those requirements that cannot be met, includes design elements that maximize the efficacy of the treatment of the wastewater.

(6) In coordination with the local plumbing inspector, LAWPC, or its designee, shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the City of Auburn health officer, police chief, local plumbing inspector or code enforcement officer of any observed defects or malfunction that require corrective action by the property owner or operator.

(7) The local plumbing inspector shall furnish a copy of all site evaluation and inspection reports in the Lake Auburn Watershed Overlay District to LAWPC.

8) Commencing on July 1, 2024, a maximum of three new dwelling units per calendar year are permitted in that part of the Lake Auburn Watershed Overlay District in which new dwelling units are permitted.

The city planning, permitting, and code department shall, on an annual basis, provide a report to the Planning Board as to the extent and effect of the construction of new dwelling units in the Lake Auburn Watershed Overlay District. The report shall include, at a minimum, the number of new dwelling units constructed in the past year, the cumulative number of new dwelling units constructed since July 1, 2024, and the effect of such construction on the Lake Auburn water quality.

Should the Planning Board conclude, based on the city planning, permitting and code department report that the construction of new dwelling units has had an adverse effect on the Lake Auburn water

quality, the Planning Board shall consider what action is to be taken to prevent further degradation of Lake Auburn water quality from the construction of new dwelling units.

2. Agricultural, Forestry, and Erosion Control.

(a) *Agricultural use~~s~~.* ~~Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are~~ Use of land for agricultural use within the Lake Auburn Watershed Overlay District is only ~~allowed~~ permitted if:

(1) The property owner or ~~operator~~ lessee shows, and the director of the city planning, permitting, and code department, or their designee, finds, after consultation with the LAWPC watershed manager, ~~first demonstrates to LAWPC's watershed manager~~ that

a. Such use, or expansion of such use, will not cause groundwater contamination ~~and~~ ,will not contaminate or disturb the normal course of surface water runoff, and will not contaminate any lake, pond, stream, brook, or NWI wetland; and

b. The property owner or lessee has a waste and nutrient management plan developed in compliance with the Natural Resource Conservation Service's standards for waste and nutrient management.

(2) ~~LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer~~The director of the city planning, permitting, and code department, or their designee, has provided their written finding of conformity with the requirements of this Sec. 952(2)(a) to the property owner or lessee.

(3) The provisions of this Subsection 2(a) shall apply to all new or expanded agricultural uses of land within the Lake Auburn Watershed Overlay District. For those agricultural uses that exist on July 1, 2024, the property owner or lessee shall comply with the requirements of Subsection 2(a)(1)(b) no later than June 30, 2027.

(4) The provisions of this Subsection 2(a) requiring a showing to the director of the planning, permitting, and code department, or their designee, and the requirement to have a waste and nutrient management plan, shall not apply if the agricultural use of the land is for the production, growing, cultivation, or harvesting of any agricultural commodity or product, (but not for or the raising, shearing, feeding, caring for, training, and management of livestock or poultry), whether for commercial or personal use, if the agricultural use of the land encompasses no more than 1,000 square feet in total on any lot. This provision shall not be construed to exempt the property owner or lessee from any other provision of this Division.

(b) Reserved~~*Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)c., new dwelling units are prohibited in the Lake Auburn Watershed Overlay District. Pursuant to 30-A M.R.S.A. 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.~~

(c) *Number of animal units permitted.* The number of animal units of livestock permitted in the Lake Auburn Watershed Overlay District shall be calculated utilizing the formula in the definition of Farm, Livestock in section 60-2. The number of animal units of poultry permitted in the district shall be calculated as 15 animal units per acre of cleared land not to exceed a total of 150 animal units per lot.

(~~c~~d) *~~Agricultural~~ Vegetated buffer strip.* ~~Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.~~ Where soil is tilled for agricultural purposes, or livestock or poultry is kept, an untilled, vegetated buffer strip at least 250 feet wide shall be retained between the tilled area and the normal high-water mark of any lake, pond, stream, brook, or NWI Wetland.

Vegetated buffer strips shall be constructed and maintained as specified in the latest version of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorous Control Manual, Volume II & Technical Design Manual Volume III, March 2016.

This subsection shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(~~d~~e) *Manure and sludge spreading, storage, and disposal.* The s~~S~~preading ~~and~~ or disposal of manure or sludge within the Lake Auburn Watershed Overlay District is prohibited. Manure shall be stored on an impervious surface which has a roof or cover. ~~All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal.~~

(f) *Fertilizer use and application.* The following provisions shall apply to the use, application, or storage of fertilizer in the Lake Auburn Watershed Overlay District.

(1) The following uses and applications of fertilizer are permitted.

a. Organic fertilizer if a soil test is conducted annually; and

b. The fertilizer that is used or applied does not contain nutrients in excess of the amount recommended by the completed soil test; and

c. No more than two fertilizer applications are made in one calendar year; and

d. For each application, total nitrogen may not exceed 1 lb. per 1,000 square feet.

(2) The following uses and applications of fertilizer are prohibited.

a. Fertilizer containing phosphorus, unless a waiver for the use of fertilizer containing phosphorus is issued by the city planning, permitting, and code department.

b. Synthetic fertilizers.

c. Fertilizer used within 100 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland.

d. Fertilizer used when a rain event producing 0.5 inch or more of precipitation in a one-hour period is forecast or is occurring.

e. Fertilizer used on saturated surfaces.

f. Fertilizer used on partially or wholly frozen ground.

g. Fertilizer used on impervious surfaces, if spills occur on impervious surfaces they must be removed immediately.

h. Fertilizer used during the summer dormancy period.

(3) Waivers of the provisions of this Subsection (f) may be issued by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager:

a. upon a showing by the applicant that the use of synthetic fertilizer, or the use of fertilizer containing phosphorus, is necessary because a suitable organic fertilizer product that meets the nutrient needs of the soil as specified in the soil test is unavailable. The waiver may contain additional conditions on the use or application of the waivered fertilizer product to minimize the risk to any lake, pond, stream, brook or NWI Wetland.

b. upon a showing by the applicant that a nutrient management plan prepared by the Natural Resources Conservation Service for a specific agricultural use requires a frequency of application greater than that specified in subsection 2(f)(1)(c) of this section and/or a total nitrogen application greater than that specified in subsection 2(f)(1)(d) of this section.

(4) Fertilizers shall be stored, mixed, and loaded:

a. pursuant to the specific manufacturer's storage instructions on the fertilizer label; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time.

(g) *Allowed and prohibited pesticides.* For outdoor pest management activities in the Lake Auburn Watershed Overlay District, the following shall apply:

(1) Synthetic substances are prohibited unless specifically listed as "allowed" on the U.S. Department of Agriculture's National List of Allowed and Prohibited Substances (the "National List");

(2) Non-synthetic substances are allowed unless specifically listed as "prohibited" on the National List;

(3) Pesticides determined to be "minimum risk pesticides" pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 4 and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended from time to time, are allowed; and

(4) The use or application of pesticides (whether natural, organic, "non- synthetic," synthetic or otherwise) within 250 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland is prohibited.

(5) The following materials, applications, or activities are exempt from the provisions of this subsection (g) (and are so allowed):

a. Pet supplies, such as shampoos and tick and flea treatments, when used in the manner specified by the manufacturer;

b. Disinfectants, germicides, bactericides, miticides and virucides, when used in the manner specified by the manufacturer;

c. Insect repellents when used in the manner specified by the manufacturer;

d. Rat and rodent control supplies when used in the manner specified by the manufacturer;

e. Swimming pool supplies when used in the manner specified by the manufacturer.

(6) The following uses of prohibited pesticides are exempt from the provisions of this subsection (and are so allowed) when the use of the material, application, or activity is more than 250 feet from the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland or when a waiver has been granted by the director of the director of the city planning, permitting, and code department or their designee.

a. Prohibited pesticides may be used to control plants that are poisonous to the touch, such as poison ivy; pests of significant health importance, such as ticks and mosquitoes; animals or insects that may

cause damage to a structure, such as carpenter ants or termites; invasive species; or when used by a public utility for maintenance of a right-of-way through the Lake Auburn Watershed Overlay District.

b. The director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager, may grant a waiver to use a prohibited pesticide within 250 feet of the high-water mark of a lake, pond, stream, brook, or NWI Wetland when such use is necessary to protect public health or safety.

(7) Pesticides shall be stored, mixed, loaded, and applied:

a. pursuant to the specific manufacturer's storage instructions on the pesticide label or container; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time; and

e. shall not be applied by aerial spraying.

(eh) *Erosion control.* ~~The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:~~

~~(1)~~ Any exposing, moving, removal, or stockpiling of soil, or the removal of vegetative cover~~earth cutting, moving or removal activities~~ that will result in erosion or runoff which increases sedimentation of ~~Lake Auburn, or any tributaries or other water bodies in the watershed~~any lake, pond, stream, brook, or NWI Wetland in the Lake Auburn Watershed Overlay District ~~are~~ is prohibited.

~~(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Water District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.~~

(~~3~~i) ~~Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.~~

Tree clearing and forestry. Clearcutting is limited to 25% of the total area of a lot or two acres, whichever is less; provided that on lots of 20 acres or more, one clearcut of not more than two acres in every 20 contiguous acres may be made. Any discrete tree or timber cutting operation on a lot of any size over two acres shall be permitted only pursuant to a harvest plan prepared by a Maine licensed forester meeting the standards in the latest versions of Rule 20 of the rules adopted under the Maine Forest Practices Act, the Maine Department of Agriculture, Bureau of Forestry's manual on Best Management Practices for Forestry: Protecting Maine's Water Quality and, where applicable, the requirements of Chapter 21 of Maine Forest Service's Statewide Standards for Timber Harvesting in Shoreland Areas. All harvest plans must be approved by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager. Such harvest plan will be approved or disapproved based on its conformance with this Division, with a focus on its ability to ensure protection of the water quality of Lake Auburn. ~~From time to time,~~ The director, or their designee, may require the approved harvest plan to be

amended to ensure preventive and corrective actions which may become necessary to protect the water quality of Lake Auburn.

3. *Enforcement*

The city planning, permitting and code department shall have authority to enforce all requirements of this Division in accordance with section 60-1403.

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019; Ord. No. 10-06202023, 7-10-2023; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-953. Dimensional regulations; building setbacks.

Any new or expanded buildings or structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 100 feet inland from the normal high-water mark of Lake Auburn. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages, or other structures. Marinas and boat rental facilities shall not be permitted within 100 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

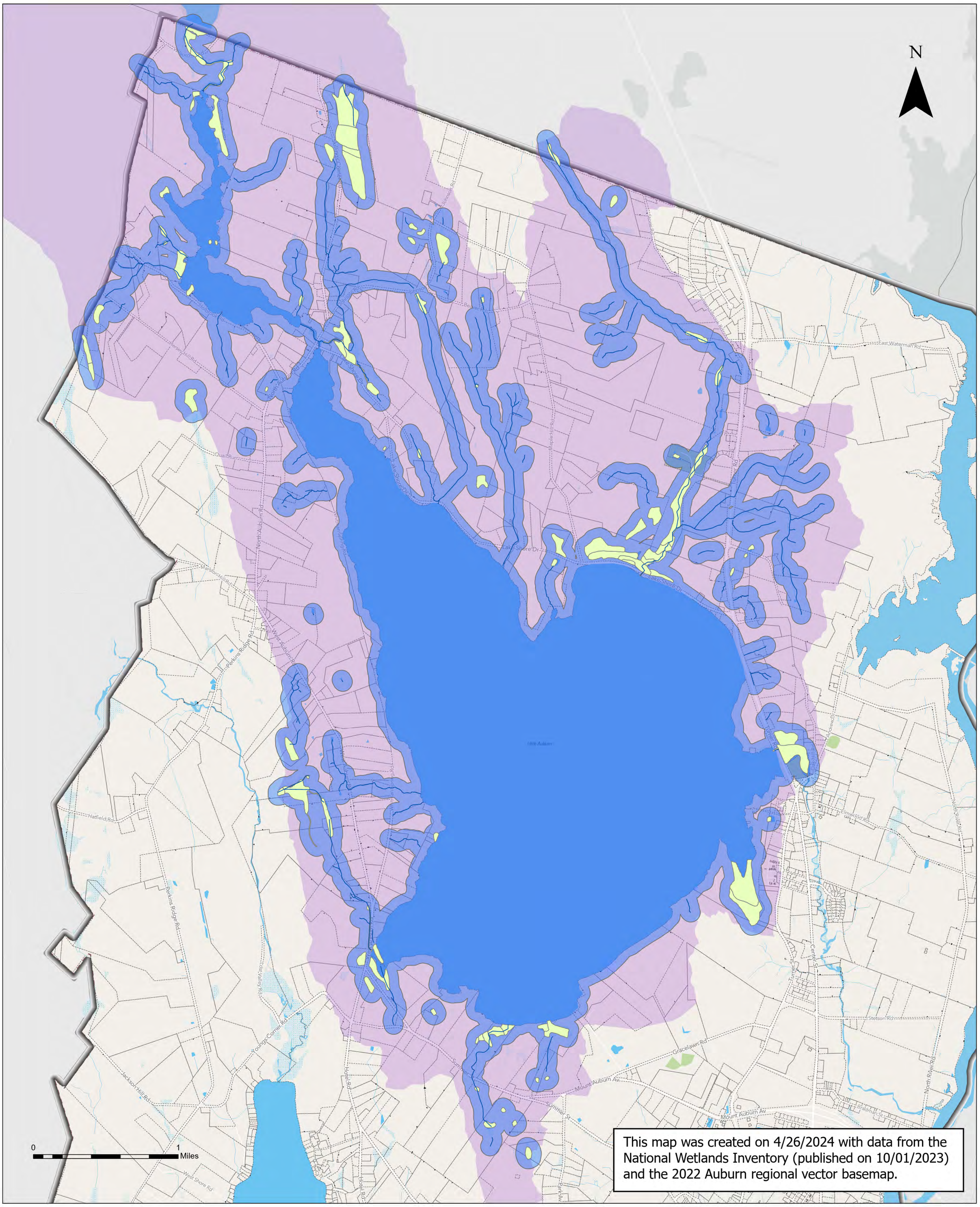
Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

Secs. 60-955—60-981. Reserved.

Lake Auburn Watershed Overlay
Agricultural Buffer Setbacks



This map was created on 4/26/2024 with data from the National Wetlands Inventory (published on 10/01/2023) and the 2022 Auburn regional vector basemap.

- Streams
- NWI Wetlands
- Lake Auburn Watershed
- Lake Auburn Streams Wetlands Buffer 250 ft

auburnmaine.gov







Map & Ordinance Text Amendments Related to Lake Auburn Watershed Chapter 60, Article XII, Division 4

City Council Workshop 11/04/2024

Agriculture & Forestry

Agenda

1.) Why more changes?

2.) Definitions for Agricultural and Forestry Uses (Text Changes/Additions)

3.) Fertilizers and Pesticides (Text Additions)

4.) Erosion Control, Tree Clearing and Forestry (Text Changes/Additions)

5.) Natural Resource Map of 250’ Setback to lake, pond, stream, brook, or NWI wetland.

Why More Changes?

- January 2024; CC, Order 04-01022024 City Manager to direct staff to work with the Lake Auburn Stakeholders Group. (AG working group, Sustainability, and Natural Resources Board, LAWPC, PB members, and public stakeholders) met in a public setting over 10 times from Jan-July to discuss and identify continued concerns and processes related to ordinances that protect Lake Auburn and its watershed.
- September 2024; CC, Order XX-09032024: Initiating ordinance amendments process to Division 4 Lake Auburn Watershed District focus on agriculture and forestry.
- Update definitions: to agricultural use, animal units, clearcutting, invasive species, livestock, NRCS, NWI, fertilizer, pest, pesticides, poultry, soil test, summer dormancy, tillage, Total N.
- Allows farming in the watershed with defined safe boards for water quality protections. (waste and nutrient management plans with required buffers)
- Requires existing farms to comply with obtaining waste or nutrient management plan that raise livestock or poultry by June 30, 2027 regardless of size.
- Set limits on animal and poultry animal units.
- Tillage setbacks from 100' to 250' (Map Developed)
- Manure spreading prohibited, language for manure storage BMPs
- Guideline for fertilizer and pesticide use and applications.
- Clearcutting limited to 2 acres on a 20-acre tract.
- Clearcutting is limited 25% of the lot on 20-acres or less.
- Added state forestry BMP language for tree clearing and state requirements for harvesting in the SLZ.
- Adopted "Rule 20" by the MFS policy under the Maine Forest Practices Act legislation.

Source Water Protection for the Auburn and Lewiston Community.
<u>That's our drinking water!</u>

Right to food. All individuals have a natural, inherent and unalienable right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.







auburnmaine.gov

Division 4. Definitions

- **Update definitions: to agricultural use, animal units, clearcutting, invasive species, livestock, NRCS, NWI, fertilizer, pest, pesticides, poultry, soil test, summer dormancy, tillage, Total N.**

District.¶

(b) → *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned.¶

Agricultural use means the production, growing, cultivation, or harvesting of any agricultural commodity or product or the raising, shearing, feeding, caring for, training, and management of livestock or poultry for commercial or personal use.¶

Animal unit has the same meaning as in section 60-2.¶

Clearcutting means any cutting of any trees or timber on a forested site that results in a residual basal area of trees over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under Section 8869, subsection 1 of the Maine Forest Practices Act.¶

Curtain drain means a tranch to intercept laterally moving ground water and divert it away from a septic system disposal field.¶

~~*Hobby agricultural use* means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where:~~¶

~~(1) → The products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit; and~~¶

~~(2) → The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded.~~¶

¶

Invasive Species. Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees.¶

Livestock has the same meaning as in section 60-2.¶

Soil test means the Comprehensive Soil Test provided by the Maine Soil Testing Service, or equivalent.¶

Summer dormancy means the period during mid-summer most commonly observed in unirrigated grasses when growth ceases. Dormancy is characterized by brittle texture and a loss of green color.¶

Synthetic fertilizer means any fertilizer manufactured from one or more synthetic materials containing no animal parts, animal byproducts, manures or renderings.¶

Tillage or tilled means the reconfiguration of the soil into a desired condition by mechanical means.¶

Total nitrogen means the sum of all nitrogen forms contained within fertilizer, including water soluble nitrogen forms, slow-release nitrogen forms, and water insoluble nitrogen forms. The percentage of total nitrogen appears as the leftmost number of the grade on fertilizer labels or containers.¶

Wetland, see NWI Wetland.¶

Invasive Species. Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees.¶

Livestock has the same meaning as in section 60-2.¶

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.¶

Natural Resource Conservation Service or NRCS means the U.S. Department of Agriculture, Natural Resources Conservation Service or, in those instances where the NRCS is prohibited by federal law from providing services to the property owner or lessee, an alternative service provider approved by the director of the city planning, permitting, and code department, or their designee.¶

~~*Non-hobby agricultural use* means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.~~¶

NWI Wetland means any waterbody shown on the U.S. Fish & Wildlife Service National Wetlands Inventory.¶

Organic fertilizer means fertilizer derived from either plant or animal products that contain nutrients for plant growth. It is acceptable for the materials in these fertilizers to have been subjected to biological degradation processes under normal conditions of aging, rainfall, sun curing, air drying, composting, rotting, enzymatic, or anaerobic/aerobic bacterial action, or any combination of these. In order to qualify as organic fertilizer, the materials in these fertilizers may not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by processing such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting in order to qualify as organic fertilizer. Organic fertilizers are broken down by and feed the microbial life in the soil.¶

Pest shall have the same meaning as the term set forth in 40 C.F.R. § 152.5, as the same may be amended from time to time.¶

Pesticide means any substance, or mixture, or combination of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.¶

Pests of significant public health importance means pests listed by the U.S Environmental Protection Agency, in conjunction with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, as pests of significant public health importance.¶

Poultry means domesticated birds.¶

auburnmaine.gov

Farming in the Lake Auburn Watershed

(a) → *Agricultural uses.* ~~Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are.~~ Use of land for agricultural use within the Lake Auburn Watershed Overlay District is only ~~allowed~~ permitted if: ¶

(1) → The property owner or ~~operator~~ lessee shows, and the director of the city planning, permitting, and code department, or their designee, finds, after consultation with the LAWPC watershed manager, ~~first demonstrates to LAWPC's watershed manager~~ that ¶

a. → Such use, or expansion of such use, will not cause groundwater contamination ~~and~~, will not contaminate or disturb the normal course of surface water runoff, and will not contaminate any lake, pond, stream, brook, or NWI wetland; and ¶

b. → The property owner or lessee has a waste and nutrient management plan developed in compliance with the Natural Resource Conservation Service's standards for waste and nutrient management. ¶

(2) → ~~LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer~~ The director of the city planning, permitting, and code department, or their designee, has provided their written finding of conformity with the requirements of this Sec. 952(2)(a) to the property owner or lessee. ¶

(3) → The provisions of this Subsection 2(a) shall apply to all new or expanded agricultural uses of land within the Lake Auburn Watershed Overlay District. For those agricultural uses that exist on July 1, 2024, the property owner or lessee shall comply with the requirements of this Subsection 2(a)(1)(b) no later than June 30, 2027. ¶

(4) → The provisions of this Subsection 2(a) requiring a showing to the director of the planning, permitting, and code department, or their designee, and the requirement to have a waste and nutrient management plan, shall not apply if the agricultural use of the land is for the production, growing, cultivation, or harvesting of any agricultural commodity or product, (but not for or the raising, shearing, feeding, caring for, training, and management of livestock or poultry), whether for commercial or personal use, if the agricultural use of the land encompasses no more than 1,000 square feet in total on any lot. This provision shall not be construed to exempt the property owner or lessee from any other provision of this Division. ¶

- **Allows farming in the watershed with defined safe boards for water quality protection. (waste and nutrient management plans by NRCS with required buffers-250 Feet)**
- **Requires existing farms to comply with obtaining waste or nutrient management plan that raise livestock or poultry by June 30, 2027 regardless of size and crop farms over 1,000 SF.**
- **Removes hobby farms.**
- **Approvals are required by LAWPC, City Staff, and NRCS input.**

auburnmaine.gov

Set Limits on Animal Units In the Watershed

(c) → *Number of animal units permitted.* The number of animal units of livestock permitted in the Lake Auburn Watershed Overlay District shall be calculated utilizing the formula shown in the definition of Farm, Livestock as shown in section 60-2. The number of animal units of poultry permitted in the district shall be calculated as 15 animal units per acre of cleared land not to exceed a total of 150 animal units per lot. ¶

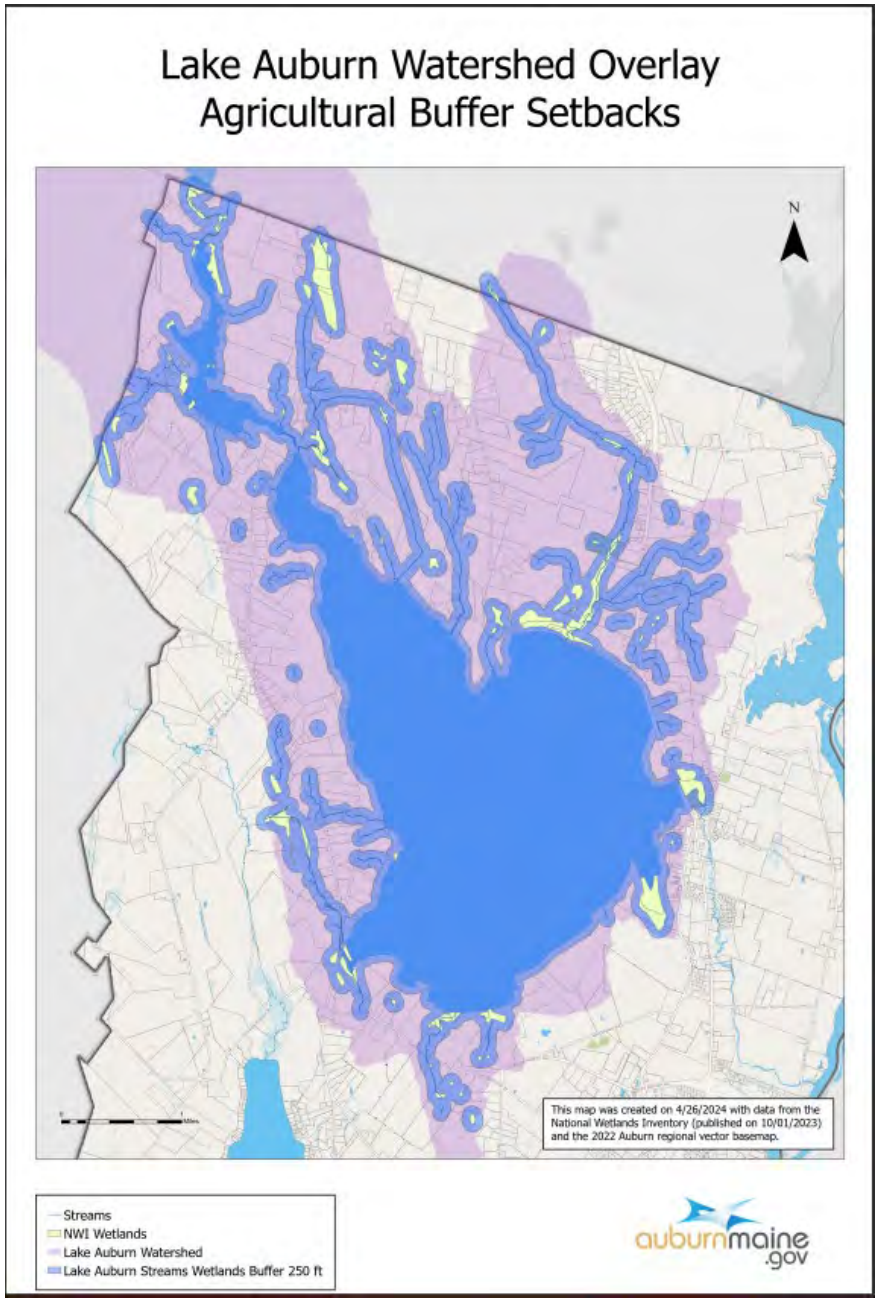
(60-2) Farm, livestock, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar-sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

1. Cattle: One bovine animal unit per acre of cleared hay-pasture land.
2. Horse: 1.5 animal units per acre of cleared hay/pasture land.
3. Sheep: Three animal units per acre of cleared hay/pasture land.
4. Swine: Two animal units per acre of cleared land.

Other livestock farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

auburnmaine.gov

Division 4 Buffers



Tillage setback of 250’ from Natural Resources.

(ed)→ *Agricultural Vegetated buffer strip.* ~~Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5-minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.~~ Where soil is tilled for agricultural purposes, or livestock or poultry is kept, an

(Supp. No. 29)

Page 4 of 9

untilled, vegetated buffer strip at least 250 feet wide shall be retained between the tilled area and the normal high-water mark of any lake, pond, stream, brook, or NWI Wetland.

Vegetated buffer strips shall be constructed and maintained as specified in the latest version of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorous Control Manual, Volume II & Technical Design Manual Volume III, March 2016.

This subsection shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

auburnmaine.gov

Division 4. Lake Auburn Watershed Overlay District Cont.

Manure storage requirements.

(~~de~~) *Manure and sludge spreading, storage, and disposal.* The ~~s~~spreading ~~and or~~ disposal of manure or sludge within the Lake Auburn Watershed Overlay District is prohibited. Manure shall be stored on an impervious surface which has a roof or cover. ~~All spreading and disposal of manure shall be accomplished in conformance with the then current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal.~~





auburnmaine.gov

Division 4. Lake Auburn Watershed Overlay District Cont.

Guideline for fertilizer and pesticide use and applications.

b. upon a showing by the applicant that a nutrient management plan prepared by the Natural Resources Conservation Service for a specific agricultural use requires a frequency of application greater than that specified in subsection 2(f)(1)(c) of this section and/or a total nitrogen application greater than that specified in subsection 2(f)(1)(d) of this section.

(4) Fertilizers shall be stored, mixed, and loaded:

a. pursuant to the specific manufacturer's storage instructions on the fertilizer label; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time.

(g) *Allowed and prohibited pesticides.* For outdoor pest management activities in the Lake Auburn Watershed Overlay District, the following shall apply:

(1) Synthetic substances are prohibited unless specifically listed as "allowed" on the U.S. Department of Agriculture's National List of Allowed and Prohibited Substances (the "National List");

(2) Non-synthetic substances are allowed unless specifically listed as "prohibited" on the National List;

(3) Pesticides determined to be "minimum risk pesticides" pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 4 and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended from time to time, are allowed; and

(4) The use or application of pesticides (whether natural, organic, "non-synthetic," synthetic or otherwise) within 250 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland is prohibited.

(5) The following materials, applications, or activities are exempt from the provisions of this subsection (g) (and are so allowed).

a. Pet supplies, such as shampoos and tick and flea treatments, when used in the manner specified by the manufacturer;

b. Disinfectants, germicides, bactericides, miticides and virucides, when used in the manner specified by the manufacturer;

c. Insect repellents when used in the manner specified by the manufacturer;

d. Rat and rodent control supplies when used in the manner specified by the manufacturer;

e. Swimming pool supplies when used in the manner specified by the manufacturer.

(6) The following uses of prohibited pesticides are exempt from the provisions of this subsection (and are so allowed) when the use of the material, application, or activity is more than 250 feet from the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland or when a waiver has been granted by the director of the director of the city planning, permitting, and code department or their designee.

a. Prohibited pesticides may be used to control plants that are poisonous to the touch, such as poison ivy; pests of significant health importance, such as ticks and mosquitoes; animals or insects that may cause damage to a structure, such as carpenter ants or termites; invasive species; or when used by a public utility for maintenance of a right-of-way through the Lake Auburn Watershed Overlay District.

b. The director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager, may grant a waiver to use a prohibited pesticide within 250 feet of the high-water mark of a lake, pond, stream, brook, or NWI Wetland when such use is necessary to protect public health or safety.

(f) *Fertilizer use and application.* The following provisions shall apply to the use, application, or storage of fertilizer in the Lake Auburn Watershed Overlay District.

(1) The following uses and applications of fertilizer are permitted.

a. Organic fertilizer if a soil test is conducted annually; and

b. The fertilizer that is used or applied does not contain nutrients in excess of the amount recommended by the completed soil test; and

c. No more than two fertilizer applications are made in one calendar year; and

d. For each application, total nitrogen may not exceed 1 lb. per 1,000 square feet.

(2) The following uses and applications of fertilizer are prohibited.

a. Fertilizer containing phosphorus, unless a waiver for the use of fertilizer containing phosphorus is issued by the city planning, permitting, and code department.

b. Synthetic fertilizers.

c. Fertilizer used within 100 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland.

d. Fertilizer used when a rain event producing 0.5 inch or more of precipitation in a one-hour period is forecast or is occurring.

e. Fertilizer used on saturated surfaces.

f. Fertilizer used on partially or wholly frozen ground.

g. Fertilizer used on impervious surfaces, if spills occur on impervious surfaces they must be removed immediately.

h. Fertilizer used during the summer dormancy period.

(3) Waivers may be issued by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager:

a. upon a showing by the applicant that the use of synthetic fertilizer, or the use of fertilizer containing phosphorus, is necessary because a suitable organic fertilizer product that meets the nutrient needs of the soil as specified in the soil test is unavailable. The waiver may contain additional conditions on the use or application of the waivered fertilizer product to minimize the risk to any lake, pond, stream, brook or NWI Wetland.

auburnmaine.gov

Division 4. Lake Auburn Watershed Overlay District Cont.

- Clearcutting limited to 2 acres on a 20-acre tract.
- Clearcutting is limited 25% of the lot or 2 acres, whichever is less on lots less than 20-acres.
- Added state forestry BMP language for tree clearing and state requirements for harvesting in the SLZ.
- Adopted "Rule 20" by the MFS policy under the Maine Forest Practices Act Legislation.

Tree clearing and forestry. Clearcutting is limited to 25% of the total area of a lot or two acres, whichever is less; provided that on lots of 20 acres or more, one clearcut of not more than two acres in every 20 contiguous acres may be made. Any discrete tree or timber cutting operation on a lot of any size over two acres shall be permitted only pursuant to a harvest plan prepared by a Maine licensed forester meeting the standards in the latest versions of Rule 20 of the rules adopted under the Maine Forest Practices Act, the Maine Department of Agriculture, Bureau of Forestry's manual on Best Management Practices for Forestry: Protecting Maine's Water Quality and, where applicable, the requirements of Chapter 21 of Maine Forest Service's Statewide Standards for Timber Harvesting in Shoreland Areas. All harvest plans must be approved by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager. Such harvest plan will be approved or disapproved based on its conformance with this Division, with a focus on its ability to ensure protection of the water quality of Lake Auburn. From time to time, the director, or their designee, may require the approved harvest plan to be amended to ensure preventive and corrective actions which may become necessary to protect the water quality of Lake Auburn. ¶





auburnmaine.gov

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director of Planning and Permitting
Re: ITEMS #9 &10: Public Hearing – Text Amendments related to Lake Auburn Watershed Overlay District and Lake Auburn Watershed Overlay District Agricultural Buffer Setbacks Map.
Date: October 8, 2024
****

I. PROPOSAL: Discuss amendments to Chapter 60, Article XII, Division 4, Lake Auburn Watershed Overlay District of the Auburn Code of Ordinances to more precisely identify the standards governing definitions, agriculture, pesticides, fertilizers, forestry, resource protection and erosion control in the Lake Auburn Watershed Overlay District. This amendment is pursuant to Chapter 60, Article XVII Division 2-Amendment to the Zoning Ordinance or Zoning Map.

Consider adopting the Lake Auburn Watershed Overlay District Agricultural Buffer Setbacks Map. This map is to establish a 250' setback to agricultural field tillage from natural resources and will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

II. BACKGROUND: In January of 2024, City Council ordered (04-01022024) the City Manager to direct staff to work with city wide interest groups (AG Working Group, Sustainability and Natural Resources Board, LAWPC, Planning Board and public stakeholders) to create the Lake Auburn Stakeholders Group. Since that time the group(s) have met on approximately 10 occasions to address continued concerns pertaining to protecting Lake Auburn. The group(s) have relied on the ordinance to drive the discussion on what is best for the public water supply of Lewiston and Auburn. The proposed changes are detailed in the attached order and proposed text. The proposed changes include amendments to Section 60.2 Definitions, Sec. 60-951 Use and environmental regulations and Sec. 60-952 as they relate to agricultural, forestry and erosion control. The amendments include changes that will strengthen the ordinances pertaining to the Lake Auburn Watershed and the source water protection for the communities of Auburn and Lewiston which serves clean drinking water to 39,000 residents from Lake Auburn.

III. SUGGESTED LANGUAGE: See Attached.

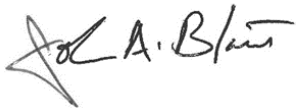
IV. SUGGESTED FINDINGS OF FACT:

1. The amendments are consistent with the growth pattern specified in the Future Land Use Plan in Auburn's Comprehensive Plan.
2. The proposed map and text amendments serve Goal A.1 in the Comprehensive Plan to maintain the exceptional water quality of Lake Auburn and existing waiver from filtration to avoid or delay the need for costly treatment (pages 4-9)
3. These proposed amendments are in service of Goal B.1 in the Comprehensive plan, to ensure sufficient clean water supplies to meet current and future needs (pages 20-21).
4. These amendments align with the Lake Auburn Study, 2021; and the report by FB Environmental: Lake Auburn Memo from August 2022.
5. These amendments are the result of several public meetings with the Lake Auburn Stakeholders Group as ordered by City Council.

V. PLANNING BOARD ACTION/STAFF RECOMMENDATIONS: Lake Auburn Overlay District: These two items are on the Planning Board agenda as public hearing item(s). Staff recommends the Planning Board have a discussion and make a formal recommendation to the City Council on the text amendments in Chapter 60, Article II General Provisions, Division 4, Lake Auburn Watershed Overlay District, Sec. 60-951, Sec. 60-952, and Sec.60-953 and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

1st POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to amend the text in Chapter 60, Article II General Provisions, Division 4 Lake Auburn Watershed Overlay District, Sec. 60-951, Sec.60-952 and Sec. 60-953. Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

2nd POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to adopt the Lake Auburn Watershed Overlay District, Agricultural Buffer Setbacks Map. This map is for establishing a 250' setback to agricultural field tillage from natural resources and will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.



_____

Signed

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 4, 2024

Author: Megan Norwood, Planning Coordinator

Subject: Manufactured housing, trailers, office trailers to allow shipping containers, Conex boxes, railroad cars and tractor trailer bodies for storage.

Information: The City has experienced an increase in the use of shipping containers, conex boxes, railroad cars and tractor trailer bodies used for storage. Current language in the ordinance does not address these items. Staff brought a proposed ordinance amendment to the Planning Board for initiation and the Board reviewed it at their August 13, September 10 and October 8 meetings. On October 8, 2024 the Planning Board forwarded a favorable recommendation on an ordinance to the City Council by a Vote of 4-1.

The proposed language includes provisions for shipping containers or Conex boxes that include shielding them from a public way (or neighboring property). Shipping containers or Conex boxes which are altered in appearance to resemble the characteristics of surrounding structures are excluded from visibility requirements. The language specifically limits the size of shipping containers and Conex boxes to 320 square feet and establishes a permitting process through the Planning and Permitting Department.

The language also allows for railroad cars and tractor trailer bodies to be used for agricultural and industrial uses only provided they are not visible from a public way or a neighboring property.

City Budgetary Impacts: Potential revenue from building permit fees & taxable value from the structures.

Staff Recommended Action: As this is a workshop item, please provide feedback to Staff on the proposed ordinances and any questions.

Previous Meetings and History: PB favorable recommendation at the October 8, 2024 meeting.

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments: Proposed Ordinance Amendment

Sec. 60-666. Uses of—Manufactured housing, trailers, office trailers.

The use of manufactured housing, trailers and office trailers is prohibited except as follows:

(1) As permanent single-family residences on individual lots in all residential districts (applies only to manufactured housing units that meet all federal, state and city codes).

(2) As permanent single-family residence in approved mobile home developments in Rural Residence (RR), and Suburban Residence (SR) Districts (applies only to manufactured housing units that meet all federal, state and city codes).

(3) As permanent single-family residence on individual lots in the Manufactured Housing Overlay (MHO) Districts (applies only to manufactured housing units that meet the requirements of division 6 of article XII of this chapter).

(4) As temporary residences for farm laborers or supervisory personnel employed on a seasonal basis on the farm of their employer and limited to the period of such seasonal employment.

(5) As temporary field headquarters or office space on construction sites for persons or firms actually engaged in construction work.

(6) As temporary office space for persons or firms actually engaged in the business of selling manufactured housing, mobile homes and trailers.

(7) As temporary living quarters for construction workers located on or within one-quarter of a mile from the construction site on which they are employed. Such occupancy shall be limited to the period during which construction is in progress.

(8) As temporary living quarters for persons whose need arises from emergency resulting from loss of their homes through accident, natural disaster, or other physical causes. The period of occupancy permitted by this subsection shall be limited to 12 months together with any additional period during which a valid building permit for construction of replacement living quarters may be in effect (applies to manufactured housing only).

(9) As temporary office space for a business enterprise during the period in which permanent office space is being constructed for which a valid building permit has been issued.

(10) As temporary living quarters for employees of itinerant businesses such as carnivals during the period when such businesses are actually being conducted within the city and in no case for longer than 30 days (applied to trailers only).

(11) As temporary classroom space at an existing school facility for educational activities conducted by the city's department of education.

(12) Storage boxes or space trailers used as storage space for nonhazardous materials by the commercial or industrial use which occupies the property. For the purpose of this chapter, the term "storage box" or "space trailer" means a fully enclosed structure manufactured for storage use only. ~~and does not include tractor-trailer bodies, cargo container boxes or railroad cars.~~

(13) As office space for excavation and sawmill operations for the period of active use. If such operations are discontinued for a period of 12 consecutive months, such use shall be considered abandoned and the office trailer shall be removed.

(14) Shipping containers or Conex boxes used as a storage space for nonhazardous materials which are not visible from a public way or a neighboring property. Shipping containers or Conex boxes which are altered in appearance to resemble the characteristics of surrounding structures are excluded from

visibility requirements. Regardless of size all Conex and Storage boxes must be permitted with city code enforcement and size must be limited 320 SF.

(15) Railroad cars and tractor trailer bodies ~~used for the storage of harvested crops~~which are not visible from a public way or a neighboring property are allowed for agricultural and industrial uses only.

(Ord. of 9-21-2009, § 4.3B)

IN COUNCIL WORKSHOP & MEETING OCTOBER 21, 2024 VOL 37 PAGE 198

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Student Representative Abdulahi was absent (excused). All Councilors were present.

I. Consent Items

1. ORDER 145-10212024* - Appointing Arthur Wing to the Auburn Housing Authority Board of Commissioners for a term that expires 10/1/2029, as recommended by the Appointment Committee.

Councilor Gerry moved for passage, seconded by Councilor Whiting. Motion passed 7-0.

II. Minutes – October 7, 2024 Regular Council Meeting

Councilor Walker moved for acceptance of the minutes, seconded by Councilor Cowan. Motion passed 7-0.

III. Communications, Presentations and Recognitions

Mayor Harmon read a memo submitted by the Natural Products & Agriculture Working Group thanking the City for its support of the Farm & Forest event held over the weekend. Over 200 people attended.

City Manager Crowell, Mayor Harmon, and Chief Robert Chase recognized the Auburn Fire Department for their outstanding work in response to several low-frequency, high-risk emergencies and fires lately. Several members of the Fire Department were in attendance.

Mayor Harmon presented a plaque to owners of Republic Jewelry and Collectibles in recognition of the business' 40th anniversary.

Mayor Harmon read the proclamation for 2024 Extra Mile Day and presented an award to the Volunteers at The Drop-In Center.

IV. Open Session

None.

V. Unfinished Business

1. ORDINANCE 19-10032024– Adopting revised MMA General Assistance Ordinance and 2024/2025 GA Maximums. Second reading/public hearing. Passage requires majority vote. ROLL CALL VOTE.

Mayor Harmon opened the public hearing. There was no comment. The public hearing was closed.

Councilor Walker moved for passage, seconded by Councilor Gerry. Motion passed 7-0 on a roll call vote.

2. ORDER 146-10212024 – Amending ORDER 106-08192024 regarding the City's Comprehensive Plan Committee. Passage requires majority vote.

Councilor Milks moved for passage, seconded by Councilor Weisner.

Councilors discussed the merits of the proposed amendment.

Motion failed 3-4 (Gerry, Whiting, Platz, Cowan opposed).

VI. New Business

1. Public Hearing – CDBG/HOME Consolidated Annual Performance Evaluation Report (CAPER) Program Year 2023. No action.

Mayor Harmon opened the public hearing at 7:52pm. There was no comment and the public hearing was closed. No action was taken by the Council.

2. ORDER 147-10212024 - Authorizing the City's general obligation bonds in the amount of $983,000to finance the School Department's FY25 Capital Improvement Program. First reading. ROLL CALLVOTE. Passage requires an affirmative vote of 5 Councilors at the second reading.

Councilor Whiting moved for passage, seconded by Councilor Cowan. Motion passed 6-1 (Gerry opposed) on a roll call vote.

VII. Reports

a. **Mayor's Report**- Mayor Harmon recognized the self-serve fuel option now available at the airport. Attended the Preble St. Homelessness Conference with the City Manager. Attended the Farm & Forest tour hosted by the Natural Products & Agriculture committee. Attended recent tours of manufacturing plants in recognition of Manufacturing Month. Reminded the public of the upcoming community meeting for citizens to give input on the Washington St. Corridor on 10/23 at 5:30pm. Reminded the public that absentee voting is ongoing at Auburn Hall and residents may vote absentee until 10/31 without special circumstances.

b**. City Councilors' Reports** – Councilor Whiting thanked the manufacturing plants for offering tours. Councilor Cowan thanked the Economic Development department for organizing the tours of the manufacturing plants and commented on the upcoming meeting of the Homeless Committee on Thursday. The Homeless Committee is close to producing a report. Councilor Weisner attended the self-serve fuel event at the airport, there was great attendance. Asked the City Manager for an update on the Solid Waste plan, especially on recycling and compost. Councilor Walker thanked everyone who attended the recent clothing giveaway hosted by the Age Friendly Committee, over 425 people attended at the Library and over 5,000 pieces of clothing were given away. Reminded the public of UNAA's Halloween event on 10/27 from 1-3pm in Anniversary Park. Councilor Platz gave a few updates from the School Department; Asst. Superintendent was announced, Scott Annear. School recently approved $67,300 from previous bond for submeters for the new geothermal system at the High School, this could earn a tax credit up to $3 million in net savings.

c. **Student Representative Report** – Representative Egge acknowledged the Lewiston tragedy one year ago and thanked public safety for all they do to keep the community safe.

d. **City Manager Report** – Recognized the 1 year Lewiston Remembrance event occurring on 10/25. Thanked Landry French for including students of the PAL center in their recent "topping off" ceremony. Recognized Halloween events taking place, Trunk or Treat, and the Drug Take Back event at Bedard Pharmacy and the Sandbuckers for Seniors program.

e. **July 2024 Finance Report – Kelsey Earle, Finance Director**
Motion to accept the Finance Report by Councilor Walker, seconded by Councilor Milks. Motion passed 7-0.

VIII. Open Session

None.

IX. Executive Session

None.

X. Adjournment

Motion to adjourn made by Councilor Walker, seconded by Councilor Weisner. Motion passed 7-0. Council adjourned at 8:12pm.

A TRUE COPY ATTEST

Emily F. Carrington, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 4, 2024 ORDINANCE 20-11042024

Author: Kris Beaudoin- Code Compliance Team Leader

Subject: Chapter 12 Article IV.- Housing Code, Ordinance update

---

Information: Updates to Chapter 12 Article IV. Housing Code to clarify its applicability to all building types and address challenges with vacant buildings. The proposed amendments include the addition of a definition for vacant buildings, requirements specific to vacant buildings, and the addition of language in Division 2 expanding inspection areas to vacant buildings and structures utilized for the purpose of conducting business. The proposed changes to the ordinance will clarify the applicability of standards to vacant and non-residential buildings and expand the enforcement ability of staff on vacant buildings. The ordinance has been reviewed by the City Attorney and the edits from that review have been included in the draft.

City Budgetary Impacts: None-easier enforcement

Staff Recommended Action: Hold the first reading of the amended draft ordinance during November 4, 2024, Council meeting.

Previous Meetings and History: Council Workshop September 3, 2024

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments: Chapter 12 Article IV. document outlining changes.

ARTICLE IV. PROPERTY MAINTENANCE AND HOUSING CODE

DIVISION 1. GENERALLY

Sec. 12-145. Purpose.

The purpose of this article is to establish minimum standards for all ~~dwellings~~ buildings and ~~-~~property incident thereto in the city to ~~insure~~ ensure safety, health, and public welfare through the proper construction, maintenance, and use thereof.

(Code 1967, § 20-A(1.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-146. Definitions and rules of construction.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Chief of police means the legally designated head of the police department of the city or his authorized representative.

Dwelling or *dwelling unit* means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

Fire chief means the legally designated head of the fire department of the city or his authorized representative.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, game rooms, foyers or communicating corridors and permanent built-in closets and storage spaces.

Health officer means the legally designated health authority of the city or his authorized representative.

Infestation means the presence or evidence of the presence within or around a dwelling, of any insects, rodents, or other pests.

Manufactured housing means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site, the term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. Manufactured housing shall include newer mobile homes and modular homes as defined in city zoning regulations.

Mobile homes, older, means any factory-built home that fails to meet the definition of manufactured housing and more specifically, any mobile home constructed prior to June 15, 1976. These units shall be restrict to location in approved mobile home parks.

Mobile home park means a parcel of land under single ownership in rural residence, suburban residence and cluster development districts that has been planned and improved for the placement of not less than three mobile homes for non-transient use.

Multiple dwelling means any dwelling containing more than three dwelling units.

Occupant means any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person, who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are rented or let or of an area where spaces are rented or let for mobile homes.

Owner means any person who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

Paint stabilization means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint to the affected areas.

Plumbing means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwasher, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents , and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Rooming house means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living, and sleeping, but not for cooking or eating purposes.

Rubbish means combustible and non-combustible waste materials except garbage, including, without limitation, residue from the burning of wood, coal, coke, or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and others.

Structural elements means all of the following components of a structure, including but not limited to: foundation, framing, sheathing, siding, roofing material, windows, doors, trim, eaves, porches, stairs, railings, guards; and interior surfaces such as sheetrock, plaster, ceiling tiles, countertops, and floors.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations but not to exceed 30 days.

Supplied means paid for, furnished, installed or provided by or under the control of the owner or operator.

Temporary housing means any tent, trailer, or other structure used for human shelter that is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

Vacant building means any building that is unoccupied, unattended, and is not actively used as a place of residence or business, or is frequently ~~open or~~ unsecured so that unauthorized entrance may be gained.

(b) Whenever the words "building", "dwelling," "dwelling unit," "lodging house," "rooming unit," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

(Code 1967, § 20-A(art. V); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016; Ord. No. 10-11022020, 11-16-2020)

Sec. 12-147. Compliance required.

(a) No dwelling or dwelling unit shall be deemed to conform with the requirements of this article until it meets all of the minimum standards of this article as specified herein.

(b) It is unlawful to construct, alter, maintain, occupy, let for occupancy, or use a building or structure, or part thereof, in violation of the provisions of this article.

(Code 1967, §§ 20-A(1.2), 20A(1.3); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-148. Validity of other laws.

Nothing in this article shall be construed to prevent the enforcement of other laws that prescribe more restrictive limitations.

(Code 1967, § 20-A(1.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-149. Exceptions permitted.

In seasonal dwellings, mobile homes, buildings erected prior to the original adoption of this article, or in agriculture and resource protection district as defined by the zoning provisions of the city, or in areas where public water or sewerage systems are not available, the code compliance officer shall upon application grant an exception for the use of buildings for dwelling purposes that do not meet the minimum standards set forth in this article when he determines that:

(1) It is not feasible or practicable to comply with such minimum standards;

(2) The safety, health, or general welfare of the occupants and the public will not be adversely affected; and

(3) The effect of the granting of the exception will not adversely affect adequate light, air, overcrowding, of persons or property, the provision for public utilities, the character of the neighborhood, or traffic conditions as applied to the welfare of the occupants or the general public.

(Code 1967, § 20-A(1.6); Ord Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-150. Procedure for granting exceptions.

(a) The code compliance officer shall issue such exception in writing setting forth the date of granting, the reasons for granting the same, the date it shall expire, and the location of the premises.

(b) No such exceptions shall be granted for a period of more than five years. Any exception may be renewed one or more times, upon application to the board of appeals. Each renewal shall not exceed additional periods of five years for such renewal. Each renewal shall contain the requirements of the original exception and in addition thereto the date of issuance of the original exception and the statement that it is a renewal.

(Code 1967, § 20-A(1.7); Ord Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-151—12-169. Reserved.

DIVISION 2. INSPECTIONS

Sec. 12-170. Authority of code compliance officer.

The code compliance officer is hereby authorized to make inspections to determine the condition of vacant buildings, structures used for the purpose of conducting business, dwellings, dwelling units, rooming houses, rooming units and premises located within this city in order that ~~he~~ the code compliance officer may perform ~~his~~ their dut~~y~~ies of safeguarding the health and safety of the occupants of dwellings and of the general public.

(Code 1967, § 20-A(2.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-171. Right of entry for inspection.

For the purpose of making such inspections, the code compliance officer is hereby authorized to enter, examine, and survey any or all property or building, including without limitation, vacant buildings, buildings and structures used for the purpose of conducting business, dwelling units, rooming houses, rooming units, and premises at any mutually agreeable time, or as authorized by law ~~but in any case within 20 days of notice to the owners or occupant of the intention to make such an inspection~~.

(Code 1967, § 20-A(2.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-172. Owner and occupant to give free access.

(a) *Access of code compliance officer.* The owner and occupant of every dwelling, dwelling unit, lodging house and rooming unit or the person in charge thereof, shall give the code compliance officer free access to any or

all such property or building including, without limitation, vacant buildings, buildings and structures used for the purpose of conducting business, dwellings, dwelling unit, lodging house or rooming unit and premises at any mutually agreeable time, or as authorized by law, for the purpose of such inspection, examination, or survey~~, but in any case within 20 days of notice to the owner or occupant of the intention to make such an inspection, examination, or survey~~.

(b) *Access of owner.* Every occupant of a property or building including, without limitation, vacant buildings, buildings and structures used for the purpose of conducting business, dwelling, dwelling unit, lodging house and rooming unit shall give the owner, and his agent or employee, access at all reasonable times to any part of the dwelling, dwelling unit, lodging house, rooming unit or premises for the purpose of compliance with the ~~provisinos~~provisions of this article or any lawful order issued pursuant to this article.

(Code 1967, §§ 20-A(2.3), 20-A(2.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-173—12-194. Reserved.

DIVISION 3. ENFORCEMENT

Sec. 12-195. Procedure generally.

(a) If the code compliance officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, he shall initiate enforcement proceedings in accordance with the citation system established in this Code. Alternatively, he may initiate a land use complaint pursuant to state law, in which case the penalties therein provided shall apply.

(b) Any notice issued pursuant to this article shall:

(1) Be in writing;

(2) Include a statement of the reasons why it is being issued;

(3) Set a reasonable time for the performance of any act it requires;

(4) Be served upon the owner or his agent, or the occupant, as the case may require; provided, however, that:

a. Complaints under this article be deemed properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally or by leaving a copy thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or

b. If a copy thereof is sent by registered or certified mail to his last known address or the address as shown on the records in the tax assessor's office of the city of auburn; and

c. If service is made personally or by leaving at his dwelling house or usual place of abode a statement signed by the person so serving stating the date of service shall be filed in the office of planning and development.

(5) May contain an outline of remedial action that, if taken, will effect compliance with the provision of this article.

(c) After service of such notice, the owner or occupant to whom it is directed shall correct the condition constituting the violation within the time specified and promptly give notice to the code compliance officer that such corrective action has been taken.

(Code 1967, § 20-A(3.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-196. Method of petitioning for hearing.

(a) Any person affected by any notice issued in connection with the enforcement of any provision of this article, may request and shall be granted a hearing on the matter before the board of appeals; provided that such person shall file in the office of the board of appeals a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served.

(b) Upon receipt of such petition, the board of appeals shall set a time and place for such hearing and shall give the petitioner notice thereof in person or by mail.

(c) At such hearing, the board of appeals shall take evidence to determine whether such notice should be sustained, modified, or withdrawn.

(d) The hearing shall be commenced not later than 30 days after the day on which the petition was filed; provided that upon application of the petitioner the board of appeals may postpone the date of the hearing for a reasonable time beyond such 30 day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

(Code 1967, § 20-A(3.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-197. Power of board of appeals to alter notice.

After such hearing, the board of appeals shall sustain, modify, or withdraw the notice, depending upon its findings as to the compliance with the provisions of this chapter. If the board of appeals sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall automatically become an order if a written petition for a hearing is not filed in the office of the board of appeals within ten days after such notice is served. There shall be an appeal from the board of appeals to the superior court in the manner provided by state law.

(Code 1967, § 20-A(3.3); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-198. Recording of public hearing.

The proceedings at such hearing, including the findings and decision of the board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the board of appeals. Such record shall also include a copy of every notice or order issued in connection with the matter.

(Code 1967, § 20-A(3.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-199. Notice of intent to sell, transfer or rent property subject to order.

(a) *When required.* Any person who proposes to sell, transfer or otherwise dispose of lease or sublet any dwelling unit, lodging house, rooming unit, or other premises against which there is any existing lawful order of the code compliance officer, the board of appeals or any court of competent jurisdiction shall furnish the proposed grantee or transferee a true copy of such order and shall notify the office of planning and

development in writing of the intent to so sell, transfer, or otherwise dispose of lease or sublet in writing giving the name and address of the person to whom such transfer is proposed within three days of the proposed transfer.

(b) *Penalty.* Any person who violates the terms of this section shall be in violation of this chapter and shall be subject to a penalty or fine of not less than $50 and not more than $100 to be enforced by complaint in a court of competent jurisdiction.

(Code 1967, § 20-A(3.5); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-200. Placarding of buildings unfit for human habitation.

(a) *Authority of code compliance officer.* If the person so affected fails to appeal to the board of appeals or if after an appeal, the board of appeals sustains the decision of the code compliance officer, the dwelling, dwelling unit, lodging house, or rooming unit so affected may be declared unfit for human habitation and placarded by the code compliance officer.

(b) *Procedure.* To placard, the code compliance officer shall issue to the occupants and the owner or operator a written notice to vacate the premises within such time as the code compliance officer may deem reasonable, but not less than seven days, and a placard prohibiting continued occupancy or re-occupancy may be conspicuously posted on the premises, and a copy of such notice may be filed with the police department.

(c) *Use of placarded buildings prohibited.* No dwelling or dwelling units, lodging house, or rooming unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the code compliance officer. The code compliance officer shall remove such placard whenever the defect or defects upon which the placarding action is based have been eliminated.

(d) *Defacement and removal of placard prohibited.* No person shall deface or remove the placard from any dwelling or dwelling unit, lodging house or rooming unit, which has been declared unfit for human habitation and placarded as such.

(Code 1967, § 20-A(3.6); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-201. Order to vacate dangerous premises.

In instances where the health officer, fire chief, and chief of police, or their duly qualified deputies, determine in writing that extreme danger or menace to the occupants or the public health exists, the code compliance officer, health officer, fire chief, and chief of police, or their duly qualified deputies may order immediate correction to be made or, if the circumstances warrant, may order that the occupants vacate the premises as provided in this article.

(Code 1967, § 20-A(3.7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-202—12-224. Reserved.

DIVISION 4. MINIMUM STANDARDS

Sec. 12-225. Compliance with city codes and state law required.

All structures and structural elements of buildings and the construction, use and occupancy thereof shall be in accordance with the requirements of this Code, including the building and technical codes adopted by the city, and with state law and regulations.

(Code 1967, §§ 20-A(6.1), 20-A(12.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-226. Maintenance.

(a) All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

(b) All painted exterior surface areas of pre 1978 properties must be maintained in a manner to not cause a public nuisance or affect the health and safety of the occupants of the property where the condition exists or of surrounding properties. Paint stabilization must occur if the potential for such a condition exists.

(Code 1967, § 20-A(6.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 10-11022020, 11-16-2020)

Sec. 12-227. Plumbing.

Every dwelling unit shall contain a kitchen sink and a bathtub or shower. In addition, every dwelling unit shall contain, within a room which affords privacy, a flush water closet and a lavatory basin. All plumbing facilities required by this Code shall be in accordance with the requirements of the plumbing code adopted by the city as of date of installation and maintained in good sanitary working condition; water-related plumbing facilities required by this Code shall be connected to adequate supply of water.

(Code 1967, § 20-A(art. 7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-228. Heating and ventilation.

(a) *Maintenance.* All heating and ventilating facilities shall be maintained in safe operating condition for use without danger of asphyxiation or of overheating combustible material.

(b) *Requirements when central heating plant not available.* When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the basic building code to permit the use of heating equipment capable of providing heat as required by this section.

(c) *Heating facilities required in rented or leased premises.* Every habitable room, let for occupancy, shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of three feet from the exterior walls, five feet above floor level, as required by prevailing weather conditions. In addition, the heating facilities must be operated to protect the building equipment and systems from freezing.

(d) *Window specifications.* Every habitable room shall have a window or windows with a total sash area equal to at least eight percent of its floor area opening on a street, alley, yard, or court open to the sky and constructed and maintained so that at least one-half of the sash area can be opened, except that an approved method of mechanical ventilation may be substituted for such window or windows

(Code 1967, § 20-A(art. 8); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-229. Electrical and lighting.

All lighting and other electrical facilities shall be in accordance with the requirements of the electrical code adopted by the city and shall be maintained in good, safe and suitable electrical order.

(Code 1967, §§ 20-A(9.1), 20-A(9.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-230. Passageways, stairways and exits.

(a) *Exits.* Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading from the interior of the building to safe and open spaces at ground level in accordance with applicable statutes and ordinances.

(b) *Lighting.* Every passageway and stairway shall have at least one ceiling-type or wall-type electric light fixture adequate to provide safe passage.

(c) *Obstructions.* Every hallway, stairway, corridor, exit, fire escape door or other means of egress hall be kept clear of obstructions at all times.

(Code 1967, §§ 20-A(9.3), 20-A(12.3), 20-A(12.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-231. Garbage and rubbish.

(a) *Method of disposal.* Every responsible occupant of a dwelling or dwelling unit shall dispose of all his garbage and rubbish in a clean and sanitary manner. Every owner of rental property shall provide his tenants with suitable waste containers as required by city ordinance.

(b) *Accumulations prohibited.* Every dwelling shall be clean and free from garbage or rubbish. When a dwelling or dwelling unit is not reasonably clean or free from garbage or rubbish, the code compliance officer may cause the responsible person to put the dwelling or dwelling unit in a clean and sanitary condition.

(Code 1967, § 20-A(10.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-232. Insect and rodent control.

(a) *Owner responsible for extermination in multiple dwellings.* If infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(b) *Occupant responsible for extermination.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises.

(Code 1967, § 20-A(10.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-233. Space and occupancy.

(a) *Floor space requirements.* The total area of every dwelling unit shall contain at least 250 square feet of floor area, with an additional 125 square feet for each occupant over two.

(b) *Ceiling height.* At least one half of the floor area of every habitable room shall have a room ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(c) *Use of basement.* No basement space shall be used as a habitable room or dwelling unit unless it conforms to the minimum requirements of this article.

(Code 1967, § 20-A(art. 11); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-234. Dwelling occupancies prohibited adjacent to hazardous establishments.

No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids or producing toxic gases or vapors in any quantity that may endanger the lives or safety of the occupants.

(Code 1967, § 20-A(12.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-235. Vacant Buildings.

(a)~~(a)~~ In addition to other requirements, including without limitation section Sec. 12-226, all ~~All~~ vacant buildings shall be weather- protected from the elements to prevent deterioration of the interior and exterior of the building.

(b) All vacant buildings shall be secured to prevent rodent infestation and entry by unauthorized individuals.

(c) Sprinkler systems located in vacant buildings must be maintained and remain operational unless a removal request is approved in writing by the Authority Having Jurisdiction ~~(AHJ)~~, as such term is defined in the National Fire Protection Association Fire Prevention Code (also known as NFPA #1).

Ordinance 20-11042024

City Council Ordinance

IN CITY COUNCIL

PROPERTY MAINTENANCE AND HOUSING CODE

Be it ordained, that the Auburn City Council adopt the amendments to Chapter 12, Article IV, Property Maintenance And Housing Code as shown on the attached copy.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 4, 2024 **Order: 148-11042024**

Author: Councilor Belinda Gerry & Councilor Adam Platz

Subject: Amending ORDER 106-08192024 regarding composition of the City's Comprehensive Plan Committee

---

Information: Councilor Gerry and Councilor Platz are submitting the following amendment to ORDER 106-08192024:

- Up to ~~10~~ 12 residents of Auburn, who are not a member of the City Council or Planning Board, including at least one resident residing in each Ward, nominated by the Appointment Committee and appointed by the City Council (voting members)

This amendment would change the total number of resident members to 12, from the current 10. A copy of ORDER 106-08192024 is attached for reference.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History: ORDER 106-08192024 was passed August 19, 2024 and amended at the October 7, 2024 meeting. A proposed amendment changing the Comp Plan Committee's composition was considered at the October 21, 2024 meeting and failed 3-4 (Gerry, Platz, Whiting, Cowan opposed).

City Manager Comments: Phillip Crowell Jr.

Attachments: None

ORDER 106-08192024

City Council Order

AMENDED 10/7/24

IN CITY COUNCIL

Ordered, that the Auburn City Council adopt the attached Membership, Schedule, Charge and Directive defining and initiating the appointment process for the Comprehensive Plan Committee and directing the City Manager to provide staff support for selecting a consultant, the planning process and to provide facilities for meetings.

Passed 8/19/24, 7-0.
Amended 10/7/24, 5-2 (Gerry, Whiting).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Comprehensive Plan Committee Membership

- The mayor (voting member)
- Up to two city councilors, appointed by the City Council (voting members)
- Up to two members of the Planning Board, nominated by the Planning Board and appointed by the City Council (voting members)
- Up to 10 residents of Auburn, who are not a member of the City Council or Planning Board, including at least one resident residing in each Ward, nominated by the Appointment Committee and appointed by the City Council (voting members)
- Up to two residents of the State of Maine who have expertise in municipal comprehensive or master planning and/or land use regulation, nominated jointly by the Mayor and City Manager and appointed by the City Council (voting if an Auburn resident, non-voting if not an Auburn resident)
- The city manager (non-voting)
- The assistant city manager (non-voting)

Comprehensive Plan Committee Schedule

- The deadline to receive applications shall be November 8, 2024.
- Nominations for members of the Comprehensive Plan Committee shall be forwarded to the City Council within 35 days of the enactment of this order.
- The Comprehensive Plan Committee shall meet within 30 days of the enactment of the order confirming nominated members to the Comprehensive Plan Committee.
- The Comprehensive Plan Committee shall elect, from their voting membership, a chairperson and a vice-chairperson at their first meeting.
- The Comprehensive Plan Committee shall submit a draft comprehensive plan to the Planning Board for their review within 12 months of the Committee's first meeting.
- The Planning Board shall review the draft comprehensive plan and submit their recommendations regarding the draft plan to the City Council within 65 days of receipt of the draft plan from the Comprehensive Plan Committee.

Comprehensive Plan Committee Charge

- Shall prepare a comprehensive plan and implementation strategies in compliance with 30-A MRSA Chapter 187, Subchapter 2.
- Shall review the current zoning district regulations and zoning maps and prepare recommendations for revised zoning district regulations and maps.
- Shall review all relevant local municipal information related to the comprehensive planning process including but not limited to maps, data, capital plans, city services, inventories, and analysis.

Directive to City Manager

- The city manager shall provide staff support and meeting facilities to the Comprehensive Plan Committee.
- The city manager shall provide subject matter experts from the city staff to assist the Comprehensive Plan Committee with the preparation of the comprehensive plan.
- The city manager shall develop a request for proposal to secure the services of a comprehensive planning consultant to assist the Comprehensive Plan Committee with the preparation of the comprehensive plan.
- The city manager shall create a proposal review committee to review the responses from the consultants to the RFP, and to select a successful proposer, which includes an equal number of city staff and members of the Comprehensive Plan Committee.

ORDER 148-11042024

City Council Order

IN CITY COUNCIL

ORDERED, that ORDER 106-08192024, as passed August 19, 2024 and amended on October 7, 2024, be amended as follows:

- Up to ~~10~~ 12 residents of Auburn, who are not a member of the City Council or Planning Board, including at least one resident residing in each Ward, nominated by the Appointment Committee and appointed by the City Council (voting members)

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 4, 2024 RESOLVE 7-11042024

Author: Eric Cousens – Director of Planning and Permitting

Subject: Interim Rail Trail Resolve

Information: Mayor Harmon has requested Staff to prepare a resolve and information sheet pertaining to the future use of the State-owned section of the St. Lawrence and Atlantic Railroad Berlin Subdivision between Auburn and Portland.

A Portland to Auburn Rail Use Advisory Council was formed by the Maine DOT as a result of LD 1133 (an Act to Amend the Transportation Laws). The Council was tasked with reviewing the approximately 26.5-mile section of the St. Lawrence and Atlantic Rail Corridor and provide recommendations on the likelihood, economic benefits and costs of potential uses of the rail corridor. The trail has significant benefits for active transportation.

In January of 2023 the Portland to Auburn Rail Use Advisory Council provided three recommendations:
- Interim Trail until Rail: A paved trail (7 votes)
- Rail with Trail: A trail built alongside the existing tracks (5 votes)
- Rail Use Only: Keeping the tracks in place (1 votes)

Out of the three options the City of Auburn supported a "*rail with trail*" recommendation in an attempt to promote the substantial benefits of the trail while also preserving the best chance of freight or passenger rail use in the future.

With "rail with trail" no longer being a policy option, the City must consider whether it supports using the railway as an interim trail between Portland and Auburn as part of the Casco Bay Trail.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Consider resolve and vote to adopt revised position given the limited choices that are now available.

Previous Meetings and History:

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments: Draft Resolve for Interim Trail

RESOLVE 7-11042024

City Council Resolve

IN CITY COUNCIL

WHEREAS, the Commissioner of the Maine Department of Transportation, pursuant to Public Law 21, Chapter 239, established a Rail Use Advisory Council to facilitate discussion, gather information, and provide advice regarding the future use of the state-owned section of the St. Lawrence and Atlantic Railroad Berlin Subdivision between Auburn and Portland; and

WHEREAS, the City of Auburn was provided a seat on said Council to provide input on city plans and policies relating to the future use of this rail corridor; and

WHEREAS, the State of Maine acquired this corridor through two purchases, one in 2007 and another in 2010, as part of on-going planning for freight and passenger movements between the City of Portland and the City of Auburn; and

WHEREAS, the city has identified south Auburn as a growth area in its most recent Comprehensive Plan and multi-modal use of this corridor, including for active transportation, would increase its attractiveness for residential and commercial investment; and

WHEREAS, the City of Auburn previously supported a "rail with trail" recommendation; and

WHEREAS, the "rail with trail" option is no longer an available policy option, and the legislature will consider a recommendation of rail, trail, or interim trail; and

WHEREAS, the establishment of an "interim trail' along this corridor is integral to the establishment of the Casco Bay Trail;

NOW THEREFORE BE IT RESOLVED, that the Auburn City Council supports an "interim trail" recommendation from the Rail Use Advisory Council and the expedited advancement of any necessary planning and design work to implement that recommendation between the city of Portland, and the city of Auburn as part of the Casco Bay Trail.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 4, 2024 **Order: 149-11042024**

Author: John Blais, Deputy Director Planning & Permitting

Subject: Amending ORDER 123-09162024 extending the reporting deadline for the Mayor's Ad-Hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee from November 18, 2024 to December 16, 2024.

Information: This order amends ORDER 123-09162024 (attached) to change the reporting deadline from November 18, 2024 to December 16, 2024. The committee has made great progress particularly with defining Bona-Fide Agricultural and Farm land uses and we wish to have at least two additional meetings to define Bona-Fide Recreational and Natural Resources land uses. The thought is to focus on each of those two topics on each meeting individually and then finalize a working document to be shared with the City Council.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History: ORDER 123-09162024 creating the Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee was passed at the September 16, 2024 Council Meeting.

City Manager Comments: Phillip Crowell J.

Attachments: None

ORDER 123-09162024

City Council Order

IN CITY COUNCIL

ORDERED, the creation of the Mayor's Ad-hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee as outlined below:

Charge

The Mayor's Ad-hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee will develop criteria to be used when determining if a business or land use, if implemented, will constitute a bona fide farming, agricultural, recreational or natural resource use pursuant the City of Auburn Code of Ordinances, Section 60-145(a)(1)(b)(2)(i).

Membership

The committee shall be comprised of the following members:

- The Chair of the Sustainability and Natural Resources Board or the Chair's designee.
- Up to two representatives of the Natural Products and Agriculture Working Group as designated by the Chair of the Group.
- A representative of the Conservation Working Group as designated by the Chair of the Group.
- A representative of the Community Forestry Working Group as designated by the Chair of the Group.
- A representative of the Parks and Recreation Advisory Board as designated by the Chair of the Board.
- A member of the Planning Board as designated by the Chair of the Board.
- Representatives of the Planning, Permitting, and Code Enforcement Department as designated by the City Manager.

Reporting

The Committee report to the City Council, no later than November 18, 2024, with proposed criteria.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 149-11042024

City Council Order

IN CITY COUNCIL

ORDERED, that ORDER 123-09162024, as passed September 16, 2024, be amended as follows:

Reporting

The Committee report to the City Council, no later than ~~November 18, 2024~~ December 16, 2024, with proposed criteria.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Monthly Financial Report
August 2024 - Fiscal Year 2025

Authored by: Kelsey Earle

To: Honorable Mayor, Members of the City Council and City Manager
Subject: Financial Report for the Month Ending August 31, 2024

I respectfully submit the financial summaries of the revenue and expenditure activities for the City during the month ending August 31, 2024.

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

General Fund Highlights

Revenues

• Total revenues collected through August 2024 were **$7.51M** or **11.15%** of budgeted general fund revenue, as compared to 9.4**%** of actual revenues through August 2023.

- Total tax collection and EMS Transport fees have had a significant impact on the increase in revenue collected

Expenditures

• Expenditures through August 2024 were **$8.8M** or **8.25%** of the budget, as compared to 8.3**%** of actual expenditures through August 2023.

- No significant expenses are generally expected during the month of August, operating budgets are usually stable during this period

Respectfully submitted,

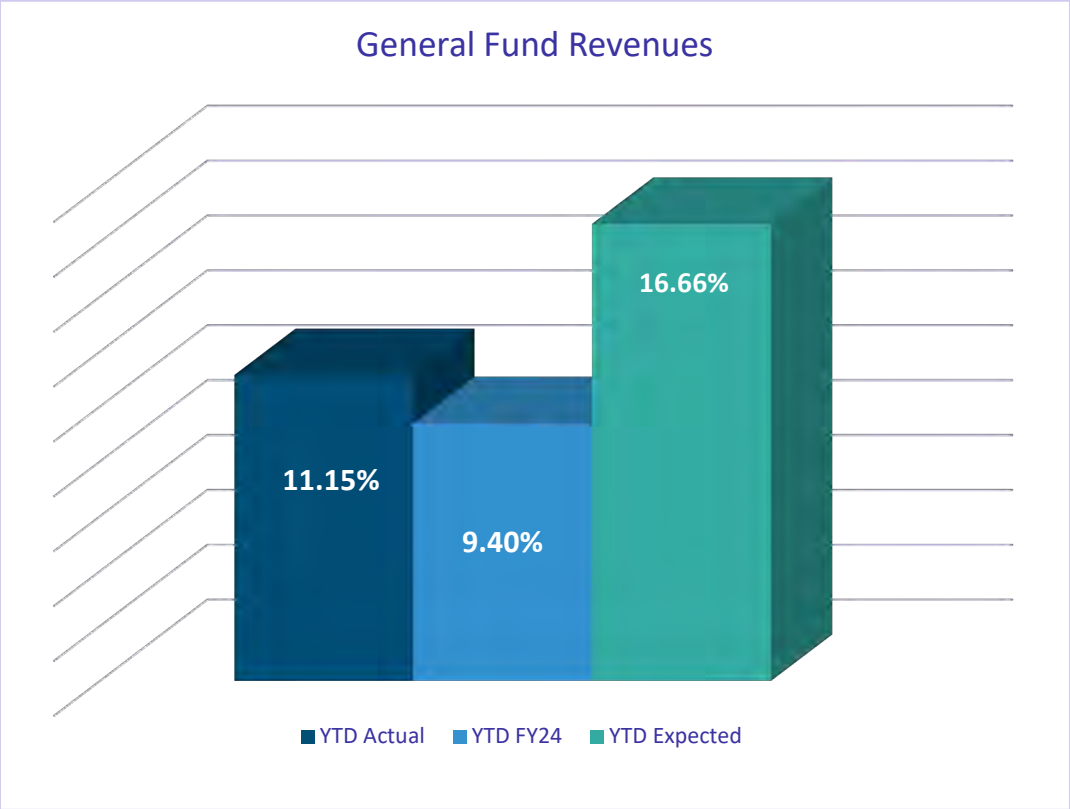
Kelsey L. D. Earle

Kelsey L. D. Earle
Finance Director

General Fund

for the Period Ended August 31, 2024

*Graph reflects current YTD with comparison to prior YTD and expected approximate percentage.



GENERAL FUND REVENUES - AUGUST 2024

		ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1006	Communications & Engagement	-65,000	0	0	-65,000	0.00%
1007	City Clerk	-308,860	-41,189	0	-267,671	13.34%
1008	Finance	-22,535,996	-6,967,065	0	-15,568,931	30.92%
1010	Planning & Permitting	0	-24,500	0	24,500	#DIV/0!
1012	Planning & Permittin	-183,400	-53,153	0	-130,247	28.98%
1014	Engineering	-20,450	-120	0	-20,330	0.59%
1015	Facilities	-104,000	-25,834	0	-78,167	24.84%
1021	Fire & EMS Transport	-100	0	0	-100	0.00%
1022	Police	-64,000	-4,182	0	-59,818	6.53%
1023	Fire EMS Transport	-1,700,000	-272,072	0	-1,427,928	16.00%
1032	Health and Social Serv Assist	-630,840	-125,839	0	-505,001	19.95%
1042	Public Works	-400,000	0	0	-400,000	0.00%
1070	Education	-41,368,735	0	0	-41,368,735	0.00%
	TOTAL General Fund Revenues	**-67,381,381.00**	**-7,513,953.56**	**0.00**	**-59,867,427.44**	**11.15%**

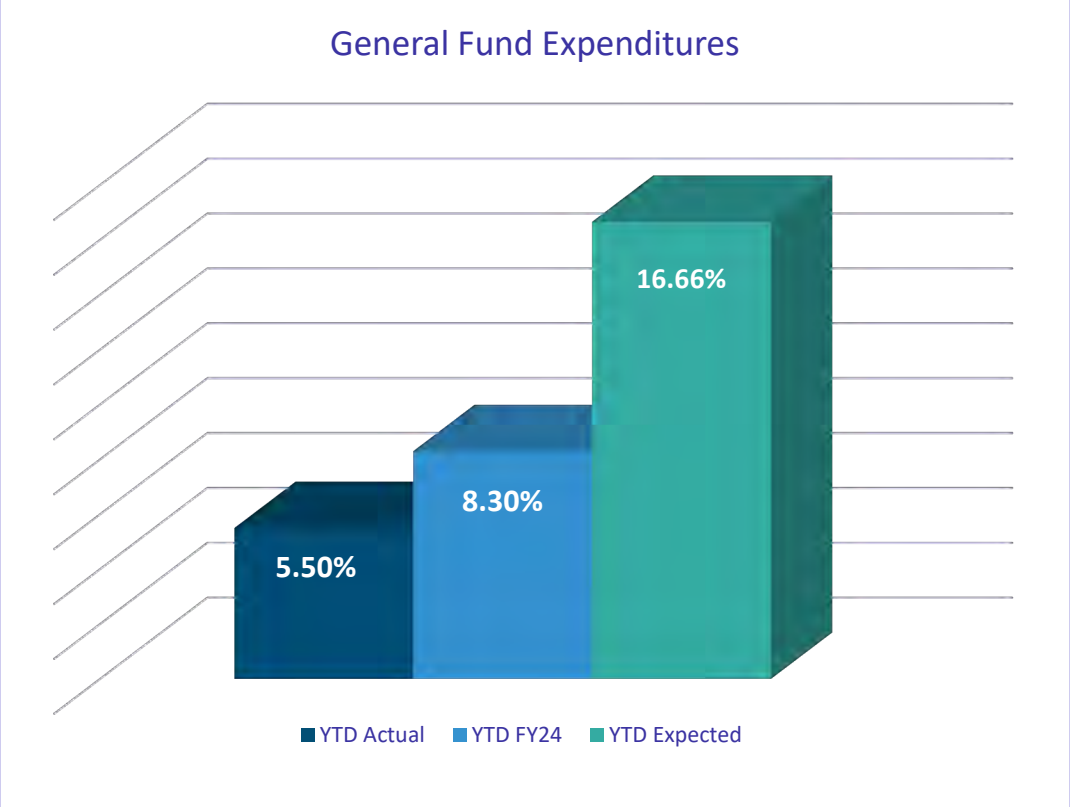
EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2024 - Aug 31,2024
Report as of August 31st, 2024

	Beginning Balance 8/1/2024	August 2024					Ending Balance 8/31/2024
		New Charges	Payments	Refunds	Adjustments	Write-Offs	
Attorney/In care of	**$ (16.75)**	$ 962.00	$ -	$ -	$ -	$ -	$ 945.25
Bluecross	**$ 78,745.25**	$ 8,298.00	$ (6,849.91)	$ -	$ 1,578.67	$ -	$ 81,772.01
Intercept	**$ (2,169.40)**	$ 100.00	$ (100.00)	$ -	$ -	$ -	$ (2,169.40)
Medicare	**$ 531,763.30**	$ 122,252.00	$ (64,800.41)	$ -	$ (107,651.54)	$ -	$ 481,563.35
Medicaid	**$ (189,295.19)**	$ 47,440.00	$ (54,235.06)	$ -	$ (41,125.23)	$ -	$ (237,215.48)
Other/Commercial	**$ 167,707.77**	$ 21,260.00	$ (28,238.80)	$ 679.40	$ (2,979.62)	$ -	$ 158,428.75
Patient	**$ (37,368.98)**	$ 6,530.00	$ (13,067.03)	$ 750.44	$ 1.70	$ 1,077.40	$ (42,076.47)
Worker's Comp	**$ (11,428.01)**	$ -	$ (2,561.80)	$ -	$ (375.70)	$ -	$ (14,365.51)
TOTAL	**$ 537,937.99**	**$ 206,842.00**	**$ (169,853.01)**	**$ 1,429.84**	**$ (150,551.72)**	**$ 1,077.40**	**$ 426,882.50**

General Fund

for the Period Ended August 31, 2024

*Graph reflects current YTD with comparison to prior YTD and expected approximate percentage.



GENERAL FUND EXPENDITURES - AUGUST 2024

		ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1004	Mayor and Council	178,800	33,370	0	145,430	18.66%
1005	City Manager	711,450	119,297	1,507	590,646	16.98%
1006	Communications & Engagement	378,966	43,583	19,728	315,655	16.71%
1007	City Clerk	335,291	41,130	0	294,161	12.27%
1008	Finance	1,351,064	264,470	0	1,086,594	19.57%
1009	Human Resources	280,420	39,678	0	240,742	14.15%
1010	Planning & Permitting	829,048	116,920	0	712,128	14.10%
1011	Economic Development	135,461	29,448	0	106,013	21.74%
1012	Planning & Permittin	0	500	0	-500	#DIV/0!
1013	Business & Community Developme	804,568	82,937	0	721,631	10.31%
1014	Engineering	363,646	80	0	363,566	0.02%
1015	Facilities	1,874,151	58,667	149,160	1,666,324	11.09%
1016	Worker's Compensation	719,025	0	0	719,025	0.00%
1017	Fringe Benefits & Salary Incre	8,212,715	1,249,949	0	6,962,766	15.22%
1019	Debt Service	9,772,812	0	0	9,772,812	0.00%
1020	Capital Investment and Purchas	0	74,109	-9,986	-64,124	#DIV/0!
1021	Fire & EMS Transport	6,634,967	971,872	-1,098	5,664,193	14.63%
1022	Police	5,517,652	726,860	66,152	4,724,640	14.37%
1025	Information Technology	1,039,215	328,939	25,808	684,468	34.14%
1030	Recreation and Sports Tourism	590,866	89,677	4,000	497,189	15.85%
1032	Health and Social Serv Assist	901,200	134,770	0	766,430	14.95%
1042	Public Works	6,368,936	743,039	209,882	5,416,015	14.96%
1043	Solid Waste Disposal	1,616,500	152,337	0	1,464,163	9.42%
1045	County Tax	3,117,240	3,117,240	0	0	100.00%
1046	PW School Maint & Custodial	3,745,487	230,173	1,009,864	2,505,450	33.11%
1049	Auburn Art in the Park	25,000	0	0	25,000	0.00%
1050	Public Library	1,199,897	199,983	0	999,914	16.67%
1051	Transfer to TIF	3,049,803	0	0	3,049,803	0.00%
1052	Water & Sewer	840,280	0	0	840,280	0.00%
1053	Tax Sharing	260,000	0	0	260,000	0.00%
1054	Auburn-Lewiston Airport	205,000	-9,778	0	214,778	-4.77%
1056	LA Transit Committee	458,502	0	0	458,502	0.00%
1057	LA-911	1,380,000	0	0	1,380,000	0.00%
1070	Education	62,123,472	0	0	62,123,472	0.00%
	TOTAL General Fund Expenses	**125,021,434**	**8,839,251**	**1,475,018**	**114,707,166**	**8.25%**

BALANCE SHEET FOR 2025 Period 2 (August)

FUND: 1000 General Fund			NET CHANGE FOR PERIOD	ACCOUNT BALANCE
ASSETS				
	TOTAL ASSETS		48,618,577.28	79,413,880.58
LIABILITIES				
	TOTAL LIABILITIES		-49,765,663.93	58,375,860.76
FUND BALANCE				
1000	037000	Ctrl Total - Encumbrances	1,041,286.87	1,908,825.83
1000	037100	Assinged Fund Balance	.00	-1,951,394.00
1000	037102	Nonspendable Fund Balance	.00	-689,263.00
1000	037103	Restricted Fund Balance	.00	-2,309,553.00
1000	037104	Unassinged Fund Balance	.00	-17,932,496.61
1000	037105	FB RESTRICTED SCHOOL	.00	536,000.00
1000	037201	CTRL TOTAL-BUD FB DESIGNATED	-1,041,286.87	-1,908,825.83
1000	047000	Ctrl Total - Revenues	-5,344,574.99	-7,530,040.86
1000	057000	CTRL TOTAL-EXPENDITURES	6,491,661.64	8,836,648.37
	TOTAL FUND BALANCE		1,147,086.65	-21,040,099.10
TOTAL LIABILITIES + FUND BALANCE			-48,618,577.28	-79,415,959.86

Norway Savings Bank Arena

for the Period Ended August 31, 2024

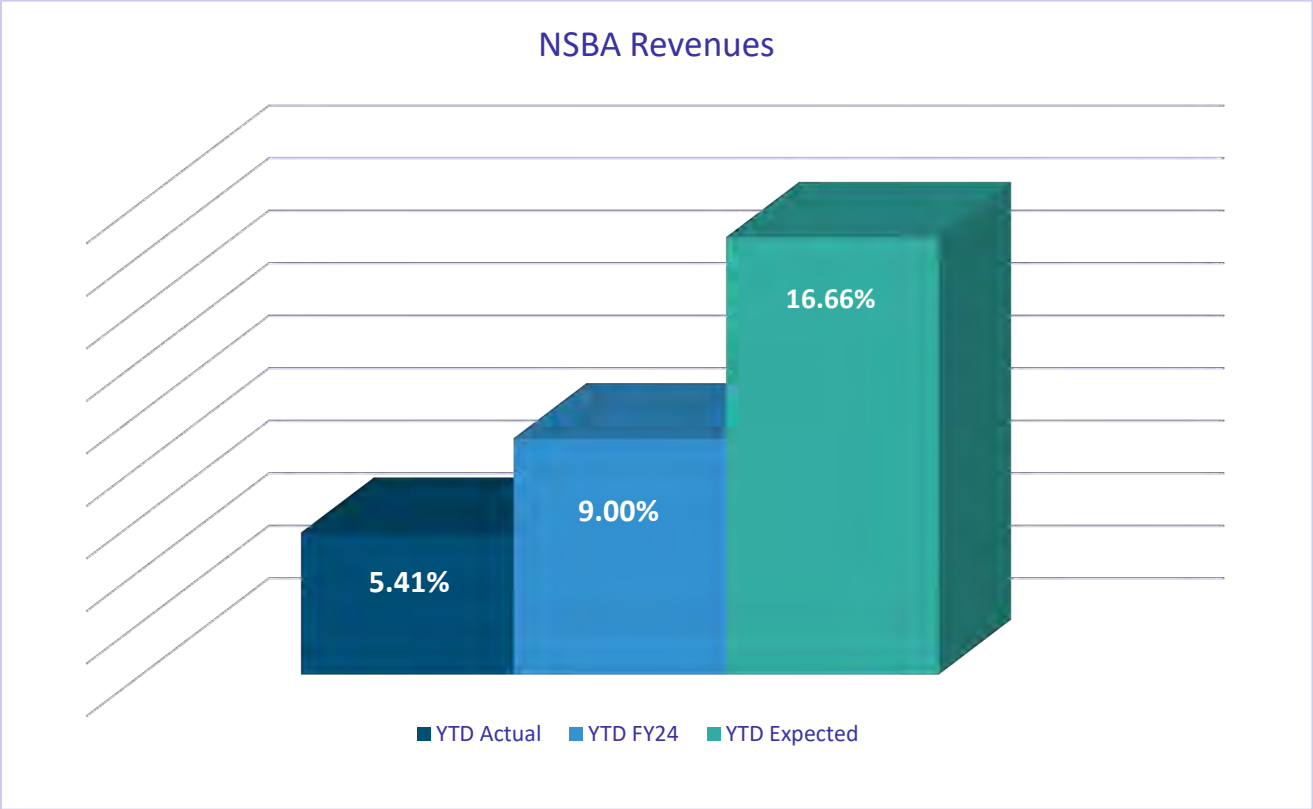
As of August 2024, Norway Arena had an operating loss fiscal YTD of $32,308.

Revenues:

The operating revenues for Norway Arena through August 2024 are $59,475 or 5.41% of the budget as compared to 9.00**%** of actual revenues through August 2023. This revenue comes from concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals.

- Ice rentals began earlier last year, the current rink project is almost complete

*Graph reflects revenues for the current year with comparison to expected approximate percentage.



NSBA REVENUES - AUGUST 2024

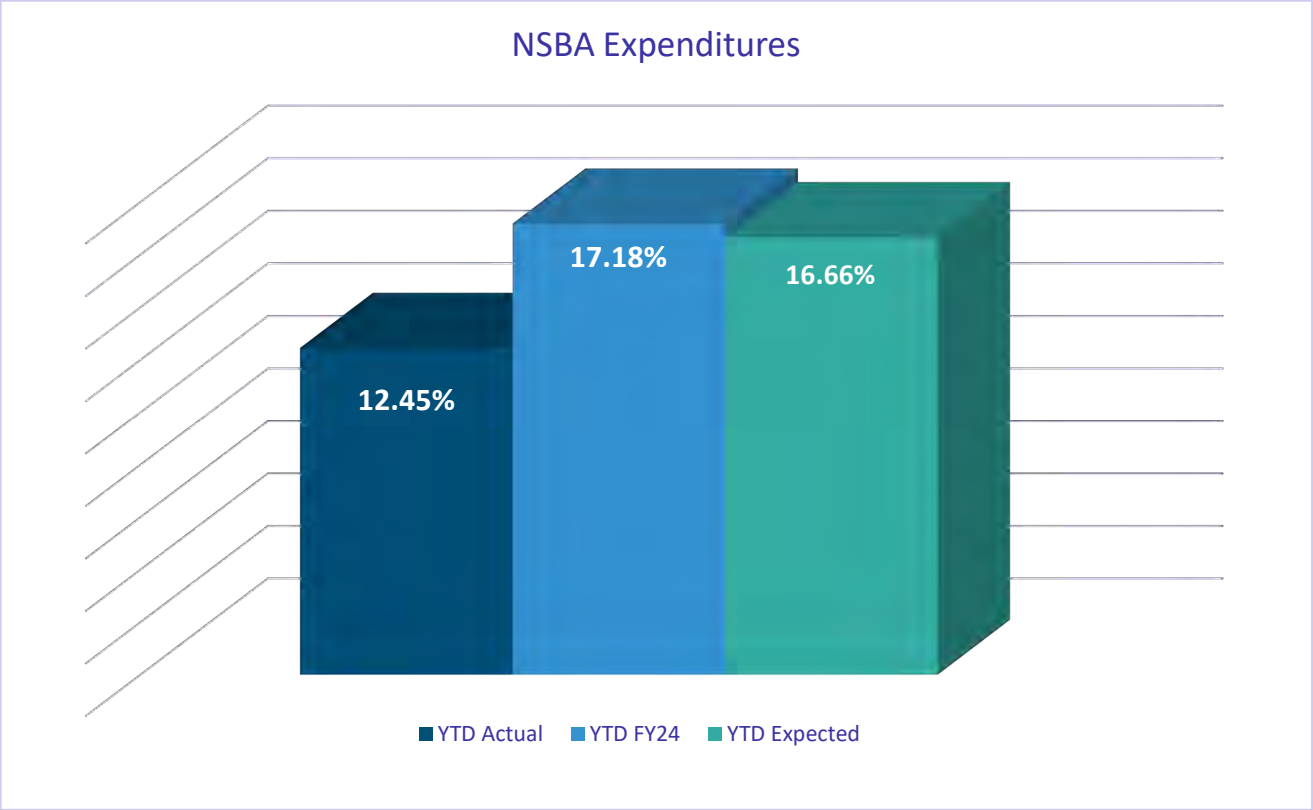
	ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6200 4201 Ice Rental-Gladiators	-280,000.00	0.00	0.00	-280,000.00	0.00%
6200 4202 Ice Rental-Edward Little	-22,500.00	0.00	0.00	-22,500.00	0.00%
6200 4203 Ice Rental-Red Hornets	-18,500.00	0.00	0.00	-18,500.00	0.00%
6200 4205 Ice Rental-St Doms (B & G)	-35,000.00	0.00	0.00	-35,000.00	0.00%
6200 4206 Ice Rental-Poland/Gray NG	-18,500.00	0.00	0.00	-18,500.00	0.00%
6200 4207 Ice Rental-CMCC	-22,500.00	0.00	0.00	-22,500.00	0.00%
6200 4208 Ice Rental-SMMHL	-2,000.00	0.00	0.00	-2,000.00	0.00%
6200 4209 Ice Rental-Adult Leagues	-162,000.00	-11,280.00	0.00	-150,720.00	6.96%
6200 4210 Ice Rental-Youth Other	-33,800.00	-2,230.00	0.00	-31,570.00	6.60%
6200 4211 Ice Rental-HS/MS Other	-28,600.00	-1,116.00	0.00	-27,484.00	3.90%
6200 4215 Freestyle-Figure Skating	-7,500.00	-150.00	0.00	-7,350.00	2.00%
6200 4220 Camps/Clinics	-45,000.00	-6,860.00	0.00	-38,140.00	15.24%
6200 4221 Tournaments	-75,000.00	0.00	0.00	-75,000.00	0.00%
6200 4222 Birthday Party Rentals	0.00	0.00	0.00	0.00	0.00%
6200 4223 Private Rentals	-30,000.00	-5,050.00	0.00	-24,950.00	16.83%
6200 4224 Public Skate	-25,000.00	0.00	0.00	-25,000.00	0.00%
6200 4225 Shinny Hockey	-4,000.00	0.00	0.00	-4,000.00	0.00%
6200 4240 Programs	-20,000.00	0.00	0.00	-20,000.00	0.00%
6200 4250 Non Ice & Facility Rent	-40,000.00	-3,041.25	0.00	-36,958.75	7.60%
6200 4252 Skate Rentals	-3,000.00	0.00	0.00	-3,000.00	0.00%
6200 4260 Concession	-21,000.00	0.00	0.00	-21,000.00	0.00%
6200 4261 Pepsi Vending Machines	-3,000.00	-498.22	0.00	-2,501.78	16.61%
6200 4265 Pro Shop	-7,000.00	0.00	0.00	-7,000.00	0.00%
6200 4270 Sponsorships	-195,000.00	-29,250.00	0.00	-165,750.00	15.00%
6200 4271 Sign Advertisement	0.00	0.00	0.00	0.00	0.00%
6200 429000 Events	0.00	0.00	0.00	0.00	0.00%
TOTAL NSBA Revenues	**-1,098,900.00**	**-59,475.47**	**0.00**	**-1,039,424.53**	**5.41%**

Expenditures:

The operating expenses for Norway Arena through August 2024 were $91,783 or 12.45% of the budget as compared to 17.18**%** of actual expenditures through August 2023. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

- Vehicle repairs have exceeded the amount budgeted for the year due to extensive repair and maintenance on the ice resurfacer.

*Graph reflects expenditures for the current year with comparison to expected approximate percentage.



NSBA EXPENDITURES - AUGUST 2024

	ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6200 611000 Regular Salaries	311,032.00	56,015.28	0.00	255,016.72	18.01%
6200 612000 Part Time	60,000.00	8,837.81	0.00	51,162.19	14.73%
6200 612008 Programs	10,000.00	462.50	0.00	9,537.50	4.63%
6200 620000 Advertising	2,000.00	0.00	0.00	2,000.00	0.00%
6200 628000 PS - Gen/Professional	12,000.00	0.00	0.00	12,000.00	0.00%
6200 628003 PS - Drug Testing	400.00	0.00	0.00	400.00	0.00%
6200 628014 PS - Solid Waste Disposal	600.00	69.59	0.00	530.41	11.60%
6200 628019 Repairs - Buildings	50,000.00	1,600.08	0.00	48,399.92	3.20%
6200 628020 Repairs - Vehicles	4,000.00	5,623.51	0.00	-1,623.51	140.59%
6200 628021 Repairs - Equipment	4,000.00	0.00	2,440.00	1,560.00	61.00%
6200 628051 PS-Cleaning Services	20,000.00	1,330.00	18,670.00	0.00	100.00%
6200 628070 PS-Security	4,900.00	0.00	0.00	4,900.00	0.00%
6200 629000 Training & Tuition	5,000.00	0.00	0.00	5,000.00	0.00%
6200 632000 Dues & Subscriptions	7,412.00	7,500.00	1,350.00	-1,438.00	119.40%
6200 633000 Office Supplies	2,000.00	0.00	0.00	2,000.00	0.00%
6200 633001 Operating Supplies	70,000.00	7,392.91	7,100.00	55,507.09	20.70%
6200 633002 ADVERTISITNG SIGNS	3,000.00	8.00	0.00	2,992.00	0.27%
6200 633021 Safety Equipment	4,000.00	40.31	0.00	3,959.69	1.01%
6200 640000 Telephone	5,000.00	610.28	0.00	4,389.72	12.21%
6200 640001 Cable	2,500.00	535.68	0.00	1,964.32	21.43%
6200 641000 Water/Sewer	46,000.00	0.00	0.00	46,000.00	0.00%
6200 641001 Natural Gas	42,153.00	1,662.86	0.00	40,490.14	3.94%
6200 641002 Electricity	220,000.00	0.00	0.00	220,000.00	0.00%
6200 641003 Bottled Gas	5,000.00	93.75	0.00	4,906.25	1.88%
6200 642000 Postage	150.00	0.00	0.00	150.00	0.00%
6200 645000 Insurance Premiums	43,223.00	0.00	0.00	43,223.00	0.00%
6200 650000 Capital Outlay	40,000.00	0.00	0.00	40,000.00	0.00%
TOTAL NSBA Expenses	**974,370.00**	**91,782.56**	**29,560.00**	**853,027.44**	**12.45%**

Ingersoll Turf Facility

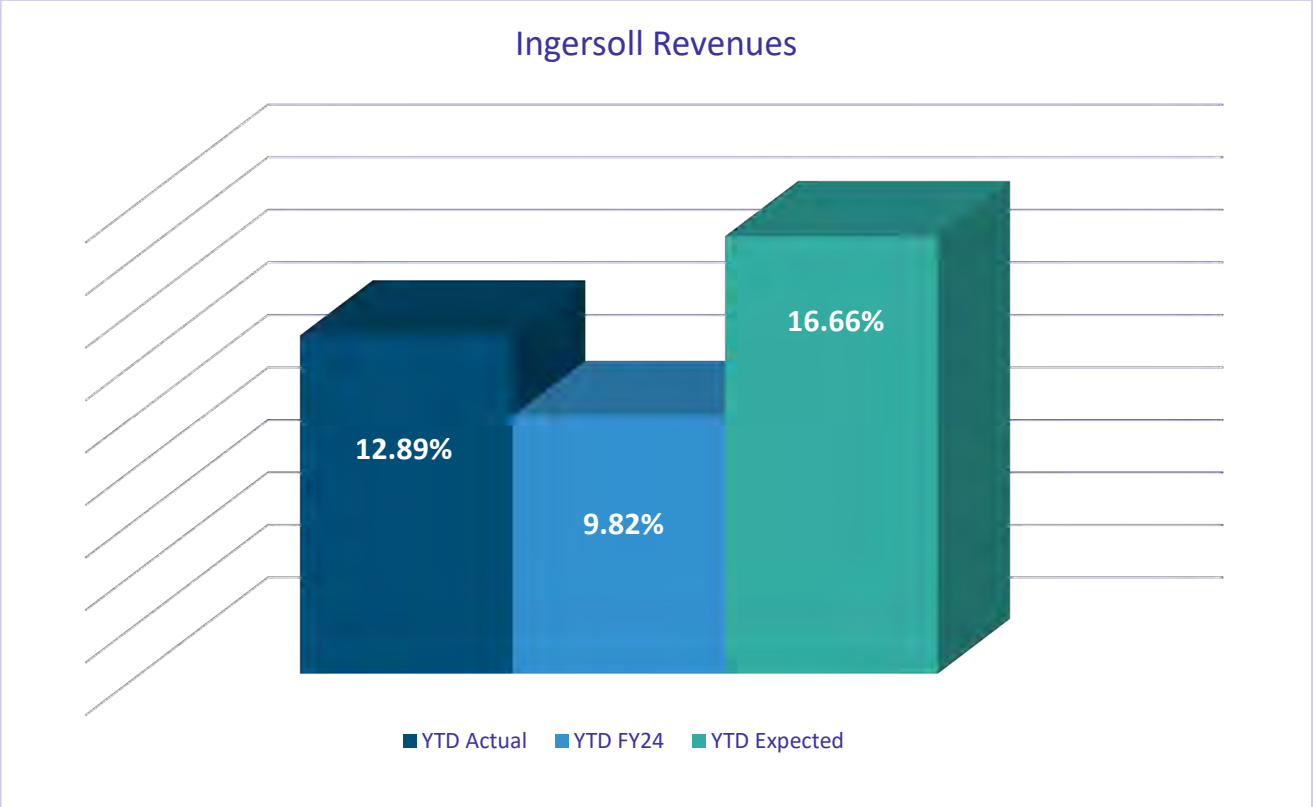
for the Period Ended August 31, 2024

As of August 2024, Ingersoll had an operating gain YTD of $16,574. Of note, revenue to expenditure comparison is disproportionate as some expenditures are listed under the Recreation department budget, and regular salaries under Public Works.

Revenues:

The operating revenues for Ingersoll through August 2024 are $17,074 or 12.89% of the budget as compared to 9.82**%** of actual revenues through August 2023. This revenue comes from sponsorships, programs, rental income, and batting cages.

*Graph reflects revenues for the current year with comparison to expected approximate percentage.



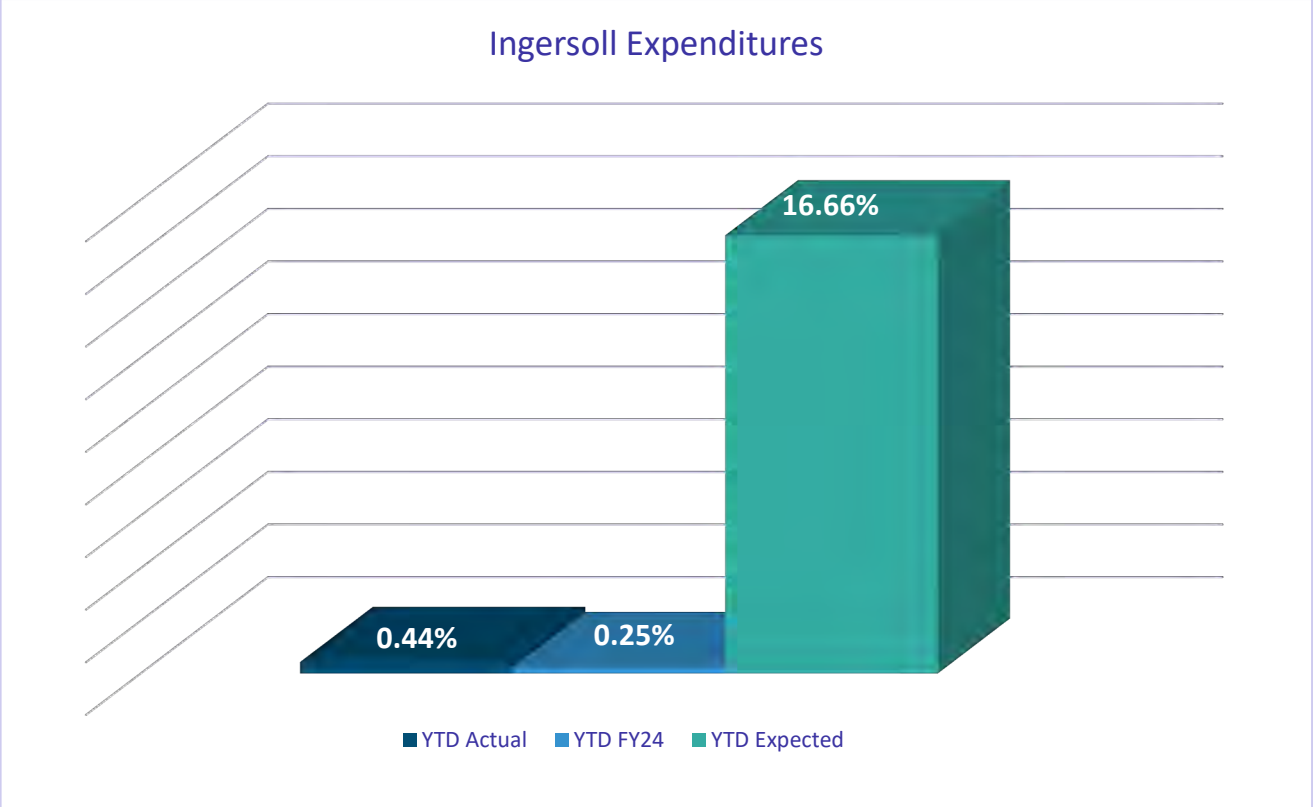
INGERSOLL REVENUES - AUGUST 2024

	ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6100 420070 Sponsorship	-20,000.00	-1,500.00	0.00	-18,500.00	13.33
6100 420800 Batting Cages	-18,000.00	-2,585.00	0.00	-15,415.00	6.96
6100 420903 Programs	-42,000.00	0.00	0.00	-42,000.00	0.00
6100 420903 TF01 Programs-Adult Co-Ed Soccer	0.00	0.00	0.00	0.00	0.00
6100 420903 TF02 Youth Softball	0.00	0.00	0.00	0.00	0.00
6100 420903 TF03 High School Soccer League	0.00	0.00	0.00	0.00	0.00
6100 420903 TF04 Birthday Parties	0.00	-340.00	0.00	340.00	0.00
6100 420903 TF05 Senior Walking	0.00	0.00	0.00	0.00	0.00
6100 420903 TF06 Sports Clinics	0.00	0.00	0.00	0.00	0.00
6100 422000 Investment Income	0.00	-898.66	0.00	898.66	0.00
6100 429010 Rental Income	-140,000.00	-11,750.00	0.00	-128,250.00	11.91
TOTAL Ingersoll Revenues	**-220,000.00**	**-17,073.66**	**0.00**	**-202,926.34**	**12.89**

Expenditures:

The operating expenses for Ingersoll through August 2024 were $500 or 0.44% of the budget as compared to 0.25**%** of actual expenditures through August 2023. These expenses include supplies, repairs, capital purchases and maintenance. Many expenses are now budgeted under Recreation.

*Graph reflects expenditures for the current year with comparison to expected approximate percentage.



INGERSOLL EXPENSES - AUGUST 2024

	ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6100 611000 Regular Salaries	40,000.00	0.00	0.00	40,000.00	0.00%
6100 612000 Part Time	25,000.00	135.35	0.00	24,864.65	0.54%
6100 620000 Advertising	500.00	0.00	0.00	500.00	0.00%
6100 628000 PS - Gen/Professional	5,300.00	0.00	0.00	5,300.00	0.00%
6100 628019 Repairs - Buildings	20,000.00	0.00	0.00	20,000.00	0.00%
6100 629000 Training & Tuition	500.00	0.00	0.00	500.00	0.00%
6100 629001 Travel - Mileage Reimbursement	200.00	0.00	0.00	200.00	0.00%
6100 632000 Dues & Subscriptions	500.00	0.00	0.00	500.00	0.00%
6100 633000 Office Supplies	500.00	0.00	0.00	500.00	0.00%
6100 633003 Janitorial Supplies	2,000.00	247.76	0.00	1,752.24	12.39%
6100 633033 Program Expenses	16,300.00	0.00	0.00	16,300.00	0.00%
6100 640000 Telephone	1,400.00	117.02	0.00	1,282.98	8.36%
6100 641005 Diesel	300.00	0.00	0.00	300.00	0.00%
6100 642000 Postage	50.00	0.00	0.00	50.00	0.00%
TOTAL Ingersoll Expenses	**112,550.00**	**500.13**	**0.00**	**112,049.87**	**0.44%**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 4, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (E) to discuss a legal matter.

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 Workshop & Meeting
Agenda
November 18, 2024
Auburn Hall, Council Chambers

5:30 PM Workshop

- Property Tax Assistance Program
- **Executive Session** pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter.
- **Executive Session** pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter.

7:00 PM Meeting

Pledge of Allegiance & Roll Call **-** *Roll call votes will begin with Councilor Platz*

I. **Consent Items –** *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Passage of items on the Consent Calendar require majority vote.*

II. **Minutes** – November 4, 2024 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

1. **Auburn State Legislatures Invitation**

IV. **Open Session –** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. **Unfinished Business**

1. **ORDER-129-10032024** - Appointing Rex Rhoades, Ward 1, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*

2. **ORDER-130-10032024** - Appointing Rebecca Swanson Conrad, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*

3. **ORDER-131-10032024** - Appointing John Cleveland, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*

4. **ORDER-132-10032024-** Appointing Adam Lee, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*

7. **ORDER-133-10032024-** Appointing Denis Bergeron, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*

8. **ORDER-134-10032024-** Appointing Mathieu Duvall, Ward 3, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*

9. **ORDER-135-10032024-** Appointing Kelly Butler, Ward 4, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*

10. **ORDER-136-10032024-** Appointing Bruce Rioux, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*

11. **ORDER-137-10032024-** Appointing Jane Costlow, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*

12. **ORDER-138-10032024-** Appointing Dana Staples, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*

13. **ORDER 147-10212024 -** Authorizing the City's general obligation bonds in the amount of $983,000 to finance the School Department's FY25 Capital Improvement Program. *Second reading/public hearing. ROLL CALL VOTE. Passage requires an affirmative vote of 5 Councilors.*

14. **ORDINANCE 20-11042024** - Amending Chapter 12 Article IV.- Housing Code regarding property maintenance and vacant buildings. *Second reading/public hearing. ROLL CALL VOTE.*

VI. New Business

1. **ORDER 150-11182024**- Appointing Virginia Keel, Ward 4, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

2. **ORDER 151-11182024**- Appointing Heidi Bertels, Ward 1, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.

3. **ORDER 152-11182024 -** Appointing Kryston Chapman, Associate Member, to the Zoning Board of Appeals, for a term that expires 5/1/2026, as nominated by the Appointment Committee.

4. **ORDINANCE 21-11182024** - Lake Auburn Watershed Text/Map Amendments. *First reading. ROLL CALL VOTE. Passage requires majority vote.*

VII. Reports

a. **Mayor's Report**
b. **City Councilors' Reports**
c. **Student Representative Report**
d. **City Manager Report**

VIII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

IX. Executive Session

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 18, 2024

Author: Phil Crowell, City Manager

Subject: Property Tax Assistance Program

Information: During the November 4th workshop, the city council requested the city manager bring forward for council consideration, a property tax assistance program.

Attached is a proposed ordinance to create a Property Tax Assistance Program which is pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes.

City Budgetary Impacts: To be determined based on qualifications, caps, eligible participants, and initiation of the program year.

Staff Recommended Action: Review and discuss

Previous Meetings and History: November 4, 2024, Workshop

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Draft Property Tax Assistance Program

Property Tax Assistance Program

Sec. 1. Purpose
The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 65 years of age and over who reside in the City of Auburn pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes.

Sec. 2. Definitions
Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person as a home.

Qualifying applicant: A qualifying applicant is a person who is determined by the Program Administrator or her/his designee, after review of a complete application submitted under Section 5 of this Ordinance, to be eligible for a payment under the terms of this Ordinance.

Program administrator: the person designated by the city manager to administer the Property Tax Assistance Program.

Property tax fairness credit program: The property tax credit established by the State of Maine pursuant to Chapter 822 §5219-KK of Title 36 of the Maine Revised Statutes.

Sec. 3. Creation of the Program Fund
The City Council may annually appropriate funds for the Property Tax Assistance Program. The Program Administrator shall determine the total amount of property tax assistance sought by qualified applicants.

If funds appropriated by the City Council are less than the amount for which applicants are eligible under the terms of this ordinance, then funds shall be proportionally disbursed. The Program Administrator shall calculate a difference ratio between the fund appropriation and the total amount the tax relief being sought of qualified applicants. This ratio shall be used to adjust each individual benefit for the qualified applicants. If a lack of funding results in no payment or less than the full payment to a qualifying applicant, the difference partial payment will not carry over to the next year.

Sec. 4. Criteria for Participation
To participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

a. The applicant shall be 65 years of age or more by the last day on which an application may be filed under Section 5 of this Ordinance.
b. The applicant shall have been a resident of the City of Auburn with a Homestead therein for the ten years immediately preceding the last day on which an application may be filed under Section 5 of this Ordinance.
c. A property owner applicant shall have a HOMESTEAD EXEMPTION benefit, in accordance with Title 36 M.R.S. Sec. 681-689, already established on the property upon which the dwelling is located.
d. The applicant has received a tax credit under the provisions of the State of Maine Residents Property Tax Fairness Credit Program.

e. The federal adjusted gross income of the applicant and any other adult members of the applicant's household combined (total household income) does not exceed the current city's median household income as determined by the United States Bureau of the Census, or, if recent census data is not available, by another source that the Program Administer deems reliable and accurate.
f. The applicant or any member of the household did not receive, nor is eligible to receive, rental assistance.
g. Payment of the immediately preceding fiscal year property taxes and all past property taxes have been paid in full for the subject property.

Sec. 5 Application and Payment Procedures
Persons seeking to participate in the Property Tax Assistance Program shall submit an annual application due to the Program Administrator no later November 15th of that year, except for the initial programming year – applications are due February 15, 2025 – allowing for the submittal of Property Tax Assistance for the tax year 2024 of the first two years of this program. The Program Administrator shall provide an application form for the program, which shall include the applicant's name, homestead address and contact information.

At the time of application, applicants must provide adequate evidence of eligibility. No confidential income records, including tax returns, will be kept by the City. The Program Administrator shall review and determine if the application is complete and accurate and if the applicant is eligible to participate in the Program. The Program Administrator shall notify an applicant if an application is determined to be incomplete. The Program Administrator's decision on eligibility to participate in the Program shall be final.

Sec. 6 Determination of eligibility and amount of eligibility
If the Program Administrator determines that the applicant is eligible to participate in the Program, he/she shall determine the amount of the benefit paid, subject to the following eligibility requirements.

a. The amount of credit qualified under the property tax fairness credit program not to exceed $1,000.00 or exceed the gross property tax or rent when combined with the Property Tax Fairness Credit; or

b. A pro rata share of available monies in the program fund based on the calculated amount of the rebate.

Sec. 7. Timing of Payments
A person who qualifies for payment under this Program shall be mailed a check for the full amount no later than September 1st for the year in which participation is sought. The applicant must be the owner of the property at the time the payment is issued in order to preserve qualification.

Sec. 8. Limitations upon payments
Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Tax

Collector shall be disbursed to another member of the household as determined by the Program Administrator in consultation with the City Manager. If the applicant was the only member of a household, then no payment shall be made under this Ordinance. Payment shall not be made to heir(s) of an applicant who are not a resident of the household at the time the application was filed.

Sec. 9. Annual Report to the City Council

The Program Administrator shall report in writing to the City Council no later than December 31st of each year (following the first year of the program) the projected payments, number of eligible applicants requesting assistance for the program fund, and any surplus or shortage of program funds as described in Sec. 3.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 18, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter.

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 of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 18, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter.

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.

IN COUNCIL WORKSHOP & MEETING NOVEMBER 4, 2024 VOL 37 PAGE 201

Mayor Harmon 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. Student Representative Egge was absent. Councilor Milks was absent.

I. Consent Items

II. Minutes – October 21, 2024 Regular Council Meeting

Councilor Walker moved to accept the minutes, seconded by Councilor Cowan. Motion passed 6-0.

III. Communications, Presentations and Recognitions

IV. Open Session

Bruce Nadeau, Truman Ave

V. Unfinished Business

VI. New Business

1. ORDINANCE 20-11042024 – Amending Chapter 12 Article IV.- Housing Code regarding property maintenance and vacant buildings. First reading. ROLL CALL VOTE.

Councilor Cowan moved for passage, seconded by Councilor Platz. Motion passed 4-2 on a roll call vote (Walker, Gerry opposed).

2. ORDER 148-11042024 - Amendment to ORDER 106-08192024 regarding the City's Comprehensive Plan Committee. Passage requires majority vote.

Councilor Gerry moved for passage, seconded by Councilor Walker. Motion passed 6-0.

3. RESOLVE 7-11042024 – Supporting an "interim trail" for the Casco Bay Trail. Passage requires majority vote.

Councilor Weisner moved for passage, seconded by Councilor Platz. The following spoke on this item:

Bruce Sleeper
Peter Kohl, Topsham
Joe Pelliccia, Auburn
Jeremiah Bartlett, Shepley St/Complete Streets Committee

Motion to postpone item until December 16, 2024 meeting made by Councilor Walker, seconded by Councilor Gerry. Motion passed 6-0. Item will return to the Council agenda at the December 16, 2024 meeting.

4. ORDER 149-11042024 – Amending ORDER 123-09162024 extending the reporting deadline for the Mayor's Ad-Hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee from November 18, 2024 to December 16, 2024. Passage requires majority vote.

Councilor Gerry moved for passage, seconded by Councilor Walker. The following spoke:

John Cleveland, Auburn

Motion passed 6-0.

VII. Reports

a. Mayor's Report – Mayor Harmon gave an update on the City's fee review committee; attended Washington St presentation; attended Safe Voices presentation; attended recent manufacturers association meeting; reminded residents to vote in the general election tomorrow, November 5.

b. City Councilors' Reports – Councilor Weisner reminded the public to vote. Councilor Walker thanked all who attended the New Auburn Halloween event, over 500 people attended. Reminded the public that the Age Friendly Community Committee will be hosting a Thanksgiving dinner. Councilor Platz congratulated the new named principal at ELHS, Valerie Ackley and reminded residents to vote.

c. Student Representative Report -

d. City Manager Report – Reminded residents to vote and thanked the City Clerk for all the work that goes into election preparation. LATC will be offering free transportation.

e. 2024 August Finance Report – Gina Klemanski, Deputy Finance Director
This item will be reviewed at a future meeting due to the absence of the Finance Director and Deputy Finance Director.

VIII. Open Session

IX. Executive Session pursuant to 1 M.R.S.A. Section 405(6) (E) to consult with the City's attorney regarding a legal matter. *No action to follow. Passage requires 3/5 majority vote to enter Executive Session.*

Councilor Whiting moved to enter executive session, seconded by Councilor Walker. Motion passed 6-0. Entered executive session at 8:09pm. Came out of executive session at 9:20pm.

X. Adjournment

Councilor Platz moved to adjourn, seconded by Councilor Cowan. Passed 6-0.
Meeting adjourned at 9:20pm.

A TRUE COPY ATTEST

Emily Carrington, City Clerk

City of Auburn, Maine
Office of the City Clerk
Emily F. Carrington, Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

November 14, 2024

Invitation to Attend Auburn City Council Meeting – November 18, 2024

TO:
Representative-Elect Bruce Bickford, State Senate District 20
Representative-Elect Quentin Chapman, State House District 88
Representative-Elect Adam Lee, State House District 89
Representative-Elect Laurel Libby, State House District 90

On behalf of Mayor Jeffrey D. Harmon and the City Council of the City of Auburn, please accept our sincerest congratulations on your success in the recent election. As you prepare for your role in the State Legislature, we wish to invite you to attend a meeting of the Auburn City Council on **November 18, 2024 at 7:00PM at Auburn Hall (60 Court Street, Council Chambers).**

We look forward to working with you as our elected State representatives on a number of initiatives important to the City of Auburn.

Thank you and we look forward to welcoming you on November 18.

Sincerely,

Mayor Jeffrey D. Harmon & Members of the Auburn City Council
Richard Whiting, Ward 1
Timothy Cowan, Ward 2
Stephen Milks, Ward 3
Benjamin Weisner, Ward 4
Leroy Walker, Ward 5
Adam Platz, At-Large
Belinda Gerry, At- Large

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 18, 2024

Order: 129-10032024 through 138-10032024

Author: Emily F. Carrington, City Clerk

Subject: Appointments to the Comprehensive Plan Committee

Information: An initial request for applications for the Comprehensive Plan Committee was posted 8/21 and the initial deadline to apply was 9/24. A total of 19 applications were received. The Appointment Committee met on October 1st, 2024 and nominated 10 residents to the Comprehensive Plan Committee.

The following 10 recommendations from the Appointment Committee were postponed at the October 7, 2024 meeting:

- Rex Rhoades – Ward 1
- Rebecca Swanson Conrad – Ward 2
- John Cleveland – Ward 2
- Adam Lee – Ward 2
- Denis Bergeron – Ward 2
- Mathieu Duvall – Ward 3
- Kelly Butler – Ward 4
- Bruce Rioux – Ward 5
- Jane Costlow – Ward 5
- Dana Staples – Ward 5

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Applications, Orders

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Monday, August 26, 2024 7:36 AM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Denis

Middle Initial:

Last Name: Bergeron

Residence Address: 23 Dexter Ave.

Ward: Ward 2

City: Auburn

Home Phone: 2075764588

Cell Phone: 2075764588

E-mail Address: denis.p.bergeron@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Engineer

Education and/or experience: BS Mechanical Engineering, BS Park and Recreation Mgmt.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above):: Denis

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I served on the planning Board for 9 years, then served on the 2010 Comprehensive Plan Update Committee. I've observed the uneven process Auburn has used to update the Comp plan since then and believe it's time for a comprehensive, transparent publicly informed re-evaluation. I think my experience can help.

What do you hope to accomplish?: Contribute to a document that positions Auburn to take productive advantage of the many demographic, cultural, and climate changes it will be faced with in the coming years.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Water district and Sewer Sistrict Trustee

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Yes. Planning Board and 2010 Comp. Plan Update Committee

Dates served (if known): 2000 - 2009 and 2010 to 2012

How did you learn of this vacancy?: City web page

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Denis Bergeron

Date of Electronic Signature: August 26 2024

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Thursday, August 29, 2024 10:02 AM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Adam

Middle Initial: R.

Last Name: Lee

Residence Address: 87 Western Prom

Ward: Ward 2

City: Auburn

Home Phone: 2073124057

Cell Phone: 2073124057

E-mail Address: arlee4mehouse@gmail.com

Current Occupation: Attorney/State Representative

Previous Occupation (if retired or no longer working):

Education and/or experience: Former City Councilor, Municipal attorney handling land use, code enforcement, ordinance drafting, and housing for the City of Portland; currently practicing attorney representing municipalities and individuals with complaints against municipalities.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have substantial experience with land use, zoning, housing, and economic development from several perspectives. I have, as an attorney, represented numerous municipalities including the City of Portland and various towns with respect to land use, zoning, housing, and code enforcement matters. I have, also as an attorney represented various businesses and individuals with similar issues against municipalities. Additionally, as a former City Councilor and State Representative I have a unique blend of knowledge of the governmental perspective and current challenges in enacting an effective comprehensive planning strategy.

What do you hope to accomplish?: Confronting housing and transportation challenges in a manner that provides opportunities to Auburn residents given the present affordability crises, and doing so in a manner that maximizes economic development in a focused and meaningful manner that does not adversely affect our economic and natural resources.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, Board of Assessment Review, Regulatory Advisory Board, Strategic Planning Committee

Dates served (if known): 2013-2022

How did you learn of this vacancy?: Social Media

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: /s/ Adam R. Lee

Date of Electronic Signature: 8/29/24

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Friday, August 30, 2024 1:16 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Kelly

Middle Initial: L

Last Name: Butler

Residence Address: 130 HICKORY DRIVE

Ward: Ward 4

City: AUBURN

Home Phone: 2073176131

Cell Phone: 2073176131

E-mail Address: kbutler1002@gmail.com

Current Occupation: Regional Director Behavioral Health Network

Previous Occupation (if retired or no longer working):

Education and/or experience: I currently hold three licenses in the state of Maine (LCPC, LADC, and CCS) which support my work as the Regional Director for a Behavioral Health Network which serves individuals and families struggling with emotional and physical health conditions.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): From a young age I have been a community volunteer and hold a strong commitment to contributing to the community I reside in. I bought a home in Auburn about a year ago & am seeking an opportunity to contribute and learn more about Auburn. I would bring a fresh/objective perspective to the planning process and believe Auburn is an up and growing community that has the potential to offer a safe, fiscally sound and connected community culture. I think the community, like many of Maine communities is experiencing the challenges of individuals and families who struggle and my expertise in these areas can contribute to the comprehensive planning process.

What do you hope to accomplish?: As noted above, learning about the community, contributing to the development of a safe, culturally rich and economically sound community. Maintaining Auburn?s rich history and business while supporting the ongoing development of Auburn?s infrastructure (roads, ensuring all Auburn wards represent a welcoming and visually appealing engagement to visitors, and supporting the strengthening of Auburn?s current development initiatives). Assisting with any gaps/needs for Auburns current initiatives.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No.

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No.

Dates served (if known): N/A

How did you learn of this vacancy?: Media

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Kelly L. Butler

Date of Electronic Signature: 8/30/24

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Sunday, September 15, 2024 4:50 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Dana

Middle Initial: N

Last Name: Staples

Residence Address: 32 Greenfield Drive

Ward: Ward 5

City: Auburn

Home Phone: 2072401671

Cell Phone: 2072401671

E-mail Address: dana.staples@gmail.com

Current Occupation: VP of IT, ReVision Energy

Previous Occupation (if retired or no longer working):

Education and/or experience: masters in computer science

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I am deeply invested in Auburn's future. I want nothing but the best for this community and have spent countless hours volunteering to help steer things in the right direction. I have previously served on numerous boards and committees for the city and have learned a great deal about how it works. I work well with people and hope to achieve a collaborative comp plan committee that is committed to planning for the best Auburn that we can become in ten years.

What do you hope to accomplish?: I want to assist the committee in determining how Auburn can plan for the next ten years. As the prices of everything continue to climb, we need to be prepared to do more with less. The aging population of Auburn will need to continue to find innovative solutions for expensive problems. I hope through good discussion this committee can plan for good outcomes.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Zoning Board of Appeals

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, 2020 Comp Plan Committee, Planning Board, Strategic Planning Committee

Dates served (if known): various since 2014

How did you learn of this vacancy?: website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Dana Staples

Date of Electronic Signature: 9/15/24

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Sunday, September 22, 2024 5:05 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: John

Middle Initial: J

Last Name: Cleveland

Residence Address: 183 Davis Ave Auburn ME

Ward: Ward 2

City: Auburn

Home Phone: 207.212.7755

Cell Phone: 207.212.7755

E-mail Address: jcleveland207@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Community Development & Planning Consultant 35yrs

Education and/or experience: USM Graduate BA Biology, Consultant: I helped several municipalities in Maine develop Comprehensive Plans, Create and implement Development Plans, Wrote land use ordinances, and worked as a municipal p planner as staff for Planning Boards.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to use my extensive experience in the private and public sector with land use planning to help Auburn develop a thorough and detailed Comprehensive Plan ,to create a vision and legal foundation for Auburn's growth for the next 10 - 15 years. As well as to use my knowledge of State Law regarding Comprehensive Plans to ensure the requirements are met. Additionally I believe my previous experience as Mayor of Auburn leading the community through a Comprehensive Planning process and subsequent land use ordinance changes will be helpful to this Comprehensive Plan Committee.

What do you hope to accomplish?: My goal is to help the Comprehensive Plan Committee to effectively and efficiently develop a Comprehensive Plan as required by State Law within the time frame outlined by State statute. As well as develop a Comprehensive Plan that meets the needs of the community and is consistent with the community's values.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, Mayor, Auburn Public Library, Mayor's Representative to School Board, and others.

Dates served (if known): City Council 1977 - 1981, Mayor 1983- 1987 APL previously & currently, School Board 1977 - 1981.

How did you learn of this vacancy?: At a City Council Meeting

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: John J Cleveland

Date of Electronic Signature: September 22, 2024

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Friday, September 20, 2024 8:50 AM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Mathieu

Middle Initial:

Last Name: Duvall

Residence Address: 263 Sunderland Dr

Ward: Ward 3

City: Auburn

Home Phone: 2076898810

Cell Phone: 2076898810

E-mail Address: the.osf@gmail.com

Current Occupation: Educator

Previous Occupation (if retired or no longer working):

Education and/or experience: Master of Science

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): As a past planning board member I have interest in the city's comprehensive plan. It is a foundational document that helps the city make decisions on land use, building codes, and growth.

What do you hope to accomplish?: Work to update the plan through a process that engages the citizens of Auburn and promotes smart growth. I also hope the document can point a way toward Auburn diversifying its transportation alternatives.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: no

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Planning board; Mayor's ad hoc on housing

Dates served (if known): 2019-2022 for pb; winter 2024 for the ad hoc

How did you learn of this vacancy?: John Cleveland

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Mathieu Duvall

Date of Electronic Signature: 9-20-24

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Thursday, September 19, 2024 8:09 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Jane

Middle Initial: T

Last Name: Costlow

Residence Address: 104 Fourth Street

Ward: Ward 5

City: Auburn

Home Phone: 1207576409

Cell Phone: 1207576409

E-mail Address: jcostlow@bates.edu

Current Occupation: Retired

Previous Occupation (if retired or no longer working): College Professor

Education and/or experience: BA, PhD

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have lived in Auburn for over thirty years; I love the community and have found it to be a place where individual residents can make a difference. I have enjoyed working with other Auburn residents on matters of interest where we try to improve the lives of everyone who lives here. I hope to learn more about the challenges and trade-offs of moving Auburn forward through participating in Comprehensive Planning work. While there are issues that particularly concern me (environment, housing, welcoming diverse new Mainers into our civic processes) I would come into the process with an open mind, eager to hear what other people care about, and to try to engage with as many different residents of Auburn as possible in charting a way forward.

What do you hope to accomplish?:

I hope to help construct a ?blueprint? that is both aspirational and also grounded in the realities and challenges of the city. Beyond particular goals and benchmarks for the future, I would hope to find a way to capture the attention and imagination of more residents of Auburn ? to get more people involved in caring about this community as their home. Whatever the future throws at us, having people care ? and be willing to listen to their neighbors ? is essential.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: SNRB, Conservation Working Group

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Solid Waste Task Force

Dates served (if known): (Last six months)

How did you learn of this vacancy?: A friend told me about it

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Jane T Costlow

Date of Electronic Signature: September 19, 2024

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Monday, September 23, 2024 11:28 AM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Rex

Middle Initial: H

Last Name: Rhoades

Residence Address: 880 Lake Shore Drive

Ward: Ward 1

City: Auburn

Home Phone: 20775549163

Cell Phone: 2077549163

E-mail Address: rrhoades360@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Newspaper executive

Education and/or experience: BA, dual major, Government & Economics

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I?ve lived here for 25 years and I have studied local governments as a newspaper editor for 40.

What do you hope to accomplish?: Bring positive input based upon my experience.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: None

Dates served (if known):

How did you learn of this vacancy?: Jeff Harmon

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Rex H Rhoades

Date of Electronic Signature: 09-23-2024

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Monday, September 23, 2024 12:15 PM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Rebecca

Middle Initial: R

Last Name: Swanson Conrad

Residence Address: 45 Dawes Avenue

Ward: Ward 2

City: Auburn

Home Phone: 207-576-5561

Cell Phone: 207-576-5561

E-mail Address: rebeccarysen@gmail.com

Current Occupation: Consultant

Previous Occupation (if retired or no longer working): President/CEO LA Metro Chamber of Commerce

Education and/or experience: BA Bates College; graduate work at USM

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have lived in Lewiston Auburn since graduating from Bates in 1982; marrying an EL graduate in 1984 and buying a home in Auburn in 1989. My professional and volunteer life have focused on education, arts and culture and economic development for our community and State. I would like to contribute to Auburn?s comprehensive planning process to ensure our city can reach its highest potential and our citizens, especially our youth, can attain their highest aspirations. Having lived in Auburn for 35 years and planning to stay here through retirement, it is important to me that we both acknowledge previous work while simultaneously challenging our community to think creatively and expansively about the possibilities to make our City even stronger, more livable and appealing, and welcoming to new residents. While comprehensive plans are designed to provide state-required deliverables, the process for the community can also find common ground and develop a vision for the future.

What do you hope to accomplish?: A transparent process to ensure that Auburn residents see value in the comprehensive plan and understand how it is helpful for the City to make decisions, and reflects growth, development and redevelopment that makes the City stronger for both current and future residents and businesses.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Lewiston Auburn Airport Board

Dates served (if known): 2016-2019 (?)

How did you learn of this vacancy?: Mayor Harmon

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Rebeca Swanson Conrad

Date of Electronic Signature: 9/23/2024

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 9/22/24

Last name: Rioux First name: Bruce Middle initial: B

Residence address: 85 Mary Carroll St. Ward: 5

City: Auburn State: ME Zip code: 04210

Home phone: — Work phone: — Cell phone: 207-713-4400

Email address: rioux bruce @ gmail.com

Current occupation: Retired

Previous occupation (if retired or no longer working): Sun Journal (Advertising major accts)

Educational and/or experience (or attach your resume): 2 years Univ of ME.

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

X Comprehensive Plan Committee

___ 9-1-1 Committee
___ Auburn Housing Authority
___ Board of Assessment Review
___ CDBG Loan Committee
___ Conservation Commission
___ Finance Committee
___ Parks & Recreation Advisory Board
___ Planning Board
___ Water District
___ Airport Board
___ Audit & Procurement Committee
___ Cable TV Advisory Board
___ Community Forest Board
___ Ethics Panel
___ L/A Transit Committee
___ Poland-Auburn Economic Development Committee
___ Sewer District
___ Zoning Board of Appeals

Is this application for a X new appointment or ___ reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). I believe I can best represent citizen interests and community growth through responsible planning. Water protection and neighborhood preservation are primary concerns.

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). I would like to see Auburn grow responsibly, while protecting Lake Auburn, our schools, and traditional neighborhoods. I would encourage water/sewer extensions to create new housing opportunities away from Lake Auburn.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? _____
Auburn Business Development Corp

Dates served (if known)? 30+ years

Have you previously served on a City or Community Board or Committee? If so, which one(s)?
YES
Auburn City Councilor Ward 5; Auburn Water Dist; Watershed Protection commission

Dates served (if known)? 1990-91 (Council) 1990-2018? Water Dist & Watershed

How did you learn of this vacancy? Mayor & Council & friends

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Bruce Rioux Date: 9/22/24

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: _____
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

ORDER 129-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Rex Rhoades – Ward 1

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 130-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Rebecca Swanson Conrad – Ward 2

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 131-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- John Cleveland – Ward 2

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 132-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Adam Lee – Ward 2

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 133-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Denis Bergeron – Ward 2

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 134-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Mathieu Duvall – Ward 3

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 135-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Kelly Butler – Ward 4

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 136-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Bruce Rioux – Ward 5

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 137-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Jane Costlow – Ward 5

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 138-10032024

City Council Order

IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Dana Staples – Ward 5

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 18, 2024 **Order:** 147-10212024

Author: Kelsey Earle, Finance Director

Subject: FY25 School Department CIP Second Reading

Information: Second reading of the FY25 School Department Capital Improvement Plan (CIP). As shared at the first reading, the school committee approved amount was inadvertently omitted from the full municipal list and order in June.

City Budgetary Impacts: None at this time.

Staff Recommended Action: Passage

Previous Meetings and History: The school department CIP plan was reviewed via school committee with final approval given 4/24/24 and was part of the total approved school budget. First reading occurred at the City council meeting held on 10/21/2024.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Order
Public notice copy

ORDER 147- 10212024

City Council Order

IN CITY COUNCIL

ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Following a public hearing duly called and held as required by Article 8, Section 8.13 of the City Charter, **by the Auburn City Council BE IT ORDERED:**

THAT, pursuant to Title 30-A, §5772 of the Maine Revised Statutes, as amended, the City Charter, as amended, and all other authority thereto enabling, there is hereby authorized the issue and sale of the City's general obligation bonds (the "Bonds") and notes in anticipation thereof (the "Notes"), in the principal amount not to exceed $983,000, the proceeds of which, including original issue premium, if any, and investment earnings thereon, are hereby appropriated to finance the Auburn School Department FY25 Capital Improvement Plan approved by the Auburn School Committee on April 24, 2024 (including costs of issuance for the Bonds)(the "School CIP Projects").

THAT the Bonds and Notes shall be signed by the manual or facsimile signatures of the City's Finance Director and its Treasurer (provided that at least one of such signatures shall be a manual signature), attested by the City Clerk under the seal of the City.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the time of the sale, award and settlement of the Bonds and Notes, which may be issued at one time, or from time to time, through a public offering or a private placement, on a competitive or negotiated basis, in serial form or as term bonds, or some combination of any of the foregoing, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the date, form, denominations, interest rates, maturities (not to exceed the maximum term authorized by law), provisions for early redemption, and all other details of such Bonds and Notes, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT to the extent not payable from other funds, each year that any of the Bonds remain outstanding, the City shall levy a tax in an amount sufficient to pay the annual installment of principal and the annual interest on such Bonds.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things necessary and expedient in respect in connection with the financing of the School CIP Projects and the issuance the Bonds and Notes, and the investment of the proceeds thereof, including to select a financial advisor, underwriter, or paying agent/registrar with respects to the Bonds and Notes, and to execute, deliver and approve all agreements, investment agreements, bond purchase agreements, preliminary and final official statements or other offering documents, escrow agreements, continuing disclosure agreements, tax compliance agreements, or arbitrage certificates, and all other closing certificates and documents (collectively referred to as the "Bond Documents"), which

Richard S. Whiting, Ward One | **Timothy M. Cowan**, Ward Two | **Stephen G. Milks**, Ward Three
Benjamin J. Weisner, Ward Four | **Leroy G. Walker, Sr.**, Ward Five | **Belinda A. Gerry**, At Large
Adam R. Platz, At Large | **Jeffrey D. Harmon**, Mayor | **Phillip L. Crowell, Jr.,** City Manager

City Council Order

Bond Documents may be in such form and contain such terms, conditions and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, which waiver of sovereign or governmental immunity is hereby authorized, confirmed and approved, as the Finance Director shall establish, determine and approve, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT to the extent the Bonds or Notes are issues on a tax-exempt basis, the Finance Director is hereby authorized, in the name of and on behalf of the City:

- To covenant, agree and certify (A) that no part of the proceeds of such Bonds and Notes shall be used directly or indirectly to acquire any securities or obligations or property, the acquisition or use of which would cause the Bonds or Notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended, and (B) that the City will file any required reports and take any other action that may be necessary to insure that interest on the Bonds or Notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds and Notes to be subject to federal income taxation; and

- To designate the Bond or Notes, or a portion thereof, as qualified tax-exempt obligations under and as permitted by Section 265(b)(3) of the Code, to the extent such designation is available and permissible under said Section 265(b)(3).

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the Bonds, Notes or any related Bond Document, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, in an interim or acting capacity, is hereby authorized, in the name of and on behalf of the District, to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT if any authorized representative of the City who has signed or sealed the Bonds or Notes shall cease to be such officers or officials before the Bonds or Notes so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or Notes nevertheless may be issued, delivered and authenticated with the same force and effect as though the person or persons who signed or sealed such Bonds or Notes had not ceased to be such officer or official; and also any such Bonds or Notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or Notes, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or Notes any such person shall not have been such officer or official.

THAT if the actual cost of any School CIP Project differs from the estimated cost, whether due to completion, delay or abandonment of such School CIP Project or for any other reason, the Finance Director is hereby authorized, in the name of and on behalf of the City, in her discretion, to reallocate proceeds of the Bonds and Notes to any other listed School CIP Project, or to any other project or improvement that the Auburn School Committee has approved or may in the future approve as part of the Auburn School Department capital improvement plan.

ORDER 147- 10212024

City Council Order

THAT the authority to issue any Bonds or Notes not issued within 2 years of the date of approval of this Order shall automatically expire 2 years from the date of approval of this Order.

THAT notwithstanding the foregoing paragraph, during the term any of the Bonds issued pursuant to this Order remain outstanding, the Finance Director is hereby authorized, in the name of and on behalf of the City, to issue refunding bonds on either a current or advance refunding basis, to refund some or all of the Bonds then outstanding, and to establish, determine and approve the time of the sale, award and settlement of such refunding bonds, the date, form, denominations, interest rates, maturities (not to exceed the maximum term authorized by law), provisions for early redemption, and all other details of such refunding bonds, such establishment, determination and approval to be conclusively evidenced by the execution thereof, and to execute and deliver, in the name of and on behalf of the City, such additional Bond Documents as may be reasonable or necessary with respect to such refunding, and each refunding bond issued hereunder shall be signed in the same manner as the Bonds.

THAT this Order shall constitute a Declaration of Official Intent pursuant to Treasury Regulation §1.150-2, and the City hereby declares its official intent to use proceeds of the Bonds or Notes to reimburse costs of the School CIP Projects (referred to as "original expenditures") paid prior to the issuance of the Bonds or Notes.

A notice describing the above borrowing and the general purpose of such borrowing was published on or before November 4, 2024, in the *Sun Journal*, a daily newspaper of general circulation published in the City of Auburn and in Androscoggin County.

NOTE: Must be approved by roll call vote.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Adam R. Platz, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Belinda A. Gerry, At Large
Phillip L. Crowell, Jr., City Manager

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

On Monday, October 21, 2024, the Auburn City Council gave first reading on a proposed order authorizing the City's general obligation bonds in the principal amount not to exceed $983,000 to finance the Auburn School Department FY25 Capital Improvement Plan (subject to change as described below). Pursuant to Section 8.13 of the City Charter, notice is hereby given that the City Council will hold a public hearing and second reading on the order on Monday, November 18, 2024, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street. A copy of the order is available for inspection on the City's website: auburnmaine.gov/pages/government/budget-fy25.

At or following said public hearing or second reading, and prior to final City Council action, the City Council may add, remove or otherwise revise the list of projects and may increase the foregoing amount of bonds by up to 10%. The City Council expects to take final action on the order following second reading at the said November 18, 2024 meeting.

Members of the public attend the meeting in person and offer public comment during the meeting. Comments may also be submitted via email sent to: comments@auburnmaine.gov. Any submitted comments will be included in the meeting minutes.

The meeting will also be broadcast on Great Falls TV (cable channel 1302) and on the City of Auburn YouTube channel.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 18, 2024 ORDINANCE 20-11042024

Author: Kris Beaudoin- Code Compliance Team Leader

Subject: Chapter 12 Article IV.- Housing Code, Ordinance update

---

Information: Updates to Chapter 12 Article IV. Housing Code to clarify its applicability to all building types and address challenges with vacant buildings. The proposed amendments include the addition of a definition for vacant buildings, requirements specific to vacant buildings, and the addition of language in Division 2 expanding inspection areas to vacant buildings and structures utilized for the purpose of conducting business. The proposed changes to the ordinance will clarify the applicability of standards to vacant and non-residential buildings and expand the enforcement ability of staff on vacant buildings. The ordinance has been reviewed by the City Attorney and the edits from that review have been included in the draft.

City Budgetary Impacts: None-easier enforcement

Staff Recommended Action: Hold the second reading of the amended draft ordinance during November 18, 2024, Council meeting.

Previous Meetings and History: Council Workshop September 3, 2024, passed first reading on November 4, 2024

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments: Chapter 12 Article IV. document outlining changes.

ARTICLE IV. PROPERTY MAINTENANCE AND HOUSING CODE

DIVISION 1. GENERALLY

Sec. 12-145. Purpose.

The purpose of this article is to establish minimum standards for all ~~dwellings~~ buildings and ~~-~~property incident thereto in the city to ~~insure~~ ensure safety, health, and public welfare through the proper construction, maintenance, and use thereof.

(Code 1967, § 20-A(1.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-146. Definitions and rules of construction.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Chief of police means the legally designated head of the police department of the city or his authorized representative.

Dwelling or *dwelling unit* means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

Fire chief means the legally designated head of the fire department of the city or his authorized representative.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, game rooms, foyers or communicating corridors and permanent built-in closets and storage spaces.

Health officer means the legally designated health authority of the city or his authorized representative.

Infestation means the presence or evidence of the presence within or around a dwelling, of any insects, rodents, or other pests.

Manufactured housing means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site, the term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. Manufactured housing shall include newer mobile homes and modular homes as defined in city zoning regulations.

Mobile homes, older, means any factory-built home that fails to meet the definition of manufactured housing and more specifically, any mobile home constructed prior to June 15, 1976. These units shall be restrict to location in approved mobile home parks.

Mobile home park means a parcel of land under single ownership in rural residence, suburban residence and cluster development districts that has been planned and improved for the placement of not less than three mobile homes for non-transient use.

Multiple dwelling means any dwelling containing more than three dwelling units.

Occupant means any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person, who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are rented or let or of an area where spaces are rented or let for mobile homes.

Owner means any person who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

Paint stabilization means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint to the affected areas.

Plumbing means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwasher, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents , and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Rooming house means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living, and sleeping, but not for cooking or eating purposes.

Rubbish means combustible and non-combustible waste materials except garbage, including, without limitation, residue from the burning of wood, coal, coke, or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and others.

Structural elements means all of the following components of a structure, including but not limited to: foundation, framing, sheathing, siding, roofing material, windows, doors, trim, eaves, porches, stairs, railings, guards; and interior surfaces such as sheetrock, plaster, ceiling tiles, countertops, and floors.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations but not to exceed 30 days.

Supplied means paid for, furnished, installed or provided by or under the control of the owner or operator.

Temporary housing means any tent, trailer, or other structure used for human shelter that is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

Vacant building means any building that is unoccupied, unattended, and is not actively used as a place of residence or business, or is frequently ~~open or~~ unsecured so that unauthorized entrance may be gained.

(b) Whenever the words "building", "dwelling," "dwelling unit," "lodging house," "rooming unit," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

(Code 1967, § 20-A(art. V); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016; Ord. No. 10-11022020, 11-16-2020)

Sec. 12-147. Compliance required.

(a) No dwelling or dwelling unit shall be deemed to conform with the requirements of this article until it meets all of the minimum standards of this article as specified herein.

(b) It is unlawful to construct, alter, maintain, occupy, let for occupancy, or use a building or structure, or part thereof, in violation of the provisions of this article.

(Code 1967, §§ 20-A(1.2), 20A(1.3); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-148. Validity of other laws.

Nothing in this article shall be construed to prevent the enforcement of other laws that prescribe more restrictive limitations.

(Code 1967, § 20-A(1.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-149. Exceptions permitted.

In seasonal dwellings, mobile homes, buildings erected prior to the original adoption of this article, or in agriculture and resource protection district as defined by the zoning provisions of the city, or in areas where public water or sewerage systems are not available, the code compliance officer shall upon application grant an exception for the use of buildings for dwelling purposes that do not meet the minimum standards set forth in this article when he determines that:

(1) It is not feasible or practicable to comply with such minimum standards;

(2) The safety, health, or general welfare of the occupants and the public will not be adversely affected; and

(3) The effect of the granting of the exception will not adversely affect adequate light, air, overcrowding, of persons or property, the provision for public utilities, the character of the neighborhood, or traffic conditions as applied to the welfare of the occupants or the general public.

(Code 1967, § 20-A(1.6); Ord Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-150. Procedure for granting exceptions.

(a) The code compliance officer shall issue such exception in writing setting forth the date of granting, the reasons for granting the same, the date it shall expire, and the location of the premises.

(b) No such exceptions shall be granted for a period of more than five years. Any exception may be renewed one or more times, upon application to the board of appeals. Each renewal shall not exceed additional periods of five years for such renewal. Each renewal shall contain the requirements of the original exception and in addition thereto the date of issuance of the original exception and the statement that it is a renewal.

(Code 1967, § 20-A(1.7); Ord Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-151—12-169. Reserved.

DIVISION 2. INSPECTIONS

Sec. 12-170. Authority of code compliance officer.

The code compliance officer is hereby authorized to make inspections to determine the condition of vacant buildings, structures used for the purpose of conducting business, dwellings, dwelling units, rooming houses, rooming units and premises located within this city in order that ~~he~~ the code compliance officer may perform ~~his~~ their dut~~y~~ies of safeguarding the health and safety of the occupants of dwellings and of the general public.

(Code 1967, § 20-A(2.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-171. Right of entry for inspection.

For the purpose of making such inspections, the code compliance officer is hereby authorized to enter, examine, and survey any or all property or building, including without limitation, vacant buildings, buildings and structures used for the purpose of conducting business, dwelling units, rooming houses, rooming units, and premises at any mutually agreeable time, or as authorized by law ~~but in any case within 20 days of notice to the owners or occupant of the intention to make such an inspection~~.

(Code 1967, § 20-A(2.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-172. Owner and occupant to give free access.

(a) *Access of code compliance officer.* The owner and occupant of every dwelling, dwelling unit, lodging house and rooming unit or the person in charge thereof, shall give the code compliance officer free access to any or

all such property or building including, without limitation, vacant buildings, buildings and structures used for the purpose of conducting business, dwellings, dwelling unit, lodging house or rooming unit and premises at any mutually agreeable time, or as authorized by law, for the purpose of such inspection, examination, or survey~~, but in any case within 20 days of notice to the owner or occupant of the intention to make such an inspection, examination, or survey~~.

(b) *Access of owner.* Every occupant of a property or building including, without limitation, vacant buildings, buildings and structures used for the purpose of conducting business, dwelling, dwelling unit, lodging house and rooming unit shall give the owner, and his agent or employee, access at all reasonable times to any part of the dwelling, dwelling unit, lodging house, rooming unit or premises for the purpose of compliance with the ~~provisinos~~provisions of this article or any lawful order issued pursuant to this article.

(Code 1967, §§ 20-A(2.3), 20-A(2.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-173—12-194. Reserved.

DIVISION 3. ENFORCEMENT

Sec. 12-195. Procedure generally.

(a) If the code compliance officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, he shall initiate enforcement proceedings in accordance with the citation system established in this Code. Alternatively, he may initiate a land use complaint pursuant to state law, in which case the penalties therein provided shall apply.

(b) Any notice issued pursuant to this article shall:

(1) Be in writing;

(2) Include a statement of the reasons why it is being issued;

(3) Set a reasonable time for the performance of any act it requires;

(4) Be served upon the owner or his agent, or the occupant, as the case may require; provided, however, that:

a. Complaints under this article be deemed properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally or by leaving a copy thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or

b. If a copy thereof is sent by registered or certified mail to his last known address or the address as shown on the records in the tax assessor's office of the city of auburn; and

c. If service is made personally or by leaving at his dwelling house or usual place of abode a statement signed by the person so serving stating the date of service shall be filed in the office of planning and development.

(5) May contain an outline of remedial action that, if taken, will effect compliance with the provision of this article.

(c) After service of such notice, the owner or occupant to whom it is directed shall correct the condition constituting the violation within the time specified and promptly give notice to the code compliance officer that such corrective action has been taken.

(Code 1967, § 20-A(3.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-196. Method of petitioning for hearing.

(a) Any person affected by any notice issued in connection with the enforcement of any provision of this article, may request and shall be granted a hearing on the matter before the board of appeals; provided that such person shall file in the office of the board of appeals a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served.

(b) Upon receipt of such petition, the board of appeals shall set a time and place for such hearing and shall give the petitioner notice thereof in person or by mail.

(c) At such hearing, the board of appeals shall take evidence to determine whether such notice should be sustained, modified, or withdrawn.

(d) The hearing shall be commenced not later than 30 days after the day on which the petition was filed; provided that upon application of the petitioner the board of appeals may postpone the date of the hearing for a reasonable time beyond such 30 day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

(Code 1967, § 20-A(3.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-197. Power of board of appeals to alter notice.

After such hearing, the board of appeals shall sustain, modify, or withdraw the notice, depending upon its findings as to the compliance with the provisions of this chapter. If the board of appeals sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall automatically become an order if a written petition for a hearing is not filed in the office of the board of appeals within ten days after such notice is served. There shall be an appeal from the board of appeals to the superior court in the manner provided by state law.

(Code 1967, § 20-A(3.3); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-198. Recording of public hearing.

The proceedings at such hearing, including the findings and decision of the board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the board of appeals. Such record shall also include a copy of every notice or order issued in connection with the matter.

(Code 1967, § 20-A(3.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-199. Notice of intent to sell, transfer or rent property subject to order.

(a) *When required.* Any person who proposes to sell, transfer or otherwise dispose of lease or sublet any dwelling unit, lodging house, rooming unit, or other premises against which there is any existing lawful order of the code compliance officer, the board of appeals or any court of competent jurisdiction shall furnish the proposed grantee or transferee a true copy of such order and shall notify the office of planning and

development in writing of the intent to so sell, transfer, or otherwise dispose of lease or sublet in writing giving the name and address of the person to whom such transfer is proposed within three days of the proposed transfer.

(b) *Penalty.* Any person who violates the terms of this section shall be in violation of this chapter and shall be subject to a penalty or fine of not less than $50 and not more than $100 to be enforced by complaint in a court of competent jurisdiction.

(Code 1967, § 20-A(3.5); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-200. Placarding of buildings unfit for human habitation.

(a) *Authority of code compliance officer.* If the person so affected fails to appeal to the board of appeals or if after an appeal, the board of appeals sustains the decision of the code compliance officer, the dwelling, dwelling unit, lodging house, or rooming unit so affected may be declared unfit for human habitation and placarded by the code compliance officer.

(b) *Procedure.* To placard, the code compliance officer shall issue to the occupants and the owner or operator a written notice to vacate the premises within such time as the code compliance officer may deem reasonable, but not less than seven days, and a placard prohibiting continued occupancy or re-occupancy may be conspicuously posted on the premises, and a copy of such notice may be filed with the police department.

(c) *Use of placarded buildings prohibited.* No dwelling or dwelling units, lodging house, or rooming unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the code compliance officer. The code compliance officer shall remove such placard whenever the defect or defects upon which the placarding action is based have been eliminated.

(d) *Defacement and removal of placard prohibited.* No person shall deface or remove the placard from any dwelling or dwelling unit, lodging house or rooming unit, which has been declared unfit for human habitation and placarded as such.

(Code 1967, § 20-A(3.6); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-201. Order to vacate dangerous premises.

In instances where the health officer, fire chief, and chief of police, or their duly qualified deputies, determine in writing that extreme danger or menace to the occupants or the public health exists, the code compliance officer, health officer, fire chief, and chief of police, or their duly qualified deputies may order immediate correction to be made or, if the circumstances warrant, may order that the occupants vacate the premises as provided in this article.

(Code 1967, § 20-A(3.7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-202—12-224. Reserved.

DIVISION 4. MINIMUM STANDARDS

Sec. 12-225. Compliance with city codes and state law required.

All structures and structural elements of buildings and the construction, use and occupancy thereof shall be in accordance with the requirements of this Code, including the building and technical codes adopted by the city, and with state law and regulations.

(Code 1967, §§ 20-A(6.1), 20-A(12.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-226. Maintenance.

(a) All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

(b) All painted exterior surface areas of pre 1978 properties must be maintained in a manner to not cause a public nuisance or affect the health and safety of the occupants of the property where the condition exists or of surrounding properties. Paint stabilization must occur if the potential for such a condition exists.

(Code 1967, § 20-A(6.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 10-11022020, 11-16-2020)

Sec. 12-227. Plumbing.

Every dwelling unit shall contain a kitchen sink and a bathtub or shower. In addition, every dwelling unit shall contain, within a room which affords privacy, a flush water closet and a lavatory basin. All plumbing facilities required by this Code shall be in accordance with the requirements of the plumbing code adopted by the city as of date of installation and maintained in good sanitary working condition; water-related plumbing facilities required by this Code shall be connected to adequate supply of water.

(Code 1967, § 20-A(art. 7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-228. Heating and ventilation.

(a) *Maintenance.* All heating and ventilating facilities shall be maintained in safe operating condition for use without danger of asphyxiation or of overheating combustible material.

(b) *Requirements when central heating plant not available.* When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the basic building code to permit the use of heating equipment capable of providing heat as required by this section.

(c) *Heating facilities required in rented or leased premises.* Every habitable room, let for occupancy, shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of three feet from the exterior walls, five feet above floor level, as required by prevailing weather conditions. In addition, the heating facilities must be operated to protect the building equipment and systems from freezing.

(d) *Window specifications.* Every habitable room shall have a window or windows with a total sash area equal to at least eight percent of its floor area opening on a street, alley, yard, or court open to the sky and constructed and maintained so that at least one-half of the sash area can be opened, except that an approved method of mechanical ventilation may be substituted for such window or windows

(Code 1967, § 20-A(art. 8); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-229. Electrical and lighting.

All lighting and other electrical facilities shall be in accordance with the requirements of the electrical code adopted by the city and shall be maintained in good, safe and suitable electrical order.

(Code 1967, §§ 20-A(9.1), 20-A(9.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-230. Passageways, stairways and exits.

(a) *Exits.* Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading from the interior of the building to safe and open spaces at ground level in accordance with applicable statutes and ordinances.

(b) *Lighting.* Every passageway and stairway shall have at least one ceiling-type or wall-type electric light fixture adequate to provide safe passage.

(c) *Obstructions.* Every hallway, stairway, corridor, exit, fire escape door or other means of egress hall be kept clear of obstructions at all times.

(Code 1967, §§ 20-A(9.3), 20-A(12.3), 20-A(12.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-231. Garbage and rubbish.

(a) *Method of disposal.* Every responsible occupant of a dwelling or dwelling unit shall dispose of all his garbage and rubbish in a clean and sanitary manner. Every owner of rental property shall provide his tenants with suitable waste containers as required by city ordinance.

(b) *Accumulations prohibited.* Every dwelling shall be clean and free from garbage or rubbish. When a dwelling or dwelling unit is not reasonably clean or free from garbage or rubbish, the code compliance officer may cause the responsible person to put the dwelling or dwelling unit in a clean and sanitary condition.

(Code 1967, § 20-A(10.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-232. Insect and rodent control.

(a) *Owner responsible for extermination in multiple dwellings.* If infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(b) *Occupant responsible for extermination.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises.

(Code 1967, § 20-A(10.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-233. Space and occupancy.

(a) *Floor space requirements.* The total area of every dwelling unit shall contain at least 250 square feet of floor area, with an additional 125 square feet for each occupant over two.

(b) *Ceiling height.* At least one half of the floor area of every habitable room shall have a room ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(c) *Use of basement.* No basement space shall be used as a habitable room or dwelling unit unless it conforms to the minimum requirements of this article.

(Code 1967, § 20-A(art. 11); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-234. Dwelling occupancies prohibited adjacent to hazardous establishments.

No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids or producing toxic gases or vapors in any quantity that may endanger the lives or safety of the occupants.

(Code 1967, § 20-A(12.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-235. Vacant Buildings.

(a)~~(a)~~ In addition to other requirements, including without limitation section Sec. 12-226, all ~~All~~ vacant buildings shall be weather- protected from the elements to prevent deterioration of the interior and exterior of the building.

(b) All vacant buildings shall be secured to prevent rodent infestation and entry by unauthorized individuals.

(c) Sprinkler systems located in vacant buildings must be maintained and remain operational unless a removal request is approved in writing by the Authority Having Jurisdiction ~~(AHJ)~~, as such term is defined in the National Fire Protection Association Fire Prevention Code (also known as NFPA #1).

Ordinance 20-11042024

City Council Ordinance

IN CITY COUNCIL

PROPERTY MAINTENANCE AND HOUSING CODE

Be it ordained, that the Auburn City Council adopt the amendments to Chapter 12, Article IV, Property Maintenance And Housing Code as shown on the attached copy.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 18, 2024

ORDER 150-11182024 through ORDER 152-11182024

Author: Emily F. Carrington, City Clerk

Subject: Recommendations from the Appointment Committee

Information: On November 13, 2024, the Appointment Committee met to review applications received by the posted deadline of November 8 to the Comprehensive Plan Committee (2 resident seats, added with amendment made on November 4, 2024), Age Friendly Community Committee (for unexpired term ending 6/1/27), and Zoning Board of Appeals (associate member, for a term ending 5/1/26).

The Appointment Committee voted unanimously to recommend the following:

- Virginia Keel, Ward 4 – Comprehensive Plan Committtee
- Heidi Bertels, Ward 1 - Comprehensive Plan Committee
- Kryston Chapman, Associate Member – Zoning Board of Appeals for a term ending 5/1/26.

The Appointment Committee received only one application by the November 8 deadline for the Age Friendly Community Committee and decided not to make a recommendation to the Council and instead re-post for more applications. The deadline will be updated on the City's website.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History: N/A

City Manager Comments: Phillip Crowell J.

Attachments: None

Emily Carrington

From: donotreply@auburnmaine.gov
Sent: Saturday, August 24, 2024 9:22 AM
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Virginia

Middle Initial:

Last Name: Keel

Residence Address: 121 High St

Ward: Ward 1

City: Auburn

Home Phone: 2072402918

Cell Phone: 2072402618

E-mail Address: Vkeel730@yahoo.com

Current Occupation: HR Business Partner

Previous Occupation (if retired or no longer working): Employment Opportunity Coach

Education and/or experience: A.A - Paralegal Studies & Current UMA BA student for public admin

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above):: Anything that has to do with workforce & economic development ,

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): As an Auburn resident, I?ve seen the challenges and opportunities we face. My HR background, with a focus on diversity, equity, and inclusion (DEI), and my studies in Public Administration equip me to contribute effectively.

Managing over 500 employees, I?ve developed skills in strategic planning, balancing short-term needs with long-term goals?vital for the comprehensive plan. My DEI expertise ensures inclusivity, engaging all community segments. I?m skilled in conflict resolution and consensus-building, essential for navigating diverse opinions.

What do you hope to accomplish?: I envision a comprehensive plan promoting balanced growth, environmental stewardship, and social equity, reflecting Auburn?s diverse needs.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: VP Elect CMHRA & CCU board member

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: MERN

Dates served (if known):

How did you learn of this vacancy?: Newsletter

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Virginia Keel

Date of Electronic Signature: 08/24/24

From: donotreply@auburnmaine.gov
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, October 9, 2024 2:04:19 PM

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Heidi

Middle Initial:

Last Name: Bertels

Residence Address: 273 N River Road, APT 309

Ward: Ward 1

City: Auburn

Home Phone: 5413908403

Cell Phone: 5413908403

E-mail Address: hbertels@gmail.com

Current Occupation: Technology Governance, U.S. Treasury HQ

Previous Occupation (if retired or no longer working):

Education and/or experience: 1 year as secretary for Big Bend Chamber of commerce, big bend national Park area, Texas

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): Prior to my career change to the federal government, I spent years working in tourism, the last position as the operations manager of a boutique hotel chain near Big Bend National Park. I sat on the board of the Big Bend Chamber of Commerce as secretary for one year before stepping down due to a conflict of interest once I began working for the National Park Service. I have a fairly well rounded understanding of inherently governmental functions, including the budget process, though I do not have experience with local government outside of the chamber of commerce. I believe with my background in tourism, as well as being one of the influx of remote professional workers living in Auburn, I may provide a unique and hopefully helpful perspective

What do you hope to accomplish?: I'm hoping to do my civic duty to make support our community in whatever way I can. If I am a qualified candidate to help support this committee I'm happy to provide what input I can. If there are more qualified candidates that's great, I wouldn't want to get in their way.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: See chamber

experience above

Dates served (if known): 2019

How did you learn of this vacancy?: Facebook

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Heidi Bertels

Date of Electronic Signature: 10/9/2024

From: donotreply@auburnmaine.gov
To: Emily Carrington
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Tuesday, November 5, 2024 5:05:18 PM

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Kryston

Middle Initial: M.

Last Name: Chapman

Residence Address: 51 EASTMAN LN

Ward: Ward 4

City: AUBURN

Home Phone: 2077498052

Cell Phone: 2077498052

E-mail Address: kryston_m@hotmail.com

Current Occupation: Math Teacher

Previous Occupation (if retired or no longer working):

Education and/or experience: BA in Business Management

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Zoning Board of Appeals

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I feel it is my civic duty and responsibility as an Auburn resident to serve on a meaningful committee.

What do you hope to accomplish?: To better understand and interpret the zoning ordinance and regulations for the city of Auburn.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Yes, Conservation Committee

Dates served (if known): 2021

How did you learn of this vacancy?: City of Auburn Website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Kryston M. Chapman

Date of Electronic Signature: 11/5/2024

ORDER 150-11182024

City Council Order

IN CITY COUNCIL

ORDERED, that Virginia Keel, Ward 4, be appointed to the City's Comprehensive Plan Committee, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 151-11182024

City Council Order

IN CITY COUNCIL

ORDERED, that Heidi Bertels, Ward 1, be appointed to the City's Comprehensive Plan Committee, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 152-11182024

City Council Order

IN CITY COUNCIL

ORDERED, that Kryston Chapman be appointed to the City's Zoning Board of Appeals, Associate Member, for a term ending 5/1/2026, as recommended by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 18, 2024 **ORDINANCE 21-11182024**

Author: John Blais – Deputy Director of Planning, Permitting and Code

Subject: First Reading Text Amendments related to Lake Auburn Watershed Overlay District and Lake Auburn Watershed Overlay District Agricultural Buffer Setbacks Map

---

Background: In January of 2024, the City Council ordered (04-01022024) the City Manager to direct staff to work with city wide interest groups (AG Working Group, Sustainability and Natural Resources Board, LAWPC, Planning Board and public stakeholders) to create the Lake Auburn Stakeholders Group. Since that time the group(s) have met on approximately 10 occasions to address continued concerns pertaining to protecting Lake Auburn. The group(s) have relied on the ordinance to drive the discussion on what is best for the public water supply of Lewiston and Auburn. The proposed changes are detailed in the attached order and proposed text. The proposed changes include amendments to Section 60.2 Definitions, Sec. 60-951 Use and environmental regulations and Sec. 60-952 as they relate to agricultural, forestry and erosion control. The amendments include changes that will strengthen the ordinances pertaining to Lake Auburn Watershed and the source water protection for the communities of Auburn and Lewiston which serves clean drinking water to 39,000 residents from Lake Auburn.

In July of 2024 the City Council ordered the Planning Board to review draft ordinance text changes recommended by the Lake Auburn Stakeholders Group. The directive specifically asked the Planning Board to review updates to Article II, Division 4, Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 as they relate to agricultural, forestry and erosion control land uses.

Information: The attached ordinance is a culmination of efforts put forth by the above groups. The Planning Board provided a favorable recommendation to City Council on a text and associated map amendment. All the residents in the watershed were notified about October, Planning Board Public Hearing, City Council Workshop on November 4th and future City Council Public Hearing on December 2nd. The edits come from two different staff personnel (Megan & John) and The Ag committee.

Highlights from the proposed changes:

- Definitions for Agricultural and Forestry Uses (Text Changes/Additions)
    - Update definitions to agricultural use, animal units, clearcutting, invasive species, livestock, NRCS, NWI, fertilizer, pest, pesticides, poultry, soil test, summer dormancy, tillage, Total N. Allows farming in the watershed with defined safe boards for water quality protections (waste and nutrient management plans with required buffers).
- Fertilizers and Pesticides (Text Additions)
    - Requires existing farms to comply with obtaining waste or nutrient management plans that raise livestock or poultry by June 30, 2027, regardless of size.
    - Set limits on animal and poultry units.
    - Manure spreading prohibited, language for manure storage BMPs

    - Guideline for fertilizer and pesticide use applications
- Erosion Control, Tree Clearing and Forestry (Text Changes/Additions)
    - Tillage setbacks from 100’ to 250’ (Map Developed)
    - Clearcutting limited to 2 acres on a 20-acre tract.
    - Clearcutting is limited to 25% of the amount on 20-acres or less.
- Map of 250’ Setback to Lake, Pond, Stream, Brook or NWI Wetland
    - Added State forestry BMP language for tree clearing and state requirements for harvesting in the SLZ.
    - Adopted “Rule 20” by the MFS policy under the Maine Forest Practices Act Legislation.

City Budgetary Impacts: Staff Time

Staff Recommended Action: . Hold the first reading. On both attached text amendment and Lake Auburn Watershed Overlay Agricultural Buffer Setback Map.

Previous Meetings and History: Unanimous favorable recommendation in the October Planning Board Meeting, November 4, 2024, City Council Workshop .

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments: Amended Text Edits , Proposed Map Amendment, City Council PowerPoint Presentation, Planning Board staff report for public hearing

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn Water District on file in the office of the Auburn Water District, the city planning, permitting and code department and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying zoning districts within the city. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned.

Agricultural use means the production, growing, cultivation, or harvesting of any agricultural commodity or product or the raising, shearing, feeding, caring for, training, and management of livestock or poultry for commercial or personal use.

Animal unit has the same meaning as in section 60-2.

Building has the same meaning as in section 60-2.

Clearcutting means any cutting of any trees or timber on a forested site that results in a residual basal area of trees over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under Section 8869, subsection 1 of the Maine Forest Practices Act.

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Dwelling Unit has the same meaning as in section 60-2.~~*Hobby agricultural use* means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where:~~

~~(1) The products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit; and~~

~~(2) The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded.~~

Invasive Species. Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the Auburn Water District, City of Lewiston, and the Town of Turner, consisting of three commissioners appointed by the Auburn Water District, three commissioners appointed by the City of Lewiston, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Livestock has the same meaning as in section 60-2.

Local plumbing inspector means a plumbing inspector or alternate plumbing inspector as defined in Section 12-22 of the Auburn City Ordinances. ~~*Non-hobby agricultural use* means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.~~

Natural Resource Conservation Service or NRCS means the U.S. Department of Agriculture, Natural Resources Conservation Service or, in those instances where the NRCS is prohibited by federal law from providing services to the property owner or lessee, an alternative service provider approved by the director of the city planning, permitting, and code department, or their designee.

Normal high-water line and Normal high-water mark mean~~s~~ that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land.

NWI Wetland means any waterbody shown on the U.S. Fish & Wildlife Service National Wetlands Inventory.

Organic fertilizer means fertilizer derived from either plant or animal products that contain nutrients for plant growth. It is acceptable for the materials in these fertilizers to have been subjected to biological degradation processes under normal conditions of aging, rainfall, sun curing, air drying, composting, rotting, enzymatic, or anaerobic/aerobic bacterial action, or any combination of these. In order to qualify as organic fertilizer, the materials in these fertilizers may not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by processing such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting. Organic fertilizers are broken down by and feed the microbial life in the soil.

Pest shall have the same meaning as the term set forth in 40 C.F.R.§ 152.5, as the same may be amended from time to time.

Pesticide means any substance, or mixture, or combination of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Pests of significant public health importance means pests listed by the U.S Environmental Protection Agency, in conjunction with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, as pests of significant public health importance.

Poultry means domesticated birds.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistency of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material excessively coarse soil horizons and parent material, and the seasonal groundwater table. Any of these limiting horizons may from time to time be referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of six inches of upper fill layer meeting the following upper fill layer specifications.

Soil Filter Media Specifications

Upper fill layer	
Sieve #	% passing by weight
No. 4	75—95
No. 10	60—90
No. 40	35—85
No. 200	20—40
200 (clay size)	< 2.0

Lower fill layer	
Sieve #	% passing by weight
No. 10	85—100
No. 20	70—100
No. 60	15—400
No. 200	6—8
200 (clay size)	< 2.0

Soil test means the Comprehensive Soil Test provided by the Maine Soil Testing Service, or equivalent.

State licensed site evaluator means a person licensed by the Maine Department of Health and Human Services to evaluate soils for the purpose of designing subsurface wastewater disposal systems.

Stream or Brook means a channel between defined banks as depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map.

Subsurface wastewater disposal system inspector means a person who holds a current certification issued by the Maine Department of Health and Human Services, Division of Environmental and Community Health as a Subsurface Wastewater Disposal System Inspector.

Summer dormancy means the period during mid-summer most commonly observed in unirrigated grasses when growth ceases. Dormancy is characterized by brittle texture and a loss of green color.

Synthetic fertilizer means any fertilizer manufactured from one or more synthetic materials containing no animal parts, animal byproducts, manures or renderings.

Tillage or tilled means the reconfiguration of the soil into a desired condition by mechanical means.

Total nitrogen means the sum of all nitrogen forms contained within fertilizer, including water soluble nitrogen forms, slow-release nitrogen forms, and water insoluble nitrogen forms. The percentage of total nitrogen appears as the leftmost number of the grade on fertilizer labels or containers.

Wetland, see NWI Wetland.

(Ord. of 9-21-2009, § 5.3B; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-952. Use and environmental regulations.

1. *Subsurface Wastewater Disposal Systems*.

(a) *Dwelling units in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), ~~60-145(b)(18)~~ and 60-146(1)c., new dwelling units are prohibited in that part of the Lake Auburn Watershed Overlay District which overlies the Agriculture and Resource Protection Zone. Pursuant to 30-A M.R.S.A. §§ 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.

(b) *Private subsurface wastewater disposal systems.* Each new building, or any existing building for which there is any addition, alteration, or change of use, each new dwelling unit, or any existing dwelling unit for which there is an addition or alteration thereto that includes the addition of one or more bedrooms, in the Lake Auburn Watershed Overlay District, not served by public sewer, shall, in the development of a private subsurface wastewater disposal system, adhere to the requirements of this section as well as the requirements of the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241. Notwithstanding any provision of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 the Rule shall be applied regardless of whether the addition or alteration is an initial or subsequent addition or alteration~~.~~:

(1) Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filer media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a state licensed site evaluator affirm that these design requirements are met before the local plumbing inspector finds the design or installation of the system to comply with this section.

(2) New (first use), expanded, or replacement disposal fields shall be set back from the normal high-water mark of any lake, pond, stream, or brook as follows:

a. Where the daily wastewater flow is, or is reasonably likely to be, 2,000 gallons or less, the system shall be set back at least 400 feet from the normal high-water mark of any lake, pond, stream, or brook.

b. Where the daily wastewater flow is, or is reasonably likely to be, in excess of 2,000 gallons, the system shall be set back at least 1,000 feet from the normal high-water mark of any lake, pond, stream, or brook.

(3) All new (first use), expanded, or replacement private subsurface wastewater disposal systems shall include one of the two following design elements. The selection of which design element is most appropriate shall be determined by a state licensed site evaluator based upon the evaluation of the groundwater conditions, soils, and slopes present at the site where the system is to be installed.

a. Curtain drain installed per Section 12(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2023), as may be amended from time to time; or

b. Diversion ditch, upslope of the disposal field, installed for the disposal field's entire length including fill extensions, and constructed so that the curtain drain or diversion ditch is located to prevent any short circuiting of the disposal field

(4) All new (first use), expanded, or replacement private subsurface wastewater disposal systems shall be installed on the same lot as the building or dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of an expanded or replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the expanded or replacement system's location on adjacent lots if the property owner holds a perpetual easement from the adjacent lot owner allowing the installation and maintenance of the system.

(5) Commencing July 1, 2024, the owner of each building or dwelling unit in the Lake Auburn Watershed Overlay District, not served by public sewer, shall have their private subsurface wastewater disposal system inspected to ensure continuing compliance with this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241.

a. *Inspections.* An initial inspection shall be completed by the completion date specified in the Lake Auburn Watershed Overlay District Septic Systems Inspection Map, dated June 24 ~~March 19~~, 2024, which is on file in the office of the city planning, permitting and code department.

Subsequent inspections shall be completed within five years of the initial inspection and every subsequent inspection, unless the property is sold, in which case a subsequent inspection shall be conducted at the time of sale.

Such inspections shall be completed by a certified subsurface wastewater disposal system inspector. Such inspector shall inspect the private subsurface wastewater disposal system using the minimum requirements established by the Maine Department of Health and Human Services, Division of Environmental and Community Health for evaluating and reporting on existing subsurface wastewater disposal systems.

b. *City record keeping and notifications.* The city planning, permitting and code department shall maintain, within the city GIS system, a record of each subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District that requires inspection. The record must include, at a minimum, the city parcel identifier, date the next inspection is due, and date of the last inspection.

The city planning, permitting and code department shall provide the owner of each building or dwelling unit written notices by regular mail, to the address shown on the city property tax records, of the date by which the inspection of the subsurface wastewater disposal system must be completed. The first notice shall be mailed 12 months prior to each required completion date and the second notice six months prior to each required completion date.

c. *Reporting and reviewing of results of inspections.* Reporting shall be made utilizing the latest version of the HHE-240 reporting form, for initial inspections, and the Supplement HHE-240 reporting form, for subsequent inspections, as published by the Maine Department of Health and Human Services, Division of Environmental and Community Health. Such reports shall be submitted to the local plumbing inspector.

The local plumbing inspector shall review the report and determine if corrective action is required to ensure that;

1. for subsurface wastewater disposal systems for which a design is on file with the planning, permitting and code department, the system is functioning per the design on file,
2. for subsurface wastewater disposal systems for which there is no design on file with the planning, permitting and code department, the system is functioning as built.

d. *Alternative design for replacement subsurface wastewater disposal systems.* For buildings or dwelling units that exist in the Lake Auburn Watershed Overlay District as of July 1, 2024, should the local plumbing inspector determine, upon review of the report from the subsurface wastewater disposal system inspector, through personal observation, or through independent means, that the subsurface wastewater disposal system is not functioning as designed or built and a replacement system is required, and:

1. a state licensed site evaluator informs the local plumbing inspector that the parcel on which the building or dwelling unit is situated is not suitable to site a replacement subsurface wastewater disposal system that meets the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241; and
2. the local plumbing inspector determines that the replacement subsurface wastewater disposal system cannot be sited pursuant to Subsection 4;

then a state licensed site evaluator may propose, and the local plumbing inspector may approve, after consultation with the Lake Auburn Watershed Protection Commission, an alternative subsurface wastewater design that does not meet the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 but which meets as many of the requirements as possible, and for those requirements that cannot be met, includes design elements that maximize the efficacy of the treatment of the wastewater.

(6) In coordination with the local plumbing inspector, LAWPC, or its designee, shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the City of Auburn health officer, police chief, local plumbing inspector or code enforcement officer of any observed defects or malfunction that require corrective action by the property owner or operator.

(7) The local plumbing inspector shall furnish a copy of all site evaluation and inspection reports in the Lake Auburn Watershed Overlay District to LAWPC.

8) Commencing on July 1, 2024, a maximum of three new dwelling units per calendar year are permitted in that part of the Lake Auburn Watershed Overlay District in which new dwelling units are permitted.

The city planning, permitting, and code department shall, on an annual basis, provide a report to the Planning Board as to the extent and effect of the construction of new dwelling units in the Lake Auburn Watershed Overlay District. The report shall include, at a minimum, the number of new dwelling units constructed in the past year, the cumulative number of new dwelling units constructed since July 1, 2024, and the effect of such construction on the Lake Auburn water quality.

Should the Planning Board conclude, based on the city planning, permitting and code department report that the construction of new dwelling units has had an adverse effect on the Lake Auburn water

quality, the Planning Board shall consider what action is to be taken to prevent further degradation of Lake Auburn water quality from the construction of new dwelling units.

2. Agricultural, Forestry, and Erosion Control.

(a) *Agricultural use~~s~~.* ~~Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are~~ Use of land for agricultural use within the Lake Auburn Watershed Overlay District is only ~~allowed~~ permitted if:

(1) The property owner or ~~operator~~ lessee shows, and the director of the city planning, permitting, and code department, or their designee, finds, after consultation with the LAWPC watershed manager, ~~first demonstrates to LAWPC's watershed manager~~ that

a. Such use, or expansion of such use, will not cause groundwater contamination ~~and~~ ,will not contaminate or disturb the normal course of surface water runoff, and will not contaminate any lake, pond, stream, brook, or NWI wetland; and

b. The property owner or lessee has a waste and nutrient management plan developed in compliance with the Natural Resource Conservation Service's standards for waste and nutrient management.

(2) ~~LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer~~The director of the city planning, permitting, and code department, or their designee, has provided their written finding of conformity with the requirements of this Sec. 952(2)(a) to the property owner or lessee.

(3) The provisions of this Subsection 2(a) shall apply to all new or expanded agricultural uses of land within the Lake Auburn Watershed Overlay District. For those agricultural uses that exist on July 1, 2024, the property owner or lessee shall comply with the requirements of Subsection 2(a)(1)(b) no later than June 30, 2027.

(4) The provisions of this Subsection 2(a) requiring a showing to the director of the planning, permitting, and code department, or their designee, and the requirement to have a waste and nutrient management plan, shall not apply if the agricultural use of the land is for the production, growing, cultivation, or harvesting of any agricultural commodity or product, (but not for or the raising, shearing, feeding, caring for, training, and management of livestock or poultry), whether for commercial or personal use, if the agricultural use of the land encompasses no more than 1,000 square feet in total on any lot. This provision shall not be construed to exempt the property owner or lessee from any other provision of this Division.

(b) Reserved~~*Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)c., new dwelling units are prohibited in the Lake Auburn Watershed Overlay District. Pursuant to 30-A M.R.S.A. 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.~~

(c) *Number of animal units permitted.* The number of animal units of livestock permitted in the Lake Auburn Watershed Overlay District shall be calculated utilizing the formula in the definition of Farm, Livestock in section 60-2. The number of animal units of poultry permitted in the district shall be calculated as 15 animal units per acre of cleared land not to exceed a total of 150 animal units per lot.

(~~c~~d) *~~Agricultural~~ Vegetated buffer strip.* ~~Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.~~ Where soil is tilled for agricultural purposes, or livestock or poultry is kept, an untilled, vegetated buffer strip at least 250 feet wide shall be retained between the tilled area and the normal high-water mark of any lake, pond, stream, brook, or NWI Wetland.

Vegetated buffer strips shall be constructed and maintained as specified in the latest version of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorous Control Manual, Volume II & Technical Design Manual Volume III, March 2016.

This subsection shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(~~d~~e) *Manure and sludge spreading, storage, and disposal.* The s~~S~~preading ~~and~~ or disposal of manure or sludge within the Lake Auburn Watershed Overlay District is prohibited. Manure shall be stored on an impervious surface which has a roof or cover. ~~All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal.~~

(f) *Fertilizer use and application.* The following provisions shall apply to the use, application, or storage of fertilizer in the Lake Auburn Watershed Overlay District.

(1) The following uses and applications of fertilizer are permitted.

a. Organic fertilizer if a soil test is conducted annually; and

b. The fertilizer that is used or applied does not contain nutrients in excess of the amount recommended by the completed soil test; and

c. No more than two fertilizer applications are made in one calendar year; and

d. For each application, total nitrogen may not exceed 1 lb. per 1,000 square feet.

(2) The following uses and applications of fertilizer are prohibited.

a. Fertilizer containing phosphorus, unless a waiver for the use of fertilizer containing phosphorus is issued by the city planning, permitting, and code department.

b. Synthetic fertilizers.

c. Fertilizer used within 100 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland.

d. Fertilizer used when a rain event producing 0.5 inch or more of precipitation in a one-hour period is forecast or is occurring.

e. Fertilizer used on saturated surfaces.

f. Fertilizer used on partially or wholly frozen ground.

g. Fertilizer used on impervious surfaces, if spills occur on impervious surfaces they must be removed immediately.

h. Fertilizer used during the summer dormancy period.

(3) Waivers of the provisions of this Subsection (f) may be issued by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager:

a. upon a showing by the applicant that the use of synthetic fertilizer, or the use of fertilizer containing phosphorus, is necessary because a suitable organic fertilizer product that meets the nutrient needs of the soil as specified in the soil test is unavailable. The waiver may contain additional conditions on the use or application of the waivered fertilizer product to minimize the risk to any lake, pond, stream, brook or NWI Wetland.

b. upon a showing by the applicant that a nutrient management plan prepared by the Natural Resources Conservation Service for a specific agricultural use requires a frequency of application greater than that specified in subsection 2(f)(1)(c) of this section and/or a total nitrogen application greater than that specified in subsection 2(f)(1)(d) of this section.

(4) Fertilizers shall be stored, mixed, and loaded:

a. pursuant to the specific manufacturer's storage instructions on the fertilizer label; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time.

(g) *Allowed and prohibited pesticides.* For outdoor pest management activities in the Lake Auburn Watershed Overlay District, the following shall apply:

(1) Synthetic substances are prohibited unless specifically listed as "allowed" on the U.S. Department of Agriculture's National List of Allowed and Prohibited Substances (the "National List");

(2) Non-synthetic substances are allowed unless specifically listed as "prohibited" on the National List;

(3) Pesticides determined to be "minimum risk pesticides" pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 4 and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended from time to time, are allowed; and

(4) The use or application of pesticides (whether natural, organic, "non- synthetic," synthetic or otherwise) within 250 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland is prohibited.

(5) The following materials, applications, or activities are exempt from the provisions of this subsection (g) (and are so allowed):

a. Pet supplies, such as shampoos and tick and flea treatments, when used in the manner specified by the manufacturer;

b. Disinfectants, germicides, bactericides, miticides and virucides, when used in the manner specified by the manufacturer;

c. Insect repellents when used in the manner specified by the manufacturer;

d. Rat and rodent control supplies when used in the manner specified by the manufacturer;

e. Swimming pool supplies when used in the manner specified by the manufacturer.

(6) The following uses of prohibited pesticides are exempt from the provisions of this subsection (and are so allowed) when the use of the material, application, or activity is more than 250 feet from the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland or when a waiver has been granted by the director of the director of the city planning, permitting, and code department or their designee.

a. Prohibited pesticides may be used to control plants that are poisonous to the touch, such as poison ivy; pests of significant health importance, such as ticks and mosquitoes; animals or insects that may

cause damage to a structure, such as carpenter ants or termites; invasive species; or when used by a public utility for maintenance of a right-of-way through the Lake Auburn Watershed Overlay District.

b. The director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager, may grant a waiver to use a prohibited pesticide within 250 feet of the high-water mark of a lake, pond, stream, brook, or NWI Wetland when such use is necessary to protect public health or safety.

(7) Pesticides shall be stored, mixed, loaded, and applied:

a. pursuant to the specific manufacturer's storage instructions on the pesticide label or container; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time; and

e. shall not be applied by aerial spraying.

(eh) *Erosion control.* ~~The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:~~

~~(1)~~ Any exposing, moving, removal, or stockpiling of soil, or the removal of vegetative cover~~earth cutting, moving or removal activities~~ that will result in erosion or runoff which increases sedimentation of ~~Lake Auburn, or any tributaries or other water bodies in the watershed~~any lake, pond, stream, brook, or NWI Wetland in the Lake Auburn Watershed Overlay District ~~are~~ is prohibited.

~~(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Water District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.~~

(~~3~~i) ~~Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.~~

Tree clearing and forestry. Clearcutting is limited to 25% of the total area of a lot or two acres, whichever is less; provided that on lots of 20 acres or more, one clearcut of not more than two acres in every 20 contiguous acres may be made. Any discrete tree or timber cutting operation on a lot of any size over two acres shall be permitted only pursuant to a harvest plan prepared by a Maine licensed forester meeting the standards in the latest versions of Rule 20 of the rules adopted under the Maine Forest Practices Act, the Maine Department of Agriculture, Bureau of Forestry's manual on Best Management Practices for Forestry: Protecting Maine's Water Quality and, where applicable, the requirements of Chapter 21 of Maine Forest Service's Statewide Standards for Timber Harvesting in Shoreland Areas. All harvest plans must be approved by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager. Such harvest plan will be approved or disapproved based on its conformance with this Division, with a focus on its ability to ensure protection of the water quality of Lake Auburn. ~~From time to time,~~ The director, or their designee, may require the approved harvest plan to be

amended to ensure preventive and corrective actions which may become necessary to protect the water quality of Lake Auburn.

3. *Enforcement*

The city planning, permitting and code department shall have authority to enforce all requirements of this Division in accordance with section 60-1403.

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019; Ord. No. 10-06202023, 7-10-2023; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-953. Dimensional regulations; building setbacks.

Any new or expanded buildings or structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 100 feet inland from the normal high-water mark of Lake Auburn. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages, or other structures. Marinas and boat rental facilities shall not be permitted within 100 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

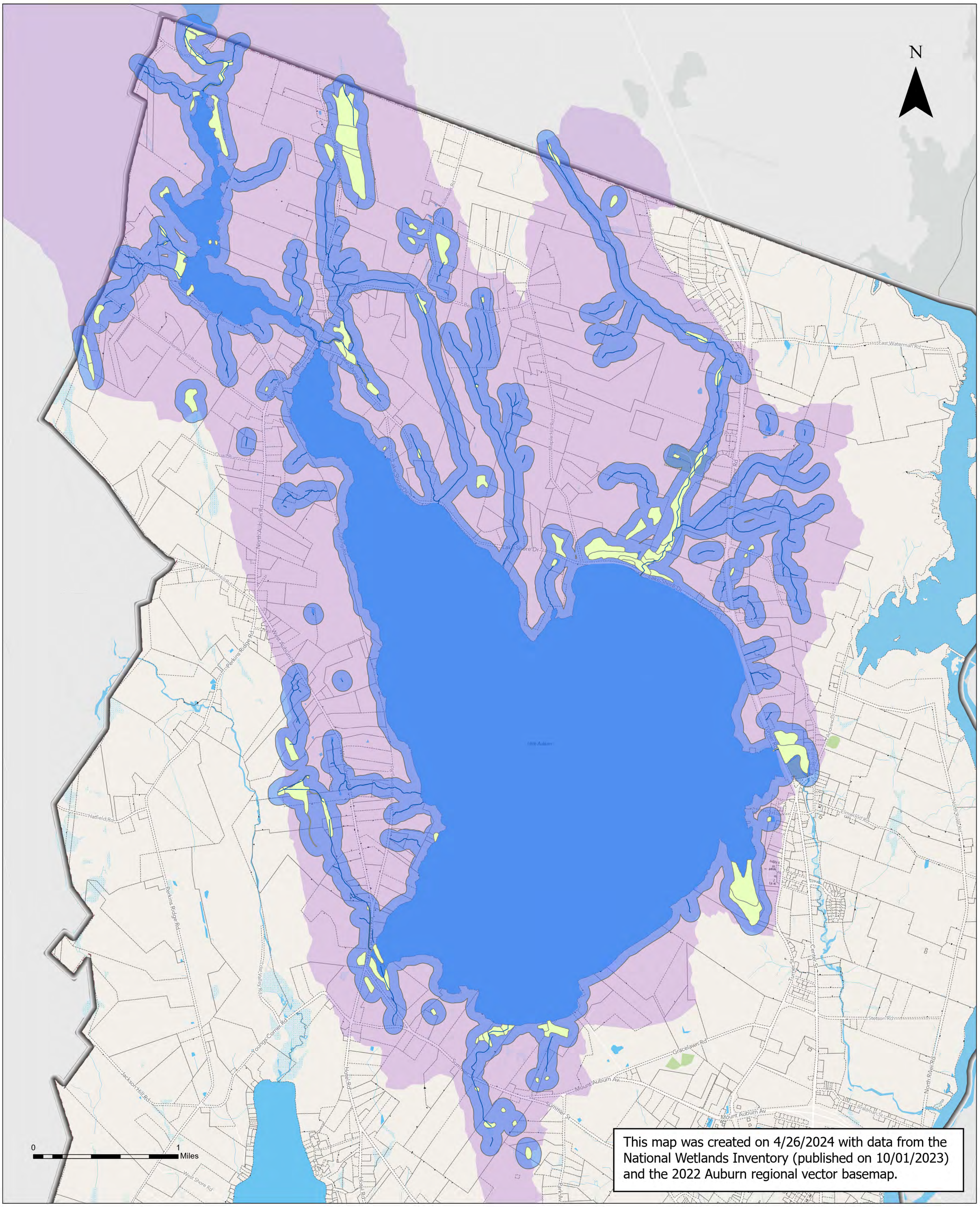
Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

Secs. 60-955—60-981. Reserved.

Lake Auburn Watershed Overlay
Agricultural Buffer Setbacks



This map was created on 4/26/2024 with data from the National Wetlands Inventory (published on 10/01/2023) and the 2022 Auburn regional vector basemap.

- Streams
- NWI Wetlands
- Lake Auburn Watershed
- Lake Auburn Streams Wetlands Buffer 250 ft

auburnmaine.gov







Map & Ordinance Text Amendments Related to Lake Auburn Watershed Chapter 60, Article XII, Division 4

City Council Workshop 11/04/2024

Agriculture & Forestry

Agenda

1.) Why more changes?

2.) Definitions for Agricultural and Forestry Uses (Text Changes/Additions)

3.) Fertilizers and Pesticides (Text Additions)

4.) Erosion Control, Tree Clearing and Forestry (Text Changes/Additions)

5.) Natural Resource Map of 250’ Setback to lake, pond, stream, brook, or NWI wetland.

Why More Changes?

- January 2024; CC, Order 04-01022024 City Manager to direct staff to work with the Lake Auburn Stakeholders Group. (AG working group, Sustainability, and Natural Resources Board, LAWPC, PB members, and public stakeholders) met in a public setting over 10 times from Jan-July to discuss and identify continued concerns and processes related to ordinances that protect Lake Auburn and its watershed.
- September 2024; CC, Order XX-09032024: Initiating ordinance amendments process to Division 4 Lake Auburn Watershed District focus on agriculture and forestry.
- Update definitions: to agricultural use, animal units, clearcutting, invasive species, livestock, NRCS, NWI, fertilizer, pest, pesticides, poultry, soil test, summer dormancy, tillage, Total N.
- Allows farming in the watershed with defined safe boards for water quality protections. (waste and nutrient management plans with required buffers)
- Requires existing farms to comply with obtaining waste or nutrient management plan that raise livestock or poultry by June 30, 2027 regardless of size.
- Set limits on animal and poultry animal units.
- Tillage setbacks from 100' to 250' (Map Developed)
- Manure spreading prohibited, language for manure storage BMPs
- Guideline for fertilizer and pesticide use and applications.
- Clearcutting limited to 2 acres on a 20-acre tract.
- Clearcutting is limited 25% of the lot on 20-acres or less.
- Added state forestry BMP language for tree clearing and state requirements for harvesting in the SLZ.
- Adopted "Rule 20" by the MFS policy under the Maine Forest Practices Act legislation.

Source Water Protection for the Auburn and Lewiston Community.
<u>That's our drinking water!</u>

Right to food. All individuals have a natural, inherent and unalienable right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.







auburnmaine.gov

Division 4. Definitions

- **Update definitions: to agricultural use, animal units, clearcutting, invasive species, livestock, NRCS, NWI, fertilizer, pest, pesticides, poultry, soil test, summer dormancy, tillage, Total N.**

District.¶

(b) → *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned.¶

Agricultural use means the production, growing, cultivation, or harvesting of any agricultural commodity or product or the raising, shearing, feeding, caring for, training, and management of livestock or poultry for commercial or personal use.¶

Animal unit has the same meaning as in section 60-2.¶

Clearcutting means any cutting of any trees or timber on a forested site that results in a residual basal area of trees over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under Section 8869, subsection 1 of the Maine Forest Practices Act.¶

Curtain drain means a tranch to intercept laterally moving ground water and divert it away from a septic system disposal field.¶

~~*Hobby agricultural use* means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where:~~¶

~~(1) → The products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit; and~~¶

~~(2) → The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded.~~¶

¶

Invasive Species. Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees.¶

Livestock has the same meaning as in section 60-2.¶

Soil test means the Comprehensive Soil Test provided by the Maine Soil Testing Service, or equivalent.¶

Summer dormancy means the period during mid-summer most commonly observed in unirrigated grasses when growth ceases. Dormancy is characterized by brittle texture and a loss of green color.¶

Synthetic fertilizer means any fertilizer manufactured from one or more synthetic materials containing no animal parts, animal byproducts, manures or renderings.¶

Tillage or tilled means the reconfiguration of the soil into a desired condition by mechanical means.¶

Total nitrogen means the sum of all nitrogen forms contained within fertilizer, including water soluble nitrogen forms, slow-release nitrogen forms, and water insoluble nitrogen forms. The percentage of total nitrogen appears as the leftmost number of the grade on fertilizer labels or containers.¶

Wetland, see NWI Wetland.¶

Invasive Species. Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees.¶

Livestock has the same meaning as in section 60-2.¶

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.¶

Natural Resource Conservation Service or NRCS means the U.S. Department of Agriculture, Natural Resources Conservation Service or, in those instances where the NRCS is prohibited by federal law from providing services to the property owner or lessee, an alternative service provider approved by the director of the city planning, permitting, and code department, or their designee.¶

~~*Non-hobby agricultural use* means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.~~¶

NWI Wetland means any waterbody shown on the U.S. Fish & Wildlife Service National Wetlands Inventory.¶

Organic fertilizer means fertilizer derived from either plant or animal products that contain nutrients for plant growth. It is acceptable for the materials in these fertilizers to have been subjected to biological degradation processes under normal conditions of aging, rainfall, sun curing, air drying, composting, rotting, enzymatic, or anaerobic/aerobic bacterial action, or any combination of these. In order to qualify as organic fertilizer, the materials in these fertilizers may not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by processing such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting in order to qualify as organic fertilizer. Organic fertilizers are broken down by and feed the microbial life in the soil.¶

Pest shall have the same meaning as the term set forth in 40 C.F.R. § 152.5, as the same may be amended from time to time.¶

Pesticide means any substance, or mixture, or combination of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.¶

Pests of significant public health importance means pests listed by the U.S Environmental Protection Agency, in conjunction with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, as pests of significant public health importance.¶

Poultry means domesticated birds.¶

auburnmaine.gov

Farming in the Lake Auburn Watershed

(a) → *Agricultural uses.* ~~Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are.~~ Use of land for agricultural use within the Lake Auburn Watershed Overlay District is only ~~allowed~~ permitted if: ¶

(1) → The property owner or ~~operator~~ lessee shows, and the director of the city planning, permitting, and code department, or their designee, finds, after consultation with the LAWPC watershed manager, ~~first demonstrates to LAWPC's watershed manager~~ that ¶

a. → Such use, or expansion of such use, will not cause groundwater contamination ~~and~~, will not contaminate or disturb the normal course of surface water runoff, and will not contaminate any lake, pond, stream, brook, or NWI wetland; and ¶

b. → The property owner or lessee has a waste and nutrient management plan developed in compliance with the Natural Resource Conservation Service's standards for waste and nutrient management. ¶

(2) → ~~LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer~~ The director of the city planning, permitting, and code department, or their designee, has provided their written finding of conformity with the requirements of this Sec. 952(2)(a) to the property owner or lessee. ¶

(3) → The provisions of this Subsection 2(a) shall apply to all new or expanded agricultural uses of land within the Lake Auburn Watershed Overlay District. For those agricultural uses that exist on July 1, 2024, the property owner or lessee shall comply with the requirements of this Subsection 2(a)(1)(b) no later than June 30, 2027. ¶

(4) → The provisions of this Subsection 2(a) requiring a showing to the director of the planning, permitting, and code department, or their designee, and the requirement to have a waste and nutrient management plan, shall not apply if the agricultural use of the land is for the production, growing, cultivation, or harvesting of any agricultural commodity or product, (but not for or the raising, shearing, feeding, caring for, training, and management of livestock or poultry), whether for commercial or personal use, if the agricultural use of the land encompasses no more than 1,000 square feet in total on any lot. This provision shall not be construed to exempt the property owner or lessee from any other provision of this Division. ¶

- **Allows farming in the watershed with defined safe boards for water quality protection. (waste and nutrient management plans by NRCS with required buffers-250 Feet)**
- **Requires existing farms to comply with obtaining waste or nutrient management plan that raise livestock or poultry by June 30, 2027 regardless of size and crop farms over 1,000 SF.**
- **Removes hobby farms.**
- **Approvals are required by LAWPC, City Staff, and NRCS input.**

auburnmaine.gov

Set Limits on Animal Units In the Watershed

(c) → *Number of animal units permitted.* The number of animal units of livestock permitted in the Lake Auburn Watershed Overlay District shall be calculated utilizing the formula shown in the definition of Farm, Livestock as shown in section 60-2. The number of animal units of poultry permitted in the district shall be calculated as 15 animal units per acre of cleared land not to exceed a total of 150 animal units per lot. ¶

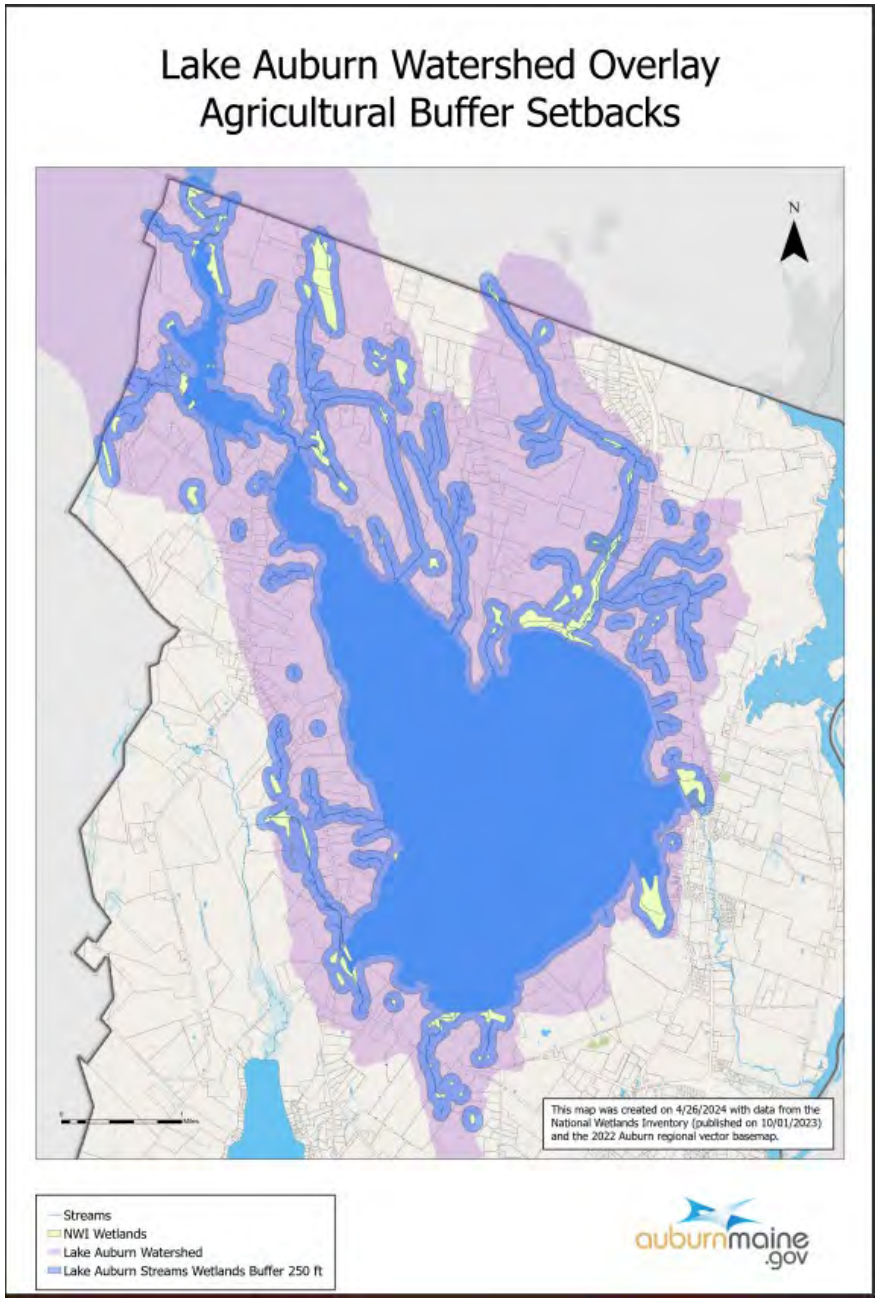
(60-2) Farm, livestock, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar-sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

1. Cattle: One bovine animal unit per acre of cleared hay-pasture land.
2. Horse: 1.5 animal units per acre of cleared hay/pasture land.
3. Sheep: Three animal units per acre of cleared hay/pasture land.
4. Swine: Two animal units per acre of cleared land.

Other livestock farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

auburnmaine.gov

Division 4 Buffers



Tillage setback of 250’ from Natural Resources.

(ed)→ *Agricultural Vegetated buffer strip.* ~~Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5-minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.~~ Where soil is tilled for agricultural purposes, or livestock or poultry is kept, an

(Supp. No. 29)

Page 4 of 9

untilled, vegetated buffer strip at least 250 feet wide shall be retained between the tilled area and the normal high-water mark of any lake, pond, stream, brook, or NWI Wetland.

Vegetated buffer strips shall be constructed and maintained as specified in the latest version of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorous Control Manual, Volume II & Technical Design Manual Volume III, March 2016.

This subsection shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

auburnmaine.gov

Division 4. Lake Auburn Watershed Overlay District Cont.

Manure storage requirements.

(~~de~~) *Manure and sludge spreading, storage, and disposal.* The ~~s~~spreading ~~and or~~ disposal of manure or sludge within the Lake Auburn Watershed Overlay District is prohibited. Manure shall be stored on an impervious surface which has a roof or cover. ~~All spreading and disposal of manure shall be accomplished in conformance with the then current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal.~~





auburnmaine.gov

Division 4. Lake Auburn Watershed Overlay District Cont.

Guideline for fertilizer and pesticide use and applications.

b. upon a showing by the applicant that a nutrient management plan prepared by the Natural Resources Conservation Service for a specific agricultural use requires a frequency of application greater than that specified in subsection 2(f)(1)(c) of this section and/or a total nitrogen application greater than that specified in subsection 2(f)(1)(d) of this section.

(4) Fertilizers shall be stored, mixed, and loaded:

a. pursuant to the specific manufacturer's storage instructions on the fertilizer label; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time.

(g) *Allowed and prohibited pesticides.* For outdoor pest management activities in the Lake Auburn Watershed Overlay District, the following shall apply:

(1) Synthetic substances are prohibited unless specifically listed as "allowed" on the U.S. Department of Agriculture's National List of Allowed and Prohibited Substances (the "National List");

(2) Non-synthetic substances are allowed unless specifically listed as "prohibited" on the National List;

(3) Pesticides determined to be "minimum risk pesticides" pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 4 and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended from time to time, are allowed; and

(4) The use or application of pesticides (whether natural, organic, "non-synthetic," synthetic or otherwise) within 250 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland is prohibited.

(5) The following materials, applications, or activities are exempt from the provisions of this subsection (g) (and are so allowed).

a. Pet supplies, such as shampoos and tick and flea treatments, when used in the manner specified by the manufacturer;

b. Disinfectants, germicides, bactericides, miticides and virucides, when used in the manner specified by the manufacturer;

c. Insect repellents when used in the manner specified by the manufacturer;

d. Rat and rodent control supplies when used in the manner specified by the manufacturer;

e. Swimming pool supplies when used in the manner specified by the manufacturer.

(6) The following uses of prohibited pesticides are exempt from the provisions of this subsection (and are so allowed) when the use of the material, application, or activity is more than 250 feet from the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland or when a waiver has been granted by the director of the director of the city planning, permitting, and code department or their designee.

a. Prohibited pesticides may be used to control plants that are poisonous to the touch, such as poison ivy; pests of significant health importance, such as ticks and mosquitoes; animals or insects that may cause damage to a structure, such as carpenter ants or termites; invasive species; or when used by a public utility for maintenance of a right-of-way through the Lake Auburn Watershed Overlay District.

b. The director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager, may grant a waiver to use a prohibited pesticide within 250 feet of the high-water mark of a lake, pond, stream, brook, or NWI Wetland when such use is necessary to protect public health or safety.

(f) *Fertilizer use and application.* The following provisions shall apply to the use, application, or storage of fertilizer in the Lake Auburn Watershed Overlay District.

(1) The following uses and applications of fertilizer are permitted.

a. Organic fertilizer if a soil test is conducted annually; and

b. The fertilizer that is used or applied does not contain nutrients in excess of the amount recommended by the completed soil test; and

c. No more than two fertilizer applications are made in one calendar year; and

d. For each application, total nitrogen may not exceed 1 lb. per 1,000 square feet.

(2) The following uses and applications of fertilizer are prohibited.

a. Fertilizer containing phosphorus, unless a waiver for the use of fertilizer containing phosphorus is issued by the city planning, permitting, and code department.

b. Synthetic fertilizers.

c. Fertilizer used within 100 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland.

d. Fertilizer used when a rain event producing 0.5 inch or more of precipitation in a one-hour period is forecast or is occurring.

e. Fertilizer used on saturated surfaces.

f. Fertilizer used on partially or wholly frozen ground.

g. Fertilizer used on impervious surfaces, if spills occur on impervious surfaces they must be removed immediately.

h. Fertilizer used during the summer dormancy period.

(3) Waivers may be issued by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager:

a. upon a showing by the applicant that the use of synthetic fertilizer, or the use of fertilizer containing phosphorus, is necessary because a suitable organic fertilizer product that meets the nutrient needs of the soil as specified in the soil test is unavailable. The waiver may contain additional conditions on the use or application of the waivered fertilizer product to minimize the risk to any lake, pond, stream, brook or NWI Wetland.

auburnmaine.gov

Division 4. Lake Auburn Watershed Overlay District Cont.

- Clearcutting limited to 2 acres on a 20-acre tract.
- Clearcutting is limited 25% of the lot or 2 acres, whichever is less on lots less than 20-acres.
- Added state forestry BMP language for tree clearing and state requirements for harvesting in the SLZ.
- Adopted "Rule 20" by the MFS policy under the Maine Forest Practices Act Legislation.

Tree clearing and forestry. Clearcutting is limited to 25% of the total area of a lot or two acres, whichever is less; provided that on lots of 20 acres or more, one clearcut of not more than two acres in every 20 contiguous acres may be made. Any discrete tree or timber cutting operation on a lot of any size over two acres shall be permitted only pursuant to a harvest plan prepared by a Maine licensed forester meeting the standards in the latest versions of Rule 20 of the rules adopted under the Maine Forest Practices Act, the Maine Department of Agriculture, Bureau of Forestry's manual on Best Management Practices for Forestry: Protecting Maine's Water Quality and, where applicable, the requirements of Chapter 21 of Maine Forest Service's Statewide Standards for Timber Harvesting in Shoreland Areas. All harvest plans must be approved by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager. Such harvest plan will be approved or disapproved based on its conformance with this Division, with a focus on its ability to ensure protection of the water quality of Lake Auburn. From time to time, the director, or their designee, may require the approved harvest plan to be amended to ensure preventive and corrective actions which may become necessary to protect the water quality of Lake Auburn. ¶





auburnmaine.gov

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director of Planning and Permitting
Re: ITEMS #9 &10: Public Hearing – Text Amendments related to Lake Auburn Watershed Overlay District and Lake Auburn Watershed Overlay District Agricultural Buffer Setbacks Map.
Date: October 8, 2024
****

I. PROPOSAL: Discuss amendments to Chapter 60, Article XII, Division 4, Lake Auburn Watershed Overlay District of the Auburn Code of Ordinances to more precisely identify the standards governing definitions, agriculture, pesticides, fertilizers, forestry, resource protection and erosion control in the Lake Auburn Watershed Overlay District. This amendment is pursuant to Chapter 60, Article XVII Division 2-Amendment to the Zoning Ordinance or Zoning Map.

Consider adopting the Lake Auburn Watershed Overlay District Agricultural Buffer Setbacks Map. This map is to establish a 250' setback to agricultural field tillage from natural resources and will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

II. BACKGROUND: In January of 2024, City Council ordered (04-01022024) the City Manager to direct staff to work with city wide interest groups (AG Working Group, Sustainability and Natural Resources Board, LAWPC, Planning Board and public stakeholders) to create the Lake Auburn Stakeholders Group. Since that time the group(s) have met on approximately 10 occasions to address continued concerns pertaining to protecting Lake Auburn. The group(s) have relied on the ordinance to drive the discussion on what is best for the public water supply of Lewiston and Auburn. The proposed changes are detailed in the attached order and proposed text. The proposed changes include amendments to Section 60.2 Definitions, Sec. 60-951 Use and environmental regulations and Sec. 60-952 as they relate to agricultural, forestry and erosion control. The amendments include changes that will strengthen the ordinances pertaining to the Lake Auburn Watershed and the source water protection for the communities of Auburn and Lewiston which serves clean drinking water to 39,000 residents from Lake Auburn.

III. SUGGESTED LANGUAGE: See Attached.

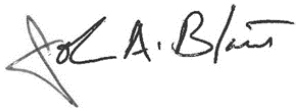
IV. SUGGESTED FINDINGS OF FACT:

1. The amendments are consistent with the growth pattern specified in the Future Land Use Plan in Auburn's Comprehensive Plan.
2. The proposed map and text amendments serve Goal A.1 in the Comprehensive Plan to maintain the exceptional water quality of Lake Auburn and existing waiver from filtration to avoid or delay the need for costly treatment (pages 4-9)
3. These proposed amendments are in service of Goal B.1 in the Comprehensive plan, to ensure sufficient clean water supplies to meet current and future needs (pages 20-21).
4. These amendments align with the Lake Auburn Study, 2021; and the report by FB Environmental: Lake Auburn Memo from August 2022.
5. These amendments are the result of several public meetings with the Lake Auburn Stakeholders Group as ordered by City Council.

V. PLANNING BOARD ACTION/STAFF RECOMMENDATIONS: Lake Auburn Overlay District: These two items are on the Planning Board agenda as public hearing item(s). Staff recommends the Planning Board have a discussion and make a formal recommendation to the City Council on the text amendments in Chapter 60, Article II General Provisions, Division 4, Lake Auburn Watershed Overlay District, Sec. 60-951, Sec. 60-952, and Sec.60-953 and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

1st POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to amend the text in Chapter 60, Article II General Provisions, Division 4 Lake Auburn Watershed Overlay District, Sec. 60-951, Sec.60-952 and Sec. 60-953. Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

2nd POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to adopt the Lake Auburn Watershed Overlay District, Agricultural Buffer Setbacks Map. This map is for establishing a 250' setback to agricultural field tillage from natural resources and will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.



_____

Signed

Ordinance 21-11182024

City Council Ordinance

IN CITY COUNCIL

Division 4 Lake Auburn Watershed Overlay District Text/Map Amendments

Be it ordained, that the Auburn City Council adopt the text and map amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District as shown on the attached copy.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Workshop & Meeting
Agenda
December 2, 2024
Auburn Hall, Council Chambers

5:30 PM Workshop

- Discussion: RESOLVE #7 – Interim Rail Trail

7:00 PM Meeting

Pledge of Allegiance & Roll Call **-** *Roll call votes will begin with Councilor Cowan*

I. **Consent Items –** *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Passage of items on the Consent Calendar require majority vote.*

II. **Minutes** – November 18, 2024 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

IV. **Open Session –** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. **Unfinished Business**

1. **Ordinance 21-11182024** - Lake Auburn Watershed Text/Map Amendments. *Second reading & public hearing. ROLL CALL VOTE.*

VI. **New Business**

1. **Ordinance 22-12022024** – Proposed amendment to Sec. 52-320 regarding prohibited parking on Eighth Street. *1st reading. ROLL CALL VOTE.*

2. **Ordinance 23-12022024 -** Text Amendments related to 30-A M.R.S. §§ 4364, 4364-A and 4364-B (L.D. 2003). *1st reading. ROLL CALL VOTE.*

3. **Ordinance 24-1202024** - Proposed amendment to Chapter 14 regarding Blasting. *1st reading. ROLL CALL VOTE.*

VII. Reports

a. **Mayor's Report**
b. **City Councilors' Reports**
c. **Student Representative Report**
d. **City Manager Report**
e. **2024 August & September Finance Reports – Kelsey Earle, Finance Director**

VIII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

IX. Executive Session

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 2, 2024

Author: Emily F. Carrington, City Clerk

Subject: Discussion: RESOLVE #7 – Interim Rail Trail

Information: On November 4, 2024, RESOLVE #7-11042024 (attached) was considered and postponed to the December 16 City Council meeting pending more discussion and input from stakeholder groups.

Representatives from Lewiston Auburn Complete Streets Committee, Auburn's Parks and Recreation Advisory Committee, Casco Bay Trail Alliance, St. Lawrence and Atlantic Railroad, TrainRiders Northeast and Maine Rail Group have been invited to tonight's workshop to give input and respond to any questions from Councilors regarding this topic.

RESOLVE 7 will be returning to the Council agenda on December 16 for formal action.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History: November 4, 2024 (RESOLVE 7 postponed to December 16, 2024).

City Manager Comments: Phillip Crowell J.

Attachments: RESOLVE 7

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 4, 2024 RESOLVE 7-11042024

Author: Eric Cousens – Director of Planning and Permitting

Subject: Interim Rail Trail Resolve

Information: Mayor Harmon has requested Staff to prepare a resolve and information sheet pertaining to the future use of the State-owned section of the St. Lawrence and Atlantic Railroad Berlin Subdivision between Auburn and Portland.

A Portland to Auburn Rail Use Advisory Council was formed by the Maine DOT as a result of LD 1133 (an Act to Amend the Transportation Laws). The Council was tasked with reviewing the approximately 26.5-mile section of the St. Lawrence and Atlantic Rail Corridor and provide recommendations on the likelihood, economic benefits and costs of potential uses of the rail corridor. The trail has significant benefits for active transportation.

In January of 2023 the Portland to Auburn Rail Use Advisory Council provided three recommendations:
- Interim Trail until Rail: A paved trail (7 votes)
- Rail with Trail: A trail built alongside the existing tracks (5 votes)
- Rail Use Only: Keeping the tracks in place (1 votes)

Out of the three options the City of Auburn supported a "*rail with trail*" recommendation in an attempt to promote the substantial benefits of the trail while also preserving the best chance of freight or passenger rail use in the future.

With "rail with trail" no longer being a policy option, the City must consider whether it supports using the railway as an interim trail between Portland and Auburn as part of the Casco Bay Trail.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Consider resolve and vote to adopt revised position given the limited choices that are now available.

Previous Meetings and History:

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments: Draft Resolve for Interim Trail

RESOLVE 7-11042024

City Council Resolve

IN CITY COUNCIL

WHEREAS, the Commissioner of the Maine Department of Transportation, pursuant to Public Law 21, Chapter 239, established a Rail Use Advisory Council to facilitate discussion, gather information, and provide advice regarding the future use of the state-owned section of the St. Lawrence and Atlantic Railroad Berlin Subdivision between Auburn and Portland; and

WHEREAS, the City of Auburn was provided a seat on said Council to provide input on city plans and policies relating to the future use of this rail corridor; and

WHEREAS, the State of Maine acquired this corridor through two purchases, one in 2007 and another in 2010, as part of on-going planning for freight and passenger movements between the City of Portland and the City of Auburn; and

WHEREAS, the city has identified south Auburn as a growth area in its most recent Comprehensive Plan and multi-modal use of this corridor, including for active transportation, would increase its attractiveness for residential and commercial investment; and

WHEREAS, the City of Auburn previously supported a "rail with trail" recommendation; and

WHEREAS, the "rail with trail" option is no longer an available policy option, and the legislature will consider a recommendation of rail, trail, or interim trail; and

WHEREAS, the establishment of an "interim trail' along this corridor is integral to the establishment of the Casco Bay Trail;

NOW THEREFORE BE IT RESOLVED, that the Auburn City Council supports an "interim trail" recommendation from the Rail Use Advisory Council and the expedited advancement of any necessary planning and design work to implement that recommendation between the city of Portland, and the city of Auburn as part of the Casco Bay Trail.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL WORKSHOP & MEETING NOVEMBER 18, 2024 VOL 37 PAGE 203

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Student Representative Abdulahi was absent.

I. Consent Items

None.

II. Minutes – November 4, 2024 Regular Council Meeting

Councilor Walker moved for passage, seconded by Councilor Weisner. Motion passed 6-0-1 (Milks abstained).

III. Communications, Presentations and Recognitions

1. Auburn State Legislatures Invitation – State Representatives-Elect Adam Lee, Quentin Chapman, and Laurel Libby joined the City Council meeting to report on upcoming initiatives of the Legislature, including: Solar subsidies, homelessness, drugs, multimodal transportation and road safety, budget, and senior tax relief. City Councilors and the Mayor expressed their areas of focus surrounding bills regarding state-revenue sharing, education, homelessness, support for veterans, tax relief programs, and consideration of funding and administration of laws passed.

IV. Open Session

None.

V. Unfinished Business - *Councilor Platz moved to have ORDER 150 & ORDER 151 moved from New Business to Unfinished Business in order to keep all appointments to the Comprehensive Plan Committee consecutive. Motion passed by unanimous consent.*

1. ORDER-129-10032024 - Appointing Rex Rhoades, Ward 1, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. Postponed at the October 7, 2024 Meeting.
Councilor Gerry moved for passage, seconded by Councilor Whiting. There was no comment from the public. Motion passed 6-1 (Milks).

2. ORDER-130-10032024 - Appointing Rebecca Swanson Conrad, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. Postponed at the October 7, 2024 meeting.
Councilor Walker moved for passage, seconded by Councilor Platz. There was no comment from the public. Motion passed 6-1 (Milks).

3. ORDER-131-10032024 - Appointing John Cleveland, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. Postponed at the October 7, 2024 Meeting.
Councilor Platz moved for passage, seconded by Councilor Whiting. There was no comment from the public. Motion passed 6-1 (Milks).

4. ORDER-132-10032024- Appointing Adam Lee, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. Postponed at the October 7, 2024 Meeting.
Councilor Walker moved for passage, seconded by Councilor Platz. There was no comment from the public. Motion passed 6-1 (Milks).

7. ORDER-133-10032024- Appointing Denis Bergeron, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. Postponed at the October 7, 2024 Meeting.

Councilor Platz moved for passage, seconded by Councilor Whiting. There was no comment from the public. Motion passed 6-1 (Milks).

8. ORDER-134-10032024- Appointing Mathieu Duvall, Ward 3, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. Postponed at the October 7, 2024 Meeting.
Councilor Gerry moved for passage, seconded by Councilor Platz. There was no comment from the public. Motion passed 6-1 (Milks).

9. ORDER-135-10032024- Appointing Kelly Butler, Ward 4, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. Postponed at the October 7, 2024 Meeting.
Councilor Platz moved for passage, seconded by Councilor Whiting. There was no comment from the public. Motion passed 6-1 (Milks).

10. ORDER-136-10032024- Appointing Bruce Rioux, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. Postponed at the October 7, 2024 Meeting.
Councilor Gerry moved for passage, seconded by Councilor Walker. There was no comment from the public. Motion passed 6-1 (Milks).

11. ORDER-137-10032024- Appointing Jane Costlow, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. Postponed at the October 7, 2024 Meeting.
Councilor Walker moved for passage, seconded by Councilor Platz. There was no comment from the public. Motion passed 6-1 (Milks).

12. ORDER-138-10032024- Appointing Dana Staples, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. Postponed at the October 7, 2024 Meeting.
Councilor Gerry moved for passage, seconded by Councilor Walker. There was no comment from the public. Motion passed 6-1 (Milks).

13. ORDER 150-11182024- Appointing Virginia Keel, Ward 4, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.
Councilor Weisner moved for passage, seconded by Councilor Cowan. There was no comment from the public. Motion passed 6-1 (Milks).

14. ORDER 151-11182024- Appointing Heidi Bertels, Ward 1, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.
Councilor Platz moved for passage, seconded by Councilor Gerry. There was no comment from the public. Motion passed 6-1 (Milks).

15. ORDER 147-10212024 - Authorizing the City's general obligation bonds in the amount of $983,000 to finance the School Department's FY25 Capital Improvement Program. Second reading/public hearing. ROLL CALL VOTE. Passage requires an affirmative vote of 5 Councilors.

Councilor Whiting moved for passage, seconded by Councilor Cowan. There was no comment from the public. Motion passed 6-1 (Gerry) on a roll call vote.

16. ORDINANCE 20-11042024 - Amending Chapter 12 Article IV.- Housing Code regarding property maintenance and vacant buildings. Second reading/public hearing. ROLL CALL VOTE.

Councilor Whiting moved for passage, seconded by Councilor Cowan. There was no comment from the public. Motion passed 7-0 on a roll call vote.

VI. New Business

1. ORDER 152-11182024 - Appointing Kryston Chapman, Associate Member, to the Zoning Board of Appeals, for a term that expires 5/1/2026, as nominated by the Appointment Committee.

Councilor Gerry moved for passage, seconded by Councilor Walker. There was no comment from the public. Motion passed 7-0.

2. ORDINANCE 21-11182024 - Lake Auburn Watershed Text/Map Amendments. First reading. ROLL CALL VOTE. Passage requires majority vote.

Councilor Whiting moved for passage, seconded by Councilor Cowan. There was no comment from the public. Motion passed 6-1 (Gerry) on a roll call vote.

VII. Reports

a. Mayor's Report – Thanked the City Clerk and election staff for a successful election. Recognized Police Chief Jason Moen for his recent installment as Maine Chiefs of Police Association's newest President. Recognized Good Food Council at lafoodplan.com. Thanked the Assessor's office for 2nd public meeting on the upcoming revaluation.

b. City Councilors' Reports – Councilor Whiting congratulated the Mustangs on their soccer championship title. Councilor Cowan gave a brief update on the Homeless Committee. Councilor Weisner asked for an update from the Recycling Committee on composting; RFPs on Solid Waste Plan are expected to be released this week and there will be a 30 day deadline to submit RFPs which the bid will then be coming to Council – updates will be forthcoming in early January. Councilor Walker mentioned the Thanksgiving dinner hosted at the Senior Center on Thursday at 11am. Tree lighting at New Auburn Sullivan Park on December 7 at 5:30pm. Councilor Platz gave an update on the School Committee's upcoming labor union contracts following an article in the SunJournal; an architect is being sought for facility renovations over the next 10 years, and the School Committee will soon be presenting initial draft for the upcoming budget season.

c. Student Representative Report - Representative Egge congratulated peers at ELHS who performed in recent play "Anything Goes".

d. City Manager Report – Recognized Chief Moen for the leading the Police Department through attaining CALEA accreditation. On Sunday, 12/8 the Auburn Tree Lighting will occur; Parade will start from Rolly's diner to Festival Plaza.

VIII. Open Session

Quentin Chapman, 51 Eastman Ln
John Cleveland, Davis Ave

IX. Executive Session

None.

X. Adjournment

Councilor Weisner moved to adjourn, seconded by Councilor Platz. Motion passed 7-0.
Council adjourned at 8:08pm.

A TRUE COPY ATTEST

Emily F. Carrington, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 2, 2024 **ORDINANCE 21-11182024**

Author: John Blais – Deputy Director of Planning, Permitting and Code

Subject: First Reading Text Amendments related to Lake Auburn Watershed Overlay District and Lake Auburn Watershed Overlay District Agricultural Buffer Setbacks Map

---

Background: In January of 2024, the City Council ordered (04-01022024) the City Manager to direct staff to work with city wide interest groups (AG Working Group, Sustainability and Natural Resources Board, LAWPC, Planning Board and public stakeholders) to create the Lake Auburn Stakeholders Group. Since that time the group(s) have met on approximately 10 occasions to address continued concerns pertaining to protecting Lake Auburn. The group(s) have relied on the ordinance to drive the discussion on what is best for the public water supply of Lewiston and Auburn. The proposed changes are detailed in the attached order and proposed text. The proposed changes include amendments to Section 60.2 Definitions, Sec. 60-951 Use and environmental regulations and Sec. 60-952 as they relate to agricultural, forestry and erosion control. The amendments include changes that will strengthen the ordinances pertaining to Lake Auburn Watershed and the source water protection for the communities of Auburn and Lewiston which serves clean drinking water to 39,000 residents from Lake Auburn.

In July of 2024 the City Council ordered the Planning Board to review draft ordinance text changes recommended by the Lake Auburn Stakeholders Group. The directive specifically asked the Planning Board to review updates to Article II, Division 4, Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 as they relate to agricultural, forestry and erosion control land uses.

Information: The attached ordinance is a culmination of efforts put forth by the above groups. The Planning Board provided a favorable recommendation to City Council on a text and associated map amendment. All the residents in the watershed were notified about October, Planning Board Public Hearing, City Council Workshop on November 4th and future City Council Public Hearing on December 2nd. The edits come from two different staff personnel (Megan & John) and The Ag committee.

Highlights from the proposed changes:

- Definitions for Agricultural and Forestry Uses (Text Changes/Additions)
    - Update definitions to agricultural use, animal units, clearcutting, invasive species, livestock, NRCS, NWI, fertilizer, pest, pesticides, poultry, soil test, summer dormancy, tillage, Total N. Allows farming in the watershed with defined safe boards for water quality protections (waste and nutrient management plans with required buffers).
- Fertilizers and Pesticides (Text Additions)
    - Requires existing farms to comply with obtaining waste or nutrient management plans that raise livestock or poultry by June 30, 2027, regardless of size.
    - Set limits on animal and poultry units.
    - Manure spreading prohibited, language for manure storage BMPs

    - Guideline for fertilizer and pesticide use applications
- Erosion Control, Tree Clearing and Forestry (Text Changes/Additions)
    - Tillage setbacks from 100' to 250' (Map Developed)
    - Clearcutting limited to 2 acres on a 20-acre tract.
    - Clearcutting is limited to 25% of the amount on 20-acres or less.
- Map of 250' Setback to Lake, Pond, Stream, Brook or NWI Wetland
    - Added State forestry BMP language for tree clearing and state requirements for harvesting in the SLZ.
    - Adopted "Rule 20" by the MFS policy under the Maine Forest Practices Act Legislation.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Second reading/public hearing On both attached text amendment and Lake Auburn Watershed Overlay Agricultural Buffer Setback Map.

Previous Meetings and History: Unanimous favorable recommendation in the October Planning Board Meeting, November 4, 2024, City Council Workshop. Passed first reading 6-1 (Gerry) on November 18, 2024.

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments: Amended Text Edits , Proposed Map Amendment, City Council PowerPoint Presentation, Planning Board staff report for public hearing

Ordinance 21-11182024

City Council Ordinance

IN CITY COUNCIL

Division 4 Lake Auburn Watershed Overlay District Text/Map Amendments

Be it ordained, that the Auburn City Council adopt the text and map amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District as shown on the attached copy.

Passed first reading 6-1 (Gerry opposed), 11/18/24.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn Water District on file in the office of the Auburn Water District, the city planning, permitting and code department and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying zoning districts within the city. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned.

Agricultural use means the production, growing, cultivation, or harvesting of any agricultural commodity or product or the raising, shearing, feeding, caring for, training, and management of livestock or poultry for commercial or personal use.

Animal unit has the same meaning as in section 60-2.

Building has the same meaning as in section 60-2.

Clearcutting means any cutting of any trees or timber on a forested site that results in a residual basal area of trees over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under Section 8869, subsection 1 of the Maine Forest Practices Act.

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Dwelling Unit has the same meaning as in section 60-2.~~*Hobby agricultural use* means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where:~~

~~(1) The products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit; and~~

~~(2) The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded.~~

Invasive Species. Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the Auburn Water District, City of Lewiston, and the Town of Turner, consisting of three commissioners appointed by the Auburn Water District, three commissioners appointed by the City of Lewiston, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Livestock has the same meaning as in section 60-2.

Local plumbing inspector means a plumbing inspector or alternate plumbing inspector as defined in Section 12-22 of the Auburn City Ordinances. ~~*Non-hobby agricultural use* means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.~~

Natural Resource Conservation Service or NRCS means the U.S. Department of Agriculture, Natural Resources Conservation Service or, in those instances where the NRCS is prohibited by federal law from providing services to the property owner or lessee, an alternative service provider approved by the director of the city planning, permitting, and code department, or their designee.

Normal high-water line and Normal high-water mark mean~~s~~ that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land.

NWI Wetland means any waterbody shown on the U.S. Fish & Wildlife Service National Wetlands Inventory.

Organic fertilizer means fertilizer derived from either plant or animal products that contain nutrients for plant growth. It is acceptable for the materials in these fertilizers to have been subjected to biological degradation processes under normal conditions of aging, rainfall, sun curing, air drying, composting, rotting, enzymatic, or anaerobic/aerobic bacterial action, or any combination of these. In order to qualify as organic fertilizer, the materials in these fertilizers may not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by processing such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting. Organic fertilizers are broken down by and feed the microbial life in the soil.

Pest shall have the same meaning as the term set forth in 40 C.F.R.§ 152.5, as the same may be amended from time to time.

Pesticide means any substance, or mixture, or combination of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Pests of significant public health importance means pests listed by the U.S Environmental Protection Agency, in conjunction with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, as pests of significant public health importance.

Poultry means domesticated birds.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistency of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material excessively coarse soil horizons and parent material, and the seasonal groundwater table. Any of these limiting horizons may from time to time be referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of six inches of upper fill layer meeting the following upper fill layer specifications.

Soil Filter Media Specifications

Upper fill layer	
Sieve #	% passing by weight
No. 4	75—95
No. 10	60—90
No. 40	35—85
No. 200	20—40
200 (clay size)	< 2.0

Lower fill layer	
Sieve #	% passing by weight
No. 10	85—100
No. 20	70—100
No. 60	15—400
No. 200	6—8
200 (clay size)	< 2.0

Soil test means the Comprehensive Soil Test provided by the Maine Soil Testing Service, or equivalent.

State licensed site evaluator means a person licensed by the Maine Department of Health and Human Services to evaluate soils for the purpose of designing subsurface wastewater disposal systems.

Stream or Brook means a channel between defined banks as depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map.

Subsurface wastewater disposal system inspector means a person who holds a current certification issued by the Maine Department of Health and Human Services, Division of Environmental and Community Health as a Subsurface Wastewater Disposal System Inspector.

Summer dormancy means the period during mid-summer most commonly observed in unirrigated grasses when growth ceases. Dormancy is characterized by brittle texture and a loss of green color.

Synthetic fertilizer means any fertilizer manufactured from one or more synthetic materials containing no animal parts, animal byproducts, manures or renderings.

Tillage or tilled means the reconfiguration of the soil into a desired condition by mechanical means.

Total nitrogen means the sum of all nitrogen forms contained within fertilizer, including water soluble nitrogen forms, slow-release nitrogen forms, and water insoluble nitrogen forms. The percentage of total nitrogen appears as the leftmost number of the grade on fertilizer labels or containers.

Wetland, see NWI Wetland.

(Ord. of 9-21-2009, § 5.3B; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-952. Use and environmental regulations.

1. *Subsurface Wastewater Disposal Systems*.

(a) *Dwelling units in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), ~~60-145(b)(18)~~ and 60-146(1)c., new dwelling units are prohibited in that part of the Lake Auburn Watershed Overlay District which overlies the Agriculture and Resource Protection Zone. Pursuant to 30-A M.R.S.A. §§ 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.

(b) *Private subsurface wastewater disposal systems.* Each new building, or any existing building for which there is any addition, alteration, or change of use, each new dwelling unit, or any existing dwelling unit for which there is an addition or alteration thereto that includes the addition of one or more bedrooms, in the Lake Auburn Watershed Overlay District, not served by public sewer, shall, in the development of a private subsurface wastewater disposal system, adhere to the requirements of this section as well as the requirements of the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241. Notwithstanding any provision of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 the Rule shall be applied regardless of whether the addition or alteration is an initial or subsequent addition or alteration~~.~~:

(1) Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filer media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a state licensed site evaluator affirm that these design requirements are met before the local plumbing inspector finds the design or installation of the system to comply with this section.

(2) New (first use), expanded, or replacement disposal fields shall be set back from the normal high-water mark of any lake, pond, stream, or brook as follows:

a. Where the daily wastewater flow is, or is reasonably likely to be, 2,000 gallons or less, the system shall be set back at least 400 feet from the normal high-water mark of any lake, pond, stream, or brook.

b. Where the daily wastewater flow is, or is reasonably likely to be, in excess of 2,000 gallons, the system shall be set back at least 1,000 feet from the normal high-water mark of any lake, pond, stream, or brook.

(3) All new (first use), expanded, or replacement private subsurface wastewater disposal systems shall include one of the two following design elements. The selection of which design element is most appropriate shall be determined by a state licensed site evaluator based upon the evaluation of the groundwater conditions, soils, and slopes present at the site where the system is to be installed.

a. Curtain drain installed per Section 12(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2023), as may be amended from time to time; or

b. Diversion ditch, upslope of the disposal field, installed for the disposal field's entire length including fill extensions, and constructed so that the curtain drain or diversion ditch is located to prevent any short circuiting of the disposal field

(4) All new (first use), expanded, or replacement private subsurface wastewater disposal systems shall be installed on the same lot as the building or dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of an expanded or replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the expanded or replacement system's location on adjacent lots if the property owner holds a perpetual easement from the adjacent lot owner allowing the installation and maintenance of the system.

(5) Commencing July 1, 2024, the owner of each building or dwelling unit in the Lake Auburn Watershed Overlay District, not served by public sewer, shall have their private subsurface wastewater disposal system inspected to ensure continuing compliance with this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241.

a. *Inspections.* An initial inspection shall be completed by the completion date specified in the Lake Auburn Watershed Overlay District Septic Systems Inspection Map, dated June 24 ~~March 19~~, 2024, which is on file in the office of the city planning, permitting and code department.

Subsequent inspections shall be completed within five years of the initial inspection and every subsequent inspection, unless the property is sold, in which case a subsequent inspection shall be conducted at the time of sale.

Such inspections shall be completed by a certified subsurface wastewater disposal system inspector. Such inspector shall inspect the private subsurface wastewater disposal system using the minimum requirements established by the Maine Department of Health and Human Services, Division of Environmental and Community Health for evaluating and reporting on existing subsurface wastewater disposal systems.

b. *City record keeping and notifications.* The city planning, permitting and code department shall maintain, within the city GIS system, a record of each subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District that requires inspection. The record must include, at a minimum, the city parcel identifier, date the next inspection is due, and date of the last inspection.

The city planning, permitting and code department shall provide the owner of each building or dwelling unit written notices by regular mail, to the address shown on the city property tax records, of the date by which the inspection of the subsurface wastewater disposal system must be completed. The first notice shall be mailed 12 months prior to each required completion date and the second notice six months prior to each required completion date.

c. *Reporting and reviewing of results of inspections.* Reporting shall be made utilizing the latest version of the HHE-240 reporting form, for initial inspections, and the Supplement HHE-240 reporting form, for subsequent inspections, as published by the Maine Department of Health and Human Services, Division of Environmental and Community Health. Such reports shall be submitted to the local plumbing inspector.

The local plumbing inspector shall review the report and determine if corrective action is required to ensure that;

1. for subsurface wastewater disposal systems for which a design is on file with the planning, permitting and code department, the system is functioning per the design on file,
2. for subsurface wastewater disposal systems for which there is no design on file with the planning, permitting and code department, the system is functioning as built.

d. *Alternative design for replacement subsurface wastewater disposal systems.* For buildings or dwelling units that exist in the Lake Auburn Watershed Overlay District as of July 1, 2024, should the local plumbing inspector determine, upon review of the report from the subsurface wastewater disposal system inspector, through personal observation, or through independent means, that the subsurface wastewater disposal system is not functioning as designed or built and a replacement system is required, and:

1. a state licensed site evaluator informs the local plumbing inspector that the parcel on which the building or dwelling unit is situated is not suitable to site a replacement subsurface wastewater disposal system that meets the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241; and
2. the local plumbing inspector determines that the replacement subsurface wastewater disposal system cannot be sited pursuant to Subsection 4;

then a state licensed site evaluator may propose, and the local plumbing inspector may approve, after consultation with the Lake Auburn Watershed Protection Commission, an alternative subsurface wastewater design that does not meet the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 but which meets as many of the requirements as possible, and for those requirements that cannot be met, includes design elements that maximize the efficacy of the treatment of the wastewater.

(6) In coordination with the local plumbing inspector, LAWPC, or its designee, shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the City of Auburn health officer, police chief, local plumbing inspector or code enforcement officer of any observed defects or malfunction that require corrective action by the property owner or operator.

(7) The local plumbing inspector shall furnish a copy of all site evaluation and inspection reports in the Lake Auburn Watershed Overlay District to LAWPC.

8) Commencing on July 1, 2024, a maximum of three new dwelling units per calendar year are permitted in that part of the Lake Auburn Watershed Overlay District in which new dwelling units are permitted.

The city planning, permitting, and code department shall, on an annual basis, provide a report to the Planning Board as to the extent and effect of the construction of new dwelling units in the Lake Auburn Watershed Overlay District. The report shall include, at a minimum, the number of new dwelling units constructed in the past year, the cumulative number of new dwelling units constructed since July 1, 2024, and the effect of such construction on the Lake Auburn water quality.

Should the Planning Board conclude, based on the city planning, permitting and code department report that the construction of new dwelling units has had an adverse effect on the Lake Auburn water

quality, the Planning Board shall consider what action is to be taken to prevent further degradation of Lake Auburn water quality from the construction of new dwelling units.

2. Agricultural, Forestry, and Erosion Control.

(a) *Agricultural use~~s~~.* ~~Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are~~ Use of land for agricultural use within the Lake Auburn Watershed Overlay District is only ~~allowed~~ permitted if:

(1) The property owner or ~~operator~~ lessee shows, and the director of the city planning, permitting, and code department, or their designee, finds, after consultation with the LAWPC watershed manager, ~~first demonstrates to LAWPC's watershed manager~~ that

a. Such use, or expansion of such use, will not cause groundwater contamination ~~and~~ ,will not contaminate or disturb the normal course of surface water runoff, and will not contaminate any lake, pond, stream, brook, or NWI wetland; and

b. The property owner or lessee has a waste and nutrient management plan developed in compliance with the Natural Resource Conservation Service's standards for waste and nutrient management.

(2) ~~LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer~~The director of the city planning, permitting, and code department, or their designee, has provided their written finding of conformity with the requirements of this Sec. 952(2)(a) to the property owner or lessee.

(3) The provisions of this Subsection 2(a) shall apply to all new or expanded agricultural uses of land within the Lake Auburn Watershed Overlay District. For those agricultural uses that exist on July 1, 2024, the property owner or lessee shall comply with the requirements of Subsection 2(a)(1)(b) no later than June 30, 2027.

(4) The provisions of this Subsection 2(a) requiring a showing to the director of the planning, permitting, and code department, or their designee, and the requirement to have a waste and nutrient management plan, shall not apply if the agricultural use of the land is for the production, growing, cultivation, or harvesting of any agricultural commodity or product, (but not for or the raising, shearing, feeding, caring for, training, and management of livestock or poultry), whether for commercial or personal use, if the agricultural use of the land encompasses no more than 1,000 square feet in total on any lot. This provision shall not be construed to exempt the property owner or lessee from any other provision of this Division.

(b) Reserved~~*Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)c., new dwelling units are prohibited in the Lake Auburn Watershed Overlay District. Pursuant to 30-A M.R.S.A. 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.~~

(c) *Number of animal units permitted.* The number of animal units of livestock permitted in the Lake Auburn Watershed Overlay District shall be calculated utilizing the formula in the definition of Farm, Livestock in section 60-2. The number of animal units of poultry permitted in the district shall be calculated as 15 animal units per acre of cleared land not to exceed a total of 150 animal units per lot.

(~~c~~d) *~~Agricultural~~ Vegetated buffer strip.* ~~Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.~~ Where soil is tilled for agricultural purposes, or livestock or poultry is kept, an untilled, vegetated buffer strip at least 250 feet wide shall be retained between the tilled area and the normal high-water mark of any lake, pond, stream, brook, or NWI Wetland.

Vegetated buffer strips shall be constructed and maintained as specified in the latest version of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorous Control Manual, Volume II & Technical Design Manual Volume III, March 2016.

This subsection shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(~~d~~e) *Manure and sludge spreading, storage, and disposal.* The s~~S~~preading ~~and~~ or disposal of manure or sludge within the Lake Auburn Watershed Overlay District is prohibited. Manure shall be stored on an impervious surface which has a roof or cover. ~~All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal.~~

(f) *Fertilizer use and application.* The following provisions shall apply to the use, application, or storage of fertilizer in the Lake Auburn Watershed Overlay District.

(1) The following uses and applications of fertilizer are permitted.

a. Organic fertilizer if a soil test is conducted annually; and

b. The fertilizer that is used or applied does not contain nutrients in excess of the amount recommended by the completed soil test; and

c. No more than two fertilizer applications are made in one calendar year; and

d. For each application, total nitrogen may not exceed 1 lb. per 1,000 square feet.

(2) The following uses and applications of fertilizer are prohibited.

a. Fertilizer containing phosphorus, unless a waiver for the use of fertilizer containing phosphorus is issued by the city planning, permitting, and code department.

b. Synthetic fertilizers.

c. Fertilizer used within 100 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland.

d. Fertilizer used when a rain event producing 0.5 inch or more of precipitation in a one-hour period is forecast or is occurring.

e. Fertilizer used on saturated surfaces.

f. Fertilizer used on partially or wholly frozen ground.

g. Fertilizer used on impervious surfaces, if spills occur on impervious surfaces they must be removed immediately.

h. Fertilizer used during the summer dormancy period.

(3) Waivers of the provisions of this Subsection (f) may be issued by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager:

a. upon a showing by the applicant that the use of synthetic fertilizer, or the use of fertilizer containing phosphorus, is necessary because a suitable organic fertilizer product that meets the nutrient needs of the soil as specified in the soil test is unavailable. The waiver may contain additional conditions on the use or application of the waivered fertilizer product to minimize the risk to any lake, pond, stream, brook or NWI Wetland.

b. upon a showing by the applicant that a nutrient management plan prepared by the Natural Resources Conservation Service for a specific agricultural use requires a frequency of application greater than that specified in subsection 2(f)(1)(c) of this section and/or a total nitrogen application greater than that specified in subsection 2(f)(1)(d) of this section.

(4) Fertilizers shall be stored, mixed, and loaded:

a. pursuant to the specific manufacturer's storage instructions on the fertilizer label; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time.

(g) *Allowed and prohibited pesticides.* For outdoor pest management activities in the Lake Auburn Watershed Overlay District, the following shall apply:

(1) Synthetic substances are prohibited unless specifically listed as "allowed" on the U.S. Department of Agriculture's National List of Allowed and Prohibited Substances (the "National List");

(2) Non-synthetic substances are allowed unless specifically listed as "prohibited" on the National List;

(3) Pesticides determined to be "minimum risk pesticides" pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 4 and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended from time to time, are allowed; and

(4) The use or application of pesticides (whether natural, organic, "non- synthetic," synthetic or otherwise) within 250 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland is prohibited.

(5) The following materials, applications, or activities are exempt from the provisions of this subsection (g) (and are so allowed):

a. Pet supplies, such as shampoos and tick and flea treatments, when used in the manner specified by the manufacturer;

b. Disinfectants, germicides, bactericides, miticides and virucides, when used in the manner specified by the manufacturer;

c. Insect repellents when used in the manner specified by the manufacturer;

d. Rat and rodent control supplies when used in the manner specified by the manufacturer;

e. Swimming pool supplies when used in the manner specified by the manufacturer.

(6) The following uses of prohibited pesticides are exempt from the provisions of this subsection (and are so allowed) when the use of the material, application, or activity is more than 250 feet from the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland or when a waiver has been granted by the director of the director of the city planning, permitting, and code department or their designee.

a. Prohibited pesticides may be used to control plants that are poisonous to the touch, such as poison ivy; pests of significant health importance, such as ticks and mosquitoes; animals or insects that may

cause damage to a structure, such as carpenter ants or termites; invasive species; or when used by a public utility for maintenance of a right-of-way through the Lake Auburn Watershed Overlay District.

b. The director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager, may grant a waiver to use a prohibited pesticide within 250 feet of the high-water mark of a lake, pond, stream, brook, or NWI Wetland when such use is necessary to protect public health or safety.

(7) Pesticides shall be stored, mixed, loaded, and applied:

a. pursuant to the specific manufacturer's storage instructions on the pesticide label or container; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time; and

e. shall not be applied by aerial spraying.

(eh) *Erosion control.* ~~The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:~~

~~(1)~~ Any exposing, moving, removal, or stockpiling of soil, or the removal of vegetative cover~~earth cutting, moving or removal activities~~ that will result in erosion or runoff which increases sedimentation of ~~Lake Auburn, or any tributaries or other water bodies in the watershed~~any lake, pond, stream, brook, or NWI Wetland in the Lake Auburn Watershed Overlay District ~~are~~ is prohibited.

~~(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Water District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.~~

(~~3~~i) ~~Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.~~

Tree clearing and forestry. Clearcutting is limited to 25% of the total area of a lot or two acres, whichever is less; provided that on lots of 20 acres or more, one clearcut of not more than two acres in every 20 contiguous acres may be made. Any discrete tree or timber cutting operation on a lot of any size over two acres shall be permitted only pursuant to a harvest plan prepared by a Maine licensed forester meeting the standards in the latest versions of Rule 20 of the rules adopted under the Maine Forest Practices Act, the Maine Department of Agriculture, Bureau of Forestry's manual on Best Management Practices for Forestry: Protecting Maine's Water Quality and, where applicable, the requirements of Chapter 21 of Maine Forest Service's Statewide Standards for Timber Harvesting in Shoreland Areas. All harvest plans must be approved by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager. Such harvest plan will be approved or disapproved based on its conformance with this Division, with a focus on its ability to ensure protection of the water quality of Lake Auburn. ~~From time to time,~~ The director, or their designee, may require the approved harvest plan to be

amended to ensure preventive and corrective actions which may become necessary to protect the water quality of Lake Auburn.

3. *Enforcement*

The city planning, permitting and code department shall have authority to enforce all requirements of this Division in accordance with section 60-1403.

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019; Ord. No. 10-06202023, 7-10-2023; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-953. Dimensional regulations; building setbacks.

Any new or expanded buildings or structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 100 feet inland from the normal high-water mark of Lake Auburn. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages, or other structures. Marinas and boat rental facilities shall not be permitted within 100 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

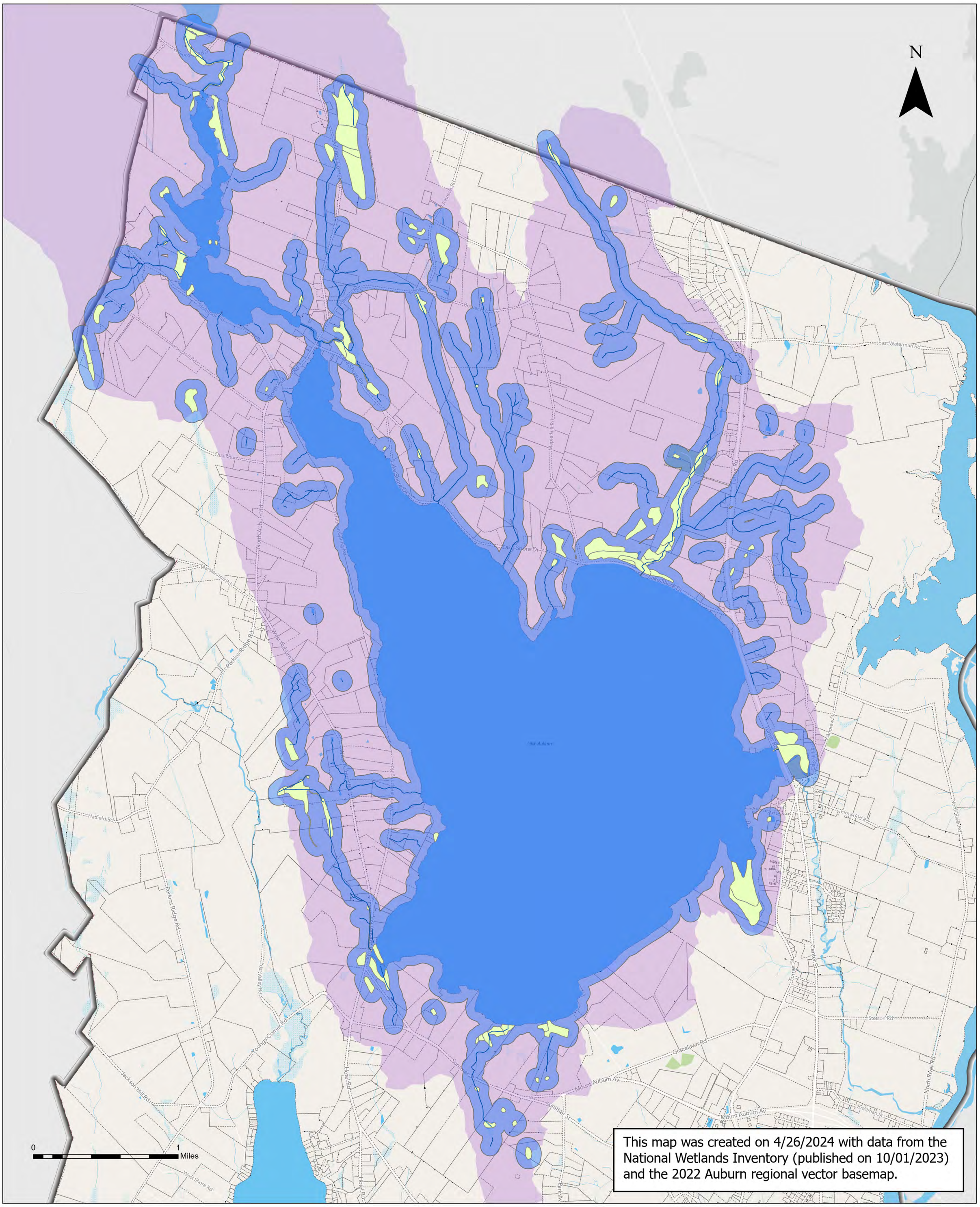
Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

Secs. 60-955—60-981. Reserved.

Lake Auburn Watershed Overlay
Agricultural Buffer Setbacks



This map was created on 4/26/2024 with data from the National Wetlands Inventory (published on 10/01/2023) and the 2022 Auburn regional vector basemap.

- Streams
- NWI Wetlands
- Lake Auburn Watershed
- Lake Auburn Streams Wetlands Buffer 250 ft

auburnmaine.gov

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 2nd, 2024 **Ordinance 22-12022024**

Author: Jason Moen, Chief of Police

Subject: Ordinance Amendment Sec. 52-320. - Parking prohibited at all times.

Information: On 08/26/24 Chief Moen implemented a temporary 90 Day parking restriction on Eighth St. from Broad St. northwest to the dead end of Eighth St. prohibiting parking on both sides of the street. City Council needs to take action to make the restriction permanent and amend the table in Sec. 52-320. - Parking prohibited at all times to add Eighth St. from Broad St. Northwest to the Dead End of Eighth St.

City Budgetary Impacts: None

Staff Recommended Action: Hold first reading on the ordinance amendment.

Previous Meetings and History: Several parking complaints from residents on Eighth St.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

Ordinance 22-12022024

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council hereby amends Sec. 52-320 of the City's Code of Ordinances as follows:

Sec. 52-320. Parking prohibited at all times.

Parking is prohibited at all times upon any of the streets or portions of streets described below:

Second Street	On the easterly side beginning at Mill Street and extending in a southerly direction for a distance of 70 feet.
Fifth Street	On the northwesterly side between South Main Street and Dunn Street.
Seventh Street	On the westerly side beginning at the northwesterly curbline of Broad Street and extending northerly for a distance of 64 feet.
Academy Street	On the northerly side between High and Main Streets.
	On the southerly side between High and Main.
	On the southerly side beginning at the corner of Main Street and extending in a westerly direction for 140 feet.
Aviation Drive	On the east side from Flight Line Drive to Lewiston Junction Road.
	On the west side from Lewiston Junction Road to Wrights Landing.
Bearce Street	On the west side from Manley Street to the dead end.
Blake Street	On the southeasterly side from Winter Street to Turner Street.
Boone Avenue	On both sides from Seventh Street to Walton Field.
Broad Street	On the southerly side from South Bridge to Mill Street.
	On the north side beginning at Second Street and extending easterly for a distance of 162 feet.
	On the northwesterly side beginning at Ninth Street and extending in a southwesterly direction to CMP Pole #31 for a distance of 300 feet.
Broadview Avenue	On the easterly side beginning at Newall Avenue and extending in a southerly direction for 554 feet.
Brookside Circle	On the westerly side between Dennison Street and the point at which Brookside Circle turns at an angle to the right.
	On the northerly side from the angle in Brookside Circle to the westerly side of Winter Street.
	On the southerly side beginning 68 feet from the westerly curbline of Winter Street and extending 88 feet around the curve.
Brown Street	On the southerly side beginning at Center Street and extending westerly for 250 feet.
Burns Street	On the easterly side for its full length.
Center Street	On both sides, beginning at the downtown intersection of Turner Street and extending northerly to the northerly intersection of Turner and Center Streets.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

Charles Street	On the east side south of Western Prom
Church Street	On both sides beginning at Turner Street and extending westerly for 300 feet.
Cleveland Avenue	On the easterly side from Minot Avenue to Marshall Avenue.
Cook Street	On the southeasterly side beginning at Ninth Street and extending in a southeasterly direction for 325 feet.
Court Street	On the north side beginning at the city line on the Longley Bridge and extending westerly to Goff Street.
	On the northerly side from Highland Avenue extending in a westerly direction to the corner of Haskell Street.
	On the northerly side beginning at James Street and extending 80 feet easterly.
	On the southerly side beginning at the point of intersection of the southerly side and an extension in a southerly direction of the easterly line of Highland Avenue, and extending in a westerly direction to a point 55 feet beyond the point of intersection of the southerly side and an of the extension southerly side of the northwesterly line of Haskell Street.
	On the southerly side beginning at the Lewiston City line and extending in a westerly direction across Main Street to a point 80 feet westerly of the westerly curbline of Main Street.
	On the southerly side beginning at Spring Street and extending in a westerly direction across intersecting streets to a point 46 feet westerly from the westerly line of South Goff Street.
	On the south side beginning at the easterly curbline of Harris Street and extending easterly for 46 feet.
	On the south side between Harris Street and Weaver Street.
Cross Street	On the northerly side for the entire length of the street.
Dartmouth Street	On the northerly side beginning at Center Street and extending westerly for 130 feet.
Dartmouth Street West	West—North side at 25 feet from Center Street.
Davis Avenue	On the turnaround at the dead-end portion of the street.
Davis Avenue	On the turnaround at the dead-end portion of the street.
Dennison Street	On the northerly side beginning 42 feet westerly of Winter Street and extending easterly to Whitney Street.
	On the southerly side beginning at Winter Street and extending westerly for a distance of 52 feet.
	On the southerly side beginning at Winter Street and extending easterly for a distance of 50 feet.
Drummond Street	On both sides, beginning at Main Street and extending westerly to the top of the hill.
	On both sides, beginning at Spring Street in a westerly direction to the dead end.
East Bates Street	On the northerly side beginning at Center Street and extending to Coolidge Street.
Eighth St	On both sides, beginning at Broad Street in a westerly direction to the dead end.
ELHS	Upper parking lot off Forest Avenue
Elm Street	On the south side beginning at Main Street and extending for 164 feet.
	On either side beginning at Minot Avenue and extending easterly to Spring Street.

City Council Ordinance

Fair Street	On the northerly side from Oak Hill Road and extending in a westerly direction to Center Street.
Fairmount Avenue	On the westerly side from Hunton Place to Harris Street.
	On the easterly side beginning at Harris Street and extending northerly for 330 feet.
Fern Street	On the northwesterly side beginning at Lake Street and extending in a southwesterly direction for a distance of 300 feet between the hours of 7:30 a.m. and 4:30 p.m. on days when Lake Street School is in session.
Forest Avenue	On the west side for the entire length of the street.
	From 155 feet south of Court Street to Court Street
Gamage Avenue	On the north side beginning at a point 65 feet from Dennison Street and extending in a westerly direction for a distance of 75 feet.
	On the northerly side beginning at Park Avenue and extending in an easterly direction for a distance of 80 feet.
	On Gamage Avenue southerly from Oakland (no parking from there to corner)
	From 51 Gamage Avenue to drive.
Gill Street	On both sides between Second Street and Third Street.
Goff Street	On the east side beginning at Court Street and extending to Hampshire Street.
	On the westerly side beginning at the corner of Court Street and extending in a northerly direction for a distance of 110 feet.
Gracelawn Road	On the northerly side beginning at CMP #9 and extending westerly for 950 feet.
Granite Street	On the easterly side between Court Street and Fern Street.
Hampshire Street	On both sides between Turner and Pleasant Streets.
	On the north side beginning at the intersection of Pleasant Street and running in a westerly direction for 60 feet.
	On the southerly side beginning at the corner of Pleasant Street and extending in a westerly direction across Troy Street to a point 100 feet westerly from the westerly corner of Troy Street.
Harris Street	On the easterly side beginning at the southerly curbline of Court Street and extending in a southerly direction for a distance of 90 feet.
	On the easterly side beginning at the end of the street and extending northerly for 132 feet.
	No parking on the westerly side.
Haskell Street	On the southeasterly side from Court Street to Lake Street.
High Street	On the west side beginning at the southwesterly corner of Court Street and extending in a southerly direction for a distance of 130 feet.
	On either side beginning at Minot Avenue and extending to Academy Street.
	On the easterly side beginning at the southeasterly corner of Court Street and extending in a southerly direction for distance of 188 feet.
Highland Avenue	Between Hillcrest and Wedgwood (both sides of street)
James Street	No parking on the easterly side for its full length.

City Council Ordinance

Lake Auburn Avenue	On the easterly side beginning at the northeasterly corner of Whitney Street and extending in a northerly direction for a distance of 141 feet.
	On the easterly side beginning at Stanley Street and extending southerly for a distance of 80 feet.
	On the southeasterly side beginning at a point 180 feet from the northeasterly corner of Lake Auburn Avenue and Whitney Street and extending in a northeasterly direction on Lake Auburn Avenue for a distance of 325 feet between the hours of 7:30 a.m. and 4:30 p.m. when Washburn School is in session.
Lake Shore Drive	On the northerly side beginning at the intersection of Maple Hill Road and extending in an easterly direction for a distance of 2,640 feet.
Lake Street	On the northeasterly side from a point opposite the intersection of Fern Street to a point opposite the intersection to the southwesterly line of Lake Street and the northeasterly line of Court Street.
	On the southwesterly side beginning at Court Street and extending northerly 116 feet.
Laurel Avenue	On the northerly side beginning at the easterly curbline of Main Street and extending northeasterly for a distance of 114 feet.
Main Street	On the easterly side beginning at the southerly side of the northerly entrance of Newbury Street and extending in a southerly direction for a distance of 84 feet.
	Beginning at the northerly side of Laurel Avenue and extending northerly for 157 feet.
	On the east side beginning at Laurel Avenue and extending southerly to Newbury Street.
	On the easterly side beginning at the southerly curbline of Court Street and extending southerly for a distance of 50 feet.
	On the westerly side beginning at the southerly curbline of Court Street and extending southerly for a distance of 78 feet.
	On the easterly side beginning 180 feet south of the southerly curbline of Court Street and extending southerly for 120 feet.
	On the easterly side beginning at the southerly curbline of the northerly alleyway to Miller Street and extending southerly for 42 feet.
	On the easterly side beginning 100 feet northerly of the northerly curbline of the southerly alleyway to Miller Street and extending northerly for a distance of 76 feet.
Main Street	On the westerly side beginning at the northerly curbline of Mechanics Row extended and running northerly for a distance of 106 feet.
	On the westerly side beginning 170 feet from the southerly curbline of Court Street and extending southerly for 76 feet.
	On the easterly side beginning 220 feet northerly of Newbury Street and extending northerly for a distance of 416 feet.
	On the easterly side beginning at the Miller Street entrance at the south end of the Roak Block and extending southerly for a distance of 54 feet.
	On the westerly side between Mechanics Row and Drummond Street.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

	On the westerly side beginning at the southerly curbline of Academy Street and extending southerly for a distance of 100 feet.
	On the easterly side beginning at the southerly corner of 220 Main Street and extending southerly for 260 feet.
	On the westerly side beginning at the northerly curbline of Academy Street and extending northerly for 68 feet.
Manley Court	On the southeasterly side beginning at a point 171 feet northeasterly from Manley Street and extending in a northeasterly direction for a distance of 63 feet and then in a northwesterly direction along the northeasterly terminus of the street for a distance of 28 feet.
Manley Street	On the south side beginning at Willow Street and extending in an easterly direction for a distance of 300 feet.
	On the southwesterly side beginning at Union Street and extending in a northwesterly direction for a distance of 65 feet.
	On the northeasterly side beginning at the corner of Union Street and extending in a northwesterly direction for 53 feet.
Maple Street	On the north side beginning at High Street and extending to Pleasant Street.
Mechanics Row	On both sides beginning at Court Street and extending to the end of the street.
Mill Street	On the northerly side beginning at the easterly curbline of Second Street and extending westerly for a distance of 80 feet.
	On the northerly side beginning at Pole #11 and extending in a southwesterly direction for a distance of 170 feet.
	On the northerly side beginning at Broad Street and of Third Street and extending in an easterly direction for a distance of 54 feet.
	On the northerly side beginning at Broad Street and extending westerly for a distance of 88 feet.
Miller Street	No parking on both sides.
	On both sides of both alleyways leading to Miller Street from Main Street.
Minot Avenue	On the east side beginning at High Street and extending northerly to the intersection of Fletcher Road.
	On the westerly side beginning at the corner of Court Street and running southwesterly to the intersection of Hatch Road.
	On the westerly side beginning at a point directly opposite the southeasterly corner of the Lown Shoe Company Building and extending in a southerly direction to High Street.
Newbury Street	On the west side extending from Laurel Avenue to Pole #6, Central Maine Power Company.
	On the northeasterly side beginning at a point just opposite Pole #4 and extending easterly for a distance of 134 feet.
Niskayuna Street	On the northerly side beginning at Center Street and extending in a westerly direction for a distance of 200 feet.
Northern Avenue	On the westerly side beginning at Cross Street and extending in a northerly direction for a distance of 166 feet.

City Council Ordinance

Old Danville Road	On the westerly side beginning at a point 346 feet from the sideline of Danville Corner Road; thence proceeding in a southerly direction for a distance of 190 feet and being essentially the distance between the two driveways at #711 Old Danville Road.
Park Avenue	On the easterly side beginning at Gamage Avenue and extending in a northerly direction to a point opposite CMP Pole #44, by Auburn Methodist Church.
Parker Street	From Summer Street on both sides northerly to Turner Street.
	On the westerly side between Summer and Winter Streets.
Pettengill Road	On the easterly side from Oak Hill Road in a northerly direction for a distance of 1,060 feet.
	On the westerly side beginning at CMP Pole #3 and extending northerly for a distance of 484 feet.
Pleasant Street	On the east side beginning at Hampshire Street and extending in a southerly direction for a distance of 38 feet.
	On the east side beginning at Court Street and extending in a southerly direction to the intersection of Elm Street.
	On the east side beginning at Court Street and extending in a southerly direction for a distance of 151 feet.
	On the easterly side beginning at Turner Street and extending southerly for a distance of 68 feet.
	On the westerly side beginning at Hampshire Street and extending northerly for a distance of 100 feet.
	On the westerly side beginning 132 feet from Hampshire Street and extending southerly for a distance of 56 feet.
Poland Road	On the southeasterly side between Minot Avenue and Atwood Street.
Pride Road	On the west side beginning at Minot Avenue and running in a southerly direction for 300 feet.
Pulsifer Street	On the westerly side beginning at a point 250 feet northerly of the northerly curbline of Mill Street and extending 140 feet around the corner onto Second Street.
Reed Street	On the southeasterly side between Turner Street and Whitney Street.
Rowe Street	On the southeasterly side from Winter Street to Turner Street.
Sandy Beach Road	On the southerly side for its full length.
School Street	On both sides, from Troy Street to Union Street Bypass.
Sherwood Drive	On the westerly side from Marian Drive to 19th Street.
South Goff Street	On the easterly side for its full length.
South Main Street	On the east side beginning at Memorial Bridge and extending southerly for 41 feet.
	On both sides between CMP Poles 87 and 91 as presently located.
	On the easterly side beginning at a point 83 feet southerly from the end of the Memorial Bridge across the Little Androscoggin River and extending in a southerly direction for a distance of 47 feet.
	On the westerly side beginning at Mill Street and extending northerly to the Memorial Bridge.

City Council Ordinance

	On the easterly side beginning at the southerly curbline of Broad Street and extending southerly for distance of 84 feet.
Spring Road	On both sides beginning at the Auburn Water District gate located nearest to West Auburn Road and extending in a southerly direction for a distance of 173 feet, including the turnaround.
Spring Street	On the westerly side beginning at Elm Street and extending in a northerly direction for a distance of 172 feet.
	On the easterly side beginning at Court Street and extending in a northerly direction for a distance of 100 feet.
	On the west side beginning at a point 278 feet from Court Street and extending in a southerly direction for 330 feet.
	On the westerly side between Hampshire Street and Troy Street.
	On the westerly side beginning at Court Street and extending northerly for a distance of 60 feet.
	On the westerly side beginning at Court Street and extending southerly for a distance of 158 feet.
	On the easterly side beginning at Court Street and extending southerly for a distance of 174 feet.
Stetson Road	On the southerly side beginning opposite Central Maine Power Pole #14 and extending easterly for 790 feet.
Stevens Mill Road	On the southwesterly side beginning at the intersection of Court Street and running in a northwesterly direction for a distance of 450 feet.
	On both sides from Minot Avenue to Court Street.
	On the northerly side beginning at Garfield Road and extending westerly to the end of the street.
Summer Street	On the northerly side from Dennison Street to Rowe Street.
Temple Street	On the west side beginning at Manley Street and extending to the dead end.
Troy Street	On both sides, for its full length.
Turner Road	On both sides beginning at the northerly intersection of Turner Street and Center Street and extending northerly to the intersection of Fair Street and Turner Road.
Turner Street	On the easterly side from Court Street to the Turner Street entrance to the Great Falls Plaza.
	On the southerly side beginning at the easterly curbline of Dennison Street and extending easterly for a distance of 104 feet.
	On the easterly side beginning at a point opposite the southerly side of Pleasant Street and extending in a northerly direction to Center Street.
	On the northerly side from Lake Auburn Avenue to French's Lane.
	On the westerly side between Pleasant Street and Center Street.
	On the westerly side beginning at the southerly curbline of Hampshire Street and extending southerly for a distance of 80 feet.
	On the northerly side beginning at Center Street and extending westerly for a distance of 212 feet.
	On the southerly side between Burns Street and Union Street Bypass.
	Opposite Church Street at no parking signs.

City Council Ordinance

Union Street	On both sides from Court Street to the intersection of Center and Turner Streets.
Vine Street	On the northerly side for its full length.
	On the southerly side beginning at the easterly curbline of High Street and extending in an easterly direction for a distance of 70 feet.
Vining Street	On the southerly side from Winter Street easterly to Summer Street.
Washington Street	On the southbound lane, beginning at Minot Avenue and extending in a southerly direction to Brick Yard Hill.
	On the northbound lane, beginning at Brick Yard Hill and extending in a northerly direction to the intersection of Minot Avenue.
West Auburn Road	On the westerly side beginning at a point opposite the northerly line of Summer Street and extending in a northerly direction for a distance of 1,425 feet.
	On the easterly side beginning at CMP Pole #146 and extending northerly 288 feet.
Western Avenue	On the westerly side beginning at the northerly curbline of Minot Avenue and extending in a northerly direction for a distance of 80 feet.
	Beginning on the easterly side at the northerly curbline of Minot Avenue and extending in a northerly direction for 115 feet.
Western Prom	South side.
Whitney Street	On the northerly side beginning at the northeasterly corner of Lake Auburn Avenue, extending in an easterly direction for a distance of 70 feet.
Willow Street	On the westerly side beginning at Hampshire Street and extending in a northerly direction to Manley Street, between 7:30 a.m. and 4:30 p.m. on days when Webster School is in session.
Wilson Street	On both sides from Field Avenue to the end.
Wood Street	On the easterly side for its full length.
Youngs Corner Road	On the southerly side beginning at a point located 490 feet easterly of Perkins Ridge Road and extending in an easterly direction for 270 feet.
	On the southerly side beginning at a point 1,230 feet easterly of Perkins Ridge Road and extending in an easterly direction for a distance of 310 feet.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 02, 2024 **Ordinance 23-12022024**

Author: Natalie Thomsen – Planning Coordinator

Subject: Text Amendments related to 30-A M.R.S. §§ 4364, 4364-A and 4364-B more commonly known as L.D. 2003

II. **Background:**

The Legislature passed in 2021 a series of housing amendments commonly referred to as "LD 2003," which were intended to increase opportunities for affordable housing to be developed statewide. These laws, codified at 30-A M.R.S. §§ 4364, 4364-A and 4364-B, require that municipal ordinances comply with the stated provisions by January 1, 2024. More information can be found in attached Planning Board Staff Report dated November 12, 2024

On **May 28, 2024**, the Planning Board held a workshop to discuss text amendments to Auburn's ordinance required for compliance with L.D. 2003. Staff presented proposed changes to Chapter 60 based on feedback from the LD 2003 Ad Hoc Committee. During this meeting, the Board reviewed and updated the minimum lot size requirements in the MFS, GB, and GBII zoning districts.

On **September 25, 2024**, the City Manager, Phillip L. Crowell, Jr., issued a directive after reviewing the proposed amendments. He requested that the Planning Board align the draft more closely with the requirements of L.D. 2003. Specifically, the City Manager recommended limiting accessory dwelling units (ADUs) to a maximum of 1,500 square feet and requiring the same minimum lot size for each additional unit (except ADUs) as for the first unit in residential zones. These adjustments would bring the ordinance into compliance while leaving broader decisions on housing policy and density for the Comprehensive Plan update.

On **October 8, 2024**, the Planning Board held another workshop to refine the proposed amendments. The discussion focused on size limits for accessory structures, leading the Board to decide to separate the topics of density and accessory structure sizing for the public hearing. This separation allowed the public to comment on each issue individually and ensured thorough deliberation by the Board.

On **November 12, 2024**, the Planning Board held a public hearing on the proposed text amendments. After receiving public input, the Board voted to recommend the changes to the City Council. The amendments included defining ADUs with a maximum size of 1,500 square feet, revising the definition of "accessory structure," and making updates to various sections of Chapter 60. These revisions addressed density and parking requirements, ensuring compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B, while also reflecting the minimum lot size adjustments that were requested.

Information: The Planning Board provided a favorable recommendation to City Council on a text amendment on November 12, 2024, which included recommendations to limit accessory dwelling units (ADUs) to a maximum size of 1,500 square feet and to require minimum lot size standards for additional dwelling units consistent with the lot size for the first unit in residential zones.

See Attached: Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code (Sec. 60-554. - Form based code use and parking matrix.), Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Workshop. Review the attached text amendment and provide feedback.

Previous Meetings and History: The Planning Board held workshops on May 28, 2024 and October 8, 2024, to discuss proposed text amendments, leading up to a final vote on November 12, 2024. At this Public Hearing, the Planning Board voted 6-1 to recommend the amendments to the City Council.

City Manager Comments: The manager recommends this proceed to the council meeting for first reading. The proposed ordinances from the planning board includes non-substantive changes for clarity and context which is noted in blue font and underlined.

Signature: Phillip Crowell Jr.

Attachments:

- Staff Report on LD 2003 text amendment dated November 12, 2024
- Amended Text: Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code (Sec. 60-554. - Form based code use and parking matrix.), Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine
04210 www.auburnmaine.gov |
207.333.6601

Date: November 12th, 2024
Auburn Planning Board
Author: Natalie Thomsen, Planning Coordinator
Subject: Item # Staff Report on L.D. 2003 Workshop

I. Proposal: Public Hearing on L.D. 2003 Ordinance Updates/Priorities:
Review and give feedback on text amendment to Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60.

II. Background:
The Legislature passed in 2021 a series of housing amendments commonly referred to as "LD 2003," which were intended to increase opportunities for affordable housing to be developed statewide. These laws, codified at 30-A M.R.S. §§ 4364, 4364-A and 4364-B, require that municipal ordinances comply with the stated provisions by January 1, 2024.

Summary of L.D. 2003: L.D. 2003, An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions, Sponsored by Speaker Ryan Fecteau, was signed into law by Governor Mills on April 27th, 2022. The law, in summary, requires that: 1.) Towns and cities with a comprehensive plan allow at least four units on a vacant lot in the designated growth area, and towns and villages without a comprehensive plan allow at least 4 units on vacant lots in areas served by sewer and water; 2.) Lots with an existing dwelling unit may have two additional dwelling units either one attached dwelling, one detached dwelling, or one of each; and 3.) "Affordable" housing developments must be allowed to be built at 2.5 times the density of market-rate units if they meet the conditions listed above (availability of sewer and water or within a designated growth area).

Summary of L.D. 1473: L.D. 1473 An Act to Protect Certain Unfiltered Drinking Water Sources, approved as public law on June 22, 2023, amends 30-A MRSA §4364, sub-§9, 30-A MRSA §4364-A, sub-§1-A, and 30-A MRSA §4364-B, sub-§1-A to exempt parts of Auburn which are in the Lake Auburn Watershed from the requirements of L.D. 2003 to protect the lake as an unfiltered drinking water source.

Summary of L.D. 1706: L.D. 1706, An Act to Clarify Laws Regarding Affordable Housing and Accessory Dwelling Units, approved as public law on June 16th, 2023, among other accomplishments, adds that the implementation date for L.D. 2003 must be

January 1, 2024, for municipalities with ordinances, and July 1, 2024, for all other municipalities.

The planning board held a workshop on text amendments to Auburn's ordinance required to comply with L.D. 2003. On May 28 and October 08, the planning board reviewed staff's suggestion for amendments to Chapter 60 based on feedback from the LD 2003 Ad Hoc Committee. At this past workshop, the planning board asked for a legal opinion on the correct way to interpret some of the text of LD 2003. Below, staff has outlined the Planning Board's questions and in the summarized text amendment below, highlighted the uncertain language:

1. Do we need to allow multifamily units in land use zones that currently do not allow multi-family units? (UR, SR, RR, LDCR). A Board member has suggested that we could restrict the use to no more than 2 units per building and still meet the requirement of allowing four units in the growth are but not as a single 4-unit building. Instead, allowing 2, 2-unit buildings would meet the laws requirement to allow 4 units. Would the Planning Board prefer that multifamily buildings continue to be prohibited in certain zones?

2. We will likely make the ordinance retroactive to January 1, 2024, for the determination of vacant land vs. existing units and the allowable number of units. If the city does not make the ordinance retroactive, will that effect property owners that built in good faith of the rule change after January 1, 2024, and planned for more units when the City finishes the adoption process?

3. Can we drop the reference to the latest 30-A MRSA subsection 4364? Or should we reference that as the purpose of the changes. It seems unnecessary as long as we allow the required unit permissions to comply.

The draft available for the planning board has also updated the minimum lot size in the table for the MFS, GB, and GBII zoning districts reflecting the conversation which took place during the May 28 meeting.

During the October 8, 2024, Planning Board workshop, there was extensive discussion regarding the proposed size limits for accessory structures within the amendment to "Sec. 60-2. Definitions." The Board decided that, for the upcoming Public Hearing, the topics of density and accessory structure sizing should be treated as separate items. This approach will allow the public to provide input on each topic individually and ensure the Board has the opportunity to deliberate and vote on them separately, recognizing their distinct impacts on the overall amendment.

III. **Suggested Ordinance Amendments:** See Attached A Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form

Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

IV. **Staff Recommended Action:** Consider feedback from the Public Hearing and send the recommended text change to the City Council related to edits established in Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

V. **PLANNING BOARD ACTION/STAFF RECOMMENDATIONS:** Consider feedback from the Public Hearing and send the recommended text change to City Council related to edits established in Sec. 60-2, Definitions, specifically focusing on the definition of "accessory structure" and setting the maximum allowable size for such structures at 1,500 sq. ft.

Consider feedback from the Public Hearing and send the recommended text change to City Council related to edits established in Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

VI. **Potential Motion:** I make a motion to forward a favorable recommendation to the city council related to edits established in Sec. 60-2, Definitions, specifically focusing on the definition of "accessory structure" and setting the maximum allowable size for such structures at 1,500 sq. Ft.

I make a motion to forward a favorable recommendation to the city council related to edits established in Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

Ordinance 23-12022024

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council hereby amends Chapter 60 - ZONING of the City's Code of Ordinances as shown on the attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ARTICLE II. GENERAL PROVISIONS

Sec. 60-34. Buildings per lot.

No more than one principal building shall be erected on any lot in residential zoning districts except for:

(1) Multifamily buildings and/or developments approved under division 9 of article IV of this chapter;

(2) An additional one-family detached or attached is a minimum of 190 SF and a maximum of up to 1500 SF dwelling in a zoning district where two-families are permitted, and a single-family dwelling currently exists on the lot.

(3) Four dwelling units may be constructed on vacant lots in the growth area as delineated in the Future Land Use Map in the most recent Comprehensive Plan ands must be permissible in compliance with State Law and in accordance with Sec. 60-53 and Sec. 60-54.

(4) A lot in the growth area as delineated in the Future Land Use Map in the most recent Comprehensive Plan with an existing dwelling unit may add one attached dwelling unit, one detached dwelling unit, or one of each for a total of three dwelling units ands must be permissible in compliance with State Law and in accordance with Sec. 60-53 and Sec. 60-54.

(5) To preserve the City's rural character, lots in the designated growth areas that are zoned Urban Residential, Suburban Residential, Rural Residential and Low Density Country Residential shall contain no more than two dwelling units per building.

(6) This provision shall apply retroactively to all projects approved after January 1, 2024.

The additional one-family detached dwelling unit shall share a driveway curb cut with the pre-existing dwelling unless it is determined that another driveway location could provide safer access than the existing driveway.

(Ord. of 9-21-2009, § 3.1B; Ord. No. 11-03012021, § 1, 3-15-2021; Ord. No. 18-04052021, 5-3-2021)

Formatted: List 2

Sec. 60-35. Conversion of one-family dwellings.

In all residential, general business and form based code districts, one-family dwellings erected prior to January 1, 1958, may be converted to two-family dwellings provided that:

(1) Any floor space created by additions to the existing structure after January 1, 1958, shall not be converted to a second dwelling.

(2) There will not be less than one accessible off-street parking place of 200 square feet in area, exclusive of driveways, per dwelling unit resulting from such conversion.

(3) Stairways leading to any floor above the first floor will be enclosed within the exterior walls of the dwelling and any fire escapes required will be on the rear or one side of the dwelling and not on any wall facing a street.

(4) After such conversion, the building converted will retain substantially the appearance and character of a one-family dwelling.

(5) Single family dwellings may be converted into two or multifamily buildings if located in the growth area as delineated in the Future Land Use Map of the most recent Comprehensive Plan and pursuant to. See Sec. 60-53 and Sec. 60-54.

(6) To preserve the City's rural character, lots in the designated growth areas that are zoned Urban Residential, Suburban Residential, Rural Residential and Low Density Country Residential shall contain no more than two dwelling units per building.

(7) This provision shall apply retroactively to all projects approved after January 1, 2024.

(Ord. of 9-21-2009, § 3.1C; Ord. No. 04-03072016, 5-16-2016)

Formatted: List 2

Sec. 60-53. Additional dwellings permitted to increase housing opportunity.

(1) Additional dwelling units must be permissible on certain parcels in the City of Auburn pursuant to Sec. 60-34. This table specifies the additional lot area needed for additional units in each zoning district as well as permissible accessory dwelling units. Setback standards shall not be reduced to allow for additional dwelling units and shall not be increased for subsequent dwelling units. Additional dwelling units allowed under this section are prohibited in the Lake Auburn Watershed Overlay District. Additional dwelling units allowed under this section are subject to more stringent lot size requirements per unit if located in the Taylor Pond watershed.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Zoning District	Minimum lot area (per unit)	Minimum road frontage (per unit)	Accessory Dwelling Unit
Agriculture & Resource Protection	10 acres	250 feet	Permitted if unit meets requirements for single family home in Article IV, Division 2 of this Chapter*
Low Density Country Residence	3 acres for the first unit with accessory dwelling unit. 3 acres~~1.5 acres~~ for each subsequent unit.	325 feet for the first unit. No additional road frontage is required for subsequent units.	Permitted
Low Density Rural Residence	1 acre for the first unit with accessory dwelling unit. 1 ~~0.5~~ acre for each subsequent unit.	250 feet for the first unit. No additional road frontage is required for subsequent units.	Permitted

Suburban Residence	21,780 square feet for the first unit with accessory dwelling unit. 21,780~~10,890~~ square feet for each subsequent unit.	150 feet for the first unit. No additional road frontage is required for subsequent units.	Permitted
Urban Residence	10,000 square feet for the first unit with accessory dwelling unit. 10~~5~~,000 additional square feet per unit for each subsequent unit.	100 feet for the first unit. No additional road frontage is required for subsequent units.	Permitted
Multifamily Suburban	10,000 square feet minimum.	100 feet for the first unit. No additional road frontage is required for subsequent units.	Permitted
General Business	10,000 square feet minimum.	100 feet for the first unit. No additional road frontage is required for subsequent units.	Permitted
General Business II	10,000 square feet minimum.	100 feet for the first unit. No additional road frontage is required for subsequent units.	Permitted
Form Based Code	No minimum lot size. See Ch. 60 Article IV Division 14	24 feet minimum road frontage. See Ch. 60 Article IV Division 14	Permitted
Industrial	Housing only permitted as accessory buildings for caretakers (see Sec.60-578)	150 feet	Permitted for legally existing residential dwellings built before June, 1, 2024.
Lake Auburn Watershed Overlay District	Please refer to the underlying zone and CH. 60 Article XII Division 4. Sec. 60-	Please refer to the underlying zone and CH. 60 Article XII Division 4.	Permitted subject to Lake Auburn Watershed Overlay District accessory dwelling unit allowances.
Taylor Pond Watershed	Minimum lot size in the underlying zone for the first unit with accessory dwelling unit. Minimum lot size is required for each additional unit.	Minimum road frontage required in the underlying zone. No additional road frontage required for subsequent units.	Permitted

*Does not apply if within the Lake Auburn Watershed.

This provision shall apply retroactively to all projects approved after January 1, 2024.

Sec. 60-54. Affordable housing density bonus.

A density bonus of 2.5 times the maximum number of dwelling units permitted in the underlying zone shall be permitted where water and sewer service are available, and the development is in the growth area as delineated in the Future Land Use Map in Auburn's latest Comprehensive Plan. Off-street parking requirements may not exceed two spaces for every three units. This provision shall apply retroactively to all projects approved after January 1, 2024. Affordable Housing Development is pursuant to 30-A MRSA §4364 (L.D. 2003 Public Law).

Formatted: Block 1

Secs. 60-53—60-77. Reserved.

ARTICLE IV. DISTRICT REGULATIONS

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-201. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Lawn maintenance services.

(5) Multifamily dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this Chapter. Subdivision law applies.

(b) *Special exception uses*. The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

(1) All uses permitted by special exception in the Agriculture and Resource Protection (AR) District, (division 2 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).

(2) Bed and breakfast.

(3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.32B; Ord. 33-02072011-08, 2-7-2011; Ord. No. 08-08012011-07b, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-08192019, 9-9-2019; Ord. No. 11-03012021, § 9, 3-15-2021; Ord. No. 27-06212021, 7-19-2021)

DIVISION 4. LOW DENSITY RURAL RESIDENCE DISTRICT

Sec. 60-229. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) All uses permitted in the Agriculture and Resource Protection District pursuant to section 60-145(a), except 60-145(a)(14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(5) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.

(6) Licensed veterinarians provided that the lot is of at least three acres.

(7) Wayside stands.

(8) Accessory uses, buildings or structures.

(9) Lawn maintenance services.

(10) Municipal uses and buildings.

(11) Multifamily dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this chapter. Subdivision law applies.

DIVISION 5. SUBURBAN RESIDENCE DISTRICT

Sec. 60-255. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(4) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Greenhouses.

(7) Licensed veterinarians, provided that the lot containing same is of at least three acres.

(8) Farm, livestock provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2 and:

a. A site plan be submitted to the municipal officer charged with enforcement that contains the information required by section 60-1301.

b. Upon request, the municipal officer charged with enforcement may waive the necessity of providing any of the foregoing information which is not relevant to the proposed development.

c. In judging whether or not a permit to operate an animal farm will be issued, the municipal officer charged with enforcement shall review and make a decision consistent with the finding requirements of section 60-1304.

(9) Wayside stands.

(10) Accessory uses, buildings or structures.

(11) Lawn maintenance services.

(12) Municipal uses and buildings.

(13) Multifamily dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this chapter. Subdivision law applies.

DIVISION 6. URBAN RESIDENCE DISTRICT

Sec. 60-277. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(4) Accessory uses building or structures.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Municipal uses and buildings.

(7) Multifamily dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this chapter. Subdivision law applies.

DIVISION 7. MULTIFAMILY SUBURBAN DISTRICT

Sec. 60-306. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Multifamily dwellings ~~in existence on September 23, 1988~~.

(4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Shelter for abused persons.

(7) Accessory uses, buildings or structures.

(8) Newly constructed multifamily dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(9) Municipal uses and buildings.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet, except as follows:

a. Multifamily buildings shall have a maximum height of 45 feet from grade.

b. A church or temple or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.44C; Ord. No. 11-03012021, §§ 24, 59, 3-15-2021; Ord. No. 19-05032021, 5-17-2021)

Sec. 60-554. Form based code use and parking matrix

Notes:

(1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.

(2) * Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.

(3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.

(5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(6) For affordable developments, off-street parking requirements may not exceed 2 spaces for every 3 units.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

Sec. 60-608. Parking requirements.

A minimum number of off-street parking spaces shall be provided with each residential use permitted, erected, altered or changed, in accordance with the following standards:

Off-street land use	Minimum number of parking spaces
Residential	
Single-family; farm	1 dwelling per unit
Multifamily; two-family	1 dwelling per unit
Elderly**	One-half per dwelling unit
Affordable housing developments pursuant to 30-A MRSA §4364 (L.D. 2003 Public Law).	Off-street parking requirement may not exceed 2 spaces for every 3 units.
**Applies to elderly housing as constructed under special local, state or federal guidelines restricting occupancy to elderly persons.	

(Ord. of 9-21-2009, § 4.1B; Ord. No. 28-06212021, 7-19-2021)

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Accessory structure or building means a~~n uninhabited~~ building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

Accessory dwelling unit means a self-contained dwelling unit not to exceed 1,500 square feet, that can be located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.

Formatted: Font: 10 pt, Italic

Formatted: Font: 10 pt

Formatted: Font: 10 pt

Formatted: Paragraph 1

Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

Adaptive reuse means a special exception permitting a structure of community significance to be used for one or more purposes, not otherwise permitted in the district in which the building is located, but which the planning board has determined will contribute to the preservation of a structure of community significance, including without limitation, the following uses:

(1) Bed and breakfast homes or inns;

(2) Restaurants, diners or cafes;

(3) Art studios and galleries;

(4) Performing arts centers;

(5) Medical and dental clinics;

(6) Office space;

(7) Municipal and government uses; and

(8) Retail sales as an accessory use.

Adult day center means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

Affordable Housing Developments as is defined in 30-A MRSA §4364 (L.D. 2003 Public Law).

Animal unit means one living animal of any species.

Antique shop means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

Apartment. See the term *Dwelling unit.*

Architectural features means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Art galleries means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

Artist studio, residential means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use.

Automobile means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

Automobile and marine paint and body shops means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

Automobile and marine repair and service station means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

Automobile, commercial, means a vehicle the primary use of which is commercial in character.

Automobile filling station means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

Automobile garage, private, means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

Automobile parking lot, private, means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

Automobile repair and service station means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

Automobile sales lot means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

Automobile scrap yard means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

Automotive towing and storage means a business engaged in/or offering the services of a towtruck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Bed and breakfast home means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

Bed and breakfast inn means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

Boardinghouse or *lodginghouse* means a dwelling which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner may reside in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

Building means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term *Structure.*)

Building envelope means the ground area on a lot and the space above it on which a building may be constructed.

Building form means the overall shape and dimensions of a building.

Building height means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front.

Building inspector means the building inspector of the City of Auburn, Maine, or their duly authorized agent.

Building line means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project.

Building, principal, means a building in which is conducted the principal use of the lot on which it is situated.

Care home means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a child care home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

Cellar means that portion of a building below the first floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. A cellar shall not be used for habitation.

Cemetery means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

Child care home means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a child care home. The term "child care home" includes any family-type facility which provides child care to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

Child day care center means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

Child day care home means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

(1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.

(2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

Clinic means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

Club, private, means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Community based residential facilities (CRF) means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

Comprehensive plan means the master development plan of the City of Auburn, Maine, any amendments or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

Conservation cemetery means a type of natural cemetery that includes a conservation management plan that upholds best practices, and provides perpetual protection of the land according to a conservation easement or deed restriction. Burials in conservation cemeteries utilize non-toxic and biodegradable materials.

Convenience store means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

Correctional institution means a publicly or privately operated facility generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.

Court means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

Dental clinic means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

Detention facility. In the case of an adult or juvenile, "detention" means the confining of an adult or juvenile held in lawful custody in a specially constructed or modified facility designed to ensure continued custody and control. "Detention" may be confinement before trial or another hearing by a court or confinement to serve court-imposed sentences or dispositions and may be in a step-down, jail, half-way house or lock-up facility.

Development standard(s) means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The development standards establish both boundaries within which development may take place and what requirements apply.

Director means the director of planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

District or *zone* means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

District, overlay, means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

Dormitory means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

Driveway means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

Dump means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

Dwelling means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S.A. 9722, adopts a different minimum standard; if so, that standard applies.

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one family detached dwelling unit must be at least 400 square feet above grade in size, and an accessory detached dwelling unit must be 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S.A. 9722, adopts a different minimum standard; if so, that standard applies.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Eave means the edge of a roof which projects beyond the exterior wall.

Encroachment means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, the public frontage, or above a height limit.

Erected includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

Facade means the vertical surface of a building.

Family means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

Farm means any parcel of land which is used in the raising of agricultural products, livestock or poultry, or for dairying.

Farm, livestock, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

(1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.

(2) Horse: 1.5 animal units per acre of cleared hay/pasture land.

(3) Sheep: Three animal units per acre of cleared hay/pasture land.

(4) Swine: Two animal units per acre of cleared land.

(5) Other livestock farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Floodplain overlay means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

Floor area of building means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

Form based code means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

Form based code zoning district means one of the five areas on the regulating plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

Frontage means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

Frontage line means the lot line(s) of a lot fronting a street or other public way.

Government offices means a room or group of rooms used for conducting the affairs of a government entity, not entailing the sale of goods except that which is clearly incidental.

Government services, for the purposes of this chapter, includes the functions performed by the various government agencies in the city. Government services include the following: government administration, courts, public schools, postal services, public works and municipal utilities.

Greenhouse means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

(1) The sale of greenhouse products and related supplies; and

(2) The storage of material used in the maintenance of plants and growing items sold.

Grocery store means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use

may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

Ground area of building means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

Group home. See the term *Community based residential facilities.*

Guesthouse means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

Habitable space means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

Half-story means a story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.

Historic site means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

Historic or archaeological resources means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

Hog farm means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

Home occupation means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

Hospital means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

Hotel means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

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

(1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or

(2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Illustrative plan means a plan or map that depicts (i.e. Illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.

Industrial use, heavy, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, for manufacturing or fabrication which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Institution means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

Institution, philanthropic, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

(1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or

(2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

Institution, private educational, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft, technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms *Training school* and *School.*)

Institution, research, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

Jail means a specially constructed or modified facility designated by law or regularly used for detention for a period of up to 12 months.

Junkyard or*automobile graveyard* means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

Kennel means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

Land use permit means a permit required for the use of property that is legally permitted under the provisions of this chapter.

Landscape services means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

Lawn maintenance service means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeding of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

Library means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

Livestock means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.

Lock-up facility means a facility designated by law or regularly used for detention for a temporary period before trial or transfer to a jail or other facility.

Lodge, private. See the term *Club, private.*

Lot means for zoning purposes, as covered by this chapter, a lot is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street and may consist of:

(1) A single lot of record;

(2) A portion of a lot of record;

(3) A combination of complete lots of record;

(4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;

(5) Lots shown on a plan approved by the planning board of the City of Auburn.

Lot frontage/width means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of yards in this section.

Lot line, rear, means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

Lot measurements means the following measurements:

(1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of lot frontage and the midpoint of the rear lot line unless the lot meets the exception provided for by section 60-39.

(2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

Lot of record means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot types means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

(1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A(1) in diagram)

(2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.

(3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.

(4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

Lot, undersized, means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

Major or principal arterial highway means the highway that:

(1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers;

(2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;

(3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

Major recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

Major retail development means a single building in excess of 100,000 square feet of new ground floor retail space.

Manufactured housing means a structural unit designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term "manufactured housing" includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. The term "manufactured housing" includes newer mobile homes and modular homes.

Mining, quarrying, or *earth removing* means the excavation of any earth materials.

Minor arterial highway means the highway that:

(1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;

(2) Provides access to geographic areas smaller than those served by the major arterial highway system; and

(3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

Mobile home development, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

Mobile home park means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for nontransient use.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 400 or more square feet and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Motel means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

Municipal or public utilities and communications facilities means the use of land for public utility purposes by an entity providing pipeline, gas, electrical, telephone, telegraph, water, or sewage service. "Public utility" also includes the use of land for utility purposes, whether or not owned, controlled, or operated by a public entity, whose services are performed for or commodities delivered to the public or any portion thereof. Facilities that provide for the transmission, transfer, and distribution of telephone service and related activities that are not a minor or major utility facility. For the purposes of the chapter, a municipal or public utility or communications facility includes, but is not limited to, the following: a private telephone company or paging service, any utility regulated by the Maine Public Utilities Commission, and any other commercial communications tower.

Municipal sanitary landfill means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

Municipal uses means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

Museum means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

Natural resource uses means uses that utilize naturally occurring assets such as air, water, soils, fuel, minerals, plants or animals to provide public benefit through the provision of raw materials and/or energy.

Nonconforming building means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming lot means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming use means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Nursery means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

Nursery, child, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of 2½ years.

Nursery, wholesale, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

(1) At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner; and

(2) The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

Office means a building, or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

Office trailer means a movable vehicle or structure designed for year round or temporary occupancy for purposed of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

Open space, common means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

Outpatient addiction treatment clinic means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

Parapet means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.

Parking space, off-street, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

Performing arts center means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

Personal services means the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product.

Place of worship see definition of church.

Planning board means the planning board of the City of Auburn, Maine.

Primary entrance means a section of building elevation which contains the street level principal entrance of the business, including the businesses on upper floors or in a basement.

Principal use means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Professional office means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

Public safety services means facilities operated by public agencies to provide services relating to the general health, safety, and welfare of the population, including but not limited to fire stations and other fire prevention and firefighting facilities; police and sheriff substations and headquarters; and emergency response services, excluding correctional facility, interim incarceration, lock-up or jail facilities.

Realm, private means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.

Realm, public means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, sports field complexes lager than one acre in area, health and wellness centers, motorhome or recreational vehicle parks or commercial campgrounds, and facilities for wedding or event venues when used for two or more events during a calendar year, or facilities for mass gatherings when used for two or more events during a calendar year. See also *major recreational use of land* and *recreational uses of land, small-scale.*

Recreational uses of land, small-scale means permanent uses of outdoor space that are intended or designed for public use that are smaller or lower impact than other types of recreational uses of land, and include, but are not limited to, trails, water access or boat access facilities, foraging, outdoor education or training facilities, sports field complexes one acre or less in area, and public gardens.

Regulating plan means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the form based code.

Restaurant means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

Restaurant, carry-out, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

Restaurant, drive-in, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

Retail means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

Retail space means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

Rifle, pistol, skeetor trap shooting range means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

Road means any public or private traveled way or any portion thereof.

Roof means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

Sawmill means a unit designed to saw logs into lumber, firewood or other processed wood products.

School means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term *Training school.*)

Shared housing means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

Shelter for abused persons means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

Shopping center or*office mall* means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

Sign means any device, display surface, structure or object in public intended for visual communications.

Sign, mobile mounted, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.

Sign, official business directional, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

Sign, on-premises, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, standing, means any sign that is not attached to a building.

Sign, temporary, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

Site-built home means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

Slaughterhouse (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

Special exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.

Specialty shop means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a nonhomogeneous quality.

Stable, riding, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

Standing means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

Story means that portion of a building between the surface of any floor and the surface of the other floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building unless such space is used for business or as habitable space, in which case it shall count as a story.

Story, half, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

Street means the following:

(1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;

(2) A way accepted by the municipal officers of the city;

(3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or

(4) A way on a plan of a subdivision duly approved by the planning board.

Street frontage. See the term *Frontage.*

Street line means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

Street, primary means the street that is considered to be more intensely used than the other on a corner or double sided lot.

Street, secondary means the street that is considered to be less intense to the other on a corner or double sided lot.

Structure of community significance means a building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the planning board, is entitled to a special exception allowing its adaptive reuse. The planning board may consider a building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a building qualifies for this designation.

Structure or *building* means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

Subdivision means a division of land as defined in 30-A M.R.S.A. § 4401.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations not exceeding 30 days.

Supermarket means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

Swimming pool means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

Theater, indoor, means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

Theater, outdoor, includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

Tourist home. See the term *Bed and breakfast home.*

Townhouse means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

Trailer or *RV* means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

Trailer home means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

Training school means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

Transect (rural-to-urban) means a cross-section of the environment showing a range of different building development zones. The rural-to-urban transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

Transmission towers means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

Useable open space means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over ten percent slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.

Variance means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

Wayside stand means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

Wholesale means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

Yard means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

Yard, front, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

Yard, rear, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

Yard, side, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

Zone. See the term *District.*

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-2011; Ord. No. 12-09062011-04, 9-19-2011; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 1, 4-24-2017; Ord. No. 08-08072017, 9-11-2017; Ord. No. 13-11062017, 11-20-2017; Ord. No. 16-11182019, 12-9-2019; Ord. No. 11-03012021, 3-15-2021; Ord. No. 02-02132023, 2-17-2023; Ord. No. 04-04182023, 5-1-2023; Ord. No. 10-06202023, 7-10-2023; Ord. No. 22-10162023, 11-6-2023)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 2, 2024 **Ordinance 24-1202024**

Author: Robert Chase, Fire Chief and Eric J. Cousens Director of Public Services

Subject: Proposed Blasting Ordinance - First Reading

Background: The Council workshopped this draft ordinance earlier this year and we were instructed to solicit input from those affected, including gravel mining operations, gem miners and industry experts. We have done that and learned there are 3 distinct types of blasting that have different needs and potential for impacts. They include large pit mining operations at fixed locations, small scale gem mining and transient blasting for construction projects. We plan to share that information with Council Monday and solicit feedback so we can update the draft accordingly.

Information: Previous meeting information is available in the September 3, 2024 CC Packet on Page 14 https://www.auburnmaine.gov/CMSContent/City_Council/Packets/9-3-24%20COMBINED%20City%20Council%20Packet.pdf) Feedback from stakeholders will be reviewed at the workshop.

City Budgetary Impacts: Staff Time.

Staff Recommended Action: Review new information and discuss. First reading.

Previous Meetings and History: September 3, 2024.

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments:

Ordinance 24-12022024

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council hereby amends Chapter 14 – BUSINESS LICENSES AND PERMITS of the City's Code of Ordinances regarding Blasting as shown on the attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Chapter 14

BUSINESS LICENSES AND PERMITS

Article XIX

BLASTING

Sec. 14-700. - Purpose; statutory authority; enforcement.

A. Blasting is an activity essential to the economic viability of Auburn. Unregulated blasting and/or irresponsible blasting may cause undue damage to the people, property and environment of the City.

B. This chapter establishes specific standards for blasting operations, notice requirements, instrument monitoring requirements of blasting operations, a permit process for blasting and other associated standards and requirements.

C. It is intended to minimize the effects of air overpressure, ground vibration, dust, and noise associated with blasting which may be detrimental to the enjoyment of life, property and the conduct of business for those individuals affected.

D. It is also intended to provide standards that will prevent permanent damage to the geologic, hydrogeologic and wildlife resources and ecological balance in the region outside the immediate blast area. The chapter is intended to protect the quality of life and the homes of residents, neighborhoods, property, groundwater, wildlife resources, scenic beauty and/or businesses, all lying outside the approved work area and potentially affected by the blasting.

E. It is intended to be effectively and efficiently administered without causing undue financial and administrative hardship to blasting operators.

F. This chapter is enacted pursuant to 30-A M.R.S.A. § 3001, Ordinance power, as well as the City's Home Rule authority under the Maine Constitution, and shall be administered by the Planning, Permitting, and Code Department.

G. The city planning, permitting, and code department shall have authority to enforce all requirements of this Chapter in accordance with section 60-1403.

Sec. 14-701. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air overpressure means an airborne shock wave resulting from detonation of explosives. Air overpressure may be caused by burden movement or the release of expanding gas into the air. Air overpressure may or may not be audible.

Applicant means the owner or other individual, corporation or other business entity who or which applies for the legal right to conduct blasting at real property which it has the legal right to use.

Blast site means the area where explosive material is handled during the loading of drilled blastholes, including the perimeter formed by the loaded blastholes and 50 feet in all directions from loaded blastholes.

Blast size means, for a

A. Small blast: trench blast or under 50 cubic yards of rock removed.

B. Medium blast: removal of 50 to 300 cubic yards of rock material.

C. Large blast: removal of over 300 cubic yards of rock material.

Blaster means an applicant who has been awarded a permit to conduct blasting.

Blasting means the use of explosives to break up or otherwise aid in the extraction or removal of rock or other consolidated material.

Blasting operations means all processes conducted in association with site or other preparation for blasting, and the detonation of explosives.

Decibel means the unit of sound pressure commonly used to measure air overpressure from explosives. The decibel scale is logarithmic.

Explosives means any substance, chemical compound or mechanical mixture that is used for the purpose of producing an explosion to fragment rock for mining, quarrying, excavation and construction. Initiating devices (detonators, detonating cords, etc.) are also included under this definition.

Extractive industry means any operation engaged in the removal of more than 20 cubic yards, in a twelve-month period, of topsoil, sand, gravel, clay, rock, peat or other like material from its natural location and for transportation off lot within any twelve-month period, except as may be exempted within the extractive industry performance standards in this chapter.

Flyrock means rock that is propelled through the air or along the ground, which leaves the secured blast area as a result of the detonation of explosives.

Ground vibrations means the energy from a blast that manifests itself in vibrations which are transmitted through the earth away from the immediate blast site. Ground vibrations are to be measured along three principal axes (x, y, z); namely, transverse, vertical, and longitudinal, all of which are subject to the performance standards herein.

Groundwater means water beneath the earth's surface often between saturated soil and rock that supplies wells and streams.

Hertz means a term used, in the case of blasting, to express the frequency of ground vibrations and air overpressure. One hertz is one cycle per second.

Particle velocity means a measure of ground vibration in the case of blasting. Particle velocity describes the velocity at which a particle of ground vibrates when excited by a seismic wave. It is measured in inches per second.

Pre-blast Survey means an inspection of the dwellings, water supplies, and other structures within the blasting notice area for the purpose of documenting the physical conditions prior to the commencement of blasting.

Quarry means the property designated in the application and permit where rock is excavated in an extractive industry operation.

Secured blast area means the area that may be affected by flyrock, dust, or fumes from an explosion that may cause personal injuries, damage to property, or losses in the process. The minimum distance for personnel is 500 feet. Safe distances will be determined based on conditions for each blast by the blasting foreman or designee.

Seismograph means an instrument that measures and has the capability to provide a permanent record of hertz and decibel readings concerning ground vibrations caused by blasting.

Source water means bodies of water (such as rivers, streams, lakes, reservoirs, springs, and ground water) that provide water to public drinking-water supplies and private wells.

Sec. 14-702. - Blasting permit required; effect on other regulations.

A. No blasting within the City of Auburn shall be allowed unless a permit has been obtained from the city planning, permitting, and code department, except as otherwise exempted per this chapter.

B. The requirements of this chapter are in addition to any other applicable ordinances, regulations, and statutes. This includes adherence to the standards set forth in NFPA 495. Where different standards are contained within these documents or any other relevant regulations, the more restrictive standards shall apply

C. This chapter does not replace or negate federal and/or state requirements pertaining to explosives including OSHA CFR 1923.900 and 1910.109

Sec. 14-703. - Permit requirements.

A. Blasting permit required.

(1) The following shall require a permit:

(a) Site plan/subdivisions. If the Planning Board determines that a project involves or may require blasting, it shall expressly state and set out in its conditions of approval for such project that the applicant/developer secure from the director of the city planning, permitting, and code department, or their designee, a proper blasting permit in advanced of blasting, and as required herein.

(b) General construction. For any specific construction project, whether reviewed or not reviewed by the Planning Board as part of site plan or subdivision, that is found to need blasting at any time, the owner/developer, or responsible general contractor, shall secure a blasting permit, as described herein, from the director of the city planning, permitting, and code department, or their designee, prior to any blasting.

(c) Extractive industry and gravel pits. Any party who operates a gravel pit or who otherwise engages in extractive industry or earth removal operations shall secure from the director of the city planning, permitting, and code department, or their designee, a blasting permit, as described herein, prior to any blasting.

(d) All other blasting locations. Any other person or party, regardless of prior review, and regardless of purposes, that may need to conduct blasting shall be required to obtain a blasting permit, as described herein, from the city planning, permitting, and code department.

(2) No person or party may conduct any blasting within the boundaries of the City of Auburn without first having obtained review and approval from the director of the city planning, permitting, and code department, or their designee.

B. Notice required.

(1) Blasting activities for Extractive Industries and Quarries shall require an application for a permit to conduct blasting operations at least 30 days prior to conducting blasting or drilling. The application for permit to conduct blasting shall contain the information described in Paragraph C, referred to as the “blast plan”

(a) Following the issuance of permit, notice of the blasting shall be made public in at least one newspaper of general circulation in the area at least 10 days before initiation of blasting at the site.

(b) Annually thereafter, extractive industry sites and quarries shall renew their permit by providing a new application at least 30 days prior to expiration of their permit.

(2) All other proposed blasting activities in the City of Auburn shall require an application for a permit to conduct blasting operations at least 14 days prior to conducting blasting or drilling. Notice of blasting to be given to the city planning, permitting, and code department, in writing, at least 10 business days prior to the proposed start of blasting. Notice of the blasting shall be made public in at least one newspaper of general circulation in the area at least 10 days before such blasting is scheduled to take place.

C. Blasting application information. All applications for permits to conduct blasting shall contain the following information, referred to as the "blast plan."

(1) Applicant: the applicant's name, address, daytime telephone number, fax number, and e-mail address.

(2) Owner's name, address, daytime telephone number, fax number, and e-mail address.

(3) Blasting contractor: the blasting contractor's name, address, daytime telephone number, fax number, and e-mail address (if other than the blaster). Contractor shall submit written evidence of license(s) held, experience and qualifications of the individual who will be responsible for loading and firing each shot.

(4) General contractor: the general contractor's name, address, daytime telephone number, fax number, and e-mail address.

(5) Work site: the street address and Tax Assessor's map and lot number for the proposed blasting activity. If the blast plan is for a property shown on a plan reviewed by the Planning Board, the blast area for which the permit is requested shall be included on the plan.

(6) Information about the blast plan to include the following:

(a) Purpose of blast: a brief description of the work for which the blasting activity is requested.

(b) Volume of material: the estimated number of cubic yards (measured in place) of material to be loosened or fragmented by blasting.

(c) Number of blasts: the estimated number of blasts required to loosen or fragment the specified amount of material.

(d) Blast period: the planned starting and ending dates of the blasting activity.

(e) Site diagram: a sketch or diagram showing the property where blasting will be conducted, including: the location of adjacent structures and distance to those structures; description and location of blasting signs.

(f) Description of test blast drill pattern.

(g) Explosives to be used during both wet and dry conditions.

(h) Description of matting that will be used to prevent flyrock.

(i) Type, number, and planned locations of seismograph, and any other instrumentation proposed for use to monitor vibrations and air overpressures.

(j) Description of proposed transport and storage of explosives.

(k) Description of safety procedures, security measures, and warning procedures to be employed before, during and after the blast period.

(l) Signature of blasting contractor testifying to the accuracy of the blast plan.

(m) Dig safe number

D. Liability insurance. Blasting contractors and/or applicants shall carry general liability insurance in accordance with the following:

(1) The amount insured must be a minimum amount of $2,000,000 combined single limit per occurrence.

(2) The insurance policy must contain specific reference to blasting as an activity covered by the insurance.

(3) The policy shall indemnify and hold harmless the City, its agents and/or representatives, employees, and residents from and against any or all claims, damages, losses and expenses including legal fees arising out of or resulting from performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury or death, or to injury to or destruction to tangible personal or real property, including the loss of use, resulting in whole or in part from the blasting activity by any negligent act or omission of the contractor or any of its officers, agents, employees, representatives, subcontractors, and/or anyone directly or indirectly employed by any of them or anyone for whose acts any of them would be liable regardless of whether it is caused in part by a party indemnified hereunder and the contractor shall, at its own expense, defend and protect said indemnified parties against all such claims and demands.

(4) The City shall be named as a certificate holder to ensure the liability insurance is maintained throughout the duration of the blasting operation. The certificate must provide that the City of Auburn shall be notified at least 10 days prior to any cancellation

E. Public hearing. A public hearing is not required prior to the issuance of a blasting permit by the director of the city planning, permitting, and code department, or their designee.

F. Fees. Fees for blasting permits shall be as determined, and amended from time to time, by City Council order.

G. Permit duration.

(1) Extractive Industries and Quarry permits shall be valid for one year. No blasting after one year shall occur except as permitted herein.

(2) All other blasting permits shall be valid for a period of 90 days. No blasting after 90 days shall occur except as permitted herein.

(3) Lapse and extension. Any party that does not complete its blasting within the defined permit period may apply to the director of the city planning, permitting, and code department, or their designee, for a reasonable extension, not to exceed 60 days. The director shall have full discretion as to the length and condition of any extension. If the ninety-day period lapses prior to a request for extension, the director may require that the

party reapply for a new blasting permit.

H. Notice and pre-blast survey.

(1) The following notification and pre-blast survey requirements shall be required for all blasting permits prior to commencing blasting:

	Small blast (feet)	Medium blast (feet)	Large blast (feet)
Notice required	500	700	900
Pre-blast survey to be offered	100	300	500

(2) The blasting contractor will hire an independent qualified seismologist, blasting consultant or engineer to perform pre-blast surveys on all structures and wells in the areas outlined in Subsection H(1) above, contingent upon property owner agreement. The independent seismologist or blasting consultant shall not be an employee of the contractor, subcontractor, explosives manufacturer, or explosives distributor.

(3) Pre-blast survey offer notice: Prior to commencement of the pre-blast surveys, the blasting contractor shall provide the following documentation to the city planning, permitting, and code department:

(a) A list of property owners to be contacted (in accordance with the distances listed in the table above).

(b) Verification that the subject property owners were notified of the pre-blast survey work.

(c) A copy of the pre-blast survey offer notice.

(d) Whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response. The blasting contractor shall retain a copy of each pre-blast survey offer notice for their records until the development project receives a final certificate of occupancy or is otherwise deemed complete by the City. Nothing herein shall be construed to discourage repeated efforts by the blasting contractor to contact eligible property owners via phone, hand delivery, or other method in addition to provision of the required offer notice letter.

(4) Pre-blast survey documentation. All pre-blast surveys shall include documentation of interior subgrade and above-grade accessible unobscured walls, ceilings, floors, roof and visible exterior as viewed from the grade level. Where significant cracks or damage exist, or for more complex structural defects, photographs or video shall be taken. A high-quality digital video or videotape survey with appropriate audio description of the locations, conditions, and defects may substitute for a written pre-blast survey. Where necessary, notes and sketches may also be used as part of a video pre-blast survey in order to highlight or elaborate on certain aspects of the video documentation.

(5) Pre-blast survey conditions report. All pre-blast surveys shall include an existing conditions report for each property. The conditions report may be presented as narrative, photographs, video or a combination thereof. Conditions reports shall summarize the condition of each building and define areas of concern, including deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that

are sensitive to vibrations.

(6) Verification that all pre-blast surveys and conditions reports have been completed shall be submitted to the city planning, permitting, and code department at least two weeks prior to commencing any drilling and/or blasting operations.

(7) The blasting contractor shall maintain a copy of the pre blast survey conditions report for a minimum of six years after the conclusion of blasting.

(8) The blasting contractor shall make a copy of the pre-blast survey conditions report available to the property owner.

Sec. 14-704. - Performance standards.

All blasters shall comply with the following performance standards:

A. Hours of detonation.

(1) Extractive industry blasting. Hours of detonation are limited to between 10:00 a.m. and 5:00 p.m., Monday through Friday inclusive, excluding the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

(2) All other blasting. Hours of detonation are limited to between sunrise and sunset but no earlier than 7:00 a.m. and no later than 7:00 p.m., Monday through Friday inclusive, excluding the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving and Christmas, unless otherwise more restrictive hours of detonation are specified by the Planning Board.

(3) Emergency situations. Blasting of any type may occur at any time in situations deemed to be emergencies by the director of the city planning, permitting, and code department, or their designee, after consultation with other City staff as may be determined to be necessary by the director. Emergency situations may include, but are not limited to, blasting to install utilities damaged by weather events, unanticipated needs for blasting to complete City infrastructure project when the delay would significantly affect project timelines or City services, or blasting to correct a misfire of explosives in an otherwise permitted blast event.

(4) In consideration of the safety hazards and community concerns associated with adverse weather conditions, this ordinance permits the adjustment of blasting operations in response to lightning-related disruptions, wind-related community concerns, and atmospheric conditions, including pressure variations. When such conditions are present, operators are authorized to modify the timing and duration of blasting activities as necessary to ensure the safety of all personnel, minimize impacts on the surrounding community, and maintain compliance with regulatory requirements. Any adjustments made must be promptly communicated to the appropriate authorities and property owners.

B. Water quality protection. Water is a precious resource, and the applicant must take measures to ensure that the quality of source water is protected. Prior to the initial blast, the applicant must offer water quality tests on all non-applicant-owned wells within distances outlined in Sec. 14-703(H) above. Water quality testing must also be completed post-blast if requested by the property owner because of evidence of a substantive change in water quality. Turbidity in wells tested shall be no greater than that which existed prior to the blasting as established in the pre-blast survey.

C. Ground vibration, Air Overpressure, Flyrock and Gases

(1) Ground vibration, Air Overpressure, Flyrock and gases shall be controlled and shall not exceed the limits defined in NFPA 495.

(2) Measurements shall be required for all blasts. Ground vibration shall be measured as particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions (x, y, z). The maximum allowable peak particle velocity shall apply to each of the three measurements. Any blast made with less than 25 pounds of explosives in an Extractive Industry or Quarry operation which occurs more than 500 feet from a structure, building, or source water is exempt from this seismological measurement requirement.

(3) Seismographic record. A seismographic record for all blasts shall be retained by the applicant and provided to the city planning, permitting, and code department or the Planning Board, if requested. The applicant is responsible for such record and for providing proper instrumentation as specified in this chapter. Personnel conducting such monitoring shall be properly trained in the operation of the equipment being used.

(4) Measurements. The requirements established herein shall be measured at the closest building(s) on abutting properties as determined by the director of the city planning, permitting, and code department, or their designee,

D. Other permits. The applicant must also comply with all standards and conditions contained in other permits issued for such projects and local, state and federal statutes and regulations.

E. Blasting seismographs used to monitor ground vibrations and air overpressure shall comply with the ISEE document, “Performance Specifications for Blasting Seismographs” and all seismographs shall be deployed in the field according to ISEE document, “Field Practice Guidelines for Blasting Seismographs.”

Sec. 14-705. – Notices.

A. Required notification of blasting for Quarry Operations.

(1) Initial notice. State licensed quarry operations are subject to public notification and public hearing processes prior to State licensure. This initial notification is to serve as notice to residents of the commencement of blasting at a new quarry site. The blaster must send, by first-class mail an advisory notice to all property owners within 2,000 feet of the secured blasting area. Notifications shall be mailed no later than 10 calendar days and no earlier than 14 calendar days prior to the initiation of blasting. A certificate of mailing shall be submitted to the city planning, permitting, and code department as verification that said mailings were done. Said notice must include the description of the blasting signals to be utilized during the operation. The blaster of either an earth removal operation or other project must provide notice to a property owner who has made a written request to the blaster.

(2) Twenty-four-hour notice. Prior to every blast, the blaster shall notify all property owners within 2,000 feet of the production quarries. Such notification shall be given by telephone, or by door hangers on the door of the residence or business, between 24 hours and 48 hours prior to the blast. The notification shall state the time the blast is proposed to occur, and the blast may occur as early as one hour prior to the noticed time and as late as one hour after the noticed time. The burden of proof of notification is the responsibility of the blaster.

B. Required notification of blasting for all other blasting. The following notice requirements for any

blast requiring a blasting permit shall be adhered to by the blaster.

(1) Initial notice. The blaster must send initial notice by first-class mail an advisory notice to all property owners within the distances outlined in Sec. 14-703H(1) of the secured blasting area. Notification shall be mailed no later than 10 calendar days and no earlier than 14 calendar days prior to the initiation of blasting. A certificate of mailing shall be submitted to the city planning, permitting, and code department as verification that said mailings were done. Said notice must include the description of the blasting signals to be utilized during the operation. The blaster of either an earth removal operation or other project must provide notice to a property owner who has made a written request to the blaster.

(2) Twenty-four-hour notice. Prior to every blast, the blaster shall notify all property owners within 300 feet of the secured blasting area. This will be done whether or not the property owners requested to be notified. The blaster shall also notify all others who have requested in writing to be so notified. Such notification shall be given by telephone, or by door hangers on the door of the residence or business, between 24 hours and 48 hours prior to the blast. The notification shall state the time the blast is proposed to occur, and the blast may occur as early as one hour prior to the noticed time and as late as one hour after the noticed time. The burden of proof of notification is the responsibility of the blaster.

C. **Emergency Services Notification:** The 911 dispatch center servicing the City of Auburn must be notified at least 24 hours prior to any explosive detonation. The notification shall include the address for the blast site as well as the anticipated start time for blasting and anticipated time that blasting will conclude for the day.

Sec. 14-706. - Inspection, monitoring, and recordkeeping.

A. Entry. The director of the city planning, permitting, and code department, or their designee, may enter the secured blasting area or adjacent area to conduct site evaluations and observe any authorized blasting operations and may order that additional ground vibration and air overpressure measurements using approved instrumentation be made by persons responsible for blasting operations to ensure that the limits specified in this chapter are not exceeded, if excess readings are indicated.

B. Additional monitoring. The blaster shall maintain a record of each blast. All records shall be retained at least three years following cessation of the blasting operation, and shall be available for inspection by the director of the city planning, permitting, and code department, or their designee, or any property owner within the distances outlined in Sec. 14-703H(1) of the secured blasting area, and shall contain the following minimum data for traceability purposes:

(1) Name and contact information of responsible party: the name and contact information of the person(s) responsible for the blasting operation.

(2) Location, date, time, number and pattern/spacing of blast holes, total charge weight, charge weight per delay, date and time of each blast.

(3) Blaster: the name(s) of blaster in charge.

(4) Weather: the weather conditions (including such factors as wind direction, cloud cover, etc.).

(5) Data: seismograph and air overpressure readings, including date, time, and location of instrument.

(6) Notice: name, addresses, date and time of all persons who were notified prior to every blast.

Sec. 14-707. - Compliance schedule.

A. Applicability. Upon adoption of this chapter, all existing and new blasting operations are subject to the terms herein and must obtain a permit to conduct any further blasting.

B. Review. A complete review of all activities under this chapter shall be undertaken by the director of the city planning, permitting, and code department 12 months after adoption of this chapter to determine if the levels are adequate and reasonable to achieve the purpose for which this chapter is intended. The results of this review shall be reported to the City Manager, who will report to the City Council with recommendations of the review.

Sec. 14-708. - Exceptions for undue hardship.

A. Application. Applications for a permit for exception from the performance standards designated in this chapter may, on the basis of hardship, be made to the director of the city planning, permitting, and code department, or their designee. Any permit granted hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective.

B. Standards. The director of the city planning, permitting, and code department, or their designee, may grant the exception as applied for only if:

(1) Limited in scope: the activity or operation will be of a temporary duration, i.e., a limited number of blasts at a specific site, and cannot be done in a manner that would comply with this chapter;

(2) Reasonable alternative: no other reasonable alternative is available to the applicants; and

(3) Safety: the applicants represent, and the director of the city planning, permitting, and code department, or their designee, finds, that blasting as permitted will not violate recognized safety standards.

C. Conditions. Upon the issuance of any exception permit, the director of the city planning, permitting, and code department, or their designee, may limit the scope of the exception and prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects.

Sec. 14-709. - Violations and penalties.

A. Penalties. The submission of false information required by this chapter, or the violation of this chapter or the violation of any condition attached to a permit granted under this chapter shall constitute a land use violation for which an enforcement action may be commenced by the City in accordance with 30-A M.R.S.A. § 4452.

B. Reporting. A copy of the violation report and consent agreement reached between the City and the person or entity found in violation of any portion of this chapter will be filed in the permit or license file.

Sec. 14-710. - Conflict.

Blasting in Auburn shall be conducted in compliance with all pertinent section of the City Code of Ordinances, and, except as superseded by the provision of this article, the NFPA 1 Fire Prevention

Code, and NFPA 495 Explosive Materials Code as adopted by the State of Maine. In any particular instance where these regulations are in conflict with any other rules, regulations or ordinances of the City, the more restrictive regulation or provision shall prevail.

Sec. 14-711. - Appeal of denial of a blasting permit.

If the city planning, permitting, and code department has denied a blasting permit under this article, the applicant may appeal the denial to the Zoning Board of Appeals within 30 days of the decision by filing a written notice of appeal.

Sec. 14-712 to 725 Reserved.

Monthly Financial Report
August 2024 - Fiscal Year 2025

Authored by: Kelsey Earle

To: Honorable Mayor, Members of the City Council and City Manager
Subject: Financial Report for the Month Ending August 31, 2024

I respectfully submit the financial summaries of the revenue and expenditure activities for the City during the month ending August 31, 2024.

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

General Fund Highlights

Revenues

• Total revenues collected through August 2024 were **$7.51M** or **11.15%** of budgeted general fund revenue, as compared to 9.4**%** of actual revenues through August 2023.

- Total tax collection and EMS Transport fees have had a significant impact on the increase in revenue collected

Expenditures

• Expenditures through August 2024 were **$8.8M** or **8.25%** of the budget, as compared to 8.3**%** of actual expenditures through August 2023.

- No significant expenses are generally expected during the month of August, operating budgets are usually stable during this period

Respectfully submitted,

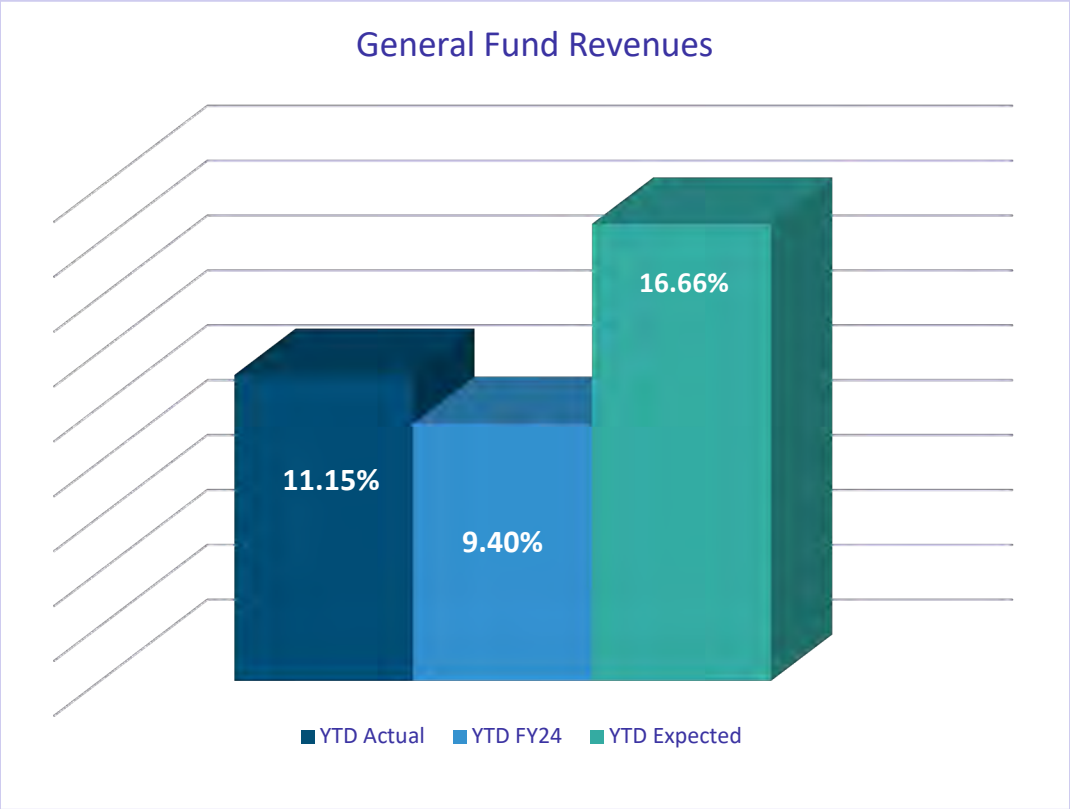
Kelsey L. D. Earle

Kelsey L. D. Earle
Finance Director

General Fund

for the Period Ended August 31, 2024

*Graph reflects current YTD with comparison to prior YTD and expected approximate percentage.



GENERAL FUND REVENUES - AUGUST 2024

		ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1006	Communications & Engagement	-65,000	0	0	-65,000	0.00%
1007	City Clerk	-308,860	-41,189	0	-267,671	13.34%
1008	Finance	-22,535,996	-6,967,065	0	-15,568,931	30.92%
1010	Planning & Permitting	0	-24,500	0	24,500	#DIV/0!
1012	Planning & Permittin	-183,400	-53,153	0	-130,247	28.98%
1014	Engineering	-20,450	-120	0	-20,330	0.59%
1015	Facilities	-104,000	-25,834	0	-78,167	24.84%
1021	Fire & EMS Transport	-100	0	0	-100	0.00%
1022	Police	-64,000	-4,182	0	-59,818	6.53%
1023	Fire EMS Transport	-1,700,000	-272,072	0	-1,427,928	16.00%
1032	Health and Social Serv Assist	-630,840	-125,839	0	-505,001	19.95%
1042	Public Works	-400,000	0	0	-400,000	0.00%
1070	Education	-41,368,735	0	0	-41,368,735	0.00%
	TOTAL General Fund Revenues	**-67,381,381.00**	**-7,513,953.56**	**0.00**	**-59,867,427.44**	**11.15%**

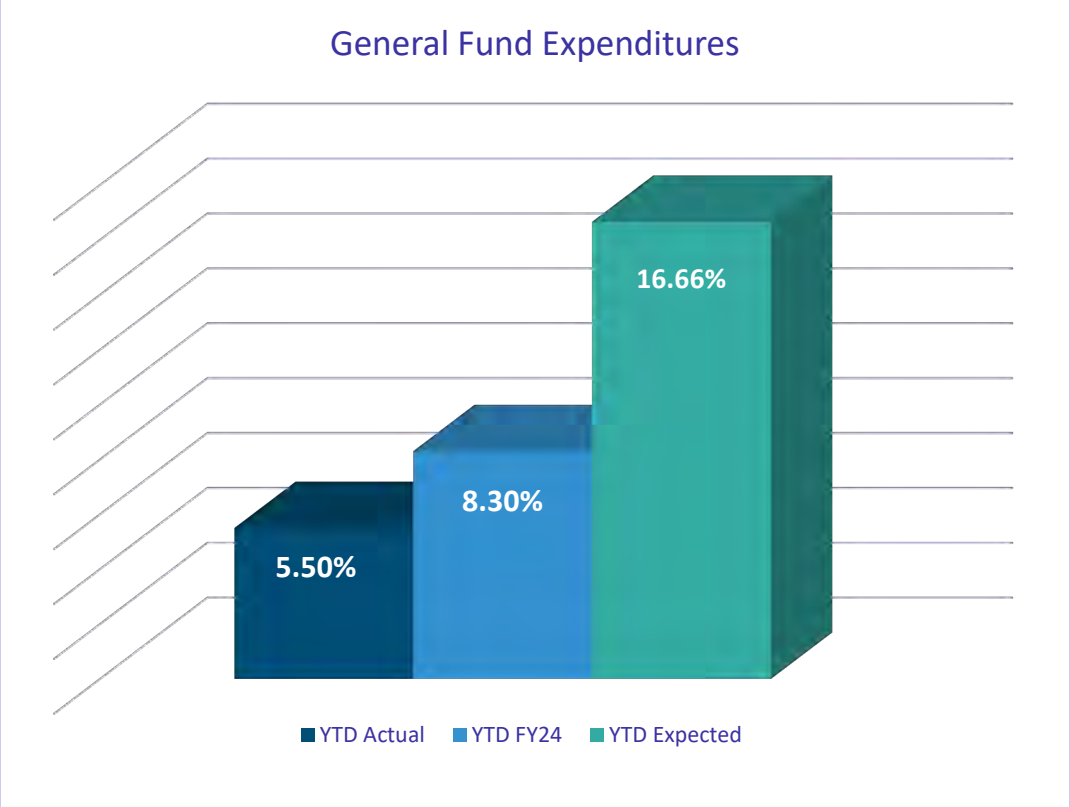
EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2024 - Aug 31,2024
Report as of August 31st, 2024

	Beginning Balance 8/1/2024	August 2024					Ending Balance 8/31/2024
		New Charges	Payments	Refunds	Adjustments	Write-Offs	
Attorney/In care of	**$ (16.75)**	$ 962.00	$ -	$ -	$ -	$ -	$ 945.25
Bluecross	**$ 78,745.25**	$ 8,298.00	$ (6,849.91)	$ -	$ 1,578.67	$ -	$ 81,772.01
Intercept	**$ (2,169.40)**	$ 100.00	$ (100.00)	$ -	$ -	$ -	$ (2,169.40)
Medicare	**$ 531,763.30**	$ 122,252.00	$ (64,800.41)	$ -	$ (107,651.54)	$ -	$ 481,563.35
Medicaid	**$ (189,295.19)**	$ 47,440.00	$ (54,235.06)	$ -	$ (41,125.23)	$ -	$ (237,215.48)
Other/Commercial	**$ 167,707.77**	$ 21,260.00	$ (28,238.80)	$ 679.40	$ (2,979.62)	$ -	$ 158,428.75
Patient	**$ (37,368.98)**	$ 6,530.00	$ (13,067.03)	$ 750.44	$ 1.70	$ 1,077.40	$ (42,076.47)
Worker's Comp	**$ (11,428.01)**	$ -	$ (2,561.80)	$ -	$ (375.70)	$ -	$ (14,365.51)
TOTAL	**$ 537,937.99**	**$ 206,842.00**	**$ (169,853.01)**	**$ 1,429.84**	**$ (150,551.72)**	**$ 1,077.40**	**$ 426,882.50**

General Fund

for the Period Ended August 31, 2024

*Graph reflects current YTD with comparison to prior YTD and expected approximate percentage.



GENERAL FUND EXPENDITURES - AUGUST 2024

		ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1004	Mayor and Council	178,800	33,370	0	145,430	18.66%
1005	City Manager	711,450	119,297	1,507	590,646	16.98%
1006	Communications & Engagement	378,966	43,583	19,728	315,655	16.71%
1007	City Clerk	335,291	41,130	0	294,161	12.27%
1008	Finance	1,351,064	264,470	0	1,086,594	19.57%
1009	Human Resources	280,420	39,678	0	240,742	14.15%
1010	Planning & Permitting	829,048	116,920	0	712,128	14.10%
1011	Economic Development	135,461	29,448	0	106,013	21.74%
1012	Planning & Permittin	0	500	0	-500	#DIV/0!
1013	Business & Community Developme	804,568	82,937	0	721,631	10.31%
1014	Engineering	363,646	80	0	363,566	0.02%
1015	Facilities	1,874,151	58,667	149,160	1,666,324	11.09%
1016	Worker's Compensation	719,025	0	0	719,025	0.00%
1017	Fringe Benefits & Salary Incre	8,212,715	1,249,949	0	6,962,766	15.22%
1019	Debt Service	9,772,812	0	0	9,772,812	0.00%
1020	Capital Investment and Purchas	0	74,109	-9,986	-64,124	#DIV/0!
1021	Fire & EMS Transport	6,634,967	971,872	-1,098	5,664,193	14.63%
1022	Police	5,517,652	726,860	66,152	4,724,640	14.37%
1025	Information Technology	1,039,215	328,939	25,808	684,468	34.14%
1030	Recreation and Sports Tourism	590,866	89,677	4,000	497,189	15.85%
1032	Health and Social Serv Assist	901,200	134,770	0	766,430	14.95%
1042	Public Works	6,368,936	743,039	209,882	5,416,015	14.96%
1043	Solid Waste Disposal	1,616,500	152,337	0	1,464,163	9.42%
1045	County Tax	3,117,240	3,117,240	0	0	100.00%
1046	PW School Maint & Custodial	3,745,487	230,173	1,009,864	2,505,450	33.11%
1049	Auburn Art in the Park	25,000	0	0	25,000	0.00%
1050	Public Library	1,199,897	199,983	0	999,914	16.67%
1051	Transfer to TIF	3,049,803	0	0	3,049,803	0.00%
1052	Water & Sewer	840,280	0	0	840,280	0.00%
1053	Tax Sharing	260,000	0	0	260,000	0.00%
1054	Auburn-Lewiston Airport	205,000	-9,778	0	214,778	-4.77%
1056	LA Transit Committee	458,502	0	0	458,502	0.00%
1057	LA-911	1,380,000	0	0	1,380,000	0.00%
1070	Education	62,123,472	0	0	62,123,472	0.00%
	TOTAL General Fund Expenses	**125,021,434**	**8,839,251**	**1,475,018**	**114,707,166**	**8.25%**

BALANCE SHEET FOR 2025 Period 2 (August)

FUND: 1000 General Fund			NET CHANGE FOR PERIOD	ACCOUNT BALANCE
ASSETS				
	TOTAL ASSETS		48,618,577.28	79,413,880.58
LIABILITIES				
	TOTAL LIABILITIES		-49,765,663.93	58,375,860.76
FUND BALANCE				
1000	037000	Ctrl Total - Encumbrances	1,041,286.87	1,908,825.83
1000	037100	Assinged Fund Balance	.00	-1,951,394.00
1000	037102	Nonspendable Fund Balance	.00	-689,263.00
1000	037103	Restricted Fund Balance	.00	-2,309,553.00
1000	037104	Unassinged Fund Balance	.00	-17,932,496.61
1000	037105	FB RESTRICTED SCHOOL	.00	536,000.00
1000	037201	CTRL TOTAL-BUD FB DESIGNATED	-1,041,286.87	-1,908,825.83
1000	047000	Ctrl Total - Revenues	-5,344,574.99	-7,530,040.86
1000	057000	CTRL TOTAL-EXPENDITURES	6,491,661.64	8,836,648.37
	TOTAL FUND BALANCE		1,147,086.65	-21,040,099.10
TOTAL LIABILITIES + FUND BALANCE			-48,618,577.28	-79,415,959.86

Norway Savings Bank Arena

for the Period Ended August 31, 2024

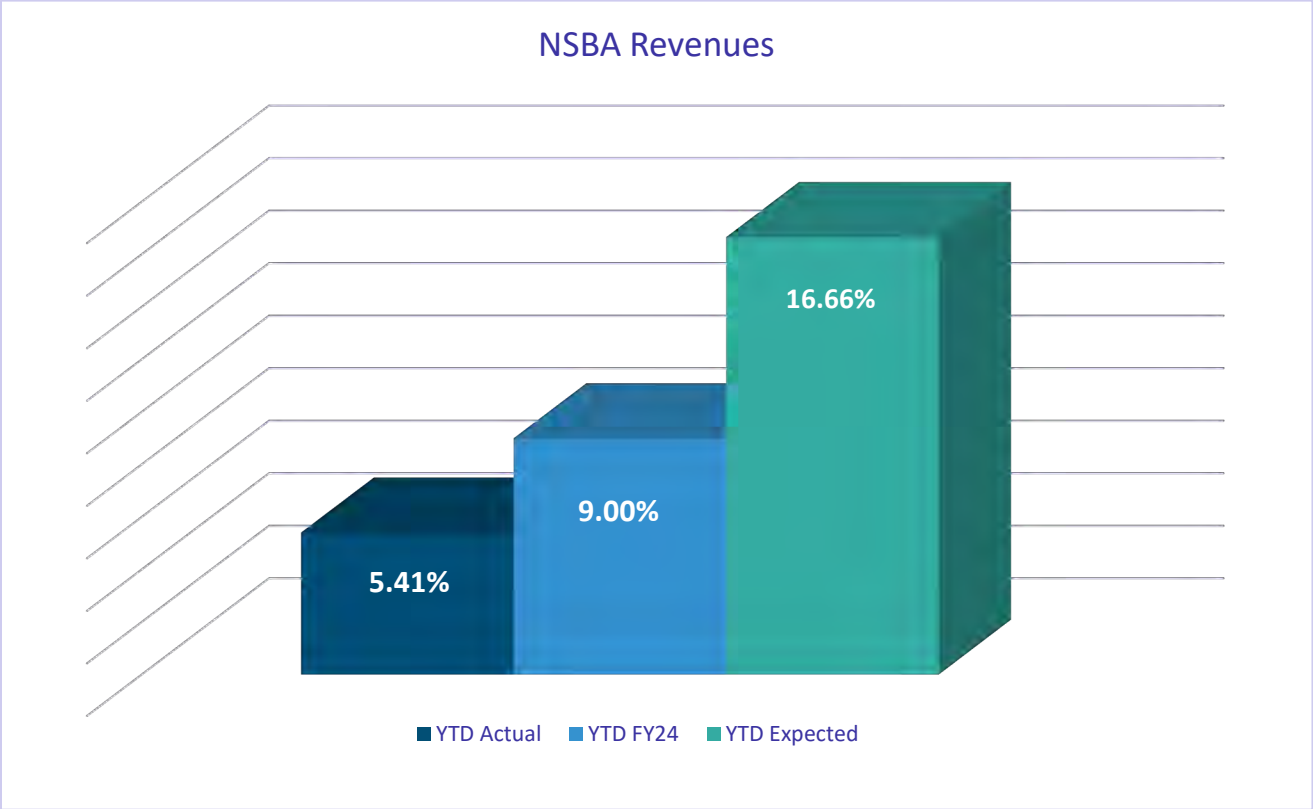
As of August 2024, Norway Arena had an operating loss fiscal YTD of $32,308.

Revenues:

The operating revenues for Norway Arena through August 2024 are $59,475 or 5.41% of the budget as compared to 9.00**%** of actual revenues through August 2023. This revenue comes from concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals.

- Ice rentals began earlier last year, the current rink project is almost complete

*Graph reflects revenues for the current year with comparison to expected approximate percentage.



NSBA REVENUES - AUGUST 2024

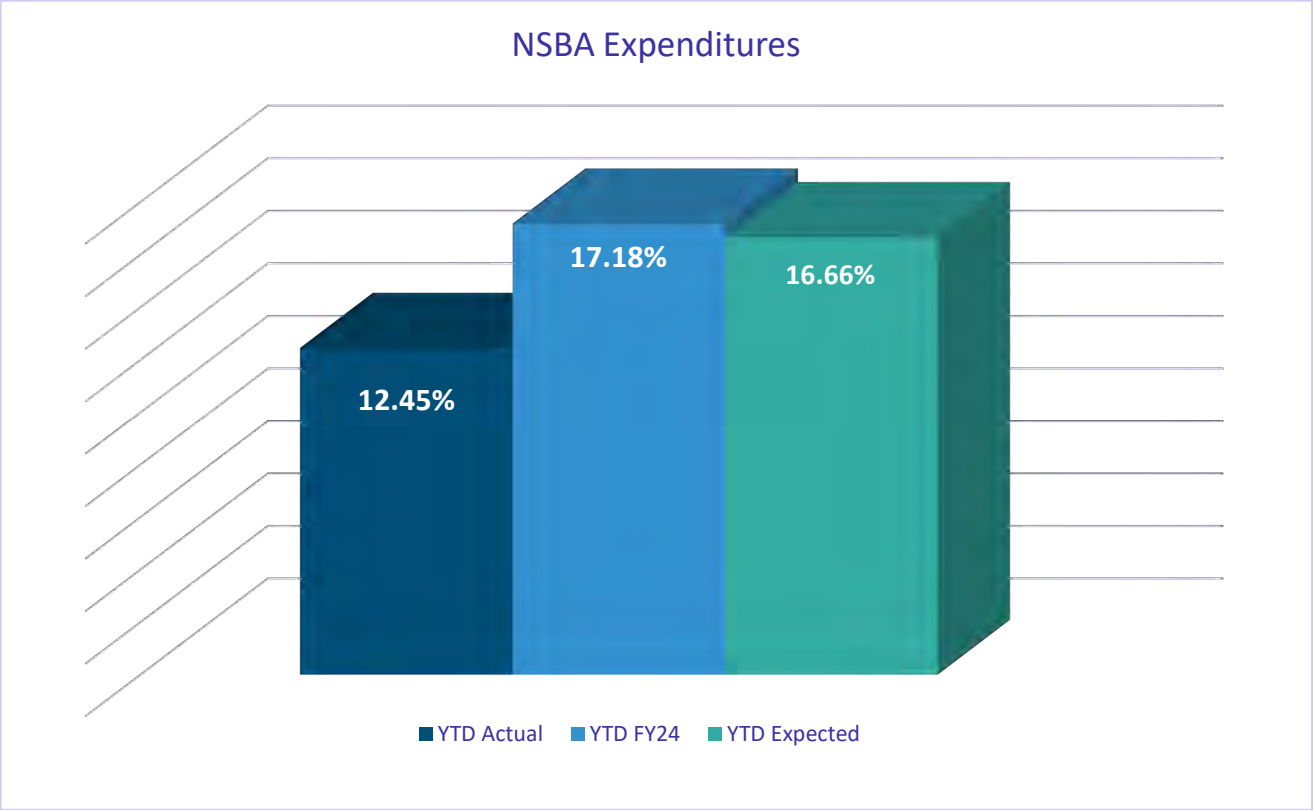
	ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6200 4201 Ice Rental-Gladiators	-280,000.00	0.00	0.00	-280,000.00	0.00%
6200 4202 Ice Rental-Edward Little	-22,500.00	0.00	0.00	-22,500.00	0.00%
6200 4203 Ice Rental-Red Hornets	-18,500.00	0.00	0.00	-18,500.00	0.00%
6200 4205 Ice Rental-St Doms (B & G)	-35,000.00	0.00	0.00	-35,000.00	0.00%
6200 4206 Ice Rental-Poland/Gray NG	-18,500.00	0.00	0.00	-18,500.00	0.00%
6200 4207 Ice Rental-CMCC	-22,500.00	0.00	0.00	-22,500.00	0.00%
6200 4208 Ice Rental-SMMHL	-2,000.00	0.00	0.00	-2,000.00	0.00%
6200 4209 Ice Rental-Adult Leagues	-162,000.00	-11,280.00	0.00	-150,720.00	6.96%
6200 4210 Ice Rental-Youth Other	-33,800.00	-2,230.00	0.00	-31,570.00	6.60%
6200 4211 Ice Rental-HS/MS Other	-28,600.00	-1,116.00	0.00	-27,484.00	3.90%
6200 4215 Freestyle-Figure Skating	-7,500.00	-150.00	0.00	-7,350.00	2.00%
6200 4220 Camps/Clinics	-45,000.00	-6,860.00	0.00	-38,140.00	15.24%
6200 4221 Tournaments	-75,000.00	0.00	0.00	-75,000.00	0.00%
6200 4222 Birthday Party Rentals	0.00	0.00	0.00	0.00	0.00%
6200 4223 Private Rentals	-30,000.00	-5,050.00	0.00	-24,950.00	16.83%
6200 4224 Public Skate	-25,000.00	0.00	0.00	-25,000.00	0.00%
6200 4225 Shinny Hockey	-4,000.00	0.00	0.00	-4,000.00	0.00%
6200 4240 Programs	-20,000.00	0.00	0.00	-20,000.00	0.00%
6200 4250 Non Ice & Facility Rent	-40,000.00	-3,041.25	0.00	-36,958.75	7.60%
6200 4252 Skate Rentals	-3,000.00	0.00	0.00	-3,000.00	0.00%
6200 4260 Concession	-21,000.00	0.00	0.00	-21,000.00	0.00%
6200 4261 Pepsi Vending Machines	-3,000.00	-498.22	0.00	-2,501.78	16.61%
6200 4265 Pro Shop	-7,000.00	0.00	0.00	-7,000.00	0.00%
6200 4270 Sponsorships	-195,000.00	-29,250.00	0.00	-165,750.00	15.00%
6200 4271 Sign Advertisement	0.00	0.00	0.00	0.00	0.00%
6200 429000 Events	0.00	0.00	0.00	0.00	0.00%
TOTAL NSBA Revenues	**-1,098,900.00**	**-59,475.47**	**0.00**	**-1,039,424.53**	**5.41%**

Expenditures:

The operating expenses for Norway Arena through August 2024 were $91,783 or 12.45% of the budget as compared to 17.18**%** of actual expenditures through August 2023. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

- Vehicle repairs have exceeded the amount budgeted for the year due to extensive repair and maintenance on the ice resurfacer.

*Graph reflects expenditures for the current year with comparison to expected approximate percentage.



NSBA EXPENDITURES - AUGUST 2024

	ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6200 611000 Regular Salaries	311,032.00	56,015.28	0.00	255,016.72	18.01%
6200 612000 Part Time	60,000.00	8,837.81	0.00	51,162.19	14.73%
6200 612008 Programs	10,000.00	462.50	0.00	9,537.50	4.63%
6200 620000 Advertising	2,000.00	0.00	0.00	2,000.00	0.00%
6200 628000 PS - Gen/Professional	12,000.00	0.00	0.00	12,000.00	0.00%
6200 628003 PS - Drug Testing	400.00	0.00	0.00	400.00	0.00%
6200 628014 PS - Solid Waste Disposal	600.00	69.59	0.00	530.41	11.60%
6200 628019 Repairs - Buildings	50,000.00	1,600.08	0.00	48,399.92	3.20%
6200 628020 Repairs - Vehicles	4,000.00	5,623.51	0.00	-1,623.51	140.59%
6200 628021 Repairs - Equipment	4,000.00	0.00	2,440.00	1,560.00	61.00%
6200 628051 PS-Cleaning Services	20,000.00	1,330.00	18,670.00	0.00	100.00%
6200 628070 PS-Security	4,900.00	0.00	0.00	4,900.00	0.00%
6200 629000 Training & Tuition	5,000.00	0.00	0.00	5,000.00	0.00%
6200 632000 Dues & Subscriptions	7,412.00	7,500.00	1,350.00	-1,438.00	119.40%
6200 633000 Office Supplies	2,000.00	0.00	0.00	2,000.00	0.00%
6200 633001 Operating Supplies	70,000.00	7,392.91	7,100.00	55,507.09	20.70%
6200 633002 ADVERTISITNG SIGNS	3,000.00	8.00	0.00	2,992.00	0.27%
6200 633021 Safety Equipment	4,000.00	40.31	0.00	3,959.69	1.01%
6200 640000 Telephone	5,000.00	610.28	0.00	4,389.72	12.21%
6200 640001 Cable	2,500.00	535.68	0.00	1,964.32	21.43%
6200 641000 Water/Sewer	46,000.00	0.00	0.00	46,000.00	0.00%
6200 641001 Natural Gas	42,153.00	1,662.86	0.00	40,490.14	3.94%
6200 641002 Electricity	220,000.00	0.00	0.00	220,000.00	0.00%
6200 641003 Bottled Gas	5,000.00	93.75	0.00	4,906.25	1.88%
6200 642000 Postage	150.00	0.00	0.00	150.00	0.00%
6200 645000 Insurance Premiums	43,223.00	0.00	0.00	43,223.00	0.00%
6200 650000 Capital Outlay	40,000.00	0.00	0.00	40,000.00	0.00%
TOTAL NSBA Expenses	**974,370.00**	**91,782.56**	**29,560.00**	**853,027.44**	**12.45%**

Ingersoll Turf Facility

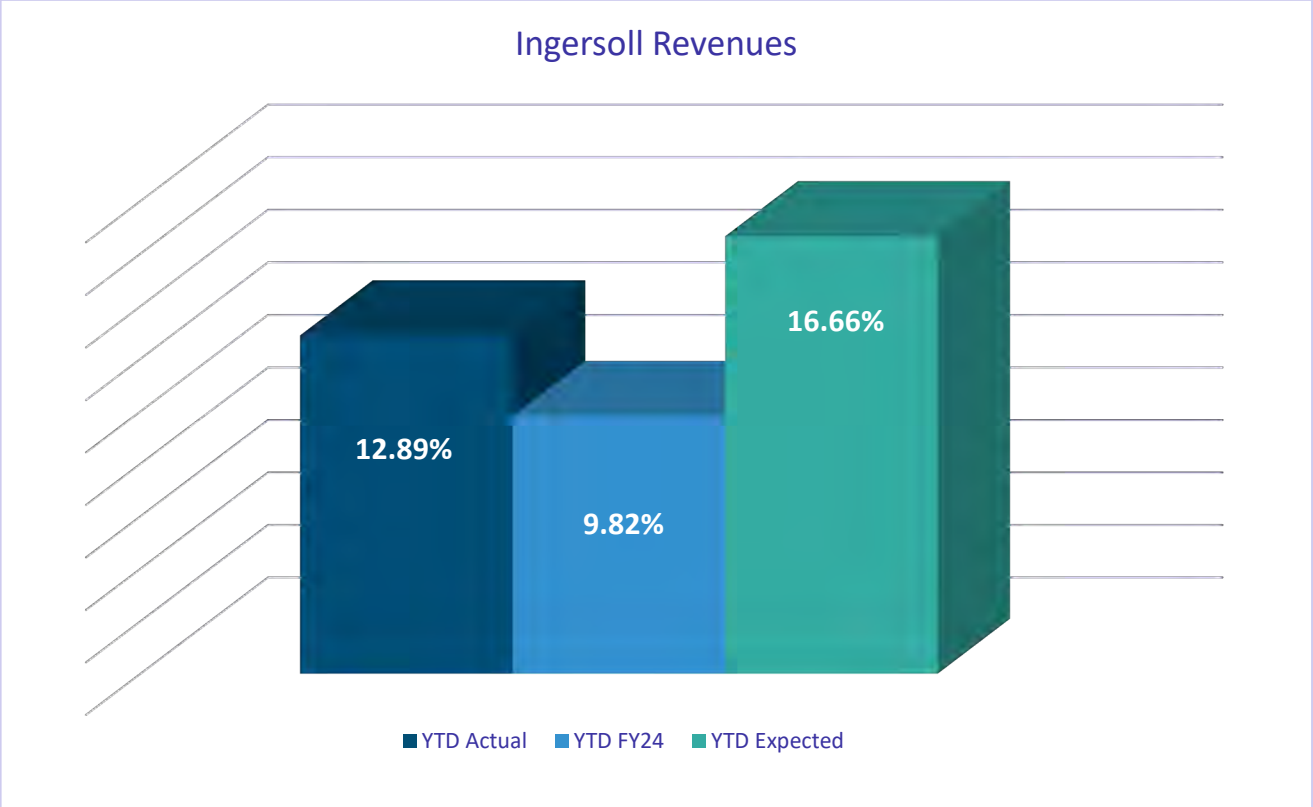
for the Period Ended August 31, 2024

As of August 2024, Ingersoll had an operating gain YTD of $16,574. Of note, revenue to expenditure comparison is disproportionate as some expenditures are listed under the Recreation department budget, and regular salaries under Public Works.

Revenues:

The operating revenues for Ingersoll through August 2024 are $17,074 or 12.89% of the budget as compared to 9.82**%** of actual revenues through August 2023. This revenue comes from sponsorships, programs, rental income, and batting cages.

*Graph reflects revenues for the current year with comparison to expected approximate percentage.



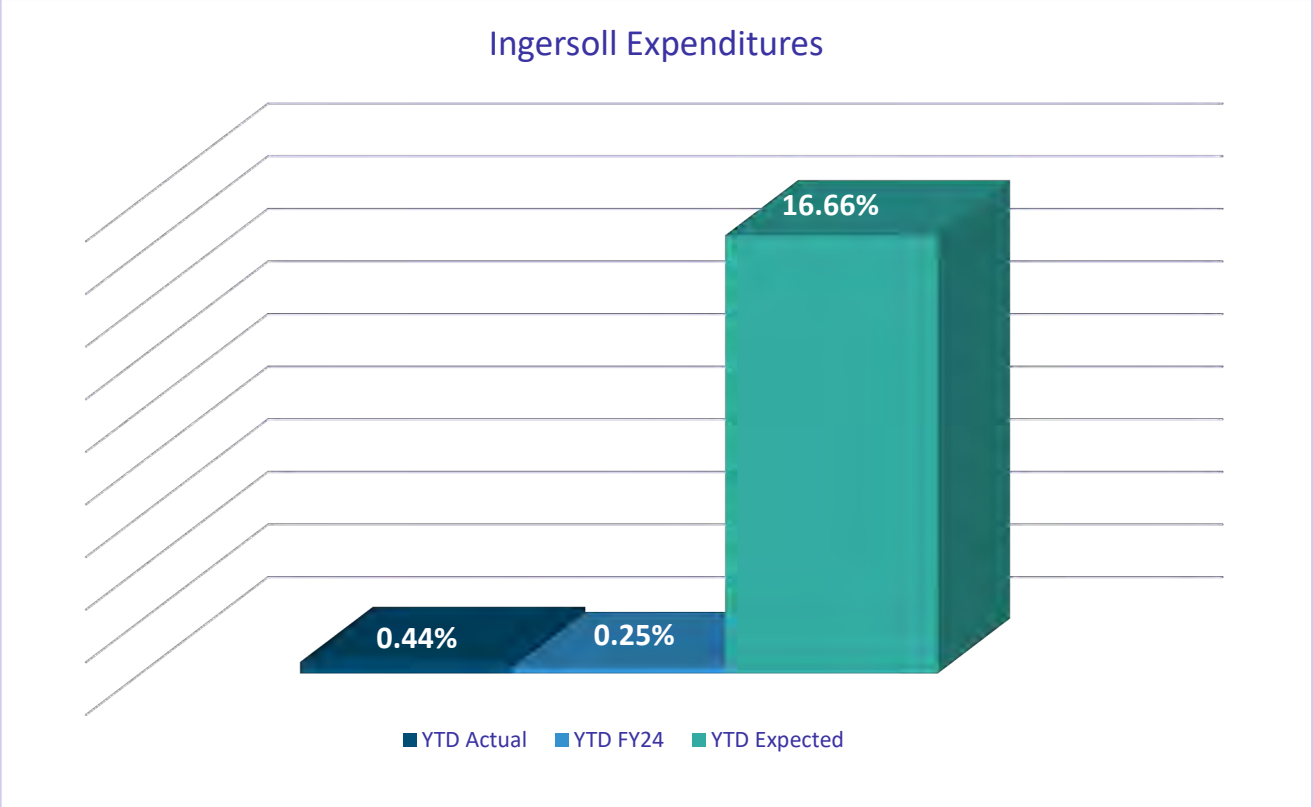
INGERSOLL REVENUES - AUGUST 2024

	ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6100 420070 Sponsorship	-20,000.00	-1,500.00	0.00	-18,500.00	13.33
6100 420800 Batting Cages	-18,000.00	-2,585.00	0.00	-15,415.00	6.96
6100 420903 Programs	-42,000.00	0.00	0.00	-42,000.00	0.00
6100 420903 TF01 Programs-Adult Co-Ed Soccer	0.00	0.00	0.00	0.00	0.00
6100 420903 TF02 Youth Softball	0.00	0.00	0.00	0.00	0.00
6100 420903 TF03 High School Soccer League	0.00	0.00	0.00	0.00	0.00
6100 420903 TF04 Birthday Parties	0.00	-340.00	0.00	340.00	0.00
6100 420903 TF05 Senior Walking	0.00	0.00	0.00	0.00	0.00
6100 420903 TF06 Sports Clinics	0.00	0.00	0.00	0.00	0.00
6100 422000 Investment Income	0.00	-898.66	0.00	898.66	0.00
6100 429010 Rental Income	-140,000.00	-11,750.00	0.00	-128,250.00	11.91
TOTAL Ingersoll Revenues	**-220,000.00**	**-17,073.66**	**0.00**	**-202,926.34**	**12.89**

Expenditures:

The operating expenses for Ingersoll through August 2024 were $500 or 0.44% of the budget as compared to 0.25**%** of actual expenditures through August 2023. These expenses include supplies, repairs, capital purchases and maintenance. Many expenses are now budgeted under Recreation.

*Graph reflects expenditures for the current year with comparison to expected approximate percentage.



INGERSOLL EXPENSES - AUGUST 2024

	ORIGINAL APPROP	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6100 611000 Regular Salaries	40,000.00	0.00	0.00	40,000.00	0.00%
6100 612000 Part Time	25,000.00	135.35	0.00	24,864.65	0.54%
6100 620000 Advertising	500.00	0.00	0.00	500.00	0.00%
6100 628000 PS - Gen/Professional	5,300.00	0.00	0.00	5,300.00	0.00%
6100 628019 Repairs - Buildings	20,000.00	0.00	0.00	20,000.00	0.00%
6100 629000 Training & Tuition	500.00	0.00	0.00	500.00	0.00%
6100 629001 Travel - Mileage Reimbursement	200.00	0.00	0.00	200.00	0.00%
6100 632000 Dues & Subscriptions	500.00	0.00	0.00	500.00	0.00%
6100 633000 Office Supplies	500.00	0.00	0.00	500.00	0.00%
6100 633003 Janitorial Supplies	2,000.00	247.76	0.00	1,752.24	12.39%
6100 633033 Program Expenses	16,300.00	0.00	0.00	16,300.00	0.00%
6100 640000 Telephone	1,400.00	117.02	0.00	1,282.98	8.36%
6100 641005 Diesel	300.00	0.00	0.00	300.00	0.00%
6100 642000 Postage	50.00	0.00	0.00	50.00	0.00%
TOTAL Ingersoll Expenses	**112,550.00**	**500.13**	**0.00**	**112,049.87**	**0.44%**

Monthly Financial Report

September 2024 - Fiscal Year 2025

Authored by: Kelsey Earle

To: Honorable Mayor, Members of the City Council and City Manager
Subject: Financial Report for the Month Ending September 30, 2024

I respectfully submit the financial summaries of the revenue and expenditure activities for the City during the month ending September 30, 2024.

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 first month of the current fiscal year. As a guideline for tracking purposes, if split evenly throughout the year, revenues and expenditures should amount to approximately 25% of the annual budget. However, not all costs and revenues are distributed evenly as individual line items can vary based upon cyclical activity. As such, comparisons are made based upon previous years of activity as noted.

General Fund Highlights
There are no significant variances or areas of concern during the reporting period.

Revenues
• Total revenues collected through September 2024 were **$34.69M** or **28.50%** of budgeted general fund revenue, as compared to 34.4**%** of actual revenues through September 2023.

- Investment interest rates are currently an average of 4.02%
- Fire & EMS Transport revenues were 195% lower than previous year.

Expenditures
• Expenditures through September 2024 were **$21.53M** or **18.48%** of the budget, as compared to 21.4**%** of actual expenditures through September 2023.

- Insurance deductibles - claims from previous year have closed providing us with reimbursements in excess of budgeted amounts YTD.

Respectfully submitted,

Kelsey L. D. Earle

Kelsey L. D. Earle
Finance Director

CITY OF AUBURN

BALANCE SHEET FOR 2025 Period 3 (September)

FUND: 1000 General Fund			NET CHANGE FOR PERIOD	ACCOUNT BALANCE
ASSETS				
	TOTAL ASSETS		-13,174,925.33	66,238,955.25
LIABILITIES				
	TOTAL LIABILITIES		27,606,658.68	-30,769,202.08
FUND BALANCE				
1000	037000	Ctrl Total - Encumbrances	102,374.11	2,011,199.94
1000	037100	Assinged Fund Balance	.00	-1,951,394.00
1000	037102	Nonspendable Fund Balance	.00	-689,263.00
1000	037103	Restricted Fund Balance	.00	-2,309,553.00
1000	037104	Unassinged Fund Balance	50,000.00	-17,882,496.61
1000	037105	FB RESTRICTED SCHOOL	.00	536,000.00
1000	037201	CTRL TOTAL-BUD FB DESIGNATED	-102,374.11	-2,011,199.94
1000	047000	Ctrl Total - Revenues	-27,174,271.41	-34,704,312.27
1000	057000	CTRL TOTAL-EXPENDITURES	12,692,538.06	21,529,186.43
	TOTAL FUND BALANCE		-14,431,733.35	-35,471,832.45
TOTAL LIABILITIES + FUND BALANCE			13,174,925.33	-66,241,034.53

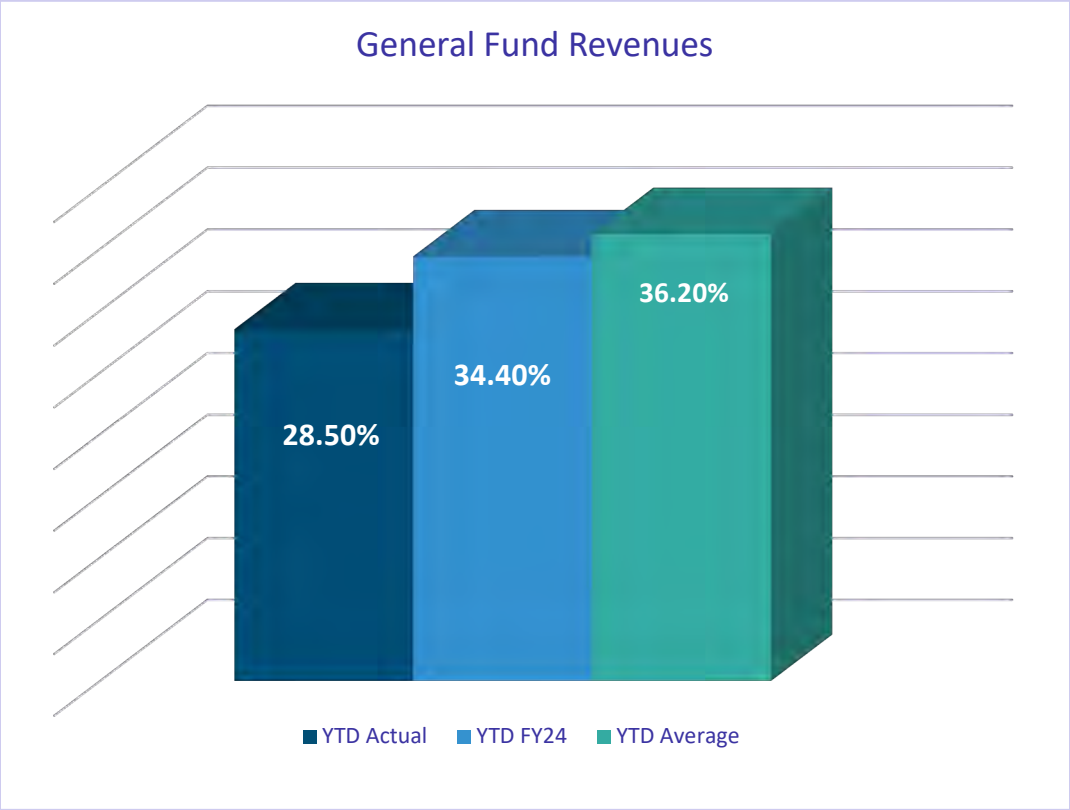
CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF September 30, 2024

INVESTMENT		FUND	BALANCE September 30, 2024	BALANCE August 31, 2024	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	$ 1,625,643.96	$ 1,622,640.72	**2.00%**
ANDROSCOGGIN BANK	502	SR-TIF	$ 1,056,590.33	$ 1,058,606.41	**2.00%**
ANDROSCOGGIN BANK	836	GENERAL FUND	$ 37,859,868.70	$ 3,221,178.45	**2.00%**
ANDROSCOGGIN BANK	801	WORKERS COMP	$ 54,678.39	$ 54,577.39	**2.00%**
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	$ 353,535.62	$ 352,882.49	**2.00%**
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	$ 236,057.26	$ 235,621.19	**2.00%**
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	$ 422,716.10	$ 421,935.19	**2.00%**
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	$ 8,569,697.21	$ 8,545,287.75	**2.00%**
NOMURA 2		ELHS Bond Proceeds	$ 4,023,708.42	$ 4,023,708.42	**2.08%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.05%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.20%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.80%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.75%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.60%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.10%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.10%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.10%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.35%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.40%**
GRAND TOTAL			**$ 58,702,495.99**	**$ 24,036,438.01**	**4.02%**

General Fund

for the Period Ended September 30, 2024

*Graph reflects current YTD with comparison to prior YTD and YTD average of prior 3 years percentage.



FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1000 General Fund							
1006 Communications & Engagement							
420070 Sponsorships-Special Events	-65,000	0	-65,000	.00	.00	-65,000.00	.0%
TOTAL Communications & Engagement	-65,000	0	-65,000	.00	.00	-65,000.00	.0%
1007 City Clerk							
420011 Fees - Clerk/Sale of Copies	-60	0	-60	-6.00	.00	-54.00	10.0%
420013 Fees - Voter Registration Lis	-200	0	-200	.00	.00	-200.00	.0%
420024 Fees - City Clerk Notary	-1,100	0	-1,100	-360.00	.00	-740.00	32.7%
420066 City Clerk Advertising Fees	0	0	0	-200.00	.00	200.00	.0%
421001 Certificate - Birth	-3,500	0	-3,500	-1,157.80	.00	-2,342.20	33.1%
421002 Certificate - Death	-17,000	0	-17,000	-3,204.40	.00	-13,795.60	18.8%
421003 Certificate - Marriage	-4,500	0	-4,500	-1,614.40	.00	-2,885.60	35.9%
421006 Licenses - Commercial	-75,000	0	-75,000	-8,615.00	.00	-66,385.00	11.5%
421007 Licenses - Marriage	-5,500	0	-5,500	-2,592.00	.00	-2,908.00	47.1%
421012 Marijuana Business Licenses	-200,000	0	-200,000	-58,000.00	.00	-142,000.00	29.0%
421101 Permits - Burial	-2,000	0	-2,000	-490.00	.00	-1,510.00	24.5%
TOTAL City Clerk	-308,860	0	-308,860	-76,239.60	.00	-232,620.40	24.7%
1008 Finance							
401011 2011 Property Tax Revenue	0	0	0	-145.05	.00	145.05	.0%
401013 2013 Property Tax Revenue	0	0	0	-300.00	.00	300.00	.0%
401014 2014 Property Tax Revenue	0	0	0	-148.75	.00	148.75	.0%
401015 2015 Property Tax Revenue	0	0	0	-41.04	.00	41.04	.0%
401016 2016 Property Tax Revenue	0	0	0	.00	.00	.00	.0%
401017 2017 Property Tax Revenue	0	0	0	.00	.00	.00	.0%
401018 2018 Property Tax Revenue	0	0	0	-99.41	.00	99.41	.0%
401019 2019 Property Tax Revenue	0	0	0	-696.54	.00	696.54	.0%
401020 2020 Property Tax Revenue	0	0	0	.00	.00	.00	.0%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
401021 2021 Tax Revenue	0	0	0	-4,274.71	.00	4,274.71	.0%
401022 2022 Tax Revenue	0	0	0	-53,722.29	.00	53,722.29	.0%
401023 2023 Tax Revenue	0	0	0	-328,688.73	.00	328,688.73	.0%
401024 2024 Tax Revenue	0	0	0	-28,177,045.21	.00	28,177,045.21	.0%
401100 Property Tax Revenue - Current	-54,314,567	0	-54,314,567	.00	.00	-54,314,567.00	.0%
401300 Homestead Exemption Reimburse	-1,770,000	0	-1,770,000	-1,722,453.80	.00	-47,546.20	97.3%
401400 In Lieu of Taxes	-90,000	0	-90,000	.00	.00	-90,000.00	.0%
401500 Personal Property Reimburse	-3,000,000	0	-3,000,000	.00	.00	-3,000,000.00	.0%
402000 Excise Tax - Vehicles	-4,650,000	0	-4,650,000	-1,367,387.86	.00	-3,282,612.14	29.4%
402001 Excise Tax - Boat	-15,000	0	-15,000	-2,447.20	.00	-12,552.80	16.3%
402002 Excise Tax - Aircraft	-5,000	0	-5,000	.00	.00	-5,000.00	.0%
403000 Penalties & Interest	-100,000	0	-100,000	-13,817.24	.00	-86,182.76	13.8%
420003 Cable Television Franchise	-125,000	0	-125,000	-56,454.63	.00	-68,545.37	45.2%
420038 Fees - Hunting/Fishing/Dogs	-700	0	-700	-88.00	.00	-612.00	12.6%
420041 Fees - Neutered Animals	-2,000	0	-2,000	-57.00	.00	-1,943.00	2.9%
420055 Fees - MMWAC Host	-232,110	0	-232,110	.00	.00	-232,110.00	.0%
420080 CATV Fees-City of Lewiston	-71,000	0	-71,000	.00	.00	-71,000.00	.0%
421000 Agent Fee	-95,000	0	-95,000	-23,907.00	.00	-71,093.00	25.2%
421011 Fines - Dog	-3,000	0	-3,000	-375.00	.00	-2,625.00	12.5%
422000 Investment Income	-350,000	0	-350,000	-69,737.60	.00	-280,262.40	19.9%
429000 Miscellaneous	-50,000	0	-50,000	-33,670.97	.00	-16,329.03	67.3%
429004 CDBG Reimbursement	-588,154	0	-588,154	.00	.00	-588,154.00	.0%
429009 Reimbursement - Other	-193,132	0	-193,132	.00	.00	-193,132.00	.0%
429013 Sale of Assets	-100,000	0	-100,000	-309.00	.00	-99,691.00	.3%
429036 Ingersoll Turf Facility Income	-245,000	0	-245,000	.00	.00	-245,000.00	.0%
429200 Tax Sharing Revenue	-182,000	0	-182,000	.00	.00	-182,000.00	.0%
429900 Designated FB Offset	-1,875,000	0	-1,875,000	.00	.00	-1,875,000.00	.0%
430000 Other State Aid	-3,400	0	-3,400	.00	.00	-3,400.00	.0%
430001 State Revenue Sharing	-7,200,000	0	-7,200,000	-2,150,514.55	.00	-5,049,485.45	29.9%
430003 Tree Growth	-12,500	0	-12,500	.00	.00	-12,500.00	.0%
430004 Veterans Reimbursement	-18,000	0	-18,000	.00	.00	-18,000.00	.0%
580000 TIF	-1,500,000	0	-1,500,000	.00	.00	-1,500,000.00	.0%
580020 Transfer In-Opioid Settlement	-60,000	0	-60,000	.00	.00	-60,000.00	.0%
TOTAL Finance	-76,850,563	0	-76,850,563	-34,006,381.58	.00	-42,844,181.42	44.3%
1010 Planning & Permitting							
420027 Fees - Court	0	0	0	-24,500.00	.00	24,500.00	.0%
TOTAL Planning & Permitting	0	0	0	-24,500.00	.00	24,500.00	.0%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
10108001 General Fund Prop Tax							
401004 2004 Property Tax Revenue	0	0	0	.00	.00	.00	.0%
401008 2008 Property Tax Revenue	0	0	0	.00	.00	.00	.0%
TOTAL General Fund Prop Tax	0	0	0	.00	.00	.00	.0%
1012 Planning & Permittin							
420023 Fees - Citation Ordinance	-3,000	0	-3,000	-351.00	.00	-2,649.00	11.7%
420068 Departmental Review	-12,000	0	-12,000	-10,796.88	.00	-1,203.12	90.0%
420069 Advertising Fees	-3,400	0	-3,400	.00	.00	-3,400.00	.0%
421100 Permits - Building	-120,000	0	-120,000	-41,592.05	.00	-78,407.95	34.7%
421102 Permits - Electrical	-25,000	0	-25,000	-10,909.50	.00	-14,090.50	43.6%
421106 Permits - Plumbing	-15,000	0	-15,000	-7,680.00	.00	-7,320.00	51.2%
421107 Permits - Sign	-5,000	0	-5,000	-1,580.00	.00	-3,420.00	31.6%
TOTAL Planning & Permittin	-183,400	0	-183,400	-72,909.43	.00	-110,490.57	39.8%
1014 Engineering							
420028 Fees - Drive Opening	-250	0	-250	-160.00	.00	-90.00	64.0%
420039 Fees - Inspection	-5,000	0	-5,000	.00	.00	-5,000.00	.0%
421103 Permits - Fill	-200	0	-200	.00	.00	-200.00	.0%
421108 Permits - Street Excavation	-15,000	0	-15,000	.00	.00	-15,000.00	.0%
TOTAL Engineering	-20,450	0	-20,450	-160.00	.00	-20,290.00	.8%
1015 Facilities							
429010 Rental Income	-84,000	0	-84,000	-14,848.50	.00	-69,151.50	17.7%
429100 Utility Reimbursement-School	-20,000	0	-20,000	.00	.00	-20,000.00	.0%
TOTAL Facilities	-104,000	0	-104,000	-14,848.50	.00	-89,151.50	14.3%
1021 Fire & EMS Transport							

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
420034 Fees - Fire/Copies of Reports	-100	0	-100	-10.00	.00	-90.00	10.0%
TOTAL Fire & EMS Transport	-100	0	-100	-10.00	.00	-90.00	10.0%
1022 Police							
420016 Fees - Accident & Police	-11,000	0	-11,000	-2,010.00	.00	-8,990.00	18.3%
420020 Fees - Animal Impound	0	0	0	-75.00	.00	75.00	.0%
420027 Fees - Court	-3,300	0	-3,300	.00	.00	-3,300.00	.0%
420044 Fees - Police/False Alarms	-15,000	0	-15,000	-740.00	.00	-14,260.00	4.9%
420045 Fees - Police/Photos, Tapes, &	-800	0	-800	-170.00	.00	-630.00	21.3%
420052 Fees - Vehicle Rel/Driver Lice	-4,000	0	-4,000	-455.00	.00	-3,545.00	11.4%
420053 Fees - Vehicle Rel/Non Driver	-3,000	0	-3,000	-70.00	.00	-2,930.00	2.3%
421005 Fines - Parking Violations	-25,000	0	-25,000	-905.00	.00	-24,095.00	3.6%
421104 Permits - Firearms	-1,900	0	-1,900	-310.00	.00	-1,590.00	16.3%
429000 Miscellaneous	0	0	0	-266.86	.00	266.86	.0%
TOTAL Police	-64,000	0	-64,000	-5,001.86	.00	-58,998.14	7.8%
1023 Fire EMS Transport							
420029 Fees - EMS Transport	-1,700,000	0	-1,700,000	-374,144.35	.00	-1,325,855.65	22.0%
TOTAL Fire EMS Transport	-1,700,000	0	-1,700,000	-374,144.35	.00	-1,325,855.65	22.0%
1032 Health and Social Serv Assist							
429000 Miscellaneous	0	0	0	-339.14	.00	339.14	.0%
430008 General Welfare Reimbursement	-630,840	0	-630,840	-125,762.59	.00	-505,077.41	19.9%
TOTAL Health and Social Serv Assist	-630,840	0	-630,840	-126,101.73	.00	-504,738.27	20.0%
1042 Public Works							

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
420028 Fees - Drive Opening	0	0	0	.00	.00	.00	.0%
420039 Fees - Inspection	0	0	0	.00	.00	.00	.0%
421108 Permits - Street Excavation	0	0	0	.00	.00	.00	.0%
430002 State/Local Road Assistance	-400,000	0	-400,000	.00	.00	-400,000.00	.0%
TOTAL Public Works	-400,000	0	-400,000	.00	.00	-400,000.00	.0%
1043 Solid Waste Disposal							
420025 Fees - Commercial Solid Waste	0	0	0	-12,625.50	.00	12,625.50	.0%
TOTAL Solid Waste Disposal	0	0	0	-12,625.50	.00	12,625.50	.0%
1070 Education							
529000 Miscellaneous School	-104,150	0	-104,150	.00	.00	-104,150.00	.0%
530002 Secondary Tuition	0	0	0	.00	.00	.00	.0%
530004 Adult Ed Tuition	-100,000	0	-100,000	.00	.00	-100,000.00	.0%
530007 State Subsidy Education	-29,231,738	0	-29,231,738	.00	.00	-29,231,738.00	.0%
530008 Debt Service Reimbursement	-9,089,775	0	-9,089,775	.00	.00	-9,089,775.00	.0%
530014 Special Education	-100,000	0	-100,000	.00	.00	-100,000.00	.0%
530015 State Agency Clients	-20,000	0	-20,000	.00	.00	-20,000.00	.0%
530017 State Aid for Adult Education	-162,072	0	-162,072	.00	.00	-162,072.00	.0%
530019 School Naming Rights	-211,000	0	-211,000	.00	.00	-211,000.00	.0%
580001 Transfer In	-2,350,000	0	-2,350,000	.00	.00	-2,350,000.00	.0%
TOTAL Education	-41,368,735	0	-41,368,735	.00	.00	-41,368,735.00	.0%
TOTAL General Fund	-121,695,948	0	-121,695,948	-34,712,922.55	.00	-86,983,025.45	28.5%
TOTAL REVENUES	-121,695,948	0	-121,695,948	-34,712,922.55	.00	-86,983,025.45	
GRAND TOTAL	-121,695,948	0	-121,695,948	-34,712,922.55	.00	-86,983,025.45	28.5%

TRANSACTION JOURNAL SUMMARY

Transaction Date	7/1/24
Transaction Date	9/30/24
Company Code	CITY OF AUBURN DBA AUBURN FIRE I
Month Start	9/1/2024

AR Previous Balance: **$426,763.04**

Charges	Emergent	YTD	Non-Emer	YTD	Count	
	0.00	962.00	0.00	0.00	0	0.00
Attorney / In Care Of	0.00	0.00	0.00	0.00	2	0.00
Bluecross	11,028.00	29,766.00	0.00	0.00	13	11,028.00
Intercept	100.00	300.00	0.00	0.00	1	100.00
Medicare	130,572.15	432,260.15	0.00	0.00	135	130,572.15
Medicaid	41,997.95	146,419.95	0.00	0.00	45	41,997.95
Other / Commercial	25,147.00	78,478.15	0.00	816.15	26	25,147.00
Patient	5,730.00	18,936.00	0.00	0.00	6	5,730.00
WORKMANS COMP	0.00	2,054.00	0.00	0.00	0	0.00
	214,575.10	709,176.25	0.00	816.15	228	**214,575.10**

Payments	Emergent	YTD	Non-Emer	YTD		Total
Bluecross	-581.03	-1,730.30	0.00	0.00		-581.03
Bluecross	-5,645.21	-16,912.16	0.00	-132.89		-5,645.21
Intercept	-100.00	-300.00	0.00	0.00		-100.00
Medicare	-37,469.03	-138,299.17	-0.03	-1.18		-37,469.06
Medicaid	-43,541.46	-132,084.49	981.31	0.00		-42,560.15
Other / Commercial	-21,380.28	-65,885.94	-100.00	-595.94		-21,480.28
Patient	-6,615.75	-29,704.72	0.00	0.00		-6,615.75
WORKMANS COMP	-956.00	-4,445.80	0.00	0.00		-956.00
	-116,288.76	-389,362.58	881.28	-730.01		**-115,407.48**

Refunds	Emergent	YTD	Non-Emer	YTD		Total
Other / Commercial	0.00	1,329.40	0.00	0.00		0.00
Patient	0.00	2,409.37	0.00	0.00		0.00
	0.00	3,738.77	0.00	0.00		**0.00**

Adjustments	Emergent	YTD	Non-Emer	YTD		
Bluecross	-180.79	-1,852.41	0.00	132.89		-180.79
Medicare	-67,216.25	-242,564.11	0.03	1.18		-67,216.22
Medicaid	-30,928.20	-100,045.71	0.00	0.00		-30,928.20
Other / Commercial	-2,718.43	-8,679.79	0.00	-261.21		-2,718.43
Patient	-822.82	-1,121.12	0.00	0.00		-822.82
WORKMANS COMP	0.00	-375.70	0.00	0.00		0.00
	-101,866.49	-354,638.84	0.03	-127.14		**-101,866.46**
	Collections Write Off		**YTD**	-27,557.68	**Total**	**-15,679.55**

Accounts Receivable Change	**-18,378.39**
AR Ending Balance:	**$408,384.65**

CITY OF AUBURN DBA AUBURN FIRE DEPT
AR Monthly Summary

Company Code	CITY OF AUBURN DBA AUBURN FIRE DEPT
Entered Date	7/1/24
Entered Date	9/30/24

	Beginning Balance	Gross Charges	Contractual Obligations	Net Charges	Payments Received Provider	Payments Received Client	Refunds	Net Payments	Write-Offs	Adjustments	Ending Balance
Jul-24	$467,069.73	$288,575.30	($101,294.17)	$187,281.13	($15,177.48)	($89,654.62)	$2,308.93	($102,523.17)	($13,914.70)	$25.00	**$537,937.99**
Aug-24	$537,937.99	$206,842.00	($150,673.18)	$56,168.82	($18,427.35)	($151,425.66)	$1,429.84	($168,423.17)	$1,077.40	$2.00	**$426,763.04**
Sep-24	$426,763.04	$214,575.10	($101,866.46)	$112,708.64	($9,142.56)	($106,264.92)	$0.00	($115,407.48)	($15,679.55)	$0.00	**$408,384.65**
		$709,992.40	($353,833.81)	$356,158.59	($42,747.39)	($347,345.20)	$3,738.77	($386,353.82)	($28,516.85)	$27.00	

CITY OF AUBURN DBA AUBURN FIRE DEPT
MONTH END SUMMARY

Transaction Date	9/1/24
Transaction Date	9/30/24
Company Code	CITY OF AUBURN DBA AUBURN FIRE DEPT
System Transaction Type	Payment

Balance Forward

Payments by Type **-115,407.48**

Date	CASH PAYMENT	CHECK PAYMENT	CLIENT DEPOSIT	CREDIT CARD	DONATION	ERA/EFT IMPORTS
09/05/24						-4,766.49
09/06/24						-9,170.21
09/09/24						-2,324.99
09/10/24						-19,666.29
09/11/24	-10.00	-2,416.30	-300.00		1.61	-6,480.56
09/12/24						-12,013.90
09/13/24						-2,545.45
09/17/24						-522.76
09/18/24						-7,700.45
09/19/24						-11,573.61
09/20/24						-14,741.55
09/23/24						-152.90
09/24/24		-3,172.81	-30.00	-604.60	3.61	-2,527.76
09/26/24						-7,519.15
09/27/24						-800.22
09/30/24						-3,433.85
Total	-10.00	-5,589.11	-330.00	-604.60	5.22	-105,940.14

Ending Balance

CITY OF AUBURN DBA AUBURN FIRE DEPT
MONTH END SUMMARY

Date	INSURANCE PAYMENT	Total
09/05/24		-4,766.49
09/06/24		-9,170.21
09/09/24		-2,324.99
09/10/24		-19,666.29
09/11/24	-1,244.60	-10,449.85
09/12/24		-12,013.90
09/13/24		-2,545.45
09/17/24		-522.76
09/18/24		-7,700.45
09/19/24		-11,573.61
09/20/24		-14,741.55
09/23/24		-152.90
09/24/24	-1,694.25	-8,025.81
09/26/24		-7,519.15
09/27/24		-800.22
09/30/24		-3,433.85
Total	-2,938.85	**-115,407.48**

CITY OF AUBURN DBA AUBURN FIRE DEPT

AGED ACCOUNTS RECEIVABLE

Company	CITY OF AUBURN DBA AUBURN FIRE DE
Cut Off Date	9/30/24
Remaining Amount	0

	Cur	31-60	61-90	91-120	121+ Days	Total
MVA	$5,184.00	$922.00	$0.00	$0.00	$0.00	$6,106.00
SELF PAY	$29,326.17	$27,107.03	$23,657.97	$24,084.47	$135,460.47	$239,636.11
Private	**$34,510.17**	**$28,029.03**	**$23,657.97**	**$24,084.47**	**$135,460.47**	**$245,742.11**
	14 %	**11 %**	**10 %**	**10 %**	**55 %**	
	$0.00	$0.00	$962.00	$0.00	$0.00	$962.00
AARP	$734.63	$86.37	$0.00	$0.00	$14.11	$835.11
AETNA	$0.00	$0.00	$0.00	$0.00	$473.59	$473.59
AETNA CROSSOVER	$0.00	$0.00	$0.00	$1,120.00	$0.00	$1,120.00
AETNA MCR REPLACEMENT	$2,844.00	$0.00	$0.00	($338.00)	$0.00	$2,506.00
ANDWELL HEALTH PARTNERS	$0.00	$2,306.00	$0.00	$0.00	$0.00	$2,306.00
BLUECROSS	$7,898.00	$932.00	$0.00	$0.00	$985.06	$9,815.06
BLUECROSS COMPANION PLAN	$88.52	$104.71	$0.00	$0.00	$0.00	$193.23
BLUECROSS MEDICARE	$6,594.00	$0.00	($262.89)	$0.00	$0.00	$6,331.11
CENTRAL MAINE MEDICAL CENTER	$0.00	$1,046.36	$0.00	$0.00	$0.00	$1,046.36
CIGNA POS	$1,182.00	$0.00	$0.00	$0.00	$0.00	$1,182.00
CONCORD GENERAL MUTUAL INSURANCE	$1,152.00	$0.00	$0.00	$0.00	$0.00	$1,152.00
CROSS INSURANCE	$0.00	$0.00	$916.00	$0.00	$0.00	$916.00
HARDY WOLF AND DOWNING PA	$0.00	$0.00	$0.00	$0.00	$812.60	$812.60
HARVARD PILGRIM	$0.00	$0.00	$902.00	$0.00	$0.00	$902.00
HUMANA	$12,656.00	$1,120.00	$0.00	$0.00	$74.00	$13,850.00
HUMANA CROSSOVER	$0.00	$0.00	$0.00	$0.00	$290.00	$290.00
IRWIN & MORRIS	$0.00	$0.00	$0.00	$0.00	$1,816.00	$1,816.00
LAW OFFICES OF WILLIAM GRISET JR	$0.00	$910.00	$0.00	$0.00	$0.00	$910.00
LIBERTY MUTUAL WORKERS COMP INSURAI	$0.00	$0.00	$1,148.00	$0.00	$0.00	$1,148.00
LOWRY & ASSOCIATES ATTORNEYS	$0.00	$0.00	$0.00	$0.00	($18.19)	($18.19)
LOWRY & ASSOCIATES ATTORNEYS, P.A.	$0.00	$0.00	$0.00	$0.00	$546.53	$546.53

	Cur	31-60	61-90	91-120	121+ Days	Total
MARTINS POINT	$2,448.00	$0.00	$0.00	$0.00	$0.00	$2,448.00
MASS MEDICAID	$841.40	$0.00	$0.00	$0.00	$0.00	$841.40
MEDICAID	$19,696.00	$2,962.00	$1,148.00	$922.00	$0.00	$24,728.00
MEDICAID XOVER	$2,823.53	$830.43	($88.16)	$287.41	($2,568.87)	$1,284.34
MEDICARE	$27,069.00	$2,068.00	$0.00	$0.00	($834.33)	$28,302.67
MERITAIN HEALTH	$2,108.00	$0.00	$0.00	$0.00	$0.00	$2,108.00
MERITIAN HEALTH	$902.00	$1,138.00	$0.00	$0.00	$0.00	$2,040.00
MP GENERATIONS MEDICARE REPLACEMEN	$13,050.00	$0.00	$0.00	$0.00	$0.00	$13,050.00
MUTUAL OF OMAHA	$0.00	$89.41	$0.00	$0.00	$0.00	$89.41
PROGRESSIVE DIRECT INS CO	$0.00	$0.00	$1,120.00	$0.00	$0.00	$1,120.00
SCOTT J LYNCH, ESQUIRE	$0.00	$249.53	$0.00	$0.00	$0.00	$249.53
SEDGWICK	$0.00	$0.00	$0.00	$0.00	$1,640.50	$1,640.50
TOWN OF BUCKFIELD	$100.00	$0.00	$0.00	$0.00	$0.00	$100.00
TRAVELERS	$0.00	$0.00	$930.00	$0.00	$0.00	$930.00
TRICARE EAST	$0.00	$638.20	$0.00	$0.00	$0.00	$638.20
TRICARE FOR LIFE	$192.33	$482.86	$0.00	$0.00	$0.00	$675.19
TURNER RESCUE	$0.00	$0.00	$0.00	$0.00	($100.00)	($100.00)
UMR PRIMARY	$928.00	$0.00	$0.00	$0.00	$0.00	$928.00
UNITED HEALTHCARE	$948.00	$0.00	$0.00	$0.00	($138.95)	$809.05
UNITED HEALTHCARE MEDICARE COMPLETI	$14,590.00	$0.00	$0.00	$0.00	($719.00)	$13,871.00
UNITED HEARTLAND	$0.00	$930.00	$0.00	$0.00	$0.00	$930.00
US FAMILY HEALTH PLAN	$0.00	$1,200.00	$0.00	$0.00	$0.00	$1,200.00
VA MAINE HEALTHCARE SYSTEM	$2,062.00	$0.00	$0.00	$0.00	$0.00	$2,062.00
VA OFFICE OF COMMUNITY CARE	$3,874.00	$0.00	$916.00	$0.00	$0.00	$4,790.00
VHA CLAIMS OFFICE OF COMMUNITY CARE	$0.00	$243.85	$0.00	$0.00	$290.00	$533.85
WELLCARE OF FLORIDA MEDICARE HMO	$4,338.00	$2,084.00	$0.00	$0.00	$924.00	$7,346.00
WELLSENSE	$932.00	$0.00	$0.00	$0.00	$0.00	$932.00
Insurance	**$130,051.41**	**$19,421.72**	**$7,690.95**	**$1,991.41**	**$3,487.05**	**$162,642.54**
	80 %	**12 %**	**1 %**	**1 %**	**2 %**	

CITY OF AUBURN DBA AUBURN FIRE DEPT
AGED ACCOUNTS RECEIVABLE

Total AR Due:	**$164,561.58**	**$47,450.75**	**$31,348.92**	**$26,075.88**	**$138,947.52**	**$408,384.65**
	40 %	**12 %**	**8 %**	**6 %**	**34 %**	

TRANSACTION JOURNAL SUMMARY

Entered Date	7/1/2024
Entered Date	08/31/2024
Company Code	CITY OF AUBURN DBA AUBURN FIRE
Month Start	8/1/2024

AR Previous Balance: **$537,937.99**

Charges

		Emergent	YTD	Non-Emer	YTD	Count	
		962.00	962.00		0.00	1	962.00
Bluecross		9,230.00	18,738.00		0.00	9	9,230.00
Intercept		100.00	200.00		0.00	1	100.00
Medicare		122,252.00	301,688.00		0.00	125	122,252.00
Medicaid		46,294.00	104,422.00		0.00	47	46,294.00
Other / Commercial		21,866.00	53,331.15		816.15	32	22,674.00
Patient		5,330.00	13,206.00		0.00	5	5,330.00
WORKMANS COMP		0.00	2,054.00		0.00	0	0.00
	206,034.00	494,601.15	808.00	816.15	220		**206,842.00**

Payments

		Emergent	YTD	Non-Emer	YTD	Total
Bluecross		-298.84	-1,149.27	0.00	0.00	-298.84
Bluecross		-6,418.18	-11,266.95	-132.89	-132.89	-6,551.07
Intercept		-100.00	-200.00	0.00	0.00	-100.00
Medicare		-64,800.41	-100,830.14	0.00	-1.15	-64,800.41
Medicaid		-53,253.75	-88,543.03	-981.31	-981.31	-54,235.06
Other / Commercial		-27,851.01	-44,505.66	-387.79	-495.94	-28,238.80
Patient		-13,067.03	-23,088.97	0.00	0.00	-13,067.03
WORKMANS COMP		-2,561.80	-3,489.80	0.00	0.00	-2,561.80
	-168,351.02	-273,073.82	-1,501.99	-1,611.29	**-169,853.01**	

Refunds

		Emergent	YTD	Non-Emer	YTD	Total
Other / Commercial		679.40	1,329.40	0.00	0.00	679.40
Patient		750.44	2,409.37	0.00	0.00	750.44
	1,429.84	3,738.77	0.00	0.00	**1,429.84**	

Adjustments

	Emergent	YTD	Non-Emer	YTD

TRANSACTION JOURNAL SUMMARY

Bluecross	1,445.78	-1,671.62	132.89	132.89	1,578.67
Medicare	-107,651.54	-175,347.86	0.00	1.15	-107,651.54
Medicaid	-41,125.23	-69,117.51	0.00	0.00	-41,125.23
Other / Commercial	-2,837.87	-5,961.36	-261.21	-261.21	-3,099.08
Patient	1.70	-298.30	0.00	0.00	1.70
WORKMANS COMP	-375.70	-375.70	0.00	0.00	-375.70
-150,542.86	-252,772.35	-128.32	-127.17	**-150,671.18**	

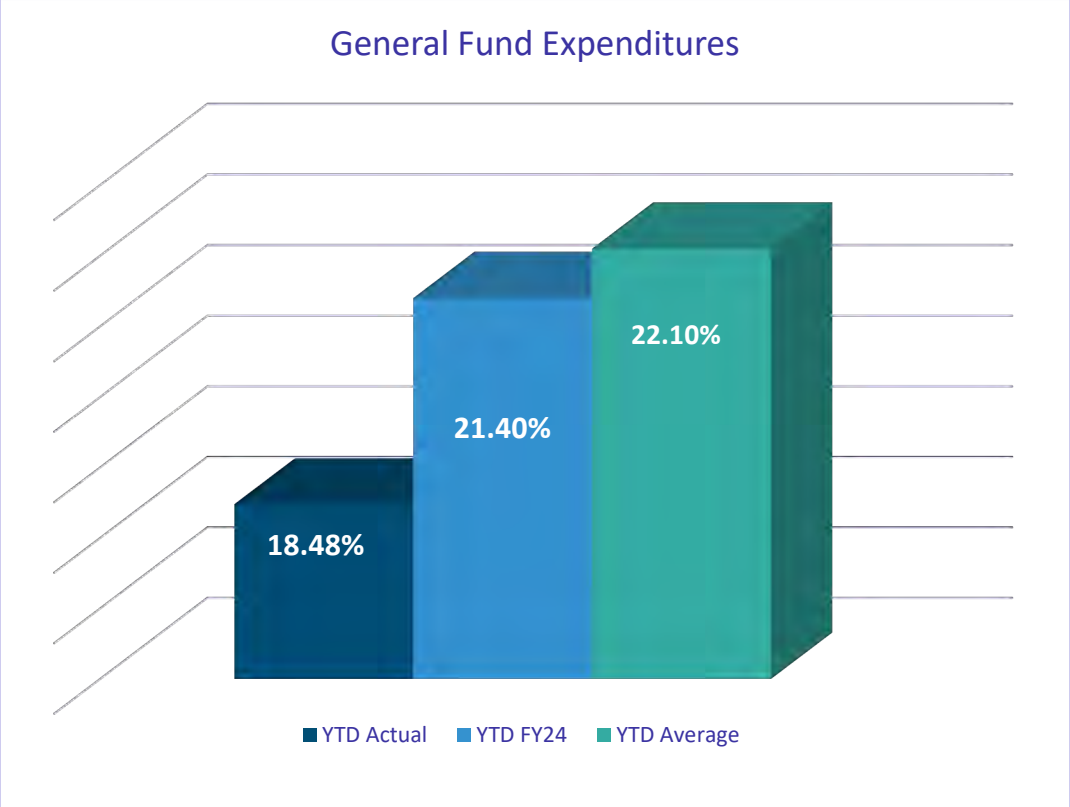
Collections Write Off **YTD** -11,878.13 **Total** **1,077.40**

Accounts Receivable Change **-111,174.95** **AR Previous Balance:** **$426,763.04**

General Fund

for the Period Ended September 30, 2024

*Graph reflects current YTD with comparison to prior YTD and YTD average of prior 3 years percentage.



FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1000 General Fund							
1000 General Fund							
692024 SPECIAL PROJECTS-WARMING CENTR	0	0	0	-2,602.50	.00	2,602.50	.0%
TOTAL General Fund	0	0	0	-2,602.50	.00	2,602.50	.0%
1004 Mayor and Council							
611000 Regular Salaries	45,800	0	45,800	11,449.93	.00	34,350.07	25.0%
628000 PS - Gen/Professional	71,100	0	71,100	1,318.00	.00	69,782.00	1.9%
629001 Travel - Mileage Reimbursment	550	0	550	.00	.00	550.00	.0%
632000 Dues & Subscriptions	57,850	0	57,850	27,500.00	.00	30,350.00	47.5%
633000 Office Supplies	3,500	0	3,500	24.64	.00	3,475.36	.7%
TOTAL Mayor and Council	178,800	0	178,800	40,292.57	.00	138,507.43	22.5%
1005 City Manager							
611000 Regular Salaries	510,630	0	510,630	123,929.35	.00	386,700.65	24.3%
628000 PS - Gen/Professional	23,000	0	23,000	5,539.50	-1,529.50	18,990.00	17.4%
628100 Legal - General	140,000	0	140,000	49,447.39	.00	90,552.61	35.3%
629000 Professional Development	12,000	0	12,000	2,520.90	.00	9,479.10	21.0%
629001 Travel - Mileage Reimbursment	10,800	0	10,800	1,200.00	.00	9,600.00	11.1%
632000 Dues & Subscriptions	5,000	0	5,000	294.02	.00	4,705.98	5.9%
633000 Office Supplies	7,500	0	7,500	2,010.95	-1,831.25	7,320.30	2.4%
640000 Telephones/Cell Stipends	2,520	0	2,520	551.44	.00	1,968.56	21.9%
TOTAL City Manager	711,450	0	711,450	185,493.55	-3,360.75	529,317.20	25.6%
1006 Communications & Engagement							

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
611000 Regular Salaries	241,916	0	241,916	29,778.03	.00	212,137.97	12.3%
628000 PS - Gen/Professional	7,500	0	7,500	.00	.00	7,500.00	.0%
628035 Special Events	100,000	0	100,000	46,441.49	2,500.00	51,058.51	48.9%
628080 Community Outreach	20,000	0	20,000	839.60	.00	19,160.40	4.2%
629000 Professional Development	4,000	0	4,000	.00	.00	4,000.00	.0%
629001 Travel - Mileage Reimbursment	400	0	400	.00	.00	400.00	.0%
633000 Office Supplies	2,500	0	2,500	43.98	.00	2,456.02	1.8%
640000 Telephones/Cell Stipends	2,650	0	2,650	829.42	.00	1,820.58	31.3%
TOTAL Communications & Engagement	378,966	0	378,966	77,932.52	2,500.00	298,533.48	21.2%
1007 City Clerk							
611000 Regular Salaries	280,606	0	280,606	58,542.74	.00	222,063.26	20.9%
613000 OT - Regular	2,100	0	2,100	460.33	.00	1,639.67	21.9%
620000 Advertising	1,500	0	1,500	122.40	.00	1,377.60	8.2%
628000 PS - Gen/Professional	6,400	0	6,400	.00	.00	6,400.00	.0%
628043 Wardens & Ward Clerks	26,460	0	26,460	272.39	.00	26,187.61	1.0%
629000 Professional Development	800	0	800	120.00	.00	680.00	15.0%
629001 Travel - Mileage Reimbursment	1,650	0	1,650	.00	.00	1,650.00	.0%
632000 Dues & Subscriptions	775	0	775	.00	.00	775.00	.0%
633000 Office Supplies	1,000	0	1,000	340.29	.00	659.71	34.0%
633004 Voter Supplies	4,500	0	4,500	169.95	.00	4,330.05	3.8%
644002 Voting Machines	9,500	0	9,500	.00	.00	9,500.00	.0%
TOTAL City Clerk	335,291	0	335,291	60,028.10	.00	275,262.90	17.9%
1008 Finance							
611000 Regular Salaries	884,524	0	884,524	192,517.21	.00	692,006.79	21.8%
614003 Longevity Bonus	0	0	0	.00	.00	.00	.0%
620000 Advertising	300	0	300	.00	.00	300.00	.0%
628000 PS - Gen/Professional	35,500	0	35,500	5,292.40	.00	30,207.60	14.9%
628008 Recording Fee	300	0	300	.00	.00	300.00	.0%
629000 Professional Development	8,500	0	8,500	303.12	.00	8,196.88	3.6%
629001 Travel - Mileage Reimbursment	700	0	700	.00	.00	700.00	.0%
631000 Reports, Printing, & Binding	3,000	0	3,000	1,852.00	.00	1,148.00	61.7%
632000 Dues & Subscriptions	4,000	0	4,000	.00	.00	4,000.00	.0%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
633000 Office Supplies	5,500	0	5,500	37.41	.00	5,462.59	.7%
640000 Telephones/Cell Stipends	1,740	0	1,740	336.62	.00	1,403.38	19.3%
642000 Postage	39,000	0	39,000	5,760.92	.00	33,239.08	14.8%
645000 Insurance Premiums	343,000	0	343,000	178,751.18	.00	164,248.82	52.1%
645001 Insurance Deductibles	25,000	0	25,000	-47,135.31	.00	72,135.31	-188.5%
TOTAL Finance	1,351,064	0	1,351,064	337,715.55	.00	1,013,348.45	25.0%
1009 Human Resources							
611000 Regular Salaries	251,480	0	251,480	53,663.69	.00	197,816.31	21.3%
620000 Advertising	2,000	0	2,000	.00	.00	2,000.00	.0%
628002 Employee Assist Program	3,000	0	3,000	.00	.00	3,000.00	.0%
628003 Drug Testing	6,000	0	6,000	219.48	.00	5,780.52	3.7%
628004 Testing	4,000	0	4,000	849.00	.00	3,151.00	21.2%
628052 Professional Development	10,000	0	10,000	.00	.00	10,000.00	.0%
629000 Professional Development	0	0	0	110.00	.00	-110.00	.0%
629001 Travel - Mileage Reimbursment	0	0	0	.00	.00	.00	.0%
629002 Travel - Seminar Costs	0	0	0	.00	.00	.00	.0%
632000 Dues & Subscriptions	0	0	0	.00	.00	.00	.0%
633000 Office Supplies	600	0	600	.00	.00	600.00	.0%
633001 Operating Supplies	2,500	0	2,500	.00	.00	2,500.00	.0%
640000 Telephones/Cell Stipends	840	0	840	210.00	.00	630.00	25.0%
TOTAL Human Resources	280,420	0	280,420	55,052.17	.00	225,367.83	19.6%
1010 Planning & Permitting							
611000 Regular Salaries	788,548	0	788,548	158,568.26	.00	629,979.74	20.1%
613000 OT - Regular	9,500	0	9,500	3,959.31	.00	5,540.69	41.7%
615000 Uniform Allowance	1,000	0	1,000	313.86	.00	686.14	31.4%
620000 Advertising	5,500	0	5,500	.00	.00	5,500.00	.0%
628000 PS - Gen/Professional	3,500	0	3,500	28.00	.00	3,472.00	.8%
628020 Vehicle Repairs	0	0	0	.00	.00	.00	.0%
628021 Equipment Repairs	2,000	0	2,000	.00	.00	2,000.00	.0%
628024 Street Light Repairs	0	0	0	.00	.00	.00	.0%
628025 Traffic Signal Maintenance	0	0	0	1,063.92	.00	-1,063.92	.0%
629000 Professional Development	4,000	0	4,000	.00	.00	4,000.00	.0%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
629001 Travel - Mileage Reimbursment	300	0	300	.00	.00	300.00	.0%
629002 Travel - Seminar Costs	0	0	0	.00	.00	.00	.0%
632000 Dues & Subscriptions	4,300	0	4,300	317.50	.00	3,982.50	7.4%
633000 Office Supplies	2,500	0	2,500	224.17	.00	2,275.83	9.0%
633001 Operating Supplies	3,000	0	3,000	.00	.00	3,000.00	.0%
633021 Safety Equipment	1,000	0	1,000	.00	.00	1,000.00	.0%
633029 MV Sup - Tires/Tube/Chain	0	0	0	.00	.00	.00	.0%
633030 MV Sup - Fuel	0	0	0	.00	.00	.00	.0%
640000 Telephones/Cell Stipends	3,900	0	3,900	1,018.42	.00	2,881.58	26.1%
641002 Electricity	0	0	0	.00	.00	.00	.0%
TOTAL Planning & Permitting	829,048	0	829,048	165,493.44	.00	663,554.56	20.0%
1011 Economic Development							
611000 Regular Salaries	113,938	0	113,938	40,617.83	.00	73,320.17	35.6%
620000 Advertising	500	0	500	.00	.00	500.00	.0%
628000 PS - Gen/Professional	12,220	0	12,220	.00	.00	12,220.00	.0%
629000 Professional Development	2,500	0	2,500	.00	.00	2,500.00	.0%
629001 Travel - Mileage Reimbursment	2,750	0	2,750	.00	.00	2,750.00	.0%
629002 Travel - Seminar Costs	0	0	0	.00	.00	.00	.0%
632000 Dues & Subscriptions	2,253	0	2,253	.00	.00	2,253.00	.0%
633000 Office Supplies	500	0	500	17.96	.00	482.04	3.6%
640000 Telephones/Cell Stipends	800	0	800	101.82	.00	698.18	12.7%
TOTAL Economic Development	135,461	0	135,461	40,737.61	.00	94,723.39	30.1%
1012 Planning & Permittin							
611000 Regular Salaries	0	0	0	568.88	.00	-568.88	.0%
613000 OT - Regular	0	0	0	750.00	.00	-750.00	.0%
TOTAL Planning & Permittin	0	0	0	1,318.88	.00	-1,318.88	.0%
1013 Business & Community Developme							

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
611000 Regular Salaries	757,068	0	757,068	110,818.93	.00	646,249.07	14.6%
614003 Longevity Bonus	0	0	0	.00	.00	.00	.0%
620000 Advertising	1,000	0	1,000	.00	.00	1,000.00	.0%
628000 PS - Gen/Professional	20,000	0	20,000	5,066.45	.00	14,933.55	25.3%
629000 Professional Development	15,000	0	15,000	140.00	.00	14,860.00	.9%
629001 Travel - Mileage Reimbursment	2,000	0	2,000	288.00	.00	1,712.00	14.4%
632000 Dues & Subscriptions	4,500	0	4,500	-318.69	.00	4,818.69	-7.1%
633000 Office Supplies	2,500	0	2,500	420.12	.00	2,079.88	16.8%
640000 Telephones/Cell Stipends	2,500	0	2,500	666.76	.00	1,833.24	26.7%
TOTAL Business & Community Developme	804,568	0	804,568	117,081.57	.00	687,486.43	14.6%
1014 Engineering							
611000 Regular Salaries	306,286	0	306,286	.00	.00	306,286.00	.0%
615000 Uniform Allowance	750	0	750	.00	.00	750.00	.0%
620000 Advertising	150	0	150	.00	.00	150.00	.0%
628000 PS - Gen/Professional	5,000	0	5,000	.00	.00	5,000.00	.0%
628005 Water Quality Monitoring	15,000	0	15,000	.00	.00	15,000.00	.0%
628008 Recording Fee	250	0	250	.00	.00	250.00	.0%
628021 Equipment Repairs	500	0	500	.00	.00	500.00	.0%
629000 Professional Development	5,500	0	5,500	.00	.00	5,500.00	.0%
629001 Travel - Mileage Reimbursment	150	0	150	.00	.00	150.00	.0%
631000 Reports, Printing, & Binding	250	0	250	.00	.00	250.00	.0%
632000 Dues & Subscriptions	2,000	0	2,000	.00	.00	2,000.00	.0%
633000 Office Supplies	400	0	400	123.90	.00	276.10	31.0%
633001 Operating Supplies	200	0	200	.00	.00	200.00	.0%
633021 Safety Equipment	300	0	300	.00	.00	300.00	.0%
633023 Small Tools	400	0	400	.00	.00	400.00	.0%
640000 Telephones/Cell Stipends	1,910	0	1,910	120.00	.00	1,790.00	6.3%
650030 Operating Capital	9,600	0	9,600	.00	.00	9,600.00	.0%
655405 St Imp-Crack Seal	15,000	0	15,000	.00	.00	15,000.00	.0%
TOTAL Engineering	363,646	0	363,646	243.90	.00	363,402.10	.1%
1015 Facilities							
611000 Regular Salaries	325,012	0	325,012	6,127.84	.00	318,884.16	1.9%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
614003 Longevity Bonus	1,000	0	1,000	.00	.00	1,000.00	.0%
615000 Uniform Allowance	500	0	500	.00	.00	500.00	.0%
620000 Advertising	100	0	100	.00	.00	100.00	.0%
628000 PS - Gen/Professional	102,608	0	102,608	11,449.96	4,110.09	87,047.95	15.2%
628021 Equipment Repairs	4,500	0	4,500	.00	.00	4,500.00	.0%
628090 Municipal Property Maintenance	15,000	0	15,000	2,005.20	.00	12,994.80	13.4%
629000 Professional Development	4,650	0	4,650	.00	.00	4,650.00	.0%
633000 Office Supplies	5,800	0	5,800	1,559.60	.00	4,240.40	26.9%
633001 Operating Supplies	12,000	0	12,000	1,257.85	.00	10,742.15	10.5%
633021 Safety Equipment	100	0	100	.00	.00	100.00	.0%
633023 Small Tools	100	0	100	97.42	.00	2.58	97.4%
633030 MV Sup - Fuel	358,621	0	358,621	.00	.00	358,621.00	.0%
633033 Tax Acquired Property Exp	1,500	0	1,500	.00	.00	1,500.00	.0%
640000 Telephones/Cell Stipends	1,800	0	1,800	260.00	.00	1,540.00	14.4%
641000 Water/Sewer	34,610	0	34,610	5,706.36	.00	28,903.64	16.5%
641001 Natural Gas	177,500	0	177,500	1,224.56	.00	176,275.44	.7%
641002 Electricity	312,750	0	312,750	-6,047.77	.00	318,797.77	-1.9%
642000 Postage	0	0	0	.00	.00	.00	.0%
650030 Operating Capital	516,000	0	516,000	187,834.00	14,850.00	313,316.00	39.3%
TOTAL Facilities	1,874,151	0	1,874,151	211,475.02	18,960.09	1,643,715.89	12.3%
1016 Worker's Compensation							
900001 Transfer Out	719,025	0	719,025	.00	.00	719,025.00	.0%
TOTAL Worker's Compensation	719,025	0	719,025	.00	.00	719,025.00	.0%
1017 Fringe Benefits & Salary Incre							
617000 Health Insurance	3,921,869	0	3,921,869	905,055.87	.00	3,016,813.13	23.1%
617001 FICA/Medicare	939,327	0	939,327	245,021.21	.00	694,305.79	26.1%
617004 MSRS Retirement	2,086,753	0	2,086,753	485,421.25	.00	1,601,331.75	23.3%
617005 ICMA Retirement	290,966	0	290,966	83,147.72	.00	207,818.28	28.6%
617008 Cafeteria Plan	218,800	0	218,800	63,957.62	.00	154,842.38	29.2%
617010 Health Reimbursement Account	450,000	0	450,000	49,164.57	.00	400,835.43	10.9%
617015 Unemployment	40,000	0	40,000	5,545.39	.00	34,454.61	13.9%
618000 Salary Reserves	265,000	0	265,000	10,006.25	.00	254,993.75	3.8%
TOTAL Fringe Benefits & Salary Incre	8,212,715	0	8,212,715	1,847,319.88	.00	6,365,395.12	22.5%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1018 Emergency Reserve							
670000 Emergency Reserve	550,000	0	550,000	.00	.00	550,000.00	.0%
TOTAL Emergency Reserve	550,000	0	550,000	.00	.00	550,000.00	.0%
1019 Debt Service							
660000 Debt Service - Principal	7,771,975	0	7,771,975	7,338,598.28	.00	433,376.72	94.4%
661000 Debt Service - Interest	2,000,837	0	2,000,837	1,070,492.50	.00	930,344.50	53.5%
TOTAL Debt Service	9,772,812	0	9,772,812	8,409,090.78	.00	1,363,721.22	86.0%
1020 Capital Investment and Purchas							
611000 Regular Salaries	0	0	0	75,567.95	.00	-75,567.95	.0%
615000 Uniform Allowance	0	0	0	.00	.00	.00	.0%
628000 PS - Gen/Professional	0	0	0	.00	.00	.00	.0%
628005 Water Quality Monitoring	0	0	0	5,008.75	-5,008.75	.00	.0%
628008 Recording Fee	0	0	0	.00	.00	.00	.0%
628019 Building Repairs	0	0	0	.00	.00	.00	.0%
628021 Equipment Repairs	0	0	0	.00	.00	.00	.0%
628090 Municipal Property Maintenance	0	0	0	.00	.00	.00	.0%
629000 Professional Development	0	0	0	.00	.00	.00	.0%
632000 Dues & Subscriptions	0	0	0	.00	.00	.00	.0%
633000 Office Supplies	0	0	0	.00	.00	.00	.0%
633001 Operating Supplies	0	0	0	.00	.00	.00	.0%
633021 Safety Equipment	0	0	0	.00	.00	.00	.0%
633023 Small Tools	0	0	0	.00	.00	.00	.0%
633030 MV Sup - Fuel	0	0	0	.00	.00	.00	.0%
633033 Tax Acquired Property Exp	0	0	0	.00	.00	.00	.0%
640000 Telephones/Cell Stipends	0	0	0	421.59	.00	-421.59	.0%
641000 Water/Sewer	0	0	0	.00	.00	.00	.0%
641001 Natural Gas	0	0	0	.00	.00	.00	.0%
641002 Electricity	0	0	0	-3,405.86	.00	3,405.86	.0%
650030 Operating Capital	0	0	0	35,201.99	-35,201.99	.00	.0%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
655405 St Imp-Crack Seal	0	0	0	.00	.00	.00	.0%
TOTAL Capital Investment and Purchas	0	0	0	112,794.42	-40,210.74	-72,583.68	.0%
1021 Fire & EMS Transport							
611000 Regular Salaries	4,939,295	0	4,939,295	1,099,843.02	.00	3,839,451.98	22.3%
611002 Acting Rank	16,000	0	16,000	4,475.66	.00	11,524.34	28.0%
613000 OT - Regular	80,000	0	80,000	.00	.00	80,000.00	.0%
613001 OT - Vacation Replacement	12,000	0	12,000	1,287.78	.00	10,712.22	10.7%
613002 OT - Sick Replace LT	42,000	0	42,000	13,545.02	.00	28,454.98	32.3%
613003 OT - Sick Replace ST	160,000	0	160,000	47,579.11	.00	112,420.89	29.7%
613004 OT - Mandatory Training	25,000	0	25,000	3,006.32	.00	21,993.68	12.0%
613005 OT - Outside Jobs	0	0	0	648.71	.00	-648.71	.0%
613008 OT - Extra Assignments	84,992	0	84,992	10,818.44	.00	74,173.56	12.7%
613010 OT - Vacancies/Retirement	18,000	0	18,000	63,388.26	.00	-45,388.26	352.2%
613011 OT - Work Related Injuries	23,000	0	23,000	19,316.02	.00	3,683.98	84.0%
613012 OT - Meetings	7,000	0	7,000	.00	.00	7,000.00	.0%
613013 OT - Funeral Leave	5,000	0	5,000	.00	.00	5,000.00	.0%
613014 OT - Multiple Alarms	5,000	0	5,000	3,738.79	.00	1,261.21	74.8%
614002 Holiday Pay	245,000	0	245,000	36,199.75	.00	208,800.25	14.8%
614006 EMS Ambulance Pay	133,000	0	133,000	27,804.01	.00	105,195.99	20.9%
615000 Uniform Allowance	39,680	0	39,680	4,767.66	.00	34,912.34	12.0%
615100 Protective Clothing	48,000	0	48,000	9,870.85	3,096.94	35,032.21	27.0%
616000 Physicals	4,000	0	4,000	.00	.00	4,000.00	.0%
616001 Safety Compliance	10,000	0	10,000	40.00	.00	9,960.00	.4%
620000 Advertising	500	0	500	.00	.00	500.00	.0%
628000 PS - Gen/Professional	75,000	0	75,000	10,805.58	.00	64,194.42	14.4%
628013 Uniform Clean/Laundry	200	0	200	.00	.00	200.00	.0%
628019 Building Repairs	4,500	0	4,500	2,951.87	-1,221.39	2,769.52	38.5%
628020 Vehicle Repairs	85,000	0	85,000	7,595.17	2,749.12	74,655.71	12.2%
628021 Equipment Repairs	15,000	0	15,000	4,572.17	.00	10,427.83	30.5%
628023 Radio Equipment Repairs	2,500	0	2,500	.00	.00	2,500.00	.0%
628026 Maintenance Contractx	21,350	0	21,350	.00	.00	21,350.00	.0%
628047 PS-Public Relations	500	0	500	.00	.00	500.00	.0%
628049 EMS Vehicle Repairs	10,000	0	10,000	488.20	1,918.93	7,592.87	24.1%
629000 Professional Development	95,000	0	95,000	9,985.57	.00	85,014.43	10.5%
631000 Reports, Printing, & Binding	500	0	500	.00	.00	500.00	.0%
632000 Dues & Subscriptions	26,950	0	26,950	32,023.30	.00	-5,073.30	118.8%
633000 Office Supplies	4,000	0	4,000	1,188.08	.00	2,811.92	29.7%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
633006 Fire Prevention Supplies	5,500	0	5,500	.00	.00	5,500.00	.0%
633007 Maintenance Supplies	7,000	0	7,000	2,468.61	.00	4,531.39	35.3%
633009 FIre Training Supplies	4,500	0	4,500	.00	.00	4,500.00	.0%
633011 Medical Supplies	85,000	0	85,000	12,076.52	3,413.74	69,509.74	18.2%
633023 Small Tools	15,000	0	15,000	565.32	4,939.00	9,495.68	36.7%
633027 Other Sup - Other	6,500	0	6,500	39.59	.00	6,460.41	.6%
633029 MV Sup - Tires/Tube/Chain	9,000	0	9,000	7,004.62	.00	1,995.38	77.8%
633030 MV Sup - Fuel	0	0	0	.00	.00	.00	.0%
633050 EMS Program Exp	1,500	0	1,500	.00	.00	1,500.00	.0%
640000 Telephones/Cell Stipends	6,000	0	6,000	1,034.04	.00	4,965.96	17.2%
641000 Water/Sewer	0	0	0	.00	.00	.00	.0%
641001 Natural Gas	0	0	0	.00	.00	.00	.0%
641002 Electricity	0	0	0	.00	.00	.00	.0%
641003 Bottled Gas	1,500	0	1,500	590.79	.00	909.21	39.4%
641005 Diesel	0	0	0	223.89	.00	-223.89	.0%
642000 Postage	500	0	500	.00	.00	500.00	.0%
650010 Capital Reserve	250,000	0	250,000	.00	.00	250,000.00	.0%
653030 EMS Communication Equipment	4,000	0	4,000	240.06	.00	3,759.94	6.0%
654000 Computer Software	1,000	0	1,000	3.00	.00	997.00	.3%
656407 AMBULANCE PURCHASE	0	0	0	.00	50,000.00	-50,000.00	.0%
TOTAL Fire & EMS Transport	6,634,967	0	6,634,967	1,440,185.78	64,896.34	5,129,884.88	22.7%
1022 Police							
611000 Regular Salaries	4,757,211	0	4,757,211	1,035,782.33	.00	3,721,428.67	21.8%
612001 Temp Assistance	400	0	400	.00	.00	400.00	.0%
613000 OT - Regular	78,882	0	78,882	27,123.53	.00	51,758.47	34.4%
613001 OT - Vacation Replacement	56,938	0	56,938	21,939.45	.00	34,998.55	38.5%
613002 OT - Sick Replace LT	55,011	0	55,011	2,625.93	.00	52,385.07	4.8%
613003 OT - Sick Replace ST	0	0	0	8,555.43	.00	-8,555.43	.0%
613004 OT - Mandatory Training	3,000	0	3,000	1,104.16	.00	1,895.84	36.8%
613005 OT - Outside Jobs	0	0	0	-2,066.28	.00	2,066.28	.0%
613006 OT - Court	18,000	0	18,000	3,409.75	.00	14,590.25	18.9%
613008 OT - Extra Assignments	0	0	0	1,358.15	.00	-1,358.15	.0%
613035 OT-Special Events	20,000	0	20,000	2,257.50	.00	17,742.50	11.3%
614000 Extra Pay - On Call	20,980	0	20,980	5,267.27	.00	15,712.73	25.1%
614002 Holiday Pay	209,000	0	209,000	35,239.13	.00	173,760.87	16.9%
614003 Longevity Bonus	500	0	500	.00	.00	500.00	.0%
614004 Educational Incentive	2,500	0	2,500	9,800.00	.00	-7,300.00	392.0%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
633005 Computer Hardware	45,000	0	45,000	2,704.74	1,658.30	40,636.96	9.7%
640000 Telephones/Cell Stipends	4,000	0	4,000	3,711.40	.00	288.60	92.8%
640002 Network	60,000	0	60,000	16,739.59	121.28	43,139.13	28.1%
640012 Network Billable & Reimbusemen	0	0	0	814.82	.00	-814.82	.0%
644004 Rental - Photocopiers	34,000	0	34,000	5,150.49	.00	28,849.51	15.1%
654000 Computer Software	15,000	0	15,000	7,560.00	400.00	7,040.00	53.1%
654001 Software Licensing	473,000	0	473,000	311,700.89	10,703.00	150,596.11	68.2%
TOTAL Information Technology	1,039,215	0	1,039,215	453,587.63	13,760.38	571,866.99	45.0%
1030 Recreation and Sports Tourism							
611000 Regular Salaries	447,906	0	447,906	100,825.52	.00	347,080.48	22.5%
612007 Sal. - Recreation Part-Time	35,000	0	35,000	9,936.68	.00	25,063.32	28.4%
613000 OT - Regular	2,000	0	2,000	391.50	.00	1,608.50	19.6%
614003 Longevity Bonus	300	0	300	300.00	.00	.00	100.0%
614015 Earned Paid Leave	500	0	500	152.00	.00	348.00	30.4%
615000 Uniform Allowance	0	0	0	.00	.00	.00	.0%
628000 PS - Gen/Professional	25,000	0	25,000	14,076.45	.00	10,923.55	56.3%
628019 Building Repairs	0	0	0	.00	.00	.00	.0%
628020 Vehicle Repairs	0	0	0	.00	.00	.00	.0%
628021 Equipment Repairs	5,000	0	5,000	730.49	.00	4,269.51	14.6%
628026 Maintenance Contractx	7,000	0	7,000	.00	.00	7,000.00	.0%
628950 Community Programs	22,000	0	22,000	1,351.72	.00	20,648.28	6.1%
629000 Professional Development	2,500	0	2,500	.00	.00	2,500.00	.0%
629001 Travel - Mileage Reimbursment	250	0	250	.00	.00	250.00	.0%
632000 Dues & Subscriptions	3,560	0	3,560	500.00	.00	3,060.00	14.0%
633000 Office Supplies	4,000	0	4,000	449.85	.00	3,550.15	11.2%
633001 Operating Supplies	11,000	0	11,000	.00	.00	11,000.00	.0%
633003 Janitorial Supplies	7,000	0	7,000	254.30	.00	6,745.70	3.6%
633007 Maintenance Supplies	14,000	0	14,000	3,650.00	.00	10,350.00	26.1%
633011 Medical Supplies	500	0	500	189.00	.00	311.00	37.8%
633029 MV Sup - Tires/Tube/Chain	0	0	0	.00	.00	.00	.0%
633030 MV Sup - Fuel	0	0	0	.00	.00	.00	.0%
640000 Telephones/Cell Stipends	3,000	0	3,000	506.48	.00	2,493.52	16.9%
641000 Water/Sewer	0	0	0	.00	.00	.00	.0%
641001 Natural Gas	0	0	0	.00	.00	.00	.0%
641002 Electricity	0	0	0	-25.00	.00	25.00	.0%
642000 Postage	350	0	350	.00	.00	350.00	.0%
TOTAL Recreation and Sports Tourism	590,866	0	590,866	133,288.99	.00	457,577.01	22.6%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
614005 Sick Leave Incentive	8,000	0	8,000	6,019.93	.00	1,980.07	75.2%
615000 Uniform Allowance	38,500	0	38,500	14,221.17	.00	24,278.83	36.9%
616000 Physicals	3,000	0	3,000	712.00	.00	2,288.00	23.7%
616001 Safety Compliance	4,000	0	4,000	.00	.00	4,000.00	.0%
628000 PS - Gen/Professional	9,000	0	9,000	3,581.70	7,275.00	-1,856.70	120.6%
628004 Testing	2,700	0	2,700	.00	.00	2,700.00	.0%
628006 Animal Control	42,230	0	42,230	1,406.70	34,888.00	5,935.30	85.9%
628013 Uniform Clean/Laundry	26,000	0	26,000	6,311.75	19,645.25	43.00	99.8%
628019 Building Repairs	500	0	500	.00	.00	500.00	.0%
628020 Vehicle Repairs	0	0	0	.00	1,384.19	-1,384.19	.0%
628021 Equipment Repairs	4,200	0	4,200	.00	.00	4,200.00	.0%
628026 Maintenance Contractx	5,000	0	5,000	.00	.00	5,000.00	.0%
629000 Professional Development	54,500	0	54,500	27.95	.00	54,472.05	.1%
631000 Reports, Printing, & Binding	1,500	0	1,500	2,299.75	.00	-799.75	153.3%
632000 Dues & Subscriptions	14,300	0	14,300	7,304.00	.00	6,996.00	51.1%
633000 Office Supplies	3,000	0	3,000	87.90	.00	2,912.10	2.9%
633001 Operating Supplies	28,000	0	28,000	1,382.75	.00	26,617.25	4.9%
633029 MV Sup - Tires/Tube/Chain	18,000	0	18,000	.00	.00	18,000.00	.0%
633030 MV Sup - Fuel	0	0	0	.00	.00	.00	.0%
640000 Telephones/Cell Stipends	31,800	0	31,800	7,379.91	.00	24,420.09	23.2%
642000 Postage	1,000	0	1,000	.00	.00	1,000.00	.0%
TOTAL Police	5,517,652	0	5,517,652	1,203,131.86	63,192.44	4,251,327.70	23.0%
10221061 Fire - Sal Fringe							
611000 Regular Salaries	0	0	0	.00	.00	.00	.0%
TOTAL Fire - Sal Fringe	0	0	0	.00	.00	.00	.0%
1025 Information Technology							
611000 Regular Salaries	309,215	0	309,215	67,341.66	.00	241,873.34	21.8%
628000 PS - Gen/Professional	77,000	0	77,000	37,864.04	877.80	38,258.16	50.3%
628021 Equipment Repairs	4,000	0	4,000	.00	.00	4,000.00	.0%
629000 Professional Development	12,000	0	12,000	.00	.00	12,000.00	.0%
632000 Dues & Subscriptions	2,000	0	2,000	.00	.00	2,000.00	.0%
633001 Operating Supplies	4,000	0	4,000	.00	.00	4,000.00	.0%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1032 Health and Social Serv Assist							
628028 Electrical	30,000	0	30,000	10,342.57	.00	19,657.43	34.5%
628029 Medical	3,200	0	3,200	.00	.00	3,200.00	.0%
628030 Burial	25,000	0	25,000	.00	.00	25,000.00	.0%
628031 Fuel	1,000	0	1,000	538.06	.00	461.94	53.8%
628032 Provisions	50,000	0	50,000	.00	.00	50,000.00	.0%
628033 Rent	750,000	0	750,000	201,538.58	.00	548,461.42	26.9%
628034 Other	42,000	0	42,000	1,265.48	.00	40,734.52	3.0%
TOTAL Health and Social Serv Assist	901,200	0	901,200	213,684.69	.00	687,515.31	23.7%
1042 Public Works							
611000 Regular Salaries	3,524,738	0	3,524,738	787,317.57	.00	2,737,420.43	22.3%
613000 OT - Regular	65,000	0	65,000	20,958.17	.00	44,041.83	32.2%
613015 OT - Winter Road Maintenance	215,000	0	215,000	.00	.00	215,000.00	.0%
613016 OT - Fleet Services	1,000	0	1,000	.00	.00	1,000.00	.0%
613019 OT - Sand Removal	1,500	0	1,500	33.44	.00	1,466.56	2.2%
614003 Longevity Bonus	400	0	400	.00	.00	400.00	.0%
614004 Educational Incentive	0	0	0	.00	.00	.00	.0%
614005 Sick Leave Incentive	10,300	0	10,300	1,274.56	.00	9,025.44	12.4%
615000 Uniform Allowance	52,000	0	52,000	11,444.99	.00	40,555.01	22.0%
616001 Safety Compliance	10,200	0	10,200	.00	.00	10,200.00	.0%
628000 PS - Gen/Professional	270,000	0	270,000	102,431.09	1,512.83	166,056.08	38.5%
628007 Contracted Snow Removal	9,000	0	9,000	.00	.00	9,000.00	.0%
628010 Tree Removal	30,000	0	30,000	.00	7,500.00	22,500.00	25.0%
628012 Centerline Striping	271,400	0	271,400	77,602.90	70,939.00	122,858.10	54.7%
628014 Solid Waste Disposal	0	0	0	.00	.00	.00	.0%
628019 Building Repairs	115,000	0	115,000	8,225.26	.00	106,774.74	7.2%
628020 Vehicle Repairs	245,000	0	245,000	11,454.88	5,623.83	227,921.29	7.0%
628021 Equipment Repairs	30,000	0	30,000	10,084.20	.00	19,915.80	33.6%
628023 Radio Equipment Repairs	0	0	0	978.96	.00	-978.96	.0%
628024 Street Light Repairs	20,000	0	20,000	2,190.50	.00	17,809.50	11.0%
628025 Traffic Signal Maintenance	20,000	0	20,000	4,056.68	.00	15,943.32	20.3%
629000 Professional Development	22,000	0	22,000	1,765.00	.00	20,235.00	8.0%
629001 Travel - Mileage Reimbursment	3,950	0	3,950	.00	.00	3,950.00	.0%
629002 Travel - Seminar Costs	0	0	0	.00	.00	.00	.0%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
631000 Reports, Printing, & Binding	2,000	0	2,000	.00	.00	2,000.00	.0%
632000 Dues & Subscriptions	23,500	0	23,500	718.75	.00	22,781.25	3.1%
633000 Office Supplies	2,500	0	2,500	229.89	.00	2,270.11	9.2%
633001 Operating Supplies	2,000	0	2,000	.00	.00	2,000.00	.0%
633007 Maintenance Supplies	52,500	0	52,500	8,748.77	.00	43,751.23	16.7%
633010 Welding Supplies	15,000	0	15,000	5,470.46	.00	9,529.54	36.5%
633013 Traffic Paint	5,000	0	5,000	180.30	.00	4,819.70	3.6%
633014 Sign Material	40,000	0	40,000	3,620.98	-1,878.75	38,257.77	4.4%
633015 Pre-Mix Asphalt	200,000	0	200,000	46,219.51	34,197.90	119,582.59	40.2%
633016 Culvert/Basin Supplies	75,000	0	75,000	10,026.48	36,845.23	28,128.29	62.5%
633017 Bridge/Fence Supplies	6,000	0	6,000	1,468.38	.00	4,531.62	24.5%
633018 Loam/Seed	14,000	0	14,000	5,921.98	.00	8,078.02	42.3%
633019 Calcium Chloride	8,000	0	8,000	7,913.67	.00	86.33	98.9%
633020 Road Salt	350,000	0	350,000	.00	300,000.00	50,000.00	85.7%
633021 Safety Equipment	25,000	0	25,000	15,129.41	.00	9,870.59	60.5%
633023 Small Tools	27,000	0	27,000	15,276.84	.00	11,723.16	56.6%
633024 Gravel	110,000	0	110,000	29,309.92	-27,395.86	108,085.94	1.7%
633025 Other Sup - MV Repair	130,000	0	130,000	60,358.14	5,368.47	64,273.39	50.6%
633026 Other Sup - Equipment Repl	80,000	0	80,000	5,525.32	.00	74,474.68	6.9%
633029 MV Sup - Tires/Tube/Chain	70,000	0	70,000	6,388.72	.00	63,611.28	9.1%
633030 MV Sup - Fuel	0	0	0	4,756.27	.00	-4,756.27	.0%
633031 MV Sup - Plow/Grader Blades	35,000	0	35,000	.00	.00	35,000.00	.0%
633032 MV Sup - Other	50,000	0	50,000	7,730.05	.00	42,269.95	15.5%
633035 Parks/Open Space Supplies	75,000	0	75,000	5,097.39	.00	69,902.61	6.8%
640000 Telephones/Cell Stipends	14,748	0	14,748	4,880.81	.00	9,867.19	33.1%
641000 Water/Sewer	0	0	0	.00	.00	.00	.0%
641002 Electricity	0	0	0	.00	.00	.00	.0%
641004 Heating Fuel	0	0	0	.00	.00	.00	.0%
642000 Postage	200	0	200	73.00	.00	127.00	36.5%
643000 Leachate Hauling	20,000	0	20,000	2,604.84	.00	17,395.16	13.0%
650030 Operating Capital	0	0	0	6,647.00	62,166.34	-68,813.34	.0%
655200 Guard Rail Replacement	20,000	0	20,000	.00	.00	20,000.00	.0%
655405 St Imp-Crack Seal	0	0	0	.00	.00	.00	.0%
TOTAL Public Works	6,368,936	0	6,368,936	1,294,115.08	494,878.99	4,579,941.93	28.1%
1043 Solid Waste Disposal							
620000 Advertising	1,000	0	1,000	.00	.00	1,000.00	.0%
628014 Solid Waste Disposal	516,500	0	516,500	119,545.37	.00	396,954.63	23.1%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
628015 Solid Waste Collection	720,000	0	720,000	175,653.56	.00	544,346.44	24.4%
628053 Recycling Disposal	91,000	0	91,000	8,265.77	.00	82,734.23	9.1%
628054 Recycling Collection	288,000	0	288,000	81,499.23	.00	206,500.77	28.3%
TOTAL Solid Waste Disposal	1,616,500	0	1,616,500	384,963.93	.00	1,231,536.07	23.8%
1045 County Tax							
628908 County Taxes	3,117,240	0	3,117,240	3,117,240.00	.00	.00	100.0%
TOTAL County Tax	3,117,240	0	3,117,240	3,117,240.00	.00	.00	100.0%
1046 PW School Maint & Custodial							
611000 Regular Salaries	0	0	0	148,112.45	.00	-148,112.45	.0%
613000 OT - Regular	0	0	0	15,296.36	.00	-15,296.36	.0%
628019 Building Repairs	0	0	0	236,357.31	921,518.87	-1,157,876.18	.0%
628021 Equipment Repairs	0	0	0	3,846.87	.00	-3,846.87	.0%
633007 Maintenance Supplies	0	0	0	16,223.97	41,256.00	-57,479.97	.0%
633029 MV Sup - Tires/Tube/Chain	0	0	0	149.99	.00	-149.99	.0%
641000 Water/Sewer	0	0	0	9,572.96	.00	-9,572.96	.0%
641002 Electricity	0	0	0	65,445.97	.00	-65,445.97	.0%
641004 Heating Fuel	0	0	0	12,658.86	.00	-12,658.86	.0%
TOTAL PW School Maint & Custodial	0	0	0	507,664.74	962,774.87	-1,470,439.61	.0%
1049 Auburn Art in the Park							
628917 Arts in the Park	25,000	0	25,000	6,250.00	.00	18,750.00	25.0%
TOTAL Auburn Art in the Park	25,000	0	25,000	6,250.00	.00	18,750.00	25.0%
1050 Public Library							

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
611000 Regular Salaries	0	0	0	.00	.00	.00	.0%
628900 Public Library	1,199,897	0	1,199,897	299,974.26	.00	899,922.74	25.0%
TOTAL Public Library	1,199,897	0	1,199,897	299,974.26	.00	899,922.74	25.0%
1051 Transfer to TIF							
900001 Transfer Out	3,049,803	0	3,049,803	.00	.00	3,049,803.00	.0%
TOTAL Transfer to TIF	3,049,803	0	3,049,803	.00	.00	3,049,803.00	.0%
1052 Water & Sewer							
643002 Public Fire Protection Fee	840,280	0	840,280	195,300.82	.00	644,979.18	23.2%
TOTAL Water & Sewer	840,280	0	840,280	195,300.82	.00	644,979.18	23.2%
1053 Tax Sharing							
628909 Tax Sharing	260,000	0	260,000	.00	.00	260,000.00	.0%
TOTAL Tax Sharing	260,000	0	260,000	.00	.00	260,000.00	.0%
1054 Auburn-Lewiston Airport							
628911 Aub-Lew Airport	205,000	0	205,000	195,222.25	.00	9,777.75	95.2%
TOTAL Auburn-Lewiston Airport	205,000	0	205,000	195,222.25	.00	9,777.75	95.2%
1056 LA Transit Committee							
628913 Lew-Aub Transit	458,502	0	458,502	.00	.00	458,502.00	.0%
TOTAL LA Transit Committee	458,502	0	458,502	.00	.00	458,502.00	.0%

FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1057 LA-911							
611000 Regular Salaries	0	0	0	555.00	.00	-555.00	.0%
613000 OT - Regular	0	0	0	.00	.00	.00	.0%
628914 Lew-Aub 911	1,380,000	0	1,380,000	344,998.93	.00	1,035,001.07	25.0%
TOTAL LA-911	1,380,000	0	1,380,000	345,553.93	.00	1,034,446.07	25.0%
1070 Education							
600000 Expenditures	62,123,472	0	62,123,472	.00	.00	62,123,472.00	.0%
TOTAL Education	62,123,472	0	62,123,472	.00	.00	62,123,472.00	.0%
TOTAL General Fund	121,825,947	0	121,825,947	21,449,631.42	1,577,391.62	98,798,923.96	18.9%
TOTAL EXPENSES	121,825,947	0	121,825,947	21,449,631.42	1,577,391.62	98,798,923.96	
GRAND TOTAL	121,825,947	0	121,825,947	21,449,631.42	1,577,391.62	98,798,923.96	18.9%

Norway Savings Bank Arena

for the Period Ended September 30, 2024

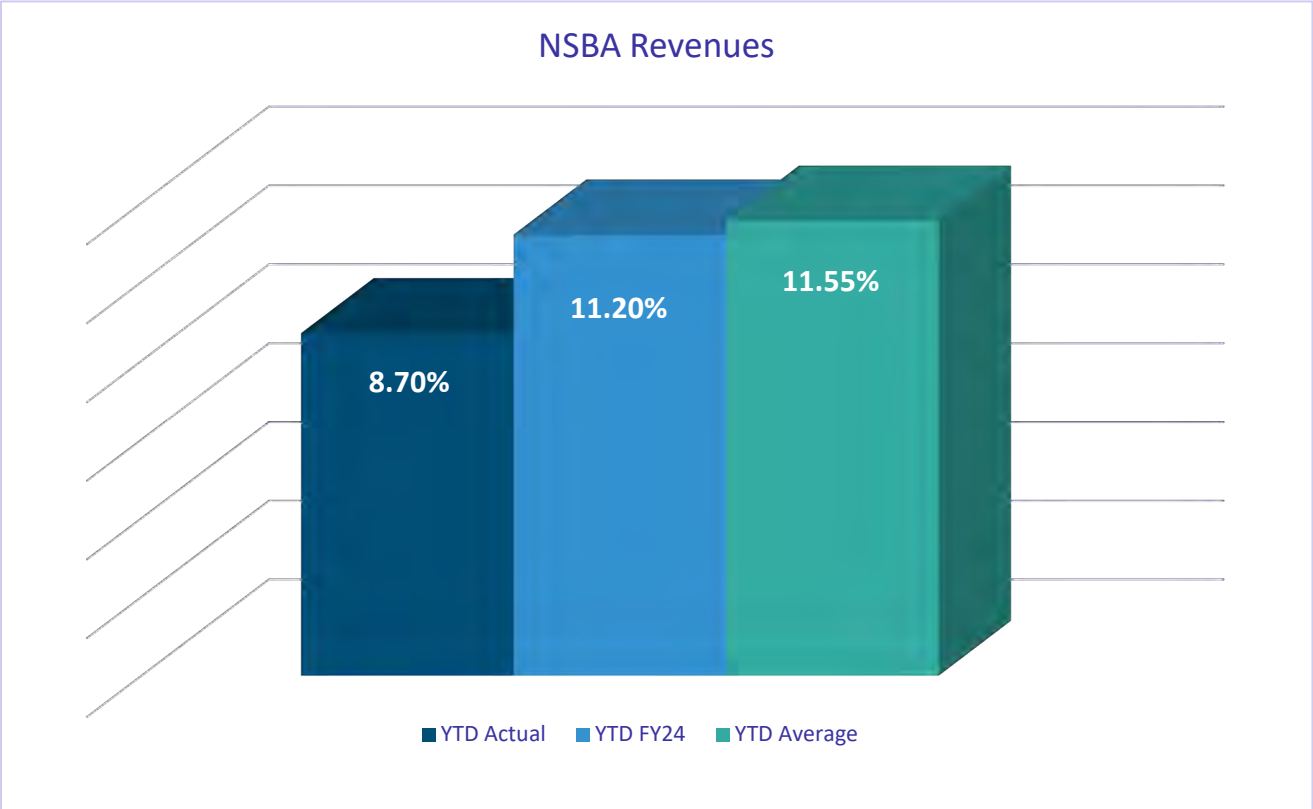
As of September 2024, Norway Arena had an operating loss fiscal YTD of $47,882.

Revenues:

The operating revenues for Norway Arena through September 2024 are $95,527 or 8.7% of the budget as compared to 11.2**%** of actual revenues through September 2023. This revenue comes from concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals.

- Ice rentals began earlier last year and Twin City Thunder no longer at rink, causing reduction in revenue.

*Graph reflects current YTD with comparison to prior YTD and YTD average of prior 3 years percentage.



FROM 2025 01 TO 2025 03

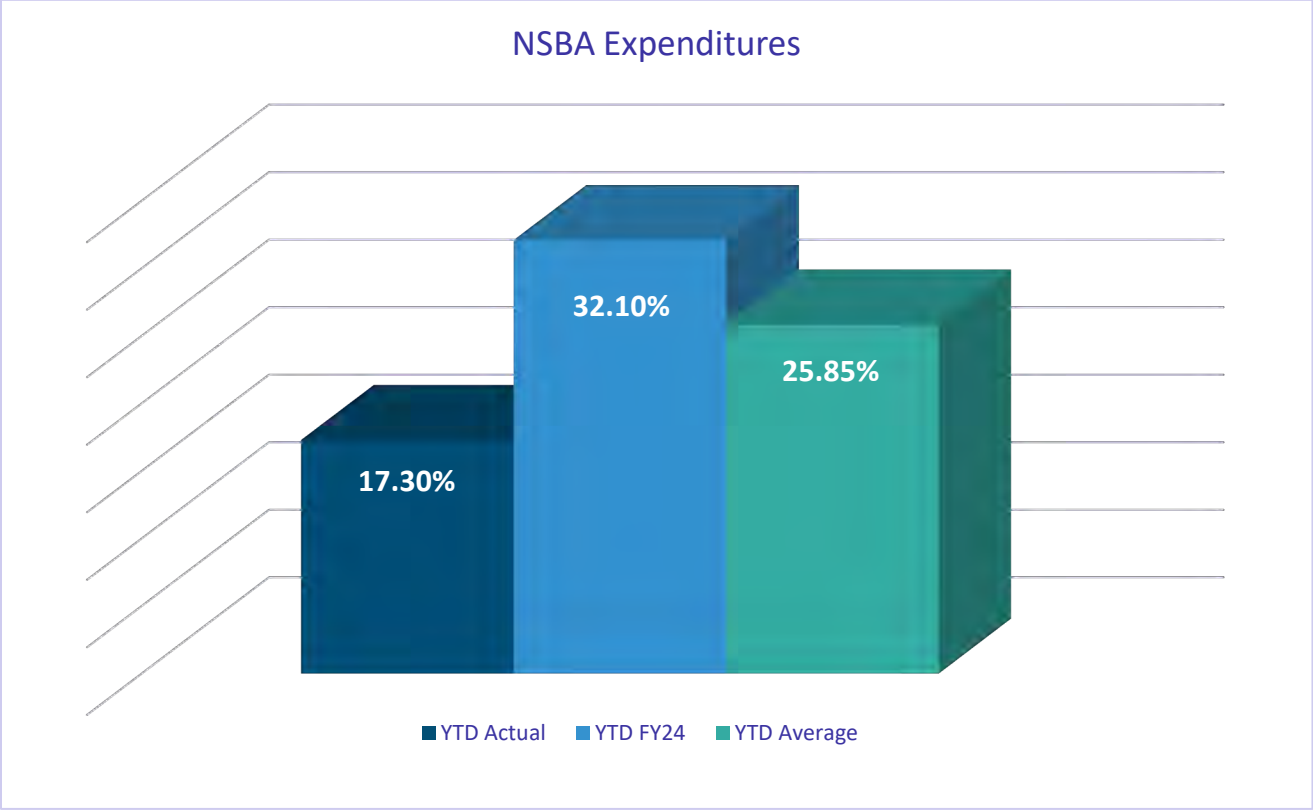
	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6200 Norway Savings Bank Arena							
6200 Norway Savings Bank Arena							
4201 Ice Rental-Gladiators	-280,000	0	-280,000	.00	.00	-280,000.00	.0%
4202 Ice Rental-Edward Little	-22,500	0	-22,500	-4,185.00	.00	-18,315.00	18.6%
4203 Ice Rental-Red Hornets	-18,500	0	-18,500	-2,602.50	.00	-15,897.50	14.1%
4205 Ice Rental-St Doms (B & G)	-35,000	0	-35,000	.00	.00	-35,000.00	.0%
4206 Ice Rental-Poland/Gray NG	-18,500	0	-18,500	.00	.00	-18,500.00	.0%
4207 Ice Rental-CMCC	-22,500	0	-22,500	.00	.00	-22,500.00	.0%
4208 Ice Rental-SMMHL	-2,000	0	-2,000	.00	.00	-2,000.00	.0%
4209 Ice Rental-Adult Leagues	-162,000	0	-162,000	-24,391.68	.00	-137,608.32	15.1%
4210 Ice Rental-Twin City Thunder	-33,800	0	-33,800	-6,604.99	.00	-27,195.01	19.5%
4211 Ticket Revenue	-28,600	0	-28,600	-1,116.00	.00	-27,484.00	3.9%
4212 Ice Rental-Twin City Thunders	0	0	0	.00	.00	.00	.0%
4215 Freestyle-Figure Skating	-7,500	0	-7,500	-385.00	.00	-7,115.00	5.1%
4220 Camps/Clinics	-45,000	0	-45,000	-8,060.00	.00	-36,940.00	17.9%
4221 Tournaments	-75,000	0	-75,000	.00	.00	-75,000.00	.0%
4223 Private Rentals	-30,000	0	-30,000	-6,370.00	.00	-23,630.00	21.2%
4224 Public Skate	-25,000	0	-25,000	-725.00	.00	-24,275.00	2.9%
4225 Shinny Hockey	-4,000	0	-4,000	-120.00	.00	-3,880.00	3.0%
4240 Programs	-20,000	0	-20,000	-2,100.00	.00	-17,900.00	10.5%
4250 Non Ice & Facility Rent	-40,000	0	-40,000	-3,041.25	.00	-36,958.75	7.6%
4252 Skate Rentals	-3,000	0	-3,000	-180.00	.00	-2,820.00	6.0%
4260 Concessions	-21,000	0	-21,000	.00	.00	-21,000.00	.0%
4261 Pepsi Vending Machines	-3,000	0	-3,000	-498.22	.00	-2,501.78	16.6%
4263 Vending Food	0	0	0	-76.90	.00	76.90	.0%
4265 Pro Shop	-7,000	0	-7,000	.00	.00	-7,000.00	.0%
4270 Sponsorships	-195,000	0	-195,000	-35,070.95	.00	-159,929.05	18.0%
TOTAL Norway Savings Bank Arena	-1,098,900	0	-1,098,900	-95,527.49	.00	-1,003,372.51	8.7%
TOTAL Norway Savings Bank Arena	-1,098,900	0	-1,098,900	-95,527.49	.00	-1,003,372.51	8.7%
TOTAL REVENUES	-1,098,900	0	-1,098,900	-95,527.49	.00	-1,003,372.51	
GRAND TOTAL	-1,098,900	0	-1,098,900	-95,527.49	.00	-1,003,372.51	8.7%

Expenditures:

The operating expenses for Norway Arena through September 2024 were $143,409 or 17.3% of the budget as compared to 32.1**%** of actual expenditures through September 2023. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

- Electricity credits from hydro agreement have kept costs extremely low YTD.

*Graph reflects current YTD with comparison to prior YTD and YTD average of prior 3 years percentage.



FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6200 Norway Savings Bank Arena							
6200 Norway Savings Bank Arena							
611000 Regular Salaries	311,032	0	311,032	80,751.43	.00	230,280.57	26.0%
612000 Part Time	60,000	0	60,000	14,149.78	.00	45,850.22	23.6%
612008 Programs	10,000	0	10,000	532.50	.00	9,467.50	5.3%
613030 Police Time	0	0	0	-2,197.00	.00	2,197.00	.0%
614015 Earned Paid Leave	0	0	0	.00	.00	.00	.0%
615000 Uniform Allowance	0	0	0	.00	.00	.00	.0%
620000 Advertising	2,000	0	2,000	.00	.00	2,000.00	.0%
628000 PS - Gen/Professional	12,000	0	12,000	.00	.00	12,000.00	.0%
628003 Drug Testing	400	0	400	.00	.00	400.00	.0%
628014 Solid Waste Disposal	600	0	600	139.16	.00	460.84	23.2%
628019 Building Repairs	50,000	0	50,000	1,859.71	.00	48,140.29	3.7%
628020 Vehicle Repairs	4,000	0	4,000	5,623.51	.00	-1,623.51	140.6%
628021 Equipment Repairs	4,000	0	4,000	2,249.82	.00	1,750.18	56.2%
628026 Maintenance Contractx	0	0	0	.00	.00	.00	.0%
628051 Cleaning Services	20,000	0	20,000	3,325.00	16,675.00	.00	100.0%
628070 Security	4,900	0	4,900	.00	.00	4,900.00	.0%
629000 Professional Development	5,000	0	5,000	.00	.00	5,000.00	.0%
632000 Dues & Subscriptions	7,412	0	7,412	7,500.00	1,350.00	-1,438.00	119.4%
633000 Office Supplies	2,000	0	2,000	.00	.00	2,000.00	.0%
633001 Operating Supplies	70,000	0	70,000	10,832.00	7,100.00	52,068.00	25.6%
633002 Other Sup - Operating Field	3,000	0	3,000	12.00	.00	2,988.00	.4%
633021 Safety Equipment	4,000	0	4,000	-145.10	.00	4,145.10	-3.6%
633030 MV Sup - Fuel	0	0	0	.00	.00	.00	.0%
640000 Telephones/Cell Stipends	5,000	0	5,000	873.90	.00	4,126.10	17.5%
640001 Cable	2,500	0	2,500	535.68	.00	1,964.32	21.4%
641000 Water/Sewer	46,000	0	46,000	13,903.58	.00	32,096.42	30.2%
641001 Natural Gas	42,153	0	42,153	1,662.86	.00	40,490.14	3.9%
641002 Electricity	220,000	0	220,000	.00	.00	220,000.00	.0%
641003 Bottled Gas	5,000	0	5,000	1,800.24	.00	3,199.76	36.0%
642000 Postage	150	0	150	.00	.00	150.00	.0%
645000 Insurance Premiums	43,223	0	43,223	.00	.00	43,223.00	.0%
650000 Capital Outlay	40,000	0	40,000	.00	.00	40,000.00	.0%
TOTAL Norway Savings Bank Arena	974,370	0	974,370	143,409.07	25,125.00	805,835.93	17.3%
TOTAL Norway Savings Bank Arena	974,370	0	974,370	143,409.07	25,125.00	805,835.93	17.3%
TOTAL EXPENSES	974,370	0	974,370	143,409.07	25,125.00	805,835.93	
GRAND TOTAL	974,370	0	974,370	143,409.07	25,125.00	805,835.93	17.3%

Ingersoll Turf Facility

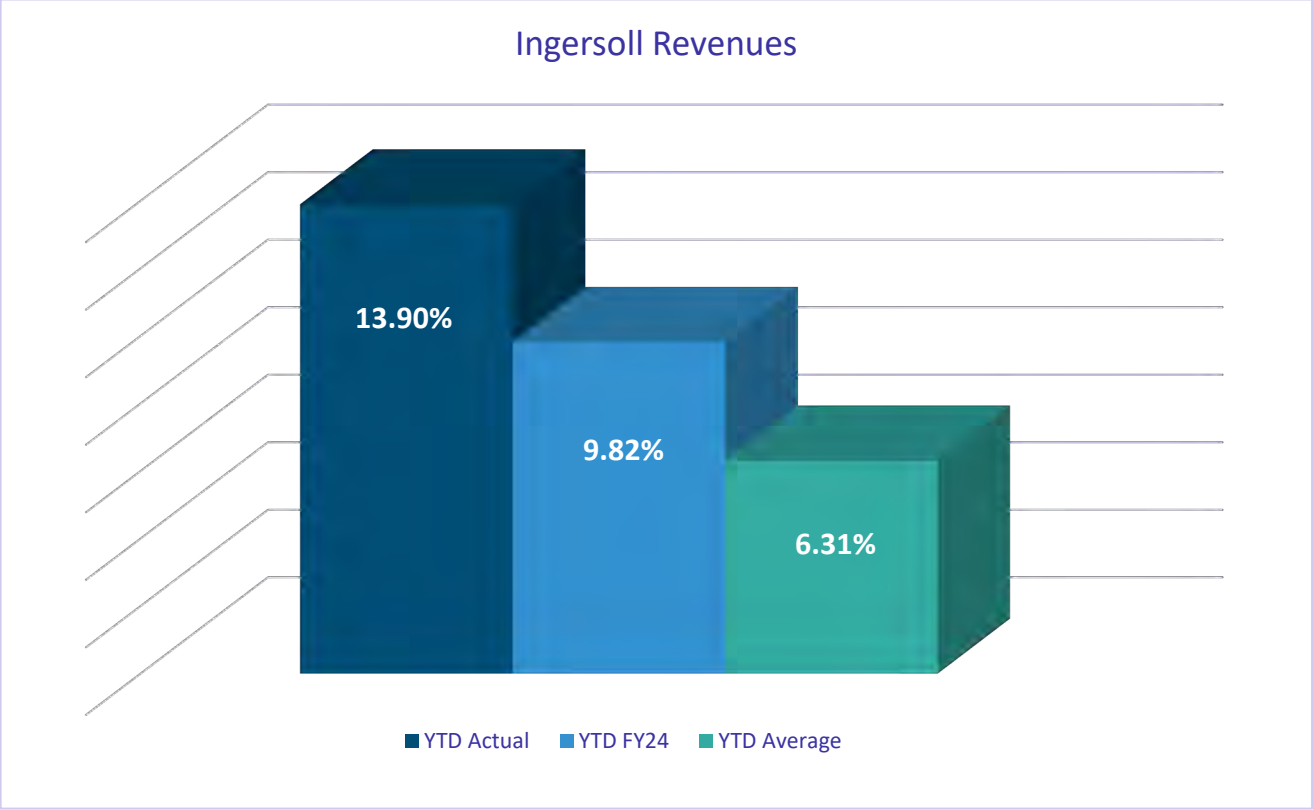
for the Period Ended September 30, 2024

As of September 2024, Ingersoll had an operating gain YTD of $28,739. Of note, revenue to expenditure comparison is disproportionate as some expenditures are listed under the Recreation department budget, and regular salaries under Public Works.

Revenues:

The operating revenues for Ingersoll through September 2024 are $30,596 or 13.9% of the budget as compared to 9.82**%** of actual revenues through September 2023. This revenue comes from sponsorships, programs, rental income, and batting cages.

*Graph reflects current YTD with comparison to prior YTD and YTD average of prior 3 years percentage.



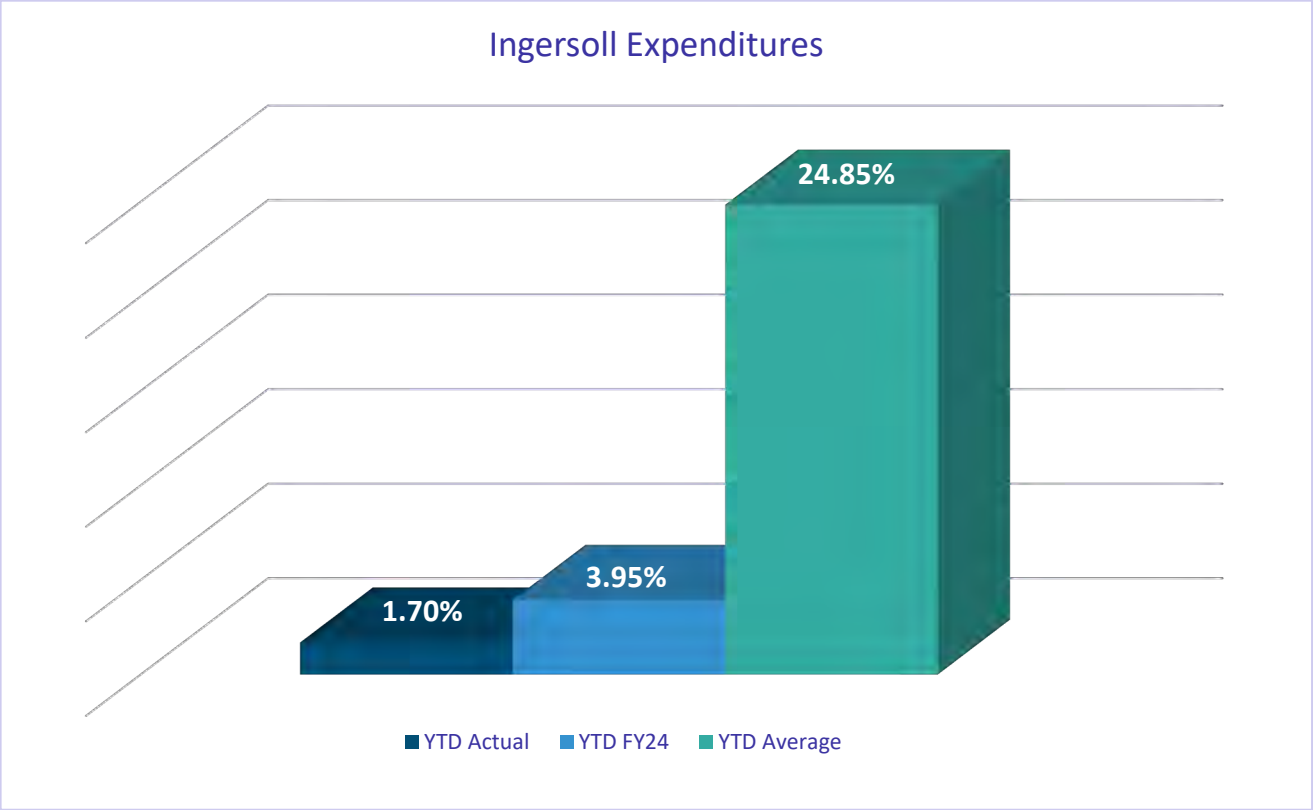
FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6100 Ingersoll Turf Facility							
6100 Ingersoll Turf Facility							
420070 Sponsorships-Special Events	-20,000	0	-20,000	-4,000.00	.00	-16,000.00	20.0%
420800 PROGRAM REVENUES	-18,000	0	-18,000	-5,455.00	.00	-12,545.00	30.3%
420903 Programs	-42,000	0	-42,000	-340.00	.00	-41,660.00	.8%
422000 Investment Income	0	0	0	-1,334.73	.00	1,334.73	.0%
429010 Rental Income	-140,000	0	-140,000	-19,466.50	.00	-120,533.50	13.9%
TOTAL Ingersoll Turf Facility	-220,000	0	-220,000	-30,596.23	.00	-189,403.77	13.9%
TOTAL Ingersoll Turf Facility	-220,000	0	-220,000	-30,596.23	.00	-189,403.77	13.9%
TOTAL REVENUES	-220,000	0	-220,000	-30,596.23	.00	-189,403.77	
GRAND TOTAL	-220,000	0	-220,000	-30,596.23	.00	-189,403.77	13.9%

Expenditures:

The operating expenses for Ingersoll through September 2024 were $1,857 or 1.7% of the budget as compared to 3.95**%** of actual expenditures through September 2023. These expenses include supplies, repairs, capital purchases and maintenance. Many expenses are under Recreation, causing the disparity in comparison.

*Graph reflects current YTD with comparison to prior YTD and YTD average of prior 3 years percentage.



FROM 2025 01 TO 2025 03

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6100 Ingersoll Turf Facility							
6100 Ingersoll Turf Facility							
611000 Regular Salaries	40,000	0	40,000	.00	.00	40,000.00	.0%
612000 Part Time	25,000	0	25,000	528.77	.00	24,471.23	2.1%
620000 Advertising	500	0	500	.00	.00	500.00	.0%
628000 PS - Gen/Professional	5,300	0	5,300	.00	.00	5,300.00	.0%
628019 Building Repairs	20,000	0	20,000	258.48	.00	19,741.52	1.3%
629000 Professional Development	500	0	500	.00	.00	500.00	.0%
629001 Travel - Mileage Reimbursment	200	0	200	.00	.00	200.00	.0%
632000 Dues & Subscriptions	500	0	500	.00	.00	500.00	.0%
633000 Office Supplies	500	0	500	.00	.00	500.00	.0%
633003 Janitorial Supplies	2,000	0	2,000	371.64	.00	1,628.36	18.6%
633033 Tax Acquired Property Exp	16,300	0	16,300	522.85	.00	15,777.15	3.2%
640000 Telephones/Cell Stipends	1,400	0	1,400	175.53	.00	1,224.47	12.5%
641005 Diesel	300	0	300	.00	.00	300.00	.0%
642000 Postage	50	0	50	.00	.00	50.00	.0%
650000 Capital Outlay	0	0	0	.00	.00	.00	.0%
651069 Rec Programming/Facility Study	0	0	0	.00	.00	.00	.0%
TOTAL Ingersoll Turf Facility	112,550	0	112,550	1,857.27	.00	110,692.73	1.7%
TOTAL Ingersoll Turf Facility	112,550	0	112,550	1,857.27	.00	110,692.73	1.7%
TOTAL EXPENSES	112,550	0	112,550	1,857.27	.00	110,692.73	
GRAND TOTAL	112,550	0	112,550	1,857.27	.00	110,692.73	1.7%

City Council Workshop & Meeting
Agenda
December 16, 2024
Auburn Hall, Council Chambers

5:30 PM Workshop

- Housing First

7:00 PM Meeting

Pledge of Allegiance & Roll Call **-** *Roll call votes will begin with Councilor Weisner*

I. **Consent Items –** *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent agenda and considered in its normal sequence on the agenda. Passage of items on the Consent agenda requires majority vote.*

a. **ORDER 153-12162024*** – Appointing Richard Whiting and Timothy Cowan to the AVCOG General Assembly, as nominated by Mayor Harmon.

b. **ORDER 154-12162024*** - Appointing Denis D'Auteuil to the AVCOG Executive Committee (alternate), as nominated by Mayor Harmon.

c. **ORDER 155-12162024* -** Appointing Maureen Hopkins to the Planning Board (Member) for a term that expires 1/1/2028, as nominated by the Appointment Committee.

d. **ORDER 156-12162024* -** Appointing Edmond Bearor to the Planning Board (Associate Member) for a term that expires 1/1/2028, as nominated by the Appointment Committee.

e. **ORDER 157-12162024*** - Appointing John Ruccolo to the Complete Streets Committee for a term that expires 12/31/2027, as nominated by the Appointment Committee.

f. **ORDER 158-12162024*** - Appointing Heather Barnett to the Complete Streets Committee for a term that expires 12/31/2027, as nominated by the Appointment Committee.

g. **ORDER 160-12162024*** - Appointing Evan Cyr to the Zoning Board of Appeals (Associate Member) for a term that expires 5/1/2025, as nominated by the Appointment Committee.

h. **ORDER 161-12162024*** - Appointing Emily F. Carrington as Registrar of Voters for the City of Auburn for a term that expires 12/31/2026.

i. **ORDER 162-12162024* -** Appointing Kryston Chapman (Member) & Quentin Chapman (Alternate) as Republican representatives to the Voter Registration Appeals Board for terms that expire 3/1/2027, as nominated by the Auburn Republican Committee.

II. **Minutes** – December 2, 2024 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

- Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee Report

IV. **Open Session –** *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. **Unfinished Business**

1. **RESOLVE 7-11042024** – Supporting an "interim trail" for the Casco Bay Trail. *Postponed on November 4, 2024 and workshopped on December 2, 2024. Passage requires majority vote.*

2. **ORDINANCE 22-12022024** – Proposed amendment to Sec. 52-320 regarding prohibited parking on Eighth Street. *Amended and passed first reading on December 2, 2024. Second reading/public hearing. ROLL CALL VOTE.*

3. **ORDINANCE 23-12022024 –** Text Amendments related to 30-A M.R.S. §§ 4364, 4364-A and 4364-B (L.D. 2003). *First reading. Postponed on December 2, 2024. ROLL CALL VOTE.*

4. **ORDINANCE 24-1202024 –** Proposed amendment to Chapter 14 regarding Blasting. *Passed first reading on December 2, 2024. Second reading/public hearing. ROLL CALL VOTE.*

5. **ORDER 163-12162024** – Accepting the Mayor's Ad-Hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee Report. *Passage requires majority vote.*

1. **New Business**

1. **ORDER 164-12162024** – CDBG & HOME Consolidated/Action Plan Amendment for Program Year 2024. *Public hearing. Passage requires majority vote.*

2. **RESOLVE 8-12162024** – Approving and ratifying the application of a $1,000,000 HUD Section 108 Loan Guarantee for the Development of the Auburn Community Resource Center located at 121 Mill Street. *Passage requires majority vote.*

VII. Reports

a. **Mayor's Report**
b. **City Councilors' Reports**
c. **Student Representative Report**
d. **City Manager Report**
e. Quarterly Corrective Action Report – Kelsey Earle, Finance Director
   2024 October Finance Report

VIII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

IX. Executive Session

X. Adjournment

HOUSING FIRST IN PERMANENT SUPPORTIVE HOUSING

What is Housing First?

Housing First is an approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment or service participation requirements. Supportive services are offered to maximize housing stability and prevent returns to homelessness as opposed to addressing predetermined treatment goals prior to permanent housing entry.

Housing First emerged as an alternative to the linear approach in which people experiencing homelessness were required to first participate in and graduate from short-term residential and treatment programs before obtaining permanent housing. In the linear approach, permanent housing was offered only after a person experiencing homelessness could demonstrate that they were "ready" for housing. By contrast, Housing First is premised on the following principles:

- Homelessness is first and foremost a housing crisis and can be addressed through the provision of safe and affordable housing.

- All people experiencing homelessness, regardless of their housing history and duration of homelessness, can achieve housing stability in permanent housing. Some may need very little support for a brief period of time, while others may need more intensive and long-term supports.

- Everyone is "housing ready." Sobriety, compliance in treatment, or even criminal histories are not necessary to succeed in housing. Rather, homelessness programs and housing providers must be "consumer ready."

- Many people experience improvements in quality of life, in the areas of health, mental health, substance use, and employment, as a result of achieving housing.

- People experiencing homelessness have the right to self-determination and should be treated with dignity and respect.

- The exact configuration of housing and services depends upon the needs and preferences of the population.

While the principles of Housing First can be applied to many interventions and as an overall community approach to addressing homelessness, this document focuses primarily on Housing First in the context of permanent supportive housing models for people experiencing chronic homelessness.

Housing First Effectiveness in Permanent Supportive Housing

Permanent supportive housing models that use a Housing First approach have been proven to be highly effective for ending homelessness, particularly for people experiencing chronic homelessness who have higher service needs. Studies such as HUD's *The Applicability of Housing First Models to Homeless Persons with Serious Mental Illness* have shown that Housing First permanent supportive housing

models result in long-term housing stability, improved physical and behavioral health outcomes, and reduced use of crisis services such as emergency departments, hospitals, and jails.

Core Components of Housing First

The core features of Housing First in the context of permanent supportive housing models are as follows:

- ***Few to no programmatic prerequisites to permanent housing entry*** – People experiencing homelessness are offered permanent housing with no programmatic preconditions such as demonstration of sobriety, completion of alcohol or drug treatment, or agreeing to comply with a treatment regimen upon entry into the program. People are also not required to first enter a transitional housing program in order to enter permanent housing

- ***Low barrier admission policies*** – Permanent supportive housing's admissions policies are designed to "screen-in" rather than screen-out applicants with the greatest barriers to housing, such as having no or very low income, poor rental history and past evictions, or criminal histories. Housing programs may have tenant selection policies that prioritize people who have been homeless the longest or who have the highest service needs as evidenced by vulnerability assessments or the high utilization of crisis services.

- ***Rapid and streamlined entry into housing*** – Many people experiencing chronic homelessness may experience anxiety and uncertainty during a lengthy housing application and approval process. In order to ameliorate this, Housing First permanent supportive housing models make efforts to help people experiencing homelessness move into permanent housing as quickly as possible, streamlining application and approval processes, and reducing wait times.

- ***Supportive services are voluntary, but can and should be used to persistently engage tenants to ensure housing stability*** - Supportive services are proactively offered to help tenants achieve and maintain housing stability, but tenants are not required to participate in services as a condition of tenancy. Techniques such as harm reduction and motivational interviewing may be useful. Harm reduction techniques can confront and mitigate the harms of drug and alcohol use through non-judgmental communication while motivational interviewing may be useful in helping households acquire and utilize new skills and information.

- ***Tenants have full rights, responsibilities, and legal protections*** – The ultimate goal of the Housing First approach is to help people experiencing homelessness achieve long-term housing stability in *permanent* housing. Permanent housing is defined as housing where tenants have leases that confer the full rights, responsibilities, and legal protections under Federal, state, and local housing laws. Tenants are educated about their lease terms, given access to legal assistance, and encouraged to exercise their full legal rights and responsibilities. Landlords and providers in Housing First models abide by their legally defined roles and obligations. For instance, landlords and providers do not enter tenants' apartments without tenants' knowledge and permission except under legally-defined emergency circumstances. Many Housing First permanent supportive housing programs also have a tenant association or council to review program policies and provide feedback, and formal processes for tenants to submit suggestions or grievances.

- ***Practices and policies to prevent lease violations and evictions*** –Housing First supportive housing programs should incorporate practices and policies that prevent lease violations and evictions among tenants. For instance, program policies consistent with a Housing First approach do not consider alcohol or drug use in and of itself to be lease violations, unless such use results in disturbances to neighbors or is associated with illegal activity (e.g. selling illegal substances.) Housing First models may also have policies that give tenants some flexibility and recourse in the rent payment, which in many subsidized housing programs is 30% of the participant's income. For example, rather than moving towards eviction proceedings due to missed rent payments, programs may allow tenants to enter into payment installment plans for rent arrearages, or offer money management assistance to tenants.

- ***Applicable in a variety of housing models*** – The Housing First approach can be implemented in different types of permanent supportive housing settings, including: scattered-site models in private market apartments, where rental assistance is provided, and tenants have access mobile and site-based supportive services; single-site models in which permanent supportive housing buildings are newly constructed or rehabilitated and tenants have access to voluntary on-site services; and set-asides, where supportive services are offered to participants in designated units within affordable housing developments.

Adopting a Housing First Approach in Permanent Supportive Housing

Providers of permanent supportive housing that do not already use a Housing First approach can adopt this approach by reviewing existing program policies and procedures, and by learning and implementing new services and practices through training and clinical supervision. A provider that would like to move to a Housing First program model should start with the following steps:

- **Review current policies and procedures** – Providers should undertake a systematic review of their current operating policies and procedures. First, providers should assess tenant selection and admission policies to ensure that they do not screen out applicants on the basis of rental, credit, or criminal histories, sobriety, income, etc. They should also evaluate the application and admission process to identify ways to streamline and shorten the process. They should review the lease terms, lease compliance, and eviction policies to ensure that they are consistent with Housing First principles and housing laws. Lease provisions that require participation in services or that deem alcohol use as lease violations or grounds for eviction should be removed. Providers should consider adding policies that help prevent eviction when a tenant falls behind on rent or experiences other lease violations.

- **Learn and adopt Housing First services approaches and practices** – Providers can adopt supportive services approaches and practices that creatively engage tenants to maximize and ensure housing stability. Through training around harm reduction approaches, services staff can learn to confront and mitigate the harms of drug and alcohol use through non-judgmental communication. Staff can also receive training to develop competency around techniques like motivational interviewing, wellness self-management, and trauma-informed care. Adoption of these practices often also requires continual reinforcement through effective clinical supervision, which is key to supporting housing stability.

Useful Resources on Housing First

- **USICH's Housing First Checklist** - An easy-to-use tool for policymakers and practitioners to identify and assess whether a program or community is using a Housing First approach. This three-page tool breaks down the Housing First approach into distinguishing components at both the program and community levels.

- **Housing First in USICH's Solutions Database** – A description of Housing First along with links to examples and resources from USICH's Solutions Database.

- **The Housing First Fidelity model index** - In the April 2013 edition of *Substance Abuse Treatment, Prevention, and Policy*, Watson and colleagues (2013) discuss the development and testing of their Housing First Fidelity instrument. The study finds that the instrument is effective in assessing the quality of Housing First programs and for making implementation decisions.

- **Organizational Change: Adopting a Housing First Approach** - The National Alliance to End Homelessness' tool-kit on adopting Housing First as a community-wide strategy.

- **Pathways to Housing - Housing First Model** - Pathways to Housing produced a step-by-step manual presents a comprehensive guide to Pathways to Housing's Housing First approach.

- **DESC's Seven Standards of Housing First** - Seattle-based Downtown Emergency Service Center has identified seven standards essential to their Housing First approach.

- **Unlocking the Door: An Implementation Evaluation of Supportive Housing for Active Substance Users in New York City** - The National Center on Addiction and Substance Abuse at Columbia University and the Corporation for Supportive Housing evaluated the implementation of nine scattered-site Housing First permanent supportive housing programs serving approximately 500 people experiencing chronic homelessness with active substance abuse disorders in New York City. The report concludes with useful lessons for what is critical to implementing a Housing First permanent supportive housing model. A full impact evaluation of these programs will be completed later in 2013. Preliminary findings indicate that the programs were successful in helping people exit homelessness, remain stably housed, and reduce their use of emergency services.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 16, 2024 **ORDER 153-12162024***

Author: Emily F. Carrington, City Clerk

Subject: AVCOG General Assembly Appointments

Information: This order appoints two Councilors to the General Assembly of the The Androscoggin Valley Council of Governments (AVCOG). Mayor Harmon has nominated Councilor Whiting (reappointment) and Councilor Cowan (to replace Councilor Gerry).

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History:

City Manager Comments: Phillip Crowell Jr.

Attachments: ORDER

ORDER 153-12162024

City Council Order

IN CITY COUNCIL

ORDERED, that Richard Whiting (Ward 1) and Timothy Cowan (Ward 2) be appointed to serve on the General Assembly of AVCOG for the City of Auburn.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 16, 2024 **ORDER 154-12162024***

Author: Emily F. Carrington, City Clerk

Subject: AVCOG Executive Committee Appointment

Information: This order appoints Assistant City Manager, Denis D'Auteuil, to replace Brian Wood as the alternate member appointed to AVCOG Executive Committee.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History:

City Manager Comments: Phillip Crowell Jr.

Attachments: ORDER

ORDER 154-12162024

City Council Order

IN CITY COUNCIL

ORDERED, that Denis D'Auteuil be appointed to serve as alternate member of the AVCOG Executive Committee for the City of Auburn.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 16, 2024

ORDER 155-12162024* through ORDER 160-12162024*

Author: Emily F. Carrington, City Clerk

Subject: Various Appointments to City Boards/Committeees

Information: The Appointment Committee met on December 11, 2024 to consider applications submitted by the posted deadline of 12/6/24 for vacancies/upcoming term endings on various city boards & committees and is recommending the appointment of the following:

- ORDER 155-12162024* - Appointing Maureen Hopkins to the Planning Board (Member) for a term that expires 1/1/2028, as nominated by the Appointment Committee.
- ORDER 156-12162024* - Appointing Edmond Bearor to the Planning Board (Associate Member) for a term that expires 1/1/2028, as nominated by the Appointment Committee.
- ORDER 157-12162024* - Appointing John Ruccolo to the Complete Streets Committee for a term that expires 12/31/2027, as nominated by the Appointment Committee.
- ORDER 158-12162024* - Appointing Heather Barnett to the Complete Streets Committee for a term that expires 12/31/2027, as nominated by the Appointment Committee.
- ORDER 160-12162024* - Appointing Evan Cyr to the Zoning Board of Appeals (Associate Member) for a term that expires 5/1/2025, as nominated by the Appointment Committee.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History:

City Manager Comments: Phillip Crowell Jr.

Attachments: ORDERS

ORDER 155-12162024

City Council Order

IN CITY COUNCIL

ORDERED, that Maureen Hopkins be and hereby is appointed to the Planning Board (Member) for a term that expires 1/1/2028, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 156-12162024

City Council Order

IN CITY COUNCIL

ORDERED, that Edmond Bearor be and hereby is appointed to the Planning Board (Associate Member) for a term that expires 1/1/2028, as nominated by the Appointment Committee

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 157-12162024

City Council Order

IN CITY COUNCIL

ORDERED, that John Ruccolo be and hereby is appointed to the Complete Streets Committee for a term that expires 12/31/2027, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 158-12162024

City Council Order

IN CITY COUNCIL

ORDERED, that Heather Barnett be and hereby is appointed to the Complete Streets Committee for a term that expires 12/31/2027, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 160-12162024

City Council Order

IN CITY COUNCIL

ORDERED, that Evan Cyr be and hereby is appointed to the Zoning Board of Appeals (Associate Member) for a term that expires 5/1/2025, as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 16, 2024 **ORDER 161-12162024***

Author: Emily F. Carrington, City Clerk

Subject: Appointment of Registrar of Voters

Information: State Law (Title 21-A §101) requires the municipal officers to appoint a Registrar of Voters for a two year term by January 1 of every odd-numbered year. Historically, the City Clerk has served in this role. Emily F. Carrington has been appointed in this role, and this order reappoints her for a new two year term ending 12/31/2026.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History:

City Manager Comments: Phillip Crowell Jr.

Attachments: ORDER

ORDER XX-12162024

City Council Order

IN CITY COUNCIL

ORDERED, that Emily F. Carrington be and hereby is appointed to serve as Registrar of Voters for the City of Auburn for a two year term expiring 12/31/2026.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 16, 2024 **ORDER 162-12162024***

Author: Emily F. Carrington, City Clerk

Subject: Voter Registration Appeals Board - Appointments

Information: State Law (Title 21-A §103) requires a Voter Registration Appeals Board in towns or cities with a population of 5,000 or more whose purpose is to hear appeal cases regarding a person's voter registration status. The municipal committee of each of the major political parties shall nominate a member and alternate member of that political party to serve on the board, who shall be confirmed by the municipal officers. This board has not been called to meet in at least the past 12 years.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History:

City Manager Comments: Phillip Crowell J.

Attachments: ORDER

ORDER 162-12162024

City Council Order

IN CITY COUNCIL

ORDERED, that Kryston Chapman be and hereby is appointed to the Voter Registration Appeals Board as the Republican member, as nominated by the Auburn Republican Committee, for a term ending 3/1/2027.

BE IT FURTHER ORDERED, that Quentin Chapman be and hereby is appointed as the alternate Republican member, as nominated by the Auburn Republican Committee, for a term ending 3/1/2027.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL WORKSHOP & MEETING DECEMBER 2, 2024 VOL 37 PAGE 207

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors and Student Representatives were present.

I. Consent Items

II. Minutes – November 18, 2024 Regular Council Meeting

Councilor Walker moved for passage, seconded by Councilor Cowan. Motion passed 7-0.

III. Communications, Presentations and Recognitions

IV. Open Session

V. Unfinished Business

1. **Ordinance 21-11182024** - Lake Auburn Watershed Text/Map Amendments. Second reading & public hearing. ROLL CALL VOTE.

Councilor Whiting moved for passage, seconded by Councilor Walker. Mayor Harmon opened the public hearing at 7:03pm. The following spoke:

Stephen Beale, Johnson Road
Evan Cyr, Granite St

Mayor Harmon closed the public hearing at 7:09pm.

Motion for passage 7-0 on a roll call vote.

VI. New Business

1. **Ordinance 22-12022024** – Proposed amendment to Sec. 52-320 regarding prohibited parking on Eighth Street. 1st reading. ROLL CALL VOTE.

Councilor Walker moved for passage and moved to amend to replace "Both sides" with "The northerly side of the street", seconded by Councilor Gerry. There was no comment from the public. Motion to amend passed 7-0.

2. **Ordinance 23-12022024** - Text Amendments related to 30-A M.R.S. §§ 4364, 4364-A and 4364-B (L.D. 2003). 1 st reading. ROLL CALL VOTE.

Councilor Whiting moved to postpone to December 16, 2024, seconded by Councilor Gerry. Motion passed 7-0.

3. **Ordinance 24-1202024** - Proposed amendment to Chapter 14 regarding Blasting. 1st reading. ROLL CALL VOTE.

Councilor Weisner moved for passage, seconded by Councilor Gerry. The following spoke:

Anthony, Everett Rd, Poland

The Mayor recommended staff bring forward an amendment at second reading that addresses holiday/weekend blasting exemptions as it may apply to hobby mining.

Motion for passage 7-0 of first reading on a roll call vote.

VII. Reports

a. Mayor's Report – Mayor Harmon attended New Beginnings open house in Lewiston; opening of Sweetser Health and Healing Center and recognized Kelsey Earle for being recognized by the Chamber of Commerce as one of the community's "40 under 40" for the finance divison.

b. City Councilors' Reports – Councilor Whiting mentioned the upcoming Holiday Bazaar at the Library and "read to a dog" event. Councilor Cowan gave an update on the Homeless committee, next meeting will be held next week. Councilor Walker thanked everyone who helped with the Thanksgiving Dinner at the Senior Center, over 105 people attended. Reminded the public of the New Auburn Tree Lighting on December 7 at 5:30pm hosted by the United New Auburn Association. Councilor Platz gave updates from the School Committee's budget schedule.

c. Student Representative Report – None.

d. City Manager Report – Mentioned the Auburn Tree Lighting occuring on December 8 at Festival Plaza and Holiday Parade. Recognized the PAL Center in their Thanksgiving meal giveaway event, and Student Representatives on their podcast for Absolutely Auburn which will air next week.

e. 2024 August & September Finance Reports – Kelsey Earle, Finance Director

Councilor Cowan moved to accept the 2024 August Finance Report, seconded by Councilor Milks. Motion passed 7-0.

Councilor Whiting moved to accept the 2024 September Finance Report, seconded by Councilor Milks. Motion passed 7-0.

VIII. Open Session

Jason Levesque, Youngs Corner Rd
Evan Cyr, Granite St
Michael Charest, Sixth St

IX. Executive Session

Councilor Weisner moved to suspend the rules to add an Executive Session to the agenda, seconded by Councilor Gerry. Motion passed 7-0.

Councilor Weisner moved to enter Executive Session pursuant to Title 1 Section 405 (6) (C) in regards to economic development matter related to the sale of 15 Academy St. Passed 7-0. Council entered executive session at 7:56pm. No action to follow.

X. Adjournment

Council came out of executive session and moved to adjourn by unanimous consent.

A TRUE COPY ATTEST

Emily F. Carrington, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 16, 2024

Author: John Blais, Deputy Director of Public Services

Subject: Mayor's Bona-Fide Agricultural, Recreational and Natural Resources Land Use Ad-Hoc Committee

---

Background: The Ad-hoc committee met a total of 7 times to prepare the report of the Mayor's Ad-Hoc Bona fide Farming Agricultural, Recreational and Natural Land Use Committee.

Mayor Harmon convened the first meeting of the Committee on October 9, 2024. The Mayor reviewed the duties and responsibilities of the Committee including preparing agendas to be posted before every meeting, and preparing written minutes of each meeting. The Committee must provide a written report to the City Council. The date for the report was extended to December 16, 2024.

Information: Previous meeting information is available in the boards committee's web page: Mayor's Bona Fide Agricultural, Recreational, and Natural Resources Land Use Ad-Hoc Committee. A useful checklist guide was developed based on the report and the reviewed by the Ad-Hoc Committee. The committee accepted the report dated December 16, 2024 and reviewed the checklist, but noted there is a minority of the group, differing opinion concluded that ***principal use*** is to be interpreted as not required in the ordinance because "principal use" is never stated as part of the requirement under Section 60-145 (b) (2), under the definition of *accessory use* means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use. This terminology could be further reviewed by staff with the Planning Board.

City Budgetary Impacts: Staff Time.

Staff Recommended Action: Review report, differing opinion, checklist and discuss. For the checklist, staff recommend a legal review against the ordinance prior to use.

Previous Meetings and History: Oct 9, 24, 29, Nov 7, 13, 21 and December 5.

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments: Report and Checklist

Report of the Mayor's Ad-Hoc Bona Fide Farming, Agricultural, Recreational and Natural Resources Land Use Committee

December 16, 2024

Creation of the Committee

The Committee was approved by order of the City Council on September 16, 2024.

Members of the Committee

The following individuals were appointed to the Committee: Chris Carson, David Bell, David Griswold, David Trask, Joe Gray, Barbara Mitchell, Philip Savignano, Amy Dietrich, and John Cleveland.

The Committee held seven public meeting in Auburn Hall in the Community Room. The meeting were posted on the City's website on the community calendar. The Committee met on the following dates: October 9, October 24, October 29, November 7, November 13, November 21, and December 5, 2024.

Committee's Charge from Mayor Harmon

Mayor Harmon convened the first meeting of the Committee on October 9, 2024. The Mayor reviewed the duties and responsibilities of the Committee including preparing agendas to be posted before every meeting, and preparing written minutes of each meeting. The Committee must provide a written report to the City Council. The date for the report was extended to December 16, 2024.

The Mayor explained that the charge of the Committee is to develop criteria to determine what constitutes a bona fide farming, agricultural, recreational or natural resource use in the Agricultural and Resource Protection Zone (AGRP) . The criteria will guide the planning staff and inform the public regarding the requirements for development in the AGRP zone before a dwelling can be permitted.

Committee's Purpose

The purpose of the Committee is to develop clear and objective criteria and a review process that will provide consistency in determining the principal use of the property and what constitutes a bona fide farming, agricultural, recreational, or natural resource use in the AGRP zone.

AGRP Zone Requirements for Development

The Agriculture and Resource Protection District in the City of Auburn Zoning Ordinance, Chapter 60 Article IV Section 2 Agriculture and Resource Protection District, Section 145 - Use Regulations requires that in evaluating an application for a proposed land use in the Agriculture and Resource Protection District, the Planning and Permitting Department shall make its determinations in the following order: first, whether the proposed use is allowed by permit or special exception in this District as the principal use of the property; second, whether the proposed use is a bona fide farming, agricultural, recreational or natural resource use; and third, if any residential dwelling is proposed, whether the dwelling is accessory to the proposed principal use.

Committee Recommendations

After careful consideration and extensive discussions, the Committee has developed criteria for determining if an application for development in the AGRP District is a **bona fide** farming, agricultural, recreational, or natural resource use. Some of the criteria are common to all four land uses and some are specific to a particular land use. The Committee recommends the Planning and Permitting Department use the criteria in the application process to acquire the information necessary to make findings that the proposed land use meets the requirement of being a bona fide farming, agricultural, recreational, or natural resource use.

The specific criteria for each land use can be found below.

City Council Implementation of the Committee's Recommendations.

The Committee recommends that the City Council review the Committee's recommendations and implement them in a manner that ensures their long term use and enforceability by current and future planning and permitting staff.

AD-Hoc Committee - Bona Fide Farming & Agriculture Criteria

Agriculture and Resource Protection District

In accordance with Chapter 60 , Article IV, Division 2 Agriculture and Resource Protection District Section 60-145(b)(2):

"*Provide a farm, agricultural, recreation, or natural resource use plan or land use plan that has been approved by the planning and permitting director or their designee. The planning and permitting director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit."*

And Subsection (i):

"*The business or proposed land use is feasible, and, and if implemented will constitute a bona bide farming, agricultural, recreational, or natural resource use allowed under subsection (a) permitted use, or subsection (b) special exception uses,…"*

In making the written findings required above the planning and permitting director or their designee must find that the principal use of the parcel is for farming, agricultural, recreational or natural resource use and any residential dwelling is an accessory to the principal use of the parcel and they must use the information derived from the following sources in making their written findings:

The planning director or their designee may request the following documents and information or other information that is relevant to the specific type of use:

1. A farming or agricultural plan and business plan. The plans must include sufficient information and details to the satisfaction of the planning director or their designee to make a finding that the principal use of the parcel is a bona fide farming, agricultural operation.

   For a farming or agricultural uses, the planning director and their designee may request a land use and business plan that includes at a minimum the following:
   a. The agricultural or farm products that will be produced,
   b. A soil quality analysis,
   c. Marketing plan,
   d. Financial plan,
   e. The feasibility and sustainability of the farming, agricultural land use,
   f. Topography of the parcel with contour intervals as requested by the planning director or their designee,
   g. Location of wetlands and/or water bodies on the parcel,
   h. Boundary lines of the parcel and its city lot number,
   i. A site plan drawn to scale and other maps, visuals, or graphics that depict the information requested.

2. The amount of time on a weekly, monthly, seasonal or yearly basis the applicant, members of their family or others engaged by the applicant, that will be expended on the operation of the farming and agricultural activities in the farming, agricultural and business plans.

3. Written Information regarding the applicants knowledge and skills regarding the operation of the farming, agricultural activity in the farm and business plan. This information may include but is not limited to certificates or diplomas related to farming, agricultural education or training, apprenticeships, previous farming experience, or other related information. If the applicant is engaging others in the operation of the farm, written documentation of their knowledge and skills for each such person ,as listed above for the applicant, shall also be listed.

4. Any arrangements the applicant intends to make with others (farmers, vendors, etc.) for services or products related to their farming operation as contained in the farming and business plans.

5. Documentation that shows right and title to the property. That may be a deed or an executed purchase and sale agreement that includes a condition that the sale is subject to obtaining a permit of a bona fide farm, agricultural use from the planning director or their designee.

Other information that the planning director or their designee may consider:

1. Written statement from the Maine Department of Inland Fisheries and Wildlife regarding significant wildlife habitats.

2. Written statement from the Maine Historic Preservation Commission regarding historic and archaeological assets on the parcel.

3. Written statement from the Maine Department of Inland Fisheries and Wildlife, the Maine Department of Agriculture, Conservation, and Forestry and Maine Natural Areas Program regarding endangered species of plants and animals.

4. Identification of any wetlands and vernal pools that will be impacted by the development of the farming, agricultural activities as submitted in the farm plan.

5. If the parcel is subject to Farm and Open Space Programs.

6. Identification of forested areas on the parcel that are enrolled in the Maine Tree Growth Program or in a carbon sequestration program, with copies of the terms of the agreements

AD-Hoc Committee - Bona Fide Recreation Criteria

Agriculture and Resource Protection District

In accordance with Chapter 60 , Article IV, Division 2 Agriculture and Resource Protection District Section 60-145(a)(1)(b)(2):

"Provide a farm, agricultural, recreation, or natural resource use plan or land use plan that has been approved by the planning and permitting director or their designee. The planning and permitting director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit."

And Subsection (2)(i):

"The business or proposed land use is feasible, and, and if implemented will constitute a bona bide farming, agricultural, recreational, or natural resource use allowed under subsection (a) permitted use, or subsection (b) special exception uses,…"

In making the written findings required above the planning and permitting director or their designee must find that the principal use of the parcel is for farming, agricultural, recreational or natural resource uses and any residential dwelling must be an accessory use to the principal use of the parcel. The director of planning and permitting or their designee must use the information derived from the following sources in making their written findings.

Bona Fide recreational uses include:

They are permanent **Outdoor** spaces intended or designed for public use, located on the owner's parcel of land. They may include but are not limited to:

<u>Larger Scale</u>

a. Golf courses (public or private) with related hospitality facilities
b. Disc golf
c. Driving Ranges
d. Horse boarding and riding facilities
e. Sports field complexes larger than 1 acre
f. Commercial campgrounds and RV parks
g. Mountain biking courses
h. Skeet shooting facilities
i. Public gardens, arboretums and botanical gardens
j. Cross country skiing

<u>Smaller Scale:</u>

a. Miniature golf,
b. Skate board facility,

c. Walking Trails,
d. Water or boat access facilities,
e. Outdoor education or training facilities.

The planning director or their designee may request the following documents and information or other information that is relevant to the specific type of use:

1. A recreational use and business plan. The plans must include sufficient information and details to the satisfaction of the planning director or their designee to make a finding that the principal use of the parcel is a bona fide recreational operation.

   For a recreational use, the planning director and their designee may request a land use and business plan that includes at a minimum but is not limited to the following:

Facilities to be constructed for and related to the recreational use,

a.. Parking area,
b. Trail heads,
c. Signage,
d. Restroom facilities,
e. Marketing plan,
f. Financial plan,
g. The feasibility and sustainability of the recreational land use,
h. Topography of the parcel with contour intervals as requested by the planning director or their designee,
i. Location of wetlands and/or water bodies on the parcel,
j. Boundary lines of the parcel and its city lot number,
k. A site plan drawn to scale and other maps, visuals, or graphics that depict the information requested.

2. The amount of time on a weekly, monthly, seasonal or yearly basis the applicant, members of their family or others engaged by the applicant will expended on the operation of the outdoor recreational use in the recreational use and business plans.

3. Written Information regarding the applicant's knowledge and skills regarding the operation of the proposed recreational use in the recreation and business plan. This information may include but is not limited to certificates or diplomas related to the recreation use, recreation education or training, apprenticeships, previous recreation operation experience, or other related information. If the applicant is engaging others in the operation of the recreation use written documentation of their knowledge and skills for each such person ,as listed above for the applicant, shall also be listed.

4. Any arrangements the applicant intends to make with others for services or products related to their recreational use operation as contained in the recreation and business plans.

5. Documentation that shows right and title to the property. That may be a deed or an executed purchase and sale agreement that includes a condition that the sale is subject to obtaining a permit of a bona fide recreational use from the planning director or their designee.

Other information that the planning director or their designee may consider:

1. 1.Written statement from the Maine Department of Inland Fisheries and Wildlife regarding significant wildlife habitats.

2. Written statement from the Maine Historic Preservation Commission regarding historic and archaeological assets on the parcel.

3. Written statement from the Maine Department of Inland Fisheries and Wildlife, the Maine Department of Agriculture, Conservation, and Forestry and Maine Natural Areas Program regarding endangered species of plants and animals.

4. Identification of any wetlands and vernal pools that will be impacted by the development of the recreational use as submitted in the recreation plan.

5. If the parcel is subject to Farm and Open Space Programs.

6. Identification of forested areas on the parcel that are enrolled in the Maine Tree Growth Program or in a carbon sequestration program, with copies of the terms of the agreements.

AD-Hoc Committee - Bona Fide Natural Resource Uses Criteria

Agriculture and Resource Protection District

In accordance with Chapter 60 , Article IV, Division 2 Agriculture and Resource Protection District Section 60-145(a)(1)(b)(2):

"Provide a farm, agricultural, recreation, or natural resource use plan or land use plan that has been approved by the planning and permitting director or their designee. The planning and permitting director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit."

And Subsection (2)(i):

"The business or proposed land use is feasible, and, and if implemented will constitute a bona bide farming, agricultural, recreational, or natural resource use allowed under subsection (a) permitted use, or subsection (b) special exception uses,…"

Definition:

Natural resource uses means uses that utilize naturally occurring assets such as air, water, soils, fuel, minerals, plants or animals to provide public benefit through the provision of raw materials and/or energy.

In making the written findings required above the planning and permitting director or their designee must find that the principal use of the parcel is for farming, agricultural, recreational or natural resource uses and any residential dwelling must be an accessory use to the principal use of the parcel. The director of planning and permitting or their designee must use the information derived from the following sources in making their written findings.

Bona Fide natural resource uses may include but are not limited to:

a. Extraction of top soils and composing of organic materials to create top soils and mulch.
b. Extraction and processing of aggregate materials including sand, gravel, clay, rock and ledge.
c. Extraction of minerals.
d. Extraction and bottling of ground water.
e. Forestry management, including CO2 sequestration

The planning director or their designee may request the following documents and information or other information that is relevant to the specific type of use:

A natural resource use and business plan. The plans must include sufficient information and details to the satisfaction of the planning director or their designee to make a finding that the principal use of the parcel is a bona fide natural resource use operation.

For a natural resource use, the planning director and their designee may request a land use plan, a business plan and a forest management plan that includes at a minimum but is not limited to the following:

a. The raw materials or energy product that will be extracted or produced,
b. An estimate of the quantity of natural resource material available on the parcel,
c. Marketing plan,
d. Financial plan,
e. The feasibility and sustainability of the natural resource land use,
f. Topography of the parcel with contour intervals as requested by the planning director or their designee,
g. Location of wetlands and/or water bodies on the parcel,
h. Boundary lines of the parcel and its city lot number,
i. A site plan drawn to scale and other maps, visuals, or graphics that depict the information requested.

1. The amount of time on a weekly, monthly, seasonal or yearly basis the applicant, members of their family or others engaged by the application will be expending on the operation of the natural resource activity in the natural resource and business plans.

2. Written Information regarding the applicants knowledge and skills related to the operation of the natural resource activity in the natural resource and business plans. This information may include but is not limited to certificates or diplomas related to the natural resource activity, education or training, apprenticeships, previous natural resource experience, or other related information. If the applicant is engaging others in the operation of the natural resource activity written documentation of their knowledge and skills for each such person ,as listed above for the applicant, shall also be listed.

3. Any arrangements the applicant intends to make with others for services or products related to their natural resource operation as contained in the natural resource and business plans.

4. Documentation that shows right and title to the property. That may be a deed or an executed purchase and sale agreement that includes a condition that

the sale is subject to obtaining a finding of a bona fide natural resource use from the planning director or their designee.

Other information that the planning director or their designee may consider:

1. Written statement from the Maine Department of Inland Fisheries and Wildlife regarding significant wildlife habitats.

2. Written statement from the Maine Historic Preservation Commission regarding historic and archaeological assets on the parcel.

3. Written statement from the Maine Department of Inland Fisheries and Wildlife, the Maine Department of Agriculture, Conservation, and Forestry and Maine Natural Areas Program regarding endangered species of plants and animals.

4. Any wetlands and vernal pools that will be impacted by the development of the natural resource use as submitted in the natural resource plan.

5. If the parcel is subject to Farm and Open Space Programs.

6. Identification of forested areas on the parcel that are enrolled in the Maine Tree Growth Program or in a carbon sequestration program, with copies of the terms of the agreements

Requirements: Chapter 60, Article IV, Division 2, Sec 60-145 (a) (1)			
Bona-Fide Natural Resource Use Requirements For a Natural Resource Plan for Future Home Site		**Required (Checklist)**	**Additional Comments**
1	Pre-submission meeting		
2	Intro to natural resource company name, personnel, experience, season products, value add, the overall sequence of becoming a viable natural resource use		
3	Natural resource use that will be produced/extracted/utilized/estimate of materials.		
4	Medium intensity soils mapping		Avoid soils of state significance or prime farmlands (home), city mapping available
5	Marketing plan for product/interest with other natural resource or businesses (sustainability)		
6	Title, Right or Interest		
7	Financial Plan		Letter from Bank/Cost sheet
8	Site plan to scale		Lot is 10 acres or established before Oct 1, 2017
	Topography of parcel (minimum 10' contours)		Slopes greater 25% home not allowed. city mapping available
	Location of wetlands (NWI layer)		Wetlands avoidance, city mapping available
	Boundary lines of parcel/Parcel ID #		
	Location of natural resource uses		
	Location of well		
	Location of septic system		
	Location of associated structures for natural resource uses		
	Location of home (2 acres or 20% of parcel)		
9	Forest management plan		
10	Inland Fisheries and Wildlife review		Essential habitat/endangered species avoidance, city mapping available
11	State Historic Preservation Office review		
12	Natural Areas Program review		Essential habitat/endangered species avoidance, city mapping available
13	State of Maine:Farm Tax Program, Tree Growth Tax Program or Open Space Tax Program program.		Homes can't be sited, Staff Check
14	Lake Auburn Watershed Ovelay District (not allowed)		Homes can't be sited, Staff Check

9-Dec-24

Requirements: Chapter 60, Article IV, Division 2, Sec 60-145 (a) (1)			
Bona-Fide Recreation Use Requirements For a Recreation Plan for Future Home Site		**Required (Checklist)**	**Additional Comments**
1	Pre-submission meeting		
2	Intro to recreation company name, personnel, experience, outdoor recreation use, the overall sequence of becoming a viable recreation business		
3	Outdoor Recreational Use		
4	Medium intensity soils mapping		Avoid soils of state significance or prime farmlands (home), city mapping available
5	Marketing plan for product/interest or arrangements with other landowners or businesses		
6	Title, Right or Interest		Lot is 10 acres or established before Oct 1, 2017
7	Financial Plan		Letter from Bank/Cost sheet
8	Site Plan to Scale		
	Topography of parcel (minimum 10' contours)		Slopes greater 25% home not allowed. city mapping available
	Location of wetlands (NWI layer)		Wetlands avoidance, city mapping available
	Boundary lines of parcel/Lot number		
	Location of recreation infrastructure		
	Location of animals (horseback)		
	Location of well		
	Location of septic system		
	Location of recreation use on property		
	Location of recreceation structures		
	Location of home (2 acres or 20% of parcel)		
9	Inland Fisheries and Wildlife review		Essential habitat/endangered species avoidance, city mapping available
10	State Historic Preservation Office review		
11	Natural Areas Program review		Essential habitat/endangered species avoidance, city mapping available
12	State of Maine:Farm Tax Program, Tree Growth Tax Program or Open Space Tax Program Program.		Homes can't be sited, Staff Check
13	Lake Auburn Watershed Overlay District (not allowed)		Homes can't be sited, Staff Check

9-Dec-24

Requirements: Chapter 60, Article IV, Division 2, Sec 60-145 (a) (1)			
Bona-Fide Agricultural Use Requirements For a Farm Plan for Future Home Site		**Required (Checklist)**	**Additional Comments**
1	Pre-submission meeting		
2	Intro to farm company name, personnel, experience, season products, value add, the overall sequence of becoming a viable farm		
3	Agricultural or farm products that will be produced.		
4	Medium intensity soils mapping		Avoid soils of state significance or prime farmlands (home), city mapping available
5	Marketing plan for product/interest with other farms or businesses		
6	Title, Right or Interest		Lot is 10 acres or established before Oct 1, 2017
7	Financial Plan		Letter from Bank/Cost sheet
8	Site Plan to Scale		
	Topography of parcel (minimum 10' contours)		Slopes greater 25% home not allowed. city mapping available
	Location of wetlands (NWI layer)		Wetlands avoidance, city mapping available
	Boundary lines of parcel/Lot number		
	Location of pasture land (total sum)		
	Location of animals		
	Location of well		
	Location of septic system		
	Location of garden/crops		
	Location of farm structures		
	Location of home (2 acres or 20% of parcel)		
9	Forestry to pastureland process		
10	Inland Fisheries and Wildlife review		Essential habitat/endangered species avoidance, city mapping available
11	State Historic Preservation Office review		
12	Natural Areas Program review		Essential habitat/endangered species avoidance, city mapping available
13	State of Maine: Farm Tax Program, Tree Growth Tax Program or Open Space Tax Program.		Homes can't be sited, staff check
14	Lake Auburn Watershed Ovelay District (not allowed)		Homes can't be sited, staff check

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 16, 2024 RESOLVE 7-11042024

Author: Eric Cousens – Director of Planning and Permitting

Subject: Interim Rail Trail Resolve

Information: Mayor Harmon has requested Staff to prepare a resolve and information sheet pertaining to the future use of the State-owned section of the St. Lawrence and Atlantic Railroad Berlin Subdivision between Auburn and Portland.

A Portland to Auburn Rail Use Advisory Council was formed by the Maine DOT as a result of LD 1133 (an Act to Amend the Transportation Laws). The Council was tasked with reviewing the approximately 26.5-mile section of the St. Lawrence and Atlantic Rail Corridor and provide recommendations on the likelihood, economic benefits and costs of potential uses of the rail corridor. The trail has significant benefits for active transportation.

In January of 2023 the Portland to Auburn Rail Use Advisory Council provided three recommendations:
- Interim Trail until Rail: A paved trail (7 votes)
- Rail with Trail: A trail built alongside the existing tracks (5 votes)
- Rail Use Only: Keeping the tracks in place (1 votes)

Out of the three options the City of Auburn supported a "*rail with trail*" recommendation in an attempt to promote the substantial benefits of the trail while also preserving the best chance of freight or passenger rail use in the future.

With "rail with trail" no longer being a policy option, the City must consider whether it supports using the railway as an interim trail between Portland and Auburn as part of the Casco Bay Trail.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Consider resolve and vote to adopt revised position given the limited choices that are now available.

Previous Meetings and History:

City Manager Comments:

Signature: Phillip Crowell Jr.

Attachments: Draft Resolve for Interim Trail

RESOLVE 7-11042024

City Council Resolve

IN CITY COUNCIL

WHEREAS, the Commissioner of the Maine Department of Transportation, pursuant to Public Law 21, Chapter 239, established a Rail Use Advisory Council to facilitate discussion, gather information, and provide advice regarding the future use of the state-owned section of the St. Lawrence and Atlantic Railroad Berlin Subdivision between Auburn and Portland; and

WHEREAS, the City of Auburn was provided a seat on said Council to provide input on city plans and policies relating to the future use of this rail corridor; and

WHEREAS, the State of Maine acquired this corridor through two purchases, one in 2007 and another in 2010, as part of on-going planning for freight and passenger movements between the City of Portland and the City of Auburn; and

WHEREAS, the city has identified south Auburn as a growth area in its most recent Comprehensive Plan and multi-modal use of this corridor, including for active transportation, would increase its attractiveness for residential and commercial investment; and

WHEREAS, the City of Auburn previously supported a "rail with trail" recommendation; and

WHEREAS, the "rail with trail" option is no longer an available policy option, and the legislature will consider a recommendation of rail, trail, or interim trail; and

WHEREAS, the establishment of an "interim trail' along this corridor is integral to the establishment of the Casco Bay Trail;

NOW THEREFORE BE IT RESOLVED, that the Auburn City Council supports an "interim trail" recommendation from the Rail Use Advisory Council and the expedited advancement of any necessary planning and design work to implement that recommendation between the city of Portland, and the city of Auburn as part of the Casco Bay Trail.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 16, 2024 **Ordinance 22-12022024**

Author: Jason Moen, Chief of Police

Subject: Ordinance Amendment Sec. 52-320. - Parking prohibited at all times.

Information: On 08/26/24, Chief Moen implemented a temporary 90 Day parking restriction on Eighth St. from Broad St. northwest to the dead end of Eighth St. prohibiting parking on both sides of the street. City Council needs to take action to make the restriction permanent and amend the table in Sec. 52-320. - Parking prohibited at all times to add Eighth St. from Broad St. Northwest to the Dead End of Eighth St.

City Budgetary Impacts: None

Staff Recommended Action: Hold second reading/public hearing on the proposed amendment.

Previous Meetings and History: Passed first reading on 12/2/24 (as amended) 7-0.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

Ordinance 22-12022024

City Council Ordinance

AMENDED

IN CITY COUNCIL

Be it ordained, that the City Council hereby amends Sec. 52-320 of the City's Code of Ordinances as follows:

Sec. 52-320. Parking prohibited at all times.

Parking is prohibited at all times upon any of the streets or portions of streets described below:

Second Street	On the easterly side beginning at Mill Street and extending in a southerly direction for a distance of 70 feet.
Fifth Street	On the northwesterly side between South Main Street and Dunn Street.
Seventh Street	On the westerly side beginning at the northwesterly curbline of Broad Street and extending northerly for a distance of 64 feet.
Academy Street	On the northerly side between High and Main Streets.
	On the southerly side between High and Main.
	On the southerly side beginning at the corner of Main Street and extending in a westerly direction for 140 feet.
Aviation Drive	On the east side from Flight Line Drive to Lewiston Junction Road.
	On the west side from Lewiston Junction Road to Wrights Landing.
Bearce Street	On the west side from Manley Street to the dead end.
Blake Street	On the southeasterly side from Winter Street to Turner Street.
Boone Avenue	On both sides from Seventh Street to Walton Field.
Broad Street	On the southerly side from South Bridge to Mill Street.
	On the north side beginning at Second Street and extending easterly for a distance of 162 feet.
	On the northwesterly side beginning at Ninth Street and extending in a southwesterly direction to CMP Pole #31 for a distance of 300 feet.
Broadview Avenue	On the easterly side beginning at Newall Avenue and extending in a southerly direction for 554 feet.
Brookside Circle	On the westerly side between Dennison Street and the point at which Brookside Circle turns at an angle to the right.
	On the northerly side from the angle in Brookside Circle to the westerly side of Winter Street.
	On the southerly side beginning 68 feet from the westerly curbline of Winter Street and extending 88 feet around the curve.
Brown Street	On the southerly side beginning at Center Street and extending westerly for 250 feet.
Burns Street	On the easterly side for its full length.
Center Street	On both sides, beginning at the downtown intersection of Turner Street and extending northerly to the northerly intersection of Turner and Center Streets.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

Charles Street	On the east side south of Western Prom
Church Street	On both sides beginning at Turner Street and extending westerly for 300 feet.
Cleveland Avenue	On the easterly side from Minot Avenue to Marshall Avenue.
Cook Street	On the southeasterly side beginning at Ninth Street and extending in a southeasterly direction for 325 feet.
Court Street	On the north side beginning at the city line on the Longley Bridge and extending westerly to Goff Street.
	On the northerly side from Highland Avenue extending in a westerly direction to the corner of Haskell Street.
	On the northerly side beginning at James Street and extending 80 feet easterly.
	On the southerly side beginning at the point of intersection of the southerly side and an extension in a southerly direction of the easterly line of Highland Avenue, and extending in a westerly direction to a point 55 feet beyond the point of intersection of the southerly side and an of the extension southerly side of the northwesterly line of Haskell Street.
	On the southerly side beginning at the Lewiston City line and extending in a westerly direction across Main Street to a point 80 feet westerly of the westerly curbline of Main Street.
	On the southerly side beginning at Spring Street and extending in a westerly direction across intersecting streets to a point 46 feet westerly from the westerly line of South Goff Street.
	On the south side beginning at the easterly curbline of Harris Street and extending easterly for 46 feet.
	On the south side between Harris Street and Weaver Street.
Cross Street	On the northerly side for the entire length of the street.
Dartmouth Street	On the northerly side beginning at Center Street and extending westerly for 130 feet.
Dartmouth Street West	West—North side at 25 feet from Center Street.
Davis Avenue	On the turnaround at the dead-end portion of the street.
Davis Avenue	On the turnaround at the dead-end portion of the street.
Dennison Street	On the northerly side beginning 42 feet westerly of Winter Street and extending easterly to Whitney Street.
	On the southerly side beginning at Winter Street and extending westerly for a distance of 52 feet.
	On the southerly side beginning at Winter Street and extending easterly for a distance of 50 feet.
Drummond Street	On both sides, beginning at Main Street and extending westerly to the top of the hill.
	On both sides, beginning at Spring Street in a westerly direction to the dead end.
East Bates Street	On the northerly side beginning at Center Street and extending to Coolidge Street.
Eighth St	On the northerly side, beginning at Broad Street in a westerly direction to the dead end.
ELHS	Upper parking lot off Forest Avenue
Elm Street	On the south side beginning at Main Street and extending for 164 feet.
	On either side beginning at Minot Avenue and extending easterly to Spring Street.

City Council Ordinance

Fair Street	On the northerly side from Oak Hill Road and extending in a westerly direction to Center Street.
Fairmount Avenue	On the westerly side from Hunton Place to Harris Street.
	On the easterly side beginning at Harris Street and extending northerly for 330 feet.
Fern Street	On the northwesterly side beginning at Lake Street and extending in a southwesterly direction for a distance of 300 feet between the hours of 7:30 a.m. and 4:30 p.m. on days when Lake Street School is in session.
Forest Avenue	On the west side for the entire length of the street.
	From 155 feet south of Court Street to Court Street
Gamage Avenue	On the north side beginning at a point 65 feet from Dennison Street and extending in a westerly direction for a distance of 75 feet.
	On the northerly side beginning at Park Avenue and extending in an easterly direction for a distance of 80 feet.
	On Gamage Avenue southerly from Oakland (no parking from there to corner)
	From 51 Gamage Avenue to drive.
Gill Street	On both sides between Second Street and Third Street.
Goff Street	On the east side beginning at Court Street and extending to Hampshire Street.
	On the westerly side beginning at the corner of Court Street and extending in a northerly direction for a distance of 110 feet.
Gracelawn Road	On the northerly side beginning at CMP #9 and extending westerly for 950 feet.
Granite Street	On the easterly side between Court Street and Fern Street.
Hampshire Street	On both sides between Turner and Pleasant Streets.
	On the north side beginning at the intersection of Pleasant Street and running in a westerly direction for 60 feet.
	On the southerly side beginning at the corner of Pleasant Street and extending in a westerly direction across Troy Street to a point 100 feet westerly from the westerly corner of Troy Street.
Harris Street	On the easterly side beginning at the southerly curbline of Court Street and extending in a southerly direction for a distance of 90 feet.
	On the easterly side beginning at the end of the street and extending northerly for 132 feet.
	No parking on the westerly side.
Haskell Street	On the southeasterly side from Court Street to Lake Street.
High Street	On the west side beginning at the southwesterly corner of Court Street and extending in a southerly direction for a distance of 130 feet.
	On either side beginning at Minot Avenue and extending to Academy Street.
	On the easterly side beginning at the southeasterly corner of Court Street and extending in a southerly direction for distance of 188 feet.
Highland Avenue	Between Hillcrest and Wedgwood (both sides of street)
James Street	No parking on the easterly side for its full length.

City Council Ordinance

Lake Auburn Avenue	On the easterly side beginning at the northeasterly corner of Whitney Street and extending in a northerly direction for a distance of 141 feet.
	On the easterly side beginning at Stanley Street and extending southerly for a distance of 80 feet.
	On the southeasterly side beginning at a point 180 feet from the northeasterly corner of Lake Auburn Avenue and Whitney Street and extending in a northeasterly direction on Lake Auburn Avenue for a distance of 325 feet between the hours of 7:30 a.m. and 4:30 p.m. when Washburn School is in session.
Lake Shore Drive	On the northerly side beginning at the intersection of Maple Hill Road and extending in an easterly direction for a distance of 2,640 feet.
Lake Street	On the northeasterly side from a point opposite the intersection of Fern Street to a point opposite the intersection to the southwesterly line of Lake Street and the northeasterly line of Court Street.
	On the southwesterly side beginning at Court Street and extending northerly 116 feet.
Laurel Avenue	On the northerly side beginning at the easterly curbline of Main Street and extending northeasterly for a distance of 114 feet.
Main Street	On the easterly side beginning at the southerly side of the northerly entrance of Newbury Street and extending in a southerly direction for a distance of 84 feet.
	Beginning at the northerly side of Laurel Avenue and extending northerly for 157 feet.
	On the east side beginning at Laurel Avenue and extending southerly to Newbury Street.
	On the easterly side beginning at the southerly curbline of Court Street and extending southerly for a distance of 50 feet.
	On the westerly side beginning at the southerly curbline of Court Street and extending southerly for a distance of 78 feet.
	On the easterly side beginning 180 feet south of the southerly curbline of Court Street and extending southerly for 120 feet.
	On the easterly side beginning at the southerly curbline of the northerly alleyway to Miller Street and extending southerly for 42 feet.
	On the easterly side beginning 100 feet northerly of the northerly curbline of the southerly alleyway to Miller Street and extending northerly for a distance of 76 feet.
Main Street	On the westerly side beginning at the northerly curbline of Mechanics Row extended and running northerly for a distance of 106 feet.
	On the westerly side beginning 170 feet from the southerly curbline of Court Street and extending southerly for 76 feet.
	On the easterly side beginning 220 feet northerly of Newbury Street and extending northerly for a distance of 416 feet.
	On the easterly side beginning at the Miller Street entrance at the south end of the Roak Block and extending southerly for a distance of 54 feet.
	On the westerly side between Mechanics Row and Drummond Street.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor
Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

	On the westerly side beginning at the southerly curbline of Academy Street and extending southerly for a distance of 100 feet.
	On the easterly side beginning at the southerly corner of 220 Main Street and extending southerly for 260 feet.
	On the westerly side beginning at the northerly curbline of Academy Street and extending northerly for 68 feet.
Manley Court	On the southeasterly side beginning at a point 171 feet northeasterly from Manley Street and extending in a northeasterly direction for a distance of 63 feet and then in a northwesterly direction along the northeasterly terminus of the street for a distance of 28 feet.
Manley Street	On the south side beginning at Willow Street and extending in an easterly direction for a distance of 300 feet.
	On the southwesterly side beginning at Union Street and extending in a northwesterly direction for a distance of 65 feet.
	On the northeasterly side beginning at the corner of Union Street and extending in a northwesterly direction for 53 feet.
Maple Street	On the north side beginning at High Street and extending to Pleasant Street.
Mechanics Row	On both sides beginning at Court Street and extending to the end of the street.
Mill Street	On the northerly side beginning at the easterly curbline of Second Street and extending westerly for a distance of 80 feet.
	On the northerly side beginning at Pole #11 and extending in a southwesterly direction for a distance of 170 feet.
	On the northerly side beginning at Broad Street and of Third Street and extending in an easterly direction for a distance of 54 feet.
	On the northerly side beginning at Broad Street and extending westerly for a distance of 88 feet.
Miller Street	No parking on both sides.
	On both sides of both alleyways leading to Miller Street from Main Street.
Minot Avenue	On the east side beginning at High Street and extending northerly to the intersection of Fletcher Road.
	On the westerly side beginning at the corner of Court Street and running southwesterly to the intersection of Hatch Road.
	On the westerly side beginning at a point directly opposite the southeasterly corner of the Lown Shoe Company Building and extending in a southerly direction to High Street.
Newbury Street	On the west side extending from Laurel Avenue to Pole #6, Central Maine Power Company.
	On the northeasterly side beginning at a point just opposite Pole #4 and extending easterly for a distance of 134 feet.
Niskayuna Street	On the northerly side beginning at Center Street and extending in a westerly direction for a distance of 200 feet.
Northern Avenue	On the westerly side beginning at Cross Street and extending in a northerly direction for a distance of 166 feet.

City Council Ordinance

Old Danville Road	On the westerly side beginning at a point 346 feet from the sideline of Danville Corner Road; thence proceeding in a southerly direction for a distance of 190 feet and being essentially the distance between the two driveways at #711 Old Danville Road.
Park Avenue	On the easterly side beginning at Gamage Avenue and extending in a northerly direction to a point opposite CMP Pole #44, by Auburn Methodist Church.
Parker Street	From Summer Street on both sides northerly to Turner Street.
	On the westerly side between Summer and Winter Streets.
Pettengill Road	On the easterly side from Oak Hill Road in a northerly direction for a distance of 1,060 feet.
	On the westerly side beginning at CMP Pole #3 and extending northerly for a distance of 484 feet.
Pleasant Street	On the east side beginning at Hampshire Street and extending in a southerly direction for a distance of 38 feet.
	On the east side beginning at Court Street and extending in a southerly direction to the intersection of Elm Street.
	On the east side beginning at Court Street and extending in a southerly direction for a distance of 151 feet.
	On the easterly side beginning at Turner Street and extending southerly for a distance of 68 feet.
	On the westerly side beginning at Hampshire Street and extending northerly for a distance of 100 feet.
	On the westerly side beginning 132 feet from Hampshire Street and extending southerly for a distance of 56 feet.
Poland Road	On the southeasterly side between Minot Avenue and Atwood Street.
Pride Road	On the west side beginning at Minot Avenue and running in a southerly direction for 300 feet.
Pulsifer Street	On the westerly side beginning at a point 250 feet northerly of the northerly curbline of Mill Street and extending 140 feet around the corner onto Second Street.
Reed Street	On the southeasterly side between Turner Street and Whitney Street.
Rowe Street	On the southeasterly side from Winter Street to Turner Street.
Sandy Beach Road	On the southerly side for its full length.
School Street	On both sides, from Troy Street to Union Street Bypass.
Sherwood Drive	On the westerly side from Marian Drive to 19th Street.
South Goff Street	On the easterly side for its full length.
South Main Street	On the east side beginning at Memorial Bridge and extending southerly for 41 feet.
	On both sides between CMP Poles 87 and 91 as presently located.
	On the easterly side beginning at a point 83 feet southerly from the end of the Memorial Bridge across the Little Androscoggin River and extending in a southerly direction for a distance of 47 feet.
	On the westerly side beginning at Mill Street and extending northerly to the Memorial Bridge.

City Council Ordinance

	On the easterly side beginning at the southerly curbline of Broad Street and extending southerly for distance of 84 feet.
Spring Road	On both sides beginning at the Auburn Water District gate located nearest to West Auburn Road and extending in a southerly direction for a distance of 173 feet, including the turnaround.
Spring Street	On the westerly side beginning at Elm Street and extending in a northerly direction for a distance of 172 feet.
	On the easterly side beginning at Court Street and extending in a northerly direction for a distance of 100 feet.
	On the west side beginning at a point 278 feet from Court Street and extending in a southerly direction for 330 feet.
	On the westerly side between Hampshire Street and Troy Street.
	On the westerly side beginning at Court Street and extending northerly for a distance of 60 feet.
	On the westerly side beginning at Court Street and extending southerly for a distance of 158 feet.
	On the easterly side beginning at Court Street and extending southerly for a distance of 174 feet.
Stetson Road	On the southerly side beginning opposite Central Maine Power Pole #14 and extending easterly for 790 feet.
Stevens Mill Road	On the southwesterly side beginning at the intersection of Court Street and running in a northwesterly direction for a distance of 450 feet.
	On both sides from Minot Avenue to Court Street.
	On the northerly side beginning at Garfield Road and extending westerly to the end of the street.
Summer Street	On the northerly side from Dennison Street to Rowe Street.
Temple Street	On the west side beginning at Manley Street and extending to the dead end.
Troy Street	On both sides, for its full length.
Turner Road	On both sides beginning at the northerly intersection of Turner Street and Center Street and extending northerly to the intersection of Fair Street and Turner Road.
Turner Street	On the easterly side from Court Street to the Turner Street entrance to the Great Falls Plaza.
	On the southerly side beginning at the easterly curbline of Dennison Street and extending easterly for a distance of 104 feet.
	On the easterly side beginning at a point opposite the southerly side of Pleasant Street and extending in a northerly direction to Center Street.
	On the northerly side from Lake Auburn Avenue to French's Lane.
	On the westerly side between Pleasant Street and Center Street.
	On the westerly side beginning at the southerly curbline of Hampshire Street and extending southerly for a distance of 80 feet.
	On the northerly side beginning at Center Street and extending westerly for a distance of 212 feet.
	On the southerly side between Burns Street and Union Street Bypass.
	Opposite Church Street at no parking signs.

City Council Ordinance

Union Street	On both sides from Court Street to the intersection of Center and Turner Streets.
Vine Street	On the northerly side for its full length.
	On the southerly side beginning at the easterly curbline of High Street and extending in an easterly direction for a distance of 70 feet.
Vining Street	On the southerly side from Winter Street easterly to Summer Street.
Washington Street	On the southbound lane, beginning at Minot Avenue and extending in a southerly direction to Brick Yard Hill.
	On the northbound lane, beginning at Brick Yard Hill and extending in a northerly direction to the intersection of Minot Avenue.
West Auburn Road	On the westerly side beginning at a point opposite the northerly line of Summer Street and extending in a northerly direction for a distance of 1,425 feet.
	On the easterly side beginning at CMP Pole #146 and extending northerly 288 feet.
Western Avenue	On the westerly side beginning at the northerly curbline of Minot Avenue and extending in a northerly direction for a distance of 80 feet.
	Beginning on the easterly side at the northerly curbline of Minot Avenue and extending in a northerly direction for 115 feet.
Western Prom	South side.
Whitney Street	On the northerly side beginning at the northeasterly corner of Lake Auburn Avenue, extending in an easterly direction for a distance of 70 feet.
Willow Street	On the westerly side beginning at Hampshire Street and extending in a northerly direction to Manley Street, between 7:30 a.m. and 4:30 p.m. on days when Webster School is in session.
Wilson Street	On both sides from Field Avenue to the end.
Wood Street	On the easterly side for its full length.
Youngs Corner Road	On the southerly side beginning at a point located 490 feet easterly of Perkins Ridge Road and extending in an easterly direction for 270 feet.
	On the southerly side beginning at a point 1,230 feet easterly of Perkins Ridge Road and extending in an easterly direction for a distance of 310 feet.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 16, 2024 **Ordinance 23-12022024**

Author: Natalie Thomsen – Planning Coordinator

Subject: Text Amendments related to 30-A M.R.S. §§ 4364, 4364-A and 4364-B more commonly known as L.D. 2003

II. **Background:**

The Legislature passed in 2021 a series of housing amendments commonly referred to as "LD 2003," which were intended to increase opportunities for affordable housing to be developed statewide. These laws, codified at 30-A M.R.S. §§ 4364, 4364-A and 4364-B, require that municipal ordinances comply with the stated provisions by January 1, 2024. More information can be found in attached Planning Board Staff Report dated November 12, 2024

On **May 28, 2024**, the Planning Board held a workshop to discuss text amendments to Auburn's ordinance required for compliance with L.D. 2003. Staff presented proposed changes to Chapter 60 based on feedback from the LD 2003 Ad Hoc Committee. During this meeting, the Board reviewed and updated the minimum lot size requirements in the MFS, GB, and GBII zoning districts.

On **September 25, 2024**, the City Manager, Phillip L. Crowell, Jr., issued a directive after reviewing the proposed amendments. He requested that the Planning Board align the draft more closely with the requirements of L.D. 2003. Specifically, the City Manager recommended limiting accessory dwelling units (ADUs) to a maximum of 1,500 square feet and requiring the same minimum lot size for each additional unit (except ADUs) as for the first unit in residential zones. These adjustments would bring the ordinance into compliance while leaving broader decisions on housing policy and density for the Comprehensive Plan update.

On **October 8, 2024**, the Planning Board held another workshop to refine the proposed amendments. The discussion focused on size limits for accessory structures, leading the Board to decide to separate the topics of density and accessory structure sizing for the public hearing. This separation allowed the public to comment on each issue individually and ensured thorough deliberation by the Board.

On **November 12, 2024**, the Planning Board held a public hearing on the proposed text amendments. After receiving public input, the Board voted to recommend the changes to the City Council. The amendments included defining ADUs with a maximum size of 1,500 square feet, revising the definition of "accessory structure," and making updates to various sections of Chapter 60. These revisions addressed density and parking requirements, ensuring compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B, while also reflecting the minimum lot size adjustments that were requested.

Information: The Planning Board provided a favorable recommendation to City Council on a text amendment on November 12, 2024, which included recommendations to limit accessory dwelling units (ADUs) to a maximum size of 1,500 square feet and to require minimum lot size standards for additional dwelling units consistent with the lot size for the first unit in residential zones.

See Attached: Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code (Sec. 60-554. - Form based code use and parking matrix.), Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Workshop. Review the attached text amendment and provide feedback.

Previous Meetings and History: The Planning Board held workshops on May 28, 2024 and October 8, 2024, to discuss proposed text amendments, leading up to a final vote on November 12, 2024. At this Public Hearing, the Planning Board voted 6-1 to recommend the amendments to the City Council. This item was postponed on 12/2/2024.

City Manager Comments: The manager recommends this proceed to the council meeting for first reading. The proposed ordinances from the planning board includes non-substantive changes for clarity and context.

Signature: Phillip Crowell Jr.

Attachments:

- Staff Report on LD 2003 text amendment dated November 12, 2024
- Amended Text: Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code (Sec. 60-554. - Form based code use and parking matrix.), Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine
04210 www.auburnmaine.gov |
207.333.6601

Date: November 12th, 2024
Auburn Planning Board
Author: Natalie Thomsen, Planning Coordinator
Subject: Item # Staff Report on L.D. 2003 Workshop

I. Proposal: Public Hearing on L.D. 2003 Ordinance Updates/Priorities:
Review and give feedback on text amendment to Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60.

II. Background:
The Legislature passed in 2021 a series of housing amendments commonly referred to as "LD 2003," which were intended to increase opportunities for affordable housing to be developed statewide. These laws, codified at 30-A M.R.S. §§ 4364, 4364-A and 4364-B, require that municipal ordinances comply with the stated provisions by January 1, 2024.

Summary of L.D. 2003: L.D. 2003, An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions, Sponsored by Speaker Ryan Fecteau, was signed into law by Governor Mills on April 27th, 2022. The law, in summary, requires that: 1.) Towns and cities with a comprehensive plan allow at least four units on a vacant lot in the designated growth area, and towns and villages without a comprehensive plan allow at least 4 units on vacant lots in areas served by sewer and water; 2.) Lots with an existing dwelling unit may have two additional dwelling units either one attached dwelling, one detached dwelling, or one of each; and 3.) "Affordable" housing developments must be allowed to be built at 2.5 times the density of market-rate units if they meet the conditions listed above (availability of sewer and water or within a designated growth area).

Summary of L.D. 1473: L.D. 1473 An Act to Protect Certain Unfiltered Drinking Water Sources, approved as public law on June 22, 2023, amends 30-A MRSA §4364, sub-§9, 30-A MRSA §4364-A, sub-§1-A, and 30-A MRSA §4364-B, sub-§1-A to exempt parts of Auburn which are in the Lake Auburn Watershed from the requirements of L.D. 2003 to protect the lake as an unfiltered drinking water source.

Summary of L.D. 1706: L.D. 1706, An Act to Clarify Laws Regarding Affordable Housing and Accessory Dwelling Units, approved as public law on June 16th, 2023, among other accomplishments, adds that the implementation date for L.D. 2003 must be

January 1, 2024, for municipalities with ordinances, and July 1, 2024, for all other municipalities.

The planning board held a workshop on text amendments to Auburn's ordinance required to comply with L.D. 2003. On May 28 and October 08, the planning board reviewed staff's suggestion for amendments to Chapter 60 based on feedback from the LD 2003 Ad Hoc Committee. At this past workshop, the planning board asked for a legal opinion on the correct way to interpret some of the text of LD 2003. Below, staff has outlined the Planning Board's questions and in the summarized text amendment below, highlighted the uncertain language:

1. Do we need to allow multifamily units in land use zones that currently do not allow multi-family units? (UR, SR, RR, LDCR). A Board member has suggested that we could restrict the use to no more than 2 units per building and still meet the requirement of allowing four units in the growth are but not as a single 4-unit building. Instead, allowing 2, 2-unit buildings would meet the laws requirement to allow 4 units. Would the Planning Board prefer that multifamily buildings continue to be prohibited in certain zones?

2. We will likely make the ordinance retroactive to January 1, 2024, for the determination of vacant land vs. existing units and the allowable number of units. If the city does not make the ordinance retroactive, will that effect property owners that built in good faith of the rule change after January 1, 2024, and planned for more units when the City finishes the adoption process?

3. Can we drop the reference to the latest 30-A MRSA subsection 4364? Or should we reference that as the purpose of the changes. It seems unnecessary as long as we allow the required unit permissions to comply.

The draft available for the planning board has also updated the minimum lot size in the table for the MFS, GB, and GBII zoning districts reflecting the conversation which took place during the May 28 meeting.

During the October 8, 2024, Planning Board workshop, there was extensive discussion regarding the proposed size limits for accessory structures within the amendment to "Sec. 60-2. Definitions." The Board decided that, for the upcoming Public Hearing, the topics of density and accessory structure sizing should be treated as separate items. This approach will allow the public to provide input on each topic individually and ensure the Board has the opportunity to deliberate and vote on them separately, recognizing their distinct impacts on the overall amendment.

III. **Suggested Ordinance Amendments:** See Attached A Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form

Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

IV. **Staff Recommended Action:** Consider feedback from the Public Hearing and send the recommended text change to the City Council related to edits established in Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

V. **PLANNING BOARD ACTION/STAFF RECOMMENDATIONS:** Consider feedback from the Public Hearing and send the recommended text change to City Council related to edits established in Sec. 60-2, Definitions, specifically focusing on the definition of "accessory structure" and setting the maximum allowable size for such structures at 1,500 sq. ft.

Consider feedback from the Public Hearing and send the recommended text change to City Council related to edits established in Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

VI. **Potential Motion:** I make a motion to forward a favorable recommendation to the city council related to edits established in Sec. 60-2, Definitions, specifically focusing on the definition of "accessory structure" and setting the maximum allowable size for such structures at 1,500 sq. Ft.

I make a motion to forward a favorable recommendation to the city council related to edits established in Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

Ordinance 23-12022024

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council hereby amends Chapter 60 - ZONING of the City's Code of Ordinances as shown on the attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ARTICLE II. GENERAL PROVISIONS

Sec. 60-34. Buildings per lot.

No more than one principal building shall be erected on any lot in residential zoning districts except for:

(1) Multi-family buildings and/or developments approved under Division 9 of Article IV of this chapter;

(2) ~~An additional one-family detached~~The addition of an accessory dwelling unit in a zoning district where two-family~~ies~~ dwelling units are permitted, and a single-family dwelling currently exists on the lot.

(3) Four dwelling units may be constructed on vacant lots in the growth area as delineated in the Future Land Use Map in the most recent Comprehensive Plan and must be permissible in compliance with State Law and in accordance with Sec. 60-53 and Sec. 60-54. For the purpose of this Subsection, a vacant lot upon which a new dwelling unit was permitted in 2024 shall be considered a vacant lot for the purpose of calculating the total number of permissible dwelling units that may be constructed on the lot.

(4) A lot in the growth area as delineated in the Future Land Use Map in the most recent Comprehensive Plan with an existing dwelling unit may add one attached dwelling unit, one detached dwelling unit, or one of each for a total of three dwelling units and must be permissible in compliance with State Law and in accordance with Sec. 60-53 and Sec. 60-54.

(5) Lots in the designated growth areas that are zoned Urban Residential, Suburban Residential, Rural Residential, and Low-Density Country Residential shall contain no more than two dwelling units per building.

The additional one-family detached dwelling unit shall share a driveway curb cut with the pre-existing dwelling unless it is determined that another driveway location could provide safer access than the existing driveway.

(Ord. of 9-21-2009, § 3.1B; Ord. No. 11-03012021, § 1, 3-15-2021; Ord. No. 18-04052021, 5-3-2021)

Sec. 60-35. Conversion of one-family dwellings.

In all residential, general business and form based code districts, one-family dwellings erected prior to January 1, 1958, may be converted to two-family dwellings provided that:

(1) Any floor space created by additions to the existing structure after January 1, 1958, shall not be converted to a second dwelling.

(2) There will not be less than one accessible off-street parking place of 200 square feet in area, exclusive of driveways, per dwelling unit resulting from such conversion.

(3) Stairways leading to any floor above the first floor will be enclosed within the exterior walls of the dwelling and any fire escapes required will be on the rear or one side of the dwelling and not on any wall facing a street.

(4) After such conversion, the building converted will retain substantially the appearance and character of a one-family dwelling.

(5) Single family dwellings may be converted into two or multi-family buildings if located in the growth area as delineated in the Future Land Use Map of the most recent Comprehensive Plan and pursuant to Sec. 60-53 and Sec. 60-54.

(6) Lots in the designated growth areas that are zoned Urban Residential, Suburban Residential, Rural Residential, and Low-Density Country Residential shall contain no more than two dwelling units per building.

(Ord. of 9-21-2009, § 3.1C; Ord. No. 04-03072016, 5-16-2016)

Secs. 60-53. Additional dwellings permitted to increase housing opportunity.

Additional dwelling units must be permissible on certain parcels in the City of Auburn pursuant to Sec. 60-34. This table specifies the additional lot area needed for additional units in each zoning district as well as permissible accessory dwelling units. Setback standards shall not be reduced to allow for additional dwelling units and shall not be increased for subsequent dwelling units. Additional dwelling units allowed under this section are prohibited in the Lake Auburn Watershed Overlay District where the underlying zoning district is Agriculture and Resource Protection. Additional dwelling units allowed under this section are subject to more stringent lot size requirements per unit if located in the Taylor Pond Watershed.

Zoning District	Minimum lot area (per unit)	Minimum lot width (per unit)	Accessory Dwelling Unit
Agriculture & Resource Protection	10 acres	250 feet	Permitted if unit meets requirements for single family home in Article IV, Division 2 of this Chapter*
Low Density Country Residence	3 acres for the first unit with accessory dwelling unit. 3 acres for each subsequent unit.	325 feet for the first unit. No width is required for subsequent units.	Permitted
Low Density Rural Residence	1 acre for the first unit with accessory dwelling unit. 1 acre for each subsequent unit.	250 feet for the first unit. No additional width is required for subsequent units.	Permitted
Suburban Residence	21,780 square feet for the first unit with accessory dwelling unit. 21,780 square feet for each subsequent unit.	150 feet for the first unit. No additional width is required for subsequent units.	Permitted

Urban Residence	10,000 square feet for the first unit with accessory dwelling unit. 10,000 additional square feet per unit for each subsequent unit.	100 feet for the first unit. No additional width is required for subsequent units.	Permitted
Multifamily Suburban	10,000 square feet minimum.	100 feet for the first unit. No additional width is required for subsequent units.	Permitted
General Business	10,000 square feet minimum.	100 feet for the first unit. No additional width is required for subsequent units.	Permitted
General Business II	10,000 square feet minimum.	100 feet for the first unit. No additional width is required for subsequent units.	Permitted
Form Based Code	No minimum lot size. See Ch. 60 Article IV Division 14	24 feet minimum width. See Ch. 60 Article IV Division 14	Permitted
Industrial	Housing only permitted as accessory buildings for caretakers (see Sec.60-578)	150 feet	Permitted for legally existing residential dwellings built before January 1, 2024.
Lake Auburn Watershed Overlay District	Please refer to the underlying zone and CH. 60 Article XII Division 4. Sec. 60-	Please refer to the underlying zone and CH. 60 Article XII Division 4.	Permitted subject to Lake Auburn Watershed Overlay District accessory dwelling unit allowances.
Taylor Pond Watershed	Minimum lot size in the underlying zone for the first unit with accessory dwelling unit. Minimum lot size is required for each additional unit.	Minimum width required in the underlying zone. No additional width required for subsequent units.	Permitted

*Does not apply if within the Lake Auburn Watershed Overlay District.

Secs. 60-54. Affordable housing density bonus.

For an affordable housing development, a density bonus of 2.5 times the maximum number of dwelling units permitted in the underlying zone shall be permitted where water and sewer service are available, and the development is in the growth area as delineated in the Future Land Use Map in Auburn's latest Comprehensive Plan. Off-street parking requirements may not exceed two spaces for every three units.

ARTICLE IV. DISTRICT REGULATIONS

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outlined here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-201. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Lawn maintenance services.

(5) Multi-family dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this Chapter. Subdivision law applies.

(b) *Special exception uses*. The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

(1) All uses permitted by special exception in the Agriculture and Resource Protection (AR) District, (division 2 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).

(2) Bed and breakfast.

(3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.32B; Ord. 33-02072011-08, 2-7-2011; Ord. No. 08-08012011-07b, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-08192019, 9-9-2019; Ord. No. 11-03012021, § 9, 3-15-2021; Ord. No. 27-06212021, 7-19-2021)

DIVISION 4. LOW DENSITY RURAL RESIDENCE DISTRICT

Sec. 60-229. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) All uses permitted in the Agriculture and Resource Protection District pursuant to section 60-145(a), except 60-145(a)(14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Attached single-family dwellings, provided that they are approved by the Planning Board as part of a planned residential unit development and subdivision, under the provisions of Division 9 of Article IV and Division 4 of Article XVI of this chapter.

(5) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.

(6) Licensed veterinarians provided that the lot is of at least three acres.

(7) Wayside stands.

(8) Accessory uses, buildings or structures.

(9) Lawn maintenance services.

(10) Municipal uses and buildings.

(11) Multi-family dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this chapter. Subdivision law applies.

DIVISION 5. SUBURBAN RESIDENCE DISTRICT

Sec. 60-255. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Attached single-family dwellings, provided that they are approved by the Planning Board as part of a planned residential unit development and subdivision, under the provisions of Division 9 of Article IV and Division 4 of Article XVI of this chapter.

(4) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Greenhouses.

(7) Licensed veterinarians, provided that the lot containing same is of at least three acres.

(8) Farm, livestock provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2 and:

a. A site plan be submitted to the municipal officer charged with enforcement that contains the information required by section 60-1301.

b. Upon request, the municipal officer charged with enforcement may waive the necessity of providing any of the foregoing information which is not relevant to the proposed development.

c. In judging whether or not a permit to operate an animal farm will be issued, the municipal officer charged with enforcement shall review and make a decision consistent with the finding requirements of section 60-1304.

(9) Wayside stands.

(10) Accessory uses, buildings or structures.

(11) Lawn maintenance services.

(12) Municipal uses and buildings.

(13) Multi-family dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this chapter. Subdivision law applies.

DIVISION 6. URBAN RESIDENCE DISTRICT

Sec. 60-277. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Attached single-family dwellings, provided that they are approved by the Planning Board as part of a planned residential unit development and subdivision, under the provisions of Division 9 of Article IV and Division 4 of Article XVI of this chapter.

(4) Accessory uses building or structures.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Municipal uses and buildings.

(7) Multi-family dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this chapter. Subdivision law applies.

DIVISION 7. MULTIFAMILY SUBURBAN DISTRICT

Sec. 60-306. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Multi-family dwellings ~~in existence on September 23, 1988~~.

(4) Attached single-family dwellings, provided that they are approved by the Planning Board as part of a planned residential unit development and subdivision, under the provisions of Division 9 of Article IV and division 4 of Article XVI of this chapter.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Shelter for abused persons.

(7) Accessory uses, buildings or structures.

(8) Newly constructed multi-family dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the Planning Board as a subdivision under Division 4 of Article XVI of this chapter.

(9) Municipal uses and buildings.

Sec. 60-554. Form based code use and parking matrix.

Notes:

(1) Uses not listed are considered prohibited unless deemed similar by the Director of Planning or by the Planning Board through a special exception approval.

(2) * Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to Planning Board approval.

(3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.

(5) All projects shall provide a community impact and needs analysis with review and approval from City Council or its designee.

(6) For an affordable housing development, off-street parking requirements may not exceed 2 spaces for every 3 units.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

Sec. 60-608. Parking requirements.

A minimum number of off-street parking spaces shall be provided with each residential use permitted, erected, altered or changed, in accordance with the following standards:

Off-street land use	Minimum number of parking spaces
Residential	
Single-family; farm	1 dwelling per unit
Multi-family; two-family	1 dwelling per unit
Elderly**	One-half per dwelling unit
Affordable housing development	Off-street parking requirement may not exceed 2 spaces for every 3 units.
**Applies to elderly housing as constructed under special local, state or federal guidelines restricting occupancy to elderly persons.	

(Ord. of 9-21-2009, § 4.1B; Ord. No. 28-06212021, 7-19-2021)

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Accessory structure or building means a~~n uninhabited~~ building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, woodsheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

Accessory dwelling unit means a self-contained dwelling unit meeting a minimum of 190 square feet and not to exceed 1,500 square feet, that can be located within, attached to or detached from a single-family dwelling unit located on the same parcel of land

Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

Adaptive reuse means a special exception permitting a structure of community significance to be used for one or more purposes, not otherwise permitted in the district in which the building is located, but which the planning board has determined will contribute to the preservation of a structure of community significance, including without limitation, the following uses:

(1) Bed and breakfast homes or inns;

(2) Restaurants, diners or cafes;

(3) Art studios and galleries;

(4) Performing arts centers;

(5) Medical and dental clinics;

(6) Office space;

(7) Municipal and government uses; and

(8) Retail sales as an accessory use.

Adult day center means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

Affordable Housing Developments means as defined in 30-A MRSA §4364.

Animal unit means one living animal of any species.

Antique shop means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

Apartment. See the term *Dwelling unit.*

Architectural features means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Art galleries means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

Artist studio, residential means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use.

Automobile means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

Automobile and marine paint and body shops means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

Automobile and marine repair and service station means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

Automobile, commercial, means a vehicle the primary use of which is commercial in character.

Automobile filling station means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

Automobile garage, private, means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

Automobile parking lot, private, means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

Automobile repair and service station means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

Automobile sales lot means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

Automobile scrap yard means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

Automotive towing and storage means a business engaged in/or offering the services of a tow truck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

Basement means that portion of a building below the first-floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Bed and breakfast home means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

Bed and breakfast inn means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

Boardinghouse or *lodging house* means a dwelling which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner may reside in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

Building means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term *Structure.*)

Building envelope means the ground area on a lot and the space above it on which a building may be constructed.

Building form means the overall shape and dimensions of a building.

Building height means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front.

Building inspector means the building inspector of the City of Auburn, Maine, or their duly authorized agent.

Building line means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project.

Building, principal, means a building in which is conducted the principal use of the lot on which it is situated.

Care home means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a childcare home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

Cellar means that portion of a building below the first-floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. A cellar shall not be used for habitation.

Cemetery means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

Childcare home means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a childcare home. The term "childcare home" includes any family-type facility which provides childcare to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

Child day care center means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

Child day care home means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

(1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.

(2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

Clinic means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

Club, private, means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Community based residential facilities (CRF) means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

Comprehensive plan means the master development plan of the City of Auburn, Maine, any amendments or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

Conservation cemetery means a type of natural cemetery that includes a conservation management plan that upholds best practices, and provides perpetual protection of the land according to a conservation easement or deed restriction. Burials in conservation cemeteries utilize non-toxic and biodegradable materials.

Convenience store means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

Correctional institution means a publicly or privately operated facility generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.

Court means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

Dental clinic means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

Detention facility. In the case of an adult or juvenile, "detention" means the confining of an adult or juvenile held in lawful custody in a specially constructed or modified facility designed to ensure continued custody and control. "Detention" may be confinement before trial or another hearing by a court or confinement to serve court-imposed sentences or dispositions and may be in a step-down, jail, half-way house or lock-up facility.

Development standard(s) means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The development standards establish both boundaries within which development may take place and what requirements apply.

Director means the director of planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

District or *zone* means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

District, overlay, means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

Dormitory means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

Driveway means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

Dump means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

Dwelling means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S.A. 9722, adopts a different minimum standard; if so, that standard applies.

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one family detached dwelling unit must be at least 400 square feet above grade in size, and an accessory detached dwelling unit must be 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S.A. 9722, adopts a different minimum standard; if so, that standard applies.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Eave means the edge of a roof which projects beyond the exterior wall.

Encroachment means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, the public frontage, or above a height limit.

Erected includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

Facade means the vertical surface of a building.

Family means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

Farm means any parcel of land which is used in the raising of agricultural products, livestock or poultry, or for dairying.

Farm, livestock, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

(1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.

(2) Horse: 1.5 animal units per acre of cleared hay/pasture land.

(3) Sheep: Three animal units per acre of cleared hay/pasture land.

(4) Swine: Two animal units per acre of cleared land.

(5) Other livestock farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Floodplain overlay means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

Floor area of building means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

Form based code means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

Form based code zoning district means one of the five areas on the regulating plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

Frontage means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

Frontage line means the lot line(s) of a lot fronting a street or other public way.

Government offices means a room or group of rooms used for conducting the affairs of a government entity, not entailing the sale of goods except that which is clearly incidental.

Government services, for the purposes of this chapter, includes the functions performed by the various government agencies in the city. Government services include the following: government administration, courts, public schools, postal services, public works and municipal utilities.

Greenhouse means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

(1) The sale of greenhouse products and related supplies; and

(2) The storage of material used in the maintenance of plants and growing items sold.

Grocery store means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use

may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

Ground area of building means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

Group home. See the term *Community based residential facilities.*

Guesthouse means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

Habitable space means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

Half-story means a story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.

Historic site means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

Historic or archaeological resources means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

Hog farm means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

Home occupation means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

Hospital means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

Hotel means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

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

(1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or

(2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Illustrative plan means a plan or map that depicts (i.e. Illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.

Industrial use, heavy, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, for manufacturing or fabrication which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Institution means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

Institution, philanthropic, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

(1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or

(2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

Institution, private educational, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft, technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms *Training school* and *School.*)

Institution, research, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

Jail means a specially constructed or modified facility designated by law or regularly used for detention for a period of up to 12 months.

Junkyard or *automobile graveyard* means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

Kennel means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

Land use permit means a permit required for the use of property that is legally permitted under the provisions of this chapter.

Landscape services means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

Lawn maintenance service means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeding of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

Library means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

Livestock means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.

Lock-up facility means a facility designated by law or regularly used for detention for a temporary period before trial or transfer to a jail or other facility.

Lodge, private. See the term *Club, private.*

Lot means for zoning purposes, as covered by this chapter, a lot is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street and may consist of:

(1) A single lot of record;

(2) A portion of a lot of record;

(3) A combination of complete lots of record;

(4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;

(5) Lots shown on a plan approved by the planning board of the City of Auburn.

Lot frontage/width means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of yards in this section.

Lot line, rear, means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

Lot measurements means the following measurements:

(1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of lot frontage and the midpoint of the rear lot line unless the lot meets the exception provided for by section 60-39.

(2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

Lot of record means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot types means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

(1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A (1) in diagram)

(2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.

(3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.

(4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

Lot, undersized, means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

Major or principal arterial highway means the highway that:

(1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers;

(2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;

(3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

Major recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

Major retail development means a single building in excess of 100,000 square feet of new ground floor retail space.

Manufactured housing means a structural unit designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term "manufactured housing" includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. The term "manufactured housing" includes newer mobile homes and modular homes.

Mining, quarrying, or *earth removing* means the excavation of any earth materials.

Minor arterial highway means the highway that:

(1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;

(2) Provides access to geographic areas smaller than those served by the major arterial highway system; and

(3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

Mobile home development, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

Mobile home park means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for nontransient use.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 400 or more square feet and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Motel means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

Municipal or public utilities and communications facilities means the use of land for public utility purposes by an entity providing pipeline, gas, electrical, telephone, telegraph, water, or sewage service. "Public utility" also includes the use of land for utility purposes, whether or not owned, controlled, or operated by a public entity, whose services are performed for or commodities delivered to the public or any portion thereof. Facilities that provide for the transmission, transfer, and distribution of telephone service and related activities that are not a minor or major utility facility. For the purposes of the chapter, a municipal or public utility or communications facility includes, but is not limited to, the following: a private telephone company or paging service, any utility regulated by the Maine Public Utilities Commission, and any other commercial communications tower.

Municipal sanitary landfill means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

Municipal uses means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

Museum means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

Natural resource uses means uses that utilize naturally occurring assets such as air, water, soils, fuel, minerals, plants or animals to provide public benefit through the provision of raw materials and/or energy.

Nonconforming building means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming lot means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming use means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Nursery means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

Nursery, child, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of 2½ years.

Nursery, wholesale, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

(1) At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner; and

(2) The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

Office means a building, or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

Office trailer means a movable vehicle or structure designed for year round or temporary occupancy for purposed of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

Open space, common means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

Outpatient addiction treatment clinic means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

Parapet means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.

Parking space, off-street, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

Performing arts center means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

Personal services means the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product.

Place of worship see definition of church.

Planning board means the planning board of the City of Auburn, Maine.

Primary entrance means a section of building elevation which contains the street level principal entrance of the business, including the businesses on upper floors or in a basement.

Principal use means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Professional office means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

Public safety services means facilities operated by public agencies to provide services relating to the general health, safety, and welfare of the population, including but not limited to fire stations and other fire prevention and firefighting facilities; police and sheriff substations and headquarters; and emergency response services, excluding correctional facility, interim incarceration, lock-up or jail facilities.

Realm, private means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.

Realm, public means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, sports field complexes lager than one acre in area, health and wellness centers, motorhome or recreational vehicle parks or commercial campgrounds, and facilities for wedding or event venues when used for two or more events during a calendar year, or facilities for mass gatherings when used for two or more events during a calendar year. See also *major recreational use of land* and *recreational uses of land, small-scale.*

Recreational uses of land, small-scale means permanent uses of outdoor space that are intended or designed for public use that are smaller or lower impact than other types of recreational uses of land, and include, but are not limited to, trails, water access or boat access facilities, foraging, outdoor education or training facilities, sports field complexes one acre or less in area, and public gardens.

Regulating plan means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the form based code.

Restaurant means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

Restaurant, carry-out, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

Restaurant, drive-in, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

Retail means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

Retail space means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

Rifle, pistol, skeetor trap shooting range means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

Road means any public or private traveled way or any portion thereof.

Roof means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

Sawmill means a unit designed to saw logs into lumber, firewood or other processed wood products.

School means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term *Training school.*)

Shared housing means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

Shelter for abused persons means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

Shopping center or *office mall* means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

Sign means any device, display surface, structure or object in public intended for visual communications.

Sign, mobile mounted, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.

Sign, official business directional, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

Sign, on-premises, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, standing, means any sign that is not attached to a building.

Sign, temporary, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

Site-built home means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

Slaughterhouse (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

Special exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.

Specialty shop means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a nonhomogeneous quality.

Stable, riding, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

Standing means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

Story means that portion of a building between the surface of any floor and the surface of the other floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building unless such space is used for business or as habitable space, in which case it shall count as a story.

Story, half, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

Street means the following:

(1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;

(2) A way accepted by the municipal officers of the city;

(3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or

(4) A way on a plan of a subdivision duly approved by the planning board.

Street frontage. See the term *Frontage.*

Street line means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

Street, primary means the street that is considered to be more intensely used than the other on a corner or double sided lot.

Street, secondary means the street that is considered to be less intense to the other on a corner or double sided lot.

Structure of community significance means a building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the planning board, is entitled to a special exception allowing its adaptive reuse. The planning board may consider a building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a building qualifies for this designation.

Structure or *building* means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

Subdivision means a division of land as defined in 30-A M.R.S.A. § 4401.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations not exceeding 30 days.

Supermarket means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

Swimming pool means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

Theater, indoor, means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

Theater, outdoor, includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

Tourist home. See the term *Bed and breakfast home.*

Townhouse means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

Trailer or *RV* means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

Trailer home means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

Training school means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

Transect (rural-to-urban) means a cross-section of the environment showing a range of different building development zones. The rural-to-urban transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

Transmission towers means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

Useable open space means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over ten percent slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.

Variance means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

Wayside stand means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

Wholesale means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

Yard means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

Yard, front, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

Yard, rear, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

Yard, side, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

Zone. See the term *District.*

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-2011; Ord. No. 12-09062011-04, 9-19-2011; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 1, 4-24-2017; Ord. No. 08-08072017, 9-11-2017; Ord. No. 13-11062017, 11-20-2017; Ord. No. 16-11182019, 12-9-2019; Ord. No. 11-03012021, 3-15-2021; Ord. No. 02-02132023, 2-17-2023; Ord. No. 04-04182023, 5-1-2023; Ord. No. 10-06202023, 7-10-2023; Ord. No. 22-10162023, 11-6-2023)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 16, 2024 **Ordinance 24-1202024**

Author: Robert Chase, Fire Chief and Eric J. Cousens Director of Public Services

Subject: Proposed Blasting Ordinance - Second Reading/Public Hearing

---

Background: The Council workshopped this draft ordinance earlier this year and we were instructed to solicit input from those affected, including gravel mining operations, gem miners and industry experts. We have done that and learned there are 3 distinct types of blasting that have different needs and potential for impacts. They include large pit mining operations at fixed locations, small scale gem mining and transient blasting for construction projects. We plan to share that information with Council Monday and solicit feedback so we can update the draft accordingly.

Information: Previous meeting information is available in the September 3, 2024 CC Packet on Page 14 https://www.auburnmaine.gov/CMSContent/City_Council/Packets/9-3-24%20COMBINED%20City%20Council%20Packet.pdf) Feedback from stakeholders will be reviewed at the workshop.

City Budgetary Impacts: Staff Time.

Staff Recommended Action: Motion to adopt "SUBSTITUTE ORDINANCE 24" which contains grammatical corrections, formatting, and a proposed amendment to Sec. 14-704 (2) addressing small scale blasting of less than 25 pounds of explosives.

Previous Meetings and History: September 3, 2024; December 2, 2024 (passed first reading 7-0).

City Manager Comments: Phillip Crowell Jr.

Signature:

Attachments:

Ordinance 24-12022024

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council hereby amends Chapter 14 – BUSINESS LICENSES AND PERMITS of the City's Code of Ordinances regarding Blasting as shown on the attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Chapter 14

BUSINESS LICENSES AND PERMITS

Article XIX

BLASTING

Sec. 14-700. - Purpose; statutory authority; enforcement.

A. Blasting is an activity essential to the economic viability of Auburn. Unregulated blasting and/or irresponsible blasting may cause undue damage to the people, property and environment of the City.

B. This chapter establishes specific standards for blasting operations, notice requirements, instrument monitoring requirements of blasting operations, a permit process for blasting and other associated standards and requirements.

C. It is intended to minimize the effects of air overpressure, ground vibration, dust, and noise associated with blasting which may be detrimental to the enjoyment of life, property and the conduct of business for those individuals affected.

D. It is also intended to provide standards that will prevent permanent damage to the geologic, hydrogeologic and wildlife resources and ecological balance in the region outside the immediate blast area. The chapter is intended to protect the quality of life and the homes of residents, neighborhoods, property, groundwater, wildlife resources, scenic beauty and/or businesses, all lying outside the approved work area and potentially affected by the blasting.

E. It is intended to be effectively and efficiently administered without causing undue financial and administrative hardship to blasting operators.

F. This chapter is enacted pursuant to 30-A M.R.S.A. § 3001, Ordinance power, as well as the City's Home Rule authority under the Maine Constitution, and shall be administered by the Planning, Permitting, and Code Department.

G. The city planning, permitting, and code department shall have authority to enforce all requirements of this Chapter in accordance with section 60-1403.

Sec. 14-701. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air overpressure means an airborne shock wave resulting from detonation of explosives. Air overpressure may be caused by burden movement or the release of expanding gas into the air. Air overpressure may or may not be audible.

Applicant means the owner or other individual, corporation or other business entity who or which applies for the legal right to conduct blasting at real property which it has the legal right to use.

Blast site means the area where explosive material is handled during the loading of drilled blastholes, including the perimeter formed by the loaded blastholes and 50 feet in all directions from loaded blastholes.

Blast size means, for a

A. Small blast: trench blast or under 50 cubic yards of rock removed.

B. Medium blast: removal of 50 to 300 cubic yards of rock material.

C. Large blast: removal of over 300 cubic yards of rock material.

Blaster means an applicant who has been awarded a permit to conduct blasting.

Blasting means the use of explosives to break up or otherwise aid in the extraction or removal of rock or other consolidated material.

Blasting operations means all processes conducted in association with site or other preparation for blasting, and the detonation of explosives.

Decibel means the unit of sound pressure commonly used to measure air overpressure from explosives. The decibel scale is logarithmic.

Explosives means any substance, chemical compound or mechanical mixture that is used for the purpose of producing an explosion to fragment rock for mining, quarrying, excavation and construction. Initiating devices (detonators, detonating cords, etc.) are also included under this definition.

Extractive industry means any operation engaged in the removal of more than 20 cubic yards, in a twelve-month period, of topsoil, sand, gravel, clay, rock, peat or other like material from its natural location and for transportation off lot within any twelve-month period, except as may be exempted within the extractive industry performance standards in this chapter.

Flyrock means rock that is propelled through the air or along the ground, which leaves the secured blast area as a result of the detonation of explosives.

Ground vibrations means the energy from a blast that manifests itself in vibrations which are transmitted through the earth away from the immediate blast site. Ground vibrations are to be measured along three principal axes (x, y, z); namely, transverse, vertical, and longitudinal, all of which are subject to the performance standards herein.

Groundwater means water beneath the earth's surface often between saturated soil and rock that supplies wells and streams.

Hertz means a term used, in the case of blasting, to express the frequency of ground vibrations and air overpressure. One hertz is one cycle per second.

Particle velocity means a measure of ground vibration in the case of blasting. Particle velocity describes the velocity at which a particle of ground vibrates when excited by a seismic wave. It is measured in inches per second.

Pre-blast Survey means an inspection of the dwellings, water supplies, and other structures within the blasting notice area for the purpose of documenting the physical conditions prior to the commencement of blasting.

Quarry means the property designated in the application and permit where rock is excavated in an extractive industry operation.

Secured blast area means the area that may be affected by flyrock, dust, or fumes from an explosion that may cause personal injuries, damage to property, or losses in the process. The minimum distance for personnel is 500 feet. Safe distances will be determined based on conditions for each blast by the blasting foreman or designee.

Seismograph means an instrument that measures and has the capability to provide a permanent record of hertz and decibel readings concerning ground vibrations caused by blasting.

Source water means bodies of water (such as rivers, streams, lakes, reservoirs, springs, and ground water) that provide water to public drinking-water supplies and private wells.

Sec. 14-702. - Blasting permit required; effect on other regulations.

A. No blasting within the City of Auburn shall be allowed unless a permit has been obtained from the city planning, permitting, and code department, except as otherwise exempted per this chapter.

B. The requirements of this chapter are in addition to any other applicable ordinances, regulations, and statutes. This includes adherence to the standards set forth in NFPA 495. Where different standards are contained within these documents or any other relevant regulations, the more restrictive standards shall apply

C. This chapter does not replace or negate federal and/or state requirements pertaining to explosives including OSHA CFR 1923.900 and 1910.109

Sec. 14-703. - Permit requirements.

A. Blasting permit required.

(1) The following shall require a permit:

(a) Site plan/subdivisions. If the Planning Board determines that a project involves or may require blasting, it shall expressly state and set out in its conditions of approval for such project that the applicant/developer secure from the director of the city planning, permitting, and code department, or their designee, a proper blasting permit in advanced of blasting, and as required herein.

(b) General construction. For any specific construction project, whether reviewed or not reviewed by the Planning Board as part of site plan or subdivision, that is found to need blasting at any time, the owner/developer, or responsible general contractor, shall secure a blasting permit, as described herein, from the director of the city planning, permitting, and code department, or their designee, prior to any blasting.

(c) Extractive industry and gravel pits. Any party who operates a gravel pit or who otherwise engages in extractive industry or earth removal operations shall secure from the director of the city planning, permitting, and code department, or their designee, a blasting permit, as described herein, prior to any blasting.

(d) All other blasting locations. Any other person or party, regardless of prior review, and regardless of purposes, that may need to conduct blasting shall be required to obtain a blasting permit, as described herein, from the city planning, permitting, and code department.

(2) No person or party may conduct any blasting within the boundaries of the City of Auburn without first having obtained review and approval from the director of the city planning, permitting, and code department, or their designee.

B. Notice required.

(1) Blasting activities for Extractive Industries and Quarries shall require an application for a permit to conduct blasting operations at least 30 days prior to conducting blasting or drilling. The application for permit to conduct blasting shall contain the information described in Paragraph C, referred to as the “blast plan”

(a) Following the issuance of permit, notice of the blasting shall be made public in at least one newspaper of general circulation in the area at least 10 days before initiation of blasting at the site.

(b) Annually thereafter, extractive industry sites and quarries shall renew their permit by providing a new application at least 30 days prior to expiration of their permit.

(2) All other proposed blasting activities in the City of Auburn shall require an application for a permit to conduct blasting operations at least 14 days prior to conducting blasting or drilling. Notice of blasting to be given to the city planning, permitting, and code department, in writing, at least 10 business days prior to the proposed start of blasting. Notice of the blasting shall be made public in at least one newspaper of general circulation in the area at least 10 days before such blasting is scheduled to take place.

C. Blasting application information. All applications for permits to conduct blasting shall contain the following information, referred to as the "blast plan."

(1) Applicant: the applicant's name, address, daytime telephone number, fax number, and e-mail address.

(2) Owner's name, address, daytime telephone number, fax number, and e-mail address.

(3) Blasting contractor: the blasting contractor's name, address, daytime telephone number, fax number, and e-mail address (if other than the blaster). Contractor shall submit written evidence of license(s) held, experience and qualifications of the individual who will be responsible for loading and firing each shot.

(4) General contractor: the general contractor's name, address, daytime telephone number, fax number, and e-mail address.

(5) Work site: the street address and Tax Assessor's map and lot number for the proposed blasting activity. If the blast plan is for a property shown on a plan reviewed by the Planning Board, the blast area for which the permit is requested shall be included on the plan.

(6) Information about the blast plan to include the following:

(a) Purpose of blast: a brief description of the work for which the blasting activity is requested.

(b) Volume of material: the estimated number of cubic yards (measured in place) of material to be loosened or fragmented by blasting.

(c) Number of blasts: the estimated number of blasts required to loosen or fragment the specified amount of material.

(d) Blast period: the planned starting and ending dates of the blasting activity.

(e) Site diagram: a sketch or diagram showing the property where blasting will be conducted, including: the location of adjacent structures and distance to those structures; description and location of blasting signs.

(f) Description of test blast drill pattern.

(g) Explosives to be used during both wet and dry conditions.

(h) Description of matting that will be used to prevent flyrock.

(i) Type, number, and planned locations of seismograph, and any other instrumentation proposed for use to monitor vibrations and air overpressures.

(j) Description of proposed transport and storage of explosives.

(k) Description of safety procedures, security measures, and warning procedures to be employed before, during and after the blast period.

(l) Signature of blasting contractor testifying to the accuracy of the blast plan.

(m) Dig safe number

D. Liability insurance. Blasting contractors and/or applicants shall carry general liability insurance in accordance with the following:

(1) The amount insured must be a minimum amount of $2,000,000 combined single limit per occurrence.

(2) The insurance policy must contain specific reference to blasting as an activity covered by the insurance.

(3) The policy shall indemnify and hold harmless the City, its agents and/or representatives, employees, and residents from and against any or all claims, damages, losses and expenses including legal fees arising out of or resulting from performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury or death, or to injury to or destruction to tangible personal or real property, including the loss of use, resulting in whole or in part from the blasting activity by any negligent act or omission of the contractor or any of its officers, agents, employees, representatives, subcontractors, and/or anyone directly or indirectly employed by any of them or anyone for whose acts any of them would be liable regardless of whether it is caused in part by a party indemnified hereunder and the contractor shall, at its own expense, defend and protect said indemnified parties against all such claims and demands.

(4) The City shall be named as a certificate holder to ensure the liability insurance is maintained throughout the duration of the blasting operation. The certificate must provide that the City of Auburn shall be notified at least 10 days prior to any cancellation

E. Public hearing. A public hearing is not required prior to the issuance of a blasting permit by the director of the city planning, permitting, and code department, or their designee.

F. Fees. Fees for blasting permits shall be as determined, and amended from time to time, by City Council order.

G. Permit duration.

(1) Extractive Industries and Quarry permits shall be valid for one year. No blasting after one year shall occur except as permitted herein.

(2) All other blasting permits shall be valid for a period of 90 days. No blasting after 90 days shall occur except as permitted herein.

(3) Lapse and extension. Any party that does not complete its blasting within the defined permit period may apply to the director of the city planning, permitting, and code department, or their designee, for a reasonable extension, not to exceed 60 days. The director shall have full discretion as to the length and condition of any extension. If the ninety-day period lapses prior to a request for extension, the director may require that the

party reapply for a new blasting permit.

H. Notice and pre-blast survey.

(1) The following notification and pre-blast survey requirements shall be required for all blasting permits prior to commencing blasting:

	Small blast (feet)	Medium blast (feet)	Large blast (feet)
Notice required	500	700	900
Pre-blast survey to be offered	100	300	500

(2) The blasting contractor will hire an independent qualified seismologist, blasting consultant or engineer to perform pre-blast surveys on all structures and wells in the areas outlined in Subsection H(1) above, contingent upon property owner agreement. The independent seismologist or blasting consultant shall not be an employee of the contractor, subcontractor, explosives manufacturer, or explosives distributor.

(3) Pre-blast survey offer notice: Prior to commencement of the pre-blast surveys, the blasting contractor shall provide the following documentation to the city planning, permitting, and code department:

(a) A list of property owners to be contacted (in accordance with the distances listed in the table above).

(b) Verification that the subject property owners were notified of the pre-blast survey work.

(c) A copy of the pre-blast survey offer notice.

(d) Whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response. The blasting contractor shall retain a copy of each pre-blast survey offer notice for their records until the development project receives a final certificate of occupancy or is otherwise deemed complete by the City. Nothing herein shall be construed to discourage repeated efforts by the blasting contractor to contact eligible property owners via phone, hand delivery, or other method in addition to provision of the required offer notice letter.

(4) Pre-blast survey documentation. All pre-blast surveys shall include documentation of interior subgrade and above-grade accessible unobscured walls, ceilings, floors, roof and visible exterior as viewed from the grade level. Where significant cracks or damage exist, or for more complex structural defects, photographs or video shall be taken. A high-quality digital video or videotape survey with appropriate audio description of the locations, conditions, and defects may substitute for a written pre-blast survey. Where necessary, notes and sketches may also be used as part of a video pre-blast survey in order to highlight or elaborate on certain aspects of the video documentation.

(5) Pre-blast survey conditions report. All pre-blast surveys shall include an existing conditions report for each property. The conditions report may be presented as narrative, photographs, video or a combination thereof. Conditions reports shall summarize the condition of each building and define areas of concern, including deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that

are sensitive to vibrations.

(6) Verification that all pre-blast surveys and conditions reports have been completed shall be submitted to the city planning, permitting, and code department at least two weeks prior to commencing any drilling and/or blasting operations.

(7) The blasting contractor shall maintain a copy of the pre blast survey conditions report for a minimum of six years after the conclusion of blasting.

(8) The blasting contractor shall make a copy of the pre-blast survey conditions report available to the property owner.

Sec. 14-704. - Performance standards.

All blasters shall comply with the following performance standards:

A. Hours of detonation.

(1) Extractive industry blasting. Hours of detonation are limited to between 10:00 a.m. and 5:00 p.m., Monday through Friday inclusive, excluding the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

(2) All other blasting. Hours of detonation are limited to between sunrise and sunset but no earlier than 7:00 a.m. and no later than 7:00 p.m., Monday through Friday inclusive, excluding the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving and Christmas, unless otherwise more restrictive hours of detonation are specified by the Planning Board.

(3) Emergency situations. Blasting of any type may occur at any time in situations deemed to be emergencies by the director of the city planning, permitting, and code department, or their designee, after consultation with other City staff as may be determined to be necessary by the director. Emergency situations may include, but are not limited to, blasting to install utilities damaged by weather events, unanticipated needs for blasting to complete City infrastructure project when the delay would significantly affect project timelines or City services, or blasting to correct a misfire of explosives in an otherwise permitted blast event.

(4) In consideration of the safety hazards and community concerns associated with adverse weather conditions, this ordinance permits the adjustment of blasting operations in response to lightning-related disruptions, wind-related community concerns, and atmospheric conditions, including pressure variations. When such conditions are present, operators are authorized to modify the timing and duration of blasting activities as necessary to ensure the safety of all personnel, minimize impacts on the surrounding community, and maintain compliance with regulatory requirements. Any adjustments made must be promptly communicated to the appropriate authorities and property owners.

B. Water quality protection. Water is a precious resource, and the applicant must take measures to ensure that the quality of source water is protected. Prior to the initial blast, the applicant must offer water quality tests on all non-applicant-owned wells within distances outlined in Sec. 14-703(H) above. Water quality testing must also be completed post-blast if requested by the property owner because of evidence of a substantive change in water quality. Turbidity in wells tested shall be no greater than that which existed prior to the blasting as established in the pre-blast survey.

C. Ground vibration, Air Overpressure, Flyrock and Gases

(1) Ground vibration, Air Overpressure, Flyrock and gases shall be controlled and shall not exceed the limits defined in NFPA 495.

(2) Measurements shall be required for all blasts. Ground vibration shall be measured as particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions (x, y, z). The maximum allowable peak particle velocity shall apply to each of the three measurements. Any blast made with less than 25 pounds of explosives in an Extractive Industry or Quarry operation which occurs more than 500 feet from a structure, building, or source water is exempt from this seismological measurement requirement.

(3) Seismographic record. A seismographic record for all blasts shall be retained by the applicant and provided to the city planning, permitting, and code department or the Planning Board, if requested. The applicant is responsible for such record and for providing proper instrumentation as specified in this chapter. Personnel conducting such monitoring shall be properly trained in the operation of the equipment being used.

(4) Measurements. The requirements established herein shall be measured at the closest building(s) on abutting properties as determined by the director of the city planning, permitting, and code department, or their designee,

D. Other permits. The applicant must also comply with all standards and conditions contained in other permits issued for such projects and local, state and federal statutes and regulations.

E. Blasting seismographs used to monitor ground vibrations and air overpressure shall comply with the ISEE document, “Performance Specifications for Blasting Seismographs” and all seismographs shall be deployed in the field according to ISEE document, “Field Practice Guidelines for Blasting Seismographs.”

Sec. 14-705. – Notices.

A. Required notification of blasting for Quarry Operations.

(1) Initial notice. State licensed quarry operations are subject to public notification and public hearing processes prior to State licensure. This initial notification is to serve as notice to residents of the commencement of blasting at a new quarry site. The blaster must send, by first-class mail an advisory notice to all property owners within 2,000 feet of the secured blasting area. Notifications shall be mailed no later than 10 calendar days and no earlier than 14 calendar days prior to the initiation of blasting. A certificate of mailing shall be submitted to the city planning, permitting, and code department as verification that said mailings were done. Said notice must include the description of the blasting signals to be utilized during the operation. The blaster of either an earth removal operation or other project must provide notice to a property owner who has made a written request to the blaster.

(2) Twenty-four-hour notice. Prior to every blast, the blaster shall notify all property owners within 2,000 feet of the production quarries. Such notification shall be given by telephone, or by door hangers on the door of the residence or business, between 24 hours and 48 hours prior to the blast. The notification shall state the time the blast is proposed to occur, and the blast may occur as early as one hour prior to the noticed time and as late as one hour after the noticed time. The burden of proof of notification is the responsibility of the blaster.

B. Required notification of blasting for all other blasting. The following notice requirements for any

blast requiring a blasting permit shall be adhered to by the blaster.

(1) Initial notice. The blaster must send initial notice by first-class mail an advisory notice to all property owners within the distances outlined in Sec. 14-703H(1) of the secured blasting area. Notification shall be mailed no later than 10 calendar days and no earlier than 14 calendar days prior to the initiation of blasting. A certificate of mailing shall be submitted to the city planning, permitting, and code department as verification that said mailings were done. Said notice must include the description of the blasting signals to be utilized during the operation. The blaster of either an earth removal operation or other project must provide notice to a property owner who has made a written request to the blaster.

(2) Twenty-four-hour notice. Prior to every blast, the blaster shall notify all property owners within 300 feet of the secured blasting area. This will be done whether or not the property owners requested to be notified. The blaster shall also notify all others who have requested in writing to be so notified. Such notification shall be given by telephone, or by door hangers on the door of the residence or business, between 24 hours and 48 hours prior to the blast. The notification shall state the time the blast is proposed to occur, and the blast may occur as early as one hour prior to the noticed time and as late as one hour after the noticed time. The burden of proof of notification is the responsibility of the blaster.

C. **Emergency Services Notification:** The 911 dispatch center servicing the City of Auburn must be notified at least 24 hours prior to any explosive detonation. The notification shall include the address for the blast site as well as the anticipated start time for blasting and anticipated time that blasting will conclude for the day.

Sec. 14-706. - Inspection, monitoring, and recordkeeping.

A. Entry. The director of the city planning, permitting, and code department, or their designee, may enter the secured blasting area or adjacent area to conduct site evaluations and observe any authorized blasting operations and may order that additional ground vibration and air overpressure measurements using approved instrumentation be made by persons responsible for blasting operations to ensure that the limits specified in this chapter are not exceeded, if excess readings are indicated.

B. Additional monitoring. The blaster shall maintain a record of each blast. All records shall be retained at least three years following cessation of the blasting operation, and shall be available for inspection by the director of the city planning, permitting, and code department, or their designee, or any property owner within the distances outlined in Sec. 14-703H(1) of the secured blasting area, and shall contain the following minimum data for traceability purposes:

(1) Name and contact information of responsible party: the name and contact information of the person(s) responsible for the blasting operation.

(2) Location, date, time, number and pattern/spacing of blast holes, total charge weight, charge weight per delay, date and time of each blast.

(3) Blaster: the name(s) of blaster in charge.

(4) Weather: the weather conditions (including such factors as wind direction, cloud cover, etc.).

(5) Data: seismograph and air overpressure readings, including date, time, and location of instrument.

(6) Notice: name, addresses, date and time of all persons who were notified prior to every blast.

Sec. 14-707. - Compliance schedule.

A. Applicability. Upon adoption of this chapter, all existing and new blasting operations are subject to the terms herein and must obtain a permit to conduct any further blasting.

B. Review. A complete review of all activities under this chapter shall be undertaken by the director of the city planning, permitting, and code department 12 months after adoption of this chapter to determine if the levels are adequate and reasonable to achieve the purpose for which this chapter is intended. The results of this review shall be reported to the City Manager, who will report to the City Council with recommendations of the review.

Sec. 14-708. - Exceptions for undue hardship.

A. Application. Applications for a permit for exception from the performance standards designated in this chapter may, on the basis of hardship, be made to the director of the city planning, permitting, and code department, or their designee. Any permit granted hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective.

B. Standards. The director of the city planning, permitting, and code department, or their designee, may grant the exception as applied for only if:

(1) Limited in scope: the activity or operation will be of a temporary duration, i.e., a limited number of blasts at a specific site, and cannot be done in a manner that would comply with this chapter;

(2) Reasonable alternative: no other reasonable alternative is available to the applicants; and

(3) Safety: the applicants represent, and the director of the city planning, permitting, and code department, or their designee, finds, that blasting as permitted will not violate recognized safety standards.

C. Conditions. Upon the issuance of any exception permit, the director of the city planning, permitting, and code department, or their designee, may limit the scope of the exception and prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects.

Sec. 14-709. - Violations and penalties.

A. Penalties. The submission of false information required by this chapter, or the violation of this chapter or the violation of any condition attached to a permit granted under this chapter shall constitute a land use violation for which an enforcement action may be commenced by the City in accordance with 30-A M.R.S.A. § 4452.

B. Reporting. A copy of the violation report and consent agreement reached between the City and the person or entity found in violation of any portion of this chapter will be filed in the permit or license file.

Sec. 14-710. - Conflict.

Blasting in Auburn shall be conducted in compliance with all pertinent section of the City Code of Ordinances, and, except as superseded by the provision of this article, the NFPA 1 Fire Prevention

Code, and NFPA 495 Explosive Materials Code as adopted by the State of Maine. In any particular instance where these regulations are in conflict with any other rules, regulations or ordinances of the City, the more restrictive regulation or provision shall prevail.

Sec. 14-711. - Appeal of denial of a blasting permit.

If the city planning, permitting, and code department has denied a blasting permit under this article, the applicant may appeal the denial to the Zoning Board of Appeals within 30 days of the decision by filing a written notice of appeal.

Sec. 14-712 to 725 Reserved.

Chapter 14

BUSINESS LICENSES AND PERMITS

Article XIX

BLASTING

Sec. 14-700. - Purpose; statutory authority; enforcement.

A. Blasting is an activity essential to the economic viability of Auburn. Unregulated blasting and/or irresponsible blasting may cause undue damage to the people, property and environment of the City.

B. This chapter establishes specific standards for blasting operations, notice requirements, instrument monitoring requirements of blasting operations, a permit process for blasting and other associated standards and requirements.

C. It is intended to minimize the effects of air overpressure, ground vibration, dust, and noise associated with blasting which may be detrimental to the enjoyment of life, property and the conduct of business for those individuals affected.

D. It is also intended to provide standards that will prevent permanent damage to the geologic, hydrogeologic and wildlife resources and ecological balance in the region outside the immediate blast area. The chapter is intended to protect the quality of life and the homes of residents, neighborhoods, property, groundwater, wildlife resources, scenic beauty and/or businesses, all lying outside the approved work area and potentially affected by the blasting.

E. It is intended to be effectively and efficiently administered without causing undue financial and administrative hardship to blasting operators.

F. This chapter is enacted pursuant to 30-A M.R.S.A. § 3001, Ordinance power, as well as the City's Home Rule authority under the Maine Constitution, and shall be administered by the Planning, Permitting, and Code Department.

G. The city planning, permitting, and code department shall have authority to enforce all requirements of this Chapter in accordance with section 60-1403.

Sec. 14-701. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air overpressure means an airborne shock wave resulting from detonation of explosives. Air overpressure may be caused by burden movement or the release of expanding gas into the air. Air overpressure may or may not be audible.

Applicant means the owner or other individual, corporation or other business entity who or which applies for the legal right to conduct blasting at real property which it has the legal right to use.

Blast site means the area where explosive material is handled during the loading of drilled blastholes, including the perimeter formed by the loaded blastholes and 50 feet in all directions from loaded blastholes.

Blast size means, for a

A. Small blast: trench blast or under 50 cubic yards of rock removed.

B. Medium blast: removal of 50 to 300 cubic yards of rock material.

C. Large blast: removal of over 300 cubic yards of rock material.

Blaster means an applicant who has been awarded a permit to conduct blasting.

Blasting means the use of explosives to break up or otherwise aid in the extraction or removal of rock or other consolidated material.

Blasting operations means all processes conducted in association with site or other preparation for blasting, and the detonation of explosives.

Decibel means the unit of sound pressure commonly used to measure air overpressure from explosives. The decibel scale is logarithmic.

Explosives means any substance, chemical compound or mechanical mixture that is used for the purpose of producing an explosion to fragment rock for mining, quarrying, excavation and construction. Initiating devices (detonators, detonating cords, etc.) are also included under this definition.

Extractive industry means any operation engaged in the removal of more than 20 cubic yards, in a twelve-month period, of topsoil, sand, gravel, clay, rock, peat or other like material from its natural location and for transportation off lot within any twelve-month period, except as may be exempted within the extractive industry performance standards in this chapter.

Flyrock means rock that is propelled through the air or along the ground, which leaves the secured blast area as a result of the detonation of explosives.

Ground vibrations means the energy from a blast that manifest itself in vibrations which are transmitted through the earth away from the immediate blast site. Ground vibrations are to be measured along three principal axes (x, y, z); namely, transverse, vertical, and longitudinal, all of which are subject to the performance standards herein.

Groundwater means water beneath the earth's surface often between saturated soil and rock that supplies wells and streams.

Hertz means a term used, in the case of blasting, to express the frequency of ground vibrations and air overpressure. One hertz is one cycle per second.

Particle velocity means a measure of ground vibration in the case of blasting. Particle velocity describes the velocity at which a particle of ground vibrates when excited by a seismic wave. It is measured in inches per second.

Pre-blast Survey means an inspection of the dwellings, water supplies, and other structures within the blasting notice area for the purpose of documenting the physical conditions prior to the commencement of blasting.

Quarry means the property designated in the application and permit where rock is excavated in an extractive industry operation~~.~~ ,which is licensed and governed by the performance standards 38 MRSA Section 490-Y.

Secured blast area means the area that may be affected by flyrock, dust, or fumes from an explosion that may cause personal injuries, damages to property, or losses in the process. The minimum distance for personnel is 500 feet. Safe distances will be determined based on conditions for each

blast by the blasting foreman or designee.

Seismograph means an instrument that measures and has the capability to provide a permanent record of hertz and decibel readings concerning ground vibrations caused by blasting.

Source water means bodies of water (such as rivers, streams, lakes, reservoirs, springs, and ground water) that provide water to public drinking-water supplies and private wells.

Sec. 14-702. - Blasting permit required; effect on other regulations.

A. No blasting within the City of Auburn shall be allowed unless a permit has been obtained from the city planning, permitting, and code department, except as otherwise exempted per this chapter.

B. The requirements of this chapter are in addition to any other applicable ordinances, regulations, and statutes. This includes adherence to the standards set forth in NFPA 495. Where different standards are contained within these documents or any other relevant regulations, the more restrictive standards shall apply.

C. This chapter does not replace or negate federal and/or state requirements pertaining to explosives including OSHA CFR 1923.900 and 1910.109.

Sec. 14-703. - Permit requirements.

A. Blasting permit required.

(1) The following shall require a permit:

(a) Site plan/subdivisions. If the Planning Board determines that a project involves or may require blasting, it shall expressly state and set out in its conditions of approval for such project that the applicant/developer secure from the director of the city planning, permitting, and code department, or their designee, a proper blasting permit in advanced of blasting, and as required herein.

(b) General construction. For any specific construction project, whether reviewed or not reviewed by the Planning Board as part of site plan or subdivision, that is found to need blasting at any time, the owner/developer, or responsible general contractor, shall secure a blasting permit, as described herein, from the director of the city planning, permitting, and code department, or their designee, prior to any blasting.

(c) Extractive industry and gravel pits. Any party who operates a gravel pit or who otherwise engages in extractive industry or earth removal operations shall secure from the director of the city planning, permitting, and code department, or their designee, a blasting permit, as described herein, prior to any blasting.

(d) All other blasting locations. Any other person or party, regardless of prior review, and regardless of purposes, that may need to conduct blasting shall be required to obtain a blasting permit, as described herein, from the city planning, permitting, and code department.

(2) No person or party may conduct any blasting within the boundaries of the City of Auburn without first having obtained review and approval from the director of the city planning, permitting, and code department, or their designee.

B. Notice required

(1) Blasting activities for Extractive Industries and Quarries shall require an application for a permit to conduct blasting operations at least 30 days prior to conducting blasting or drilling. The application for permit to conduct blasting shall contain the information described in Paragraph C, referred to as the "blast plan"

(a) Following the issuance of permit, notice of the blasting shall be made public in at least one newspaper of general circulation in the area at least 10 days before initiation of blasting at the site.

(b) Annually thereafter, extractive industry sites and quarries shall renew their permit by providing a new application at least 30 days prior to expiration of their permit.

~~B.~~

C. All other proposed blasting activities in the City of Auburn shall require application for permit to conduct blasting operations at least 14 days prior to conducting blasting or drilling. Notice of blasting to be given to the city planning, permitting, and code department, in writing, at least 10 business days prior to the proposed start of blasting. Notice of the blasting shall be made public in at least one newspaper of general circulation in the area at least 10 days before such blasting is scheduled to take place.

~~C.~~D. Blasting application information. All applications for permits to conduct blasting shall contain the following information, referred to as the "blast plan."

(1) Applicant: the applicant's name, address, daytime telephone number, fax number, and e-mail address.

(2) Owner's name, address, daytime telephone number, fax number, and e-mail address.

(3) Blasting contractor: the blasting contractor's name, address, daytime telephone number, fax number, and e-mail address (if other than the blaster). Contractor shall submit written evidence of license(s) held, experience and qualifications of the individual who will be responsible for loading and firing each shot.

(4) General contractor: the general contractor's name, address, daytime telephone number, fax number, and e-mail address.

(5) Work site: the street address and Tax Assessor's map and lot number for the proposed blasting activity. If the blast plan is for a property shown on a plan reviewed by the Planning Board, the blast area for which the permit is requested shall be included on the plan.

(6) Information about the blast plan to include the following:

(a) Purpose of blast: a brief description of the work for which the blasting activity is requested.

(b) Volume of material: the estimated number of cubic yards (measured in place) of material to be loosened or fragmented by blasting.

(c) Number of blasts: the estimated number of blasts required to loosen or fragment the specified amount of material.

(d) Blast period: the planned starting and ending dates of the blasting activity.

(e) Site diagram: a sketch or diagram showing the property where blasting will be conducted, including: the location of adjacent structures and distance to those structures; description and location of blasting signs.

(f) Description of test blast drill pattern.

(g) Explosives to be used during both wet and dry conditions.

(h) Description of matting that will be used to prevent flyrock.

(i) Type, number, and planned locations of seismograph, and any other instrumentation proposed for use to monitor vibrations and air overpressures.

(j) Description of proposed transport and storage of explosives.

(k) Description of safety procedures, security measures, and warning procedures to be employed before, during and after the blast period.

(l) Signature of blasting contractor testifying to the accuracy of the blast plan.

(m) Dig safe number

~~D.~~E. Liability insurance. Blasting contractors and/or applicants shall carry general liability insurance in accordance with the following:

(1) The amount insured must be a minimum amount of $2,000,000 combined single limit per occurrence.

(2) The insurance policy must contain specific reference to blasting as an activity covered by the insurance.

(3) The policy shall indemnify and hold harmless the City, its agents and/or representatives, employees, and residents from and against any or all claims, damages, losses and expenses including legal fees arising out of or resulting from performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury or death, or to injury to or destruction to tangible personal or real property, including the loss of use, resulting in whole or in part from the blasting activity by any negligent act or omission of the contractor or any of its officers, agents, employees, representatives, subcontractors, and/or anyone directly or indirectly employed by any of them or anyone for whose acts any of them would be liable regardless of whether it is caused in part by a party indemnified hereunder and the contractor shall, at its own expense, defend and protect said indemnified parties against all such claims and demands.

(4) The City shall be named as a certificate holder to ensure the liability insurance is maintained throughout the duration of the blasting operation. The certificate must provide that the City of Auburn shall be notified at least 10 days prior to any cancellation

~~E.~~F. Public hearing. A public hearing is not required prior to the issuance of a blasting permit by the director of the city planning, permitting, and code department, or their designee. Public Hearings are required for new Quarries under Chapter 60, Article III of City Ordinances.

~~F.~~G. Fees. Fees for blasting permits shall be as determined, and amended from time to time, by City Council order.

~~G.~~H. Permit duration.

(1) Extractive Industries and Quarries: Permits shall be valid for one year.

(2) All other blasting permits shall be valid for a period of 90 days. No blasting after 90 days shall occur except as permitted herein.

(3) Lapse and extension. Any party that does not complete its blasting within the defined permit period may apply to the director of the city planning, permitting, and code department, or their designee, for a reasonable extension, not to exceed 60 days. The director shall have full discretion as to the length and condition of any extension. If the ninety-day period lapses prior to a request for extension, the director may require that the party reapply for a new blasting permit.

~~(3)~~(4) In consideration of the safety hazards and community concerns associated with adverse weather conditions, this ordinance permits the adjustment of blasting operations in response to lightning-related disruptions, wind-related community concerns, and atmospheric conditions, including pressure variations. When such conditions are present, operators are authorized to modify the timing and duration of blasting activities as necessary to ensure the safety of all personnel, minimize impacts on the surrounding community, and maintain compliance with regulatory requirements. Any adjustments made must be promptly communicated to the appropriate authorities and property owners.

~~H.~~I. Notice and pre-blast survey.

(1) The following notification and pre-blast survey requirements shall be required for all blasting permits prior to commencing blasting:

	Small blast (feet)	Medium blast (feet)	Large blast (feet)
Notice required	500	700	900
Pre-blast survey to be offered	100	300	500

(2) The blasting contractor will hire an independent qualified seismologist, blasting consultant or engineer to perform pre-blast surveys on all structures and wells in the areas outlined in Subsection H(1) above, contingent upon property owner agreement. The independent seismologist or blasting consultant shall not be an employee of the contractor, subcontractor, explosives manufacturer, or explosives distributor.

(3) Pre-blast survey offer notice: Prior to commencement of the pre-blast surveys, the blasting contractor shall provide the following documentation to the city planning, permitting, and code department:

(a) A list of property owners to be contacted (in accordance with the distances listed in the table, above).

(b) Verification that the subject property owners were notified of the pre-blast survey work.

(c) A copy of the pre-blast survey offer notice.

(d) Whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response. The blasting contractor shall retain a copy of each pre-blast survey offer notice for their records until the development project receives a final certificate of occupancy or is otherwise deemed complete by the City. Nothing herein shall be construed to discourage repeated efforts by the blasting contractor to contact eligible property owners via phone, hand delivery, or other method in

addition to provision of the required offer notice letter.

(4) Pre-blast survey documentation. All pre-blast surveys shall include documentation of interior subgrade and above-grade accessible unobscured walls, ceilings, floors, roof and visible exterior as viewed from the grade level. Where significant cracks or damage exist, or for more complex structural defects, photographs or video shall be taken. A high-quality digital video or videotape survey with appropriate audio description of the locations, conditions, and defects may substitute for a written pre-blast survey. Where necessary, notes and sketches may also be used as part of a video pre-blast survey in order to highlight or elaborate on certain aspects of the video documentation.

(5) Pre-blast survey conditions report. All pre-blast surveys shall include an existing conditions report for each property. The conditions report may be presented as narrative, photographs, video or a combination thereof. Conditions reports shall summarize the condition of each building and define areas of concern, including deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations.

(6) Verification that all pre-blast surveys and conditions reports have been completed shall be submitted to the city planning, permitting, and code department at least two weeks prior to commencing any drilling and/or blasting operations.

(7) The blasting contractor shall maintain a copy of the pre blast survey conditions report for a minimum of six years after the conclusion of blasting.

(8) The blasting contractor shall make a copy of the pre-blast survey conditions report available to the property owner.

Sec. 14-704. - Performance standards.

All blasters shall comply with the following performance standards:

A. Hours of detonation.

(1) Extractive industry blasting. Hours of detonation are limited to between 10:00 a.m. and 5:00 p.m., Monday through Friday inclusive, excluding the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, , Thanksgiving and Christmas.

~~(1)~~(2) At the discretion of the Director of Planning and Permitting, small scale blast of less than 25 pounds of explosives which occur more than 500 feet from a structure may be permitted on weekends and holidays.

~~(2)~~(3) All other blasting. Hours of detonation are limited to between sunrise and sunset but no earlier than 7:00 a.m. and no later than 7:00 p.m., Monday through Friday inclusive, excluding the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving and Christmas, unless otherwise more restrictive hours of detonation are specified by the Planning Board.

(4) Emergency situations. Blasting of any type may occur at any time in situations deemed to be emergencies by the director of the city planning, permitting, and code department, or their designee, after consultation with other City staff as may be determined to be necessary by the director. Emergency situations may include, but are not limited to, blasting to install utilities damaged by weather events, unanticipated needs for blasting to complete City infrastructure project when the delay would significantly affect project timelines or City services, or blasting to correct a misfire of explosives in an otherwise

permitted blast event.

~~(3) In consideration of the safety hazards and community concerns associated with adverse weather conditions, this ordinance permits the adjustment of blasting operations in response to lightning-related disruptions, wind-related community concerns, and atmospheric conditions, including pressure variations. When such conditions are present, operators are authorized to modify the timing and duration of blasting activities as necessary to ensure the safety of all personnel, minimize impacts on the surrounding community, and maintain compliance with regulatory requirements. Any adjustments made must be promptly communicated to the appropriate authorities and property owners.~~

B. Water quality protection. Water is a precious resource, and the applicant must take measures to assure that the quality of source water is protected. Prior to the initial blast, the applicant must offer water quality tests on all non-applicant-owned wells within distances outlined in Sec. 14-703(H) above. Water quality testing must also be offered post-blast if requested by the property owner because of evidence of a substantive change in water quality. Turbidity in wells tested shall be no greater than that which existed prior to the blasting as established in the pre-blast survey.

C. Ground vibration, Air Overpressure, Flyrock and Gases

(1) Ground vibration, Air Overpressure, Flyrock and gases shall be controlled and shall not exceed the limits defined in NFPA 495.

(2) Measurements shall be required for all blasts. Ground vibration shall be measured as particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions (x, y, z). The maximum allowable peak particle velocity shall apply to each of the three measurements. Any blast made with less than 25 pounds of explosives in an Extractive Industry or Quarry operation which occurs more than 500 feet from a structure, building, or source water is exempt from this seismological measurement requirement.

(3) Seismographic record. A seismographic record for all blasts shall be retained by the applicant and provided to the city planning, permitting, and code department or the Planning Board, if requested. The applicant is responsible for such record and for providing proper instrumentation as specified in this chapter. Personnel conducting such monitoring shall be properly trained in the operation of the equipment being used.

(4) Measurements. The requirements established herein shall be measured at the closest building(s) on abutting properties as determined by the director of the city planning, permitting, and code department, or their designee,

D. Other permits. The applicant must also comply with all standards and conditions contained in other permits issued for such projects and local, state and federal statutes and regulations.

E. Blasting seismographs used to monitor ground vibrations and air overpressure shall comply with the ISEE document, “Performance Specifications for Blasting Seismographs” and all seismographs shall be deployed in the field according to ISEE document, “Field Practice Guidelines for Blasting Seismographs.”

Sec. 14-705. – Notices.

A. Required notification of blasting for Quarry Operations.

(1) Initial notice. State licensed quarry operations are subject to public notification and public hearing processes prior to State licensure. This initial notification is to serve as notice to residents of the commencement of blasting at a new quarry site. The blaster must send, by first-class mail an advisory notice to all property owners within 2,000 feet of the secured blasting area. Notifications shall be mailed no later than 10 calendar days and no earlier than 14 calendar days prior to the initiation of blasting. A certificate of mailing shall be submitted to the city planning, permitting, and code department as verification that said mailings were done. Said notice must include the description of the blasting signals to be utilized during the operation. The blaster of either an earth removal operation or other project must provide notice to a property owner who has made a written request to the blaster.

(2) Twenty-four-hour notice. Prior to every blast, the blaster shall notify all property owners within 2,000 feet of the production quarries. Such notification shall be given by telephone, or by door hangers on the door of the residence or business, between 24 hours and 48 hours prior to the blast. The notification shall state the time the blast is proposed to occur, and the blast may occur as early as one hour prior to the noticed time and as late as one hour after the noticed time. The burden of proof of notification is the responsibility of the blaster.

B. Required notification of blasting for all other blasting. The following notice requirements for any blast requiring a blasting permit shall be adhered to by the blaster.

(1) Initial notice. The blaster must send initial notice by first-class mail an advisory notice to all property owners within the distances outlined in Sec. 14-703H(1) of the secured blasting area. Notification shall be mailed no later than 10 calendar days and no earlier than 14 calendar days prior to the initiation of blasting. A certificate of mailing shall be submitted to the city planning, permitting, and code department as verification that said mailings were done. Said notice must include the description of the blasting signals to be utilized during the operation. The blaster of either an earth removal operation or other project must provide notice to a property owner who has made a written request to the blaster.

(2) Twenty-four-hour notice. Prior to every blast, the blaster shall notify all property owners within 300 feet of the secured blasting area. This will be done whether or not the property owners requested to be notified. The blaster shall also notify all others who have requested in writing to be so notified. Such notification shall be given by telephone, or by door hangers on the door of the residence or business, between 24 hours and 48 hours prior to the blast. The notification shall state the time the blast is proposed to occur, and the blast may occur as early as one hour prior to the noticed time and as late as one hour after the noticed time. The burden of proof of notification is the responsibility of the blaster.

C. Emergency Services Notification: The 911 dispatch center servicing the City of Auburn must be notified at least 24 hours prior to any explosive detonation. The notification shall include the address for the blast site as well as the anticipated start time for blasting and anticipated time that blasting will conclude for the day.

Sec. 14-706. - Inspection, monitoring, and recordkeeping.

A. Entry. The director of the city planning, permitting, and code department, or their designee, may enter the secured blasting area or adjacent area to conduct site evaluations and observe any authorized blasting operations and may order that additional ground vibration and air overpressure measurements using approved instrumentation be made by persons responsible

for blasting operations to ensure that the limits specified in this chapter are not exceeded, if excess readings are indicated.

B. Additional monitoring. The blaster shall maintain a record of each blast. All records shall be retained at least three years following cessation of the blasting operation, and shall be available for inspection by the director of the city planning, permitting, and code department, or their designee, or any property owner within the distances outlined in Sec. 14-703H(1) of the secured blasting area, and shall contain the following minimum data for traceability purposes:

(1) Name and contact information of responsible party: the name and contact information of the person(s) responsible for the blasting operation.

(2) Location, date, time, number and pattern/spacing of blast holes, total charge weight, charge weight per delay, date and time of each blast.

(3) Blaster: the name(s) of blaster in charge.

(4) Weather: the weather conditions (including such factors as wind direction, cloud cover, etc.).

(5) Data: seismograph and air overpressure readings, including date, time, and location of instrument.

(6) Notice: name, addresses, date and time of all persons who were notified prior to every blast.

Sec. 14-707. - Compliance schedule.

A. Applicability. Upon adoption of this chapter, all existing and new blasting operations are subject to the terms herein and must obtain a permit to conduct any further blasting.

B. Review. A complete review of all activities under this chapter shall be undertaken by the director of the city planning, permitting, and code department 12 months after adoption of this chapter to determine if the levels are adequate and reasonable to achieve the purpose for which this chapter is intended. The results of this review shall be reported to the City Manager, who will report to the City Council with recommendations of the review.

Sec. 14-708. - Exceptions for undue hardship.

A. Application. Applications for a permit for exception from the performance standards designated in this chapter may, on the basis of hardship, be made to the director of the city planning, permitting, and code department, or their designee. Any permit granted hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective.

B. Standards. The director of the city planning, permitting, and code department, or their designee, may grant the exception as applied for only if:

(1) Limited in scope: the activity or operation will be of a temporary duration, i.e., a limited number of blasts at a specific site, and cannot be done in a manner that would comply with this chapter;

(2) Reasonable alternative: no other reasonable alternative is available to the applicants; and

(3) Safety: the applicants represent, and the director of the city planning, permitting, and code department, or their designee, finds, that blasting as permitted will not violate recognized safety standards.

C. Conditions. Upon the issuance of any exception permit, the director of the city planning, permitting, and code department, or their designee, may limit the scope of the exception and prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects.

Sec. 14-709. - Violations and penalties.

A. Penalties. The submission of false information required by this chapter, or the violation of this chapter or the violation of any condition attached to a permit granted under this chapter shall constitute a land use violation for which an enforcement action may be commenced by the City in accordance with 30-A M.R.S.A. § 4452.

B. Reporting. A copy of the violation report and consent agreement reached between the City and the person or entity found in violation of any portion of this chapter will be filed in the permit or license file.

Sec. 14-710. - Conflict.

Blasting in Auburn shall be conducted in compliance with all pertinent section of the City Code of Ordinances, and, except as superseded by the provision of this article, the NFPA 1 Fire Prevention Code, and NFPA 495 Explosive Materials Code as adopted by the State of Maine. In any particular instance where these regulations are in conflict with any other rules, regulations or ordinances of the City, the more restrictive regulation or provision shall prevail.

Sec. 14-711. - Appeal of denial of a blasting permit.

If the city planning, permitting, and code department has denied a blasting permit under this article, the applicant may appeal the denial to the Zoning Board of Appeals within 30 days of the decision by filing a written notice of appeal.

Sec. 14-712 to 725 Reserved.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 16, 2024 **ORDER 163-12162024**

Author: Emily F. Carrington, City Clerk

Subject: Accepting the Mayor's Ad-Hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee Report.

Information: This order accepts the Mayor's Ad-Hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee Report, as presented at the December 16, 2024 meeting.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History:

City Manager Comments: Phillip Crowell Jr.

Attachments: ORDER, Report

ORDER 163-12162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the "Report of the Mayor's Ad-Hoc Bona Fide Farming, Agricultural, Recreational and Natural Resources Land Use Committee", as attached and presented at the December 16, 2024 meeting.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 16, 2024
Author: Glen E. Holmes, Director of Business & Community Development
Subject: CDBG & HOME Consolidated/Action Plan Amendment

Public Hearing, ORDER 164-12162024 & RESOLVE 8-12162024

Information:
Each year the Business & Community Development Department presents the Annual Action Plan, detailing the use of Auburn's CDBG funds. This plan is designed to address community needs as detailed in the 5-year Consolidated Plan which was adopted in 2020.

This amendment is intended to reallocate available HOME funds to address the identified community needs outlined within the amendment. This Public Hearing will accompany a 30-day public comment period prior to the submittal of the amendments to the U.S. Department of Housing & Urban Development.

A required amendment to the Citizen Participation Plan, Consolidated & Action Plan is needed to accommodate for the use of the proposed Section 108 Loan Guarantee Program on a CDBG qualified infrastructure project as presented.

City Budgetary Impacts:
Funds included within this budget are covered by grants provided by the U.S. Department of Housing and Urban Development. This includes projects, activities and related staff time administering programs.

Staff Recommended Action:
Hold Public Hearing. Approve amended Consolidated & Action plan including Citizen Participation Plan.
Pass resolve directing city manager to apply for HUD Section108 Loan Guarantee

---

Previous Meetings and History:
Action Plan Public Hearing February 20, 2024
Action Plan Public Comment Period April 26 - May 30, 2024
Action Plan Adoption May 20, 2024
Council Workshop 121 Mill St June 24, 2024
Council Approval of Auburn Resource Center July 1, 2024
Action Plan Amendment 1 Public Comment Period July 30-August 30, 2024
Action Plan Amendment 1 Public Hearing August 19th, 2024
Action Plan Amendment 2 Public Comment Period November 15-December 15, 2024

City Manager Comments:
I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
PY24 Consolidated/ Action Plan Amendment
Amended Citizen Participation Plan
Application for 108 Loan Guarantee

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

COMMUNITY DEVELOPMENT BLOCK GRANT
&
HOME INVESTMENT PARTNERSHIP PROGRAM
Program Year 2024
CONSOLIDATED and ACTION PLAN AMENDMENT #2

The City of Auburn is amending its Consolidated and PY24 Action Plan with the U. S. Department of Housing and Urban Development (HUD). This revision is in response to emergent community needs described in detail below. These new CDBG & HOME funded activities still meet and advance the goals and objectives set forth in the Auburn 2020-2024 Consolidated Plan.

2020-2024 CONSOLIDATED PLAN

The City of Auburn has adopted a 2020-2024 Consolidated Plan for the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program which includes both the City of Auburn and Lewiston. The Consolidated Plan identifies many community challenges, establishes priorities, and describes how Community Development resources will address these needs. Although this plan was adopted prior to Covid-19 and many housing-related crises, these amendments still meet the original four goals:

Goal 1: Provide Safe & Affordable Housing
Goal 2: Improve Infrastructure & Reduce Blight
Goal 3: Promote Economic Opportunities
Goal 4: Provide Essential Services

DRIVERS OF CHANGE

First, the current CDBG budget includes a $300,000 allocation for the development of the Auburn Community Resource Center at 121 Mill St. With final cost estimates now available, we have identified a funding gap that must be addressed to complete the facility buildout and finishing work. To meet this gap, the Business & Community Development department recommends utilizing HUD's Section 108 Loan Program. This program allows the city to borrow necessary funds from HUD, with repayment structured over time using future CDBG allocations. Importantly, this amendment does not impact the current year's CDBG budget but formally authorizes the use of the 108 Loan Program to finalize this Council-approved project.

In order to accommodate this application process, specific language regarding the 108-loan guarantee program needed to be added to the Consolidated plan including the citizen participation process. To accomplish this the required plan has been amended and attached to this amendment for Council approval.

Next, we propose an amendment to the current HOME budget to address rising demand for rental assistance through the establishment of a Tenant-Based Rental Assistance (TBRA) program. With increased requests from residents and anticipated needs from the Mayor's ad hoc Committee on Homelessness, reallocating uncommitted HOME housing development funds will allow us to re-establish this critical TBRA program. By making this adjustment now, the General Assistance Office will begin delivering these new services as the GA caseloads decrease. The expectation, if trends continue, would be to maintain a new, grant funded position within the next fiscal year to manage TBRA funds while eliminating a position from the city's GA budget. This would result in increased services, no change to staff levels, and a reduction to the city budget.

FUND Re-ALLOCATION

CDBG: There is no change to the current year CDBG budget. There will be funds from future CDBG allocations that will be pledged to repayment of the 108 loan.

Project Pro Forma Template

Business & Community Development Office

Auburn, Maine

Project Name:	Mill St Community Resource Center
Address:	121 Mill St Auburn
Developer:	Auburn Business & Community Development

Sources of Funds	**Amount**	
ARPA Funding	$630,000	Unallocated and B&CD
CDBG Funds Public Infrastructure	$300,000	Request change of use
CDBG 108 Loan Guarantee	$1,000,000	
Total Sources of Funds	$1,930,000	
Total Expense of Funds	$1,929,694	
Budget Surplus or Deficit =	**$306**	

Total Development Cost	**Amount**	**Comments**
Architectural Services	$86,554	Design
Phase 1 Construction	$240,853	Facilities repair
Phase 2 Construction	$1,148,423	Planned Build-out
Phase 3 Construction	$313,500	Finishing and fixtures
Security System	$50,364	Cameras and Door locks
Contingency	$75,000	
Other Development Costs	$15,000	Fees
Total Uses of Funds	**$1,929,694**	

HOME: This fund reallocation will move $250,000 from the Housing development activity to a new TBRA activity.

	PY2024	PY24	DELTA
ACTIVITIES	**Budget**	**Amendment 1**	
AUBURN HOME Program Total	**$2,024,115.32**	**$2,024,115.32**	**$0.00**
PLANNING AND ADMINISTRATION	**$35,711.47**	**$35,711.47**	**$0.00**
PROGRAM ADMINISTRATION	$20,711.47	$20,711.47	$0.00
GOODS AND SERVICES	$15,000.00	$15,000.00	$0.00
Office Supplies	$2,000.00	$2,000.00	$0.00
Software Upgrade & Migration	$13,000.00	$13,000.00	$0.00
Affordable Housing Development	**$1,988,403.85**	**$1,988,403.85**	**$0.00**
Housing Program Delivery	$19,048.46	$19,048.46	$0.00
New Unit Development	$1,969,355.39	$1,719,355.39	-$250,000.00
Tenant Based Rental Assistance (TBRA)		$250,000.00	$250,000.00

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Citizen Participation Plan
2020-2024
Adopted July 18th, 2022
Amended December 16th, 2024

The U.S. Department of Housing and Urban Development (HUD) has consolidated the planning, application, reporting and citizen participation processes of formula grant programs: Community Development Block Grants (CDBG), & Home Investment Partnerships (HOME). The Consolidated Plan is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the formula block grant programs.

The city of Auburn (City) encourages citizens, especially those earning low and moderate incomes, to participate in the development of the City's Consolidated Housing and Community Development Plan ("Consolidated Plan"). This Citizen Participation Plan outlines the responsibilities of the City for obtaining citizen participation in the process of preparing, amending, and updating the Five-Year Consolidated Plan, the Annual Action Plan, and the Consolidated Annual Performance Evaluation Report (CAPER).

Citizen Participation Statutory Requirements

Plan/Report	Frequency	Due Date	Comment Period	Public Hearings
Consolidated Plan	Every 5 years	May 15*	30 days	2
Annual Action Plan	Every Year	May 15*	30 days	2
Amendments to Consolidated Plan Annual Action Plan	As needed		30 days	1
Consolidated Annual Performance Evaluation Report (CAPER)	Every year	Sept. 30	15 days	1

*Unless otherwise extended by HUD CPD Notice

Timeline of Annual Tasks, Submissions & Approvals

February	Public Hearing to solicit consolidated/Action plan input Complete Department Program Budget
March 1st	Revisit Needs assessment and prioritizations Draft Consolidated/ Action Plan
April 1st	Publish Consolidated/ Action Plan Public Notice for 30-day Comment Period
1st Council Meeting in May	Public Hearing Approval of Budget & Action Plan
May 15th	Submission of: • Consolidated/ Action Plan • Summary of Consultations • Summary of Citizen Participation/ Comments • Certifications & 424s
July 1st	Beginning of Fiscal Year
August 1st	Close out Previous year activities/ Budgets
September 15	Publish CAPER Public Hearing regarding CAPER
September 30th	Submit CAPER to HUD
December 1st	Release annual citizen participation survey Solicit unmet needs statements from area service providers

THE CONSOLIDATED PLAN AND THE ANNUAL ACTION PLAN

The Consolidated Plan examines the current housing situation, explores the housing and community development needs of the City, and sets priorities for spending HUD grant funds. The Annual Action Plan represents activities for years 2-5 of the Consolidated Plan. The City encourages inter-local government, public and private agency, and citizen participation in collaboratively identifying housing and community development needs. To provide varied opportunities for participation in the planning and preparation of the Consolidated Plan, the City will undertake the following actions:

Consultation

Prior to the development of the draft Consolidated Plan, the City will solicit information about housing and community development needs. This solicitation may take the form of one or more of the following:

1. Consultation with local public agencies which assist low-income persons and areas, including state and federal agencies, other local governments and regional councils of government.
2. Consultation with private agencies, including public and private housing developers, local not-for-profit service providers, local public housing authorities, homeless service providers, not for-profit housing developers, community action agencies, social service agencies and advocates.

3. Information collection at statewide affordable housing and homeless conferences, with established entities such as the Statewide Homeless Council and the Continuums of Care, MaineHousing and with professional associations.
4. Public Hearing to solicit input from the community.
5. Sharing of local data and plans with Auburn Housing Authority to be incorporated in the AHA public hearing process.

Participation of Citizens

The City encourages citizens to participate in the development of the Consolidated Plan, Annual Action plans and all annual performance evaluations and reports. The City will take whatever actions are appropriate to encourage the participation of all residents, including minorities, non-English speaking persons, persons with disabilities, low- and moderate income persons, particularly those persons living in areas designated by the City as a revitalization area, or in a slum and blight area where CDBG funds are proposed to be used, as well as residents of predominantly low- and moderate income neighborhoods as defined by the most recent HUD census data. This includes translation services upon request for any written plans or notices as well as the increased use of the development of new, quantitative ways to increase and broaden public participation beyond the attendance of Public Hearings as required by 24 CFR 91.105 A-2 (iv).

Citizen participation will be accomplished through the following means:

1. Citizen Survey
    - An online survey of housing needs and service priorities will be provided via the City's websites. The availability of the online survey will be communicated through email and social media. Partner organizations will be encouraged to notify low-income clients of its availability.
    - A paper survey corresponding to the online survey will be provided locally through jurisdiction-wide service providers. These surveys will be translated into a minimum of three additional languages to include French, Portuguese & Somali.
2. Public Hearings/Forums
    - Public hearings will be scheduled at times and locations that are convenient to potential and actual beneficiaries.
    - Sites will accommodate persons with mobility impairments by being held in locations which meet ADA requirements, and special communication accommodations will be arranged if requested prior to the hearing date.

To the greatest extent practicable, the City may employ electronic means of communication and consultation, to include e-committees, online discussion forums and blogs, videoconferencing, online surveys, or similar methods. Upon request the City will provide Technical Assistance to groups representative of low- to moderate income communities who need assistance in developing proposals for funding assistance under any program included within the Consolidated Plan.

Public Notice

Reasonable notice will be given to announce the availability of the draft Consolidated Plan, Annual Action Plan and Consolidated Annual Performance and Evaluation Report. Availability of the drafts Plan or Annual Action Plan will be announced on the City's website and Social media.

To encourage citizen comment and attendance at public hearings/forums, notices will be emailed via City's mass email list as well as posted in city facilities including the local Housing Authority, the city Library, Senior Center and other service organizations which predominantly serve Low- and moderate-income residents.

These notices will include links to the draft plans and reports, contain information on how to access translation services and notify residents how to receive paper copies of the full proposals. The draft plans published will include the following as required by 24 CFR 91.105 (b)(1):

- HUD-provided data available to the public as cross-referenced to the data on HUD's Website
- the amount of assistance the local government expects to receive (including grant funds and program income);
- the range of activities that may be undertaken;
- the estimated amount of funding that will benefit persons of low- and moderate-income;
- the local government's plans to minimize displacement of persons and to assist any persons displaced, specifying the types and levels of assistance the local government will make available (or require others to make available) to persons displaced, even if the local government expects no displacement to occur; and

Public Hearings

Public hearings will be held before the submission of the final Consolidated & Annual Action Plan. This will be part of the 30-day public comment period. The purpose of this public hearing will be to gather citizen input on the proposed plans prior to submission.

Citizens will be notified of the public hearings at least two weeks before they are held. Public hearings will be announced in at least one Maine newspaper, by email, and on the City websites.

CONSIDERATION OF PUBLIC COMMENTS

A public comment period of at least 30 days will be provided prior to the adoption of the Consolidated Plan or implementation of substantial amendments. City staff will prepare a summary of all comments received in writing, or orally at the public hearing. In cases where citizens' views are not accepted, the city will provide reasons for the decision.

CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORTS

Before the City submits a Consolidated Annual Performance and Evaluation Report (CAPER) to HUD, the proposed CAPER will be made available to those interested for a comment period of no less than 15 days. Citizens will be notified of the CAPER's availability by public notices as outlined above

The CAPER will be available on the City website during the 15-day public comment period. Hard copies will be provided upon request. Any comments from individuals or groups received verbally or in writing will be considered. A summary of the comments, and of the responses, will be included in the final CAPER.

SUBSTANTIAL AMENDMENTS

A substantial amendment is defined as a proposed change in allocation of funds after the official adoption of the Consolidated Plan that affects 10 percent or more of the City's annual allocation of CDBG & HOME funds. A substantial amendment may also be required to carry out an activity not previously described in the action plan.

Any changes in the distribution of funds caused by changes in federal funding allocations after the Consolidated Plan/Annual Action Plan's draft comment period has expired will not be considered a substantial amendment.

Substantial amendments to the approved Consolidated Plan will be made public by public notices as outlined above. The City will receive and consider comments delivered in writing or orally at a Public Hearing on substantial amendments to the Consolidated Plan for 30 days before implementing those amendments. Approved amendments and a summary of comments will be attached and uploaded to the plan being amended within the Integrated Disbursement Information System.

The application for and use of Section 108 Loan guarantee funds-including any potential repayment from future entitlement funds will follow the same citizen's participation process outlined in this plan. If the city's decision to apply for Section 108 loan guarantee funds occurs after the annual public hearing on community development and housing needs, and the section 108 funding is not included in the annual action plan approved by HUD, the city will address this decision as a substantial amendment to the plan. In this case, the city will follow the substantial amendment process outlined above prior to applying for Section 108 funding.

If a state of emergency is declared which requires reallocation of funds and/or receipt of disaster recovery funding, the City will follow any abbreviated notice and approval process as published within a HUD CPD notice.

CITIZEN COMPLAINTS

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

Community Development Department
City of Auburn
60 Court Street
Auburn, ME 04210

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

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

PUBLIC ACCESS : Availability of Documents

The final Consolidated Plan, any substantial amendments, and annual performance reports will be made available to the public on the city's website. Copies will be available in printed form or electronic means upon request.

Access to Records

The City will provide all interested parties with access to information and records related to the Citizen Participation Plan, Consolidated Plan, Action Plan and any amendments by posting it in a translatable form on the city website. Hard copies can be requested, and accommodations will be available to individuals with visual or hearing impairments. Records relating to these documents can be requested for the preceding five years. The public will be provided reasonable access to housing assistance records, subject to laws regarding privacy and obligations of confidentiality.

Accommodations

Arrangements will be made for non-English-speaking persons and persons with special needs for mobility, hearing and visual impairments, or the homebound. Please contact the Community Development Department in advance so that arrangements can be made to provide adequate communication assistance. Access to these accommodations can be attained by contacting the Community Development Office ahead of time at (207) 333-6601 or emailing CDBG@auburnmaine.gov .

HUD Section 108 Loan Guarantee Program Application
City of Auburn, Maine

DRAFT

November, 2024

Table of Contents

I. Executive Summary 3
II. Amount of Section 108 Request 3
III. Project Description 3
IV. Form of Assistance 4
V. Description of Compliance with Eligible Activities and National Objectives 4
VI. Information on Organizational Arrangements 4
VII. Information for Financial Underwriting 5
VIII. Proposed Repayment Schedule 5
IX. Expected Sources of Repayment and Loan Fee 6
X. Statutory and Proposed Additional Security 7
XI. Contact Information 7
XII. Certifications 7
XIII. Appendix List 7

DRAFT

I. Executive Summary

Description of Activities: The project seeks to repurpose a vacant, city-owned property into a 15,000-square-foot Community Resource Center, designed to provide crucial support for Auburn's homeless and at-risk residents. This adaptive reuse initiative will create a central hub where nonprofit service providers can offer housing assistance, food, clothing, counseling, and case management services in one accessible location. By consolidating essential resources, the Community Resource Center will not only streamline support for vulnerable individuals but also amplify Auburn's community development efforts, fostering stability, resilience, and well-being across the city.

Alignment with Consolidated Plan: This project directly advances Auburn's Consolidated Plan objectives by addressing critical non-housing infrastructure needs and mitigating urban blight. Strategically located next to an affordable housing complex managed by the Auburn Housing Authority, the facility ensures easy access to essential services for nearby residents. Through the revitalization of this vacant property, the project not only supports Auburn's goals for infrastructure enhancement and expanded service delivery but also reinforces the city's commitment to holistic community development. By expanding public services and strengthening local support systems, this initiative reflects Auburn's dedication to fostering a resilient and inclusive community in alignment with its comprehensive plan.

II. Amount of Section 108 Request

The City of Auburn is requesting $1,000,000 in Section 108 loan funds to bridge a budget gap for this impactful project. This amount falls well within the city's allowable borrowing capacity under the Section 108 program. The request includes an $8,200 financing fee, which will be covered by the loan proceeds, ensuring responsible use of funds and streamlined financial management. This funding will enable Auburn to advance the Community Resource Center project, fostering substantial community benefits through enhanced service access and infrastructure revitalization.

III. Project Description

Project Description: The adaptive reuse project seeks to strengthen Auburn's capacity to support homeless and at-risk residents by creating a dedicated Community Resource Center. This facility will serve as a collaborative hub for Auburn's Community Development services and nonprofit organizations, optimizing resource delivery and increasing service impact. As a one-stop site, the center will enable residents to access comprehensive support from city departments and community partners, including the Drop-In Center, Maine Immigrant Resource Services (MEIRS), Rumford Group Homes, Preble Street and the Immigrant Resource Center of Maine (IRC). These partners will provide essential services such as food, clothing, housing assistance, case management, and job training. By addressing underlying

DRAFT

causes of homelessness and poverty, this initiative promotes pathways to stability and self-sufficiency for Auburn's most vulnerable populations, building a stronger, more resilient community.

Project Timeline: The project is structured into three phases. Initial phases, funded by CDBG and ARPA grants, focus on essential renovations to render the building operational. The final phase, encompassing the build-out and interior fit-out needed for full-service delivery, is anticipated for completion in the coming months. All necessary environmental reviews and federally compliant bidding processes have been conducted to ensure alignment with regulatory standards. A detailed project timeline can be found in Appendix B.

IV. Form of Assistance

As a city-owned, non-revenue-generating project, the Section 108 loan will be repaid over 20 years through future CDBG allocations at HUD-established interest rates. With no anticipated revenue from the facility, the city is committed to meeting repayment obligations through this sustainable, federally approved funding mechanism.

V. Description of Compliance with Eligible Activities and National Objectives

This project qualifies under 24 CFR 570.703(L) as it involves the rehabilitation of a public facility designed to deliver essential community services. It meets the CDBG national objective of benefiting low- and moderate-income (LMI) persons, specifically addressing the needs of homeless individuals and other vulnerable populations, in accordance with 24 CFR 570.208(a)(2)(i)(A).

VI. Information on Organizational Arrangements

The City of Auburn will own and manage the facility, which will host multiple nonprofit partners offering critical services to homeless and at-risk populations. Key partnerships include:

Drop-In Center: The Drop-In Center will lease space for a clothing closet, utilize the kitchen for meal preparation, and hold drop-in hours for homeless residents in the community room, creating a welcoming and accessible support environment.

Service Providers: Several organizations have expressed interest in utilizing office space within the facility to deliver direct services to those in need, fostering a collaborative support network within the center:

- Preble Street – Rapid Rehousing services
- Immigrant Resource Center of Maine (IRC)- Housing navigation
- Rumford Group Homes – Case management
- Community Concepts Inc. - Homeless outreach services

DRAFT

- Maine Immigrant Resource Services (MEIRS) – Immigrant services

VII. Information for Financial Underwriting

Sources and Uses Statement: A breakdown of the project's total cost and the allocation of Section 108 funds is provided in the table below.

Project Pro Forma Template

Business & Community Development Office

Auburn, Maine

Project Name:	Mill St Community Resource Center
Address:	121 Mill St Auburn
Developer:	Auburn Business & Community Development

Sources of Funds	**Amount**	
ARPA Funding	$630,000	Unallocated and B&CD
CDBG Funds Public Infrastructure	$300,000	Request change of use
CDBG 108 Loan Guarantee	$1,000,000	
Total Sources of Funds	$1,930,000	
Total Expense of Funds	$1,929,694	
Budget Surplus or Deficit=	**$306**	

Total Development Cost	**Amount**	**Comments**
Architectural Services	$86,554	Design
Phase 1 Construction	$240,853	Facilities repair
Phase 2 Construction	$1,148,423	Planned Build-out
Phase 3 Construction	$313,500	Finishing and fixtures
Security System	$50,364	Cameras and Door locks
Contingency	$75,000	
Other Development Costs	$15,000	Fees
Total Uses of Funds	**$1,929,694**	

VIII. Proposed Repayment Schedule

Repayment Plan: Repayment will come from future CDBG allocations, structured over a 20-year period with a fixed interest rate of 4.85%. The amortization schedule is detailed below:

Year	Interest	Principal	Ending Balance
1	$46,837.15	$30,709.69	$969,290.31

DRAFT

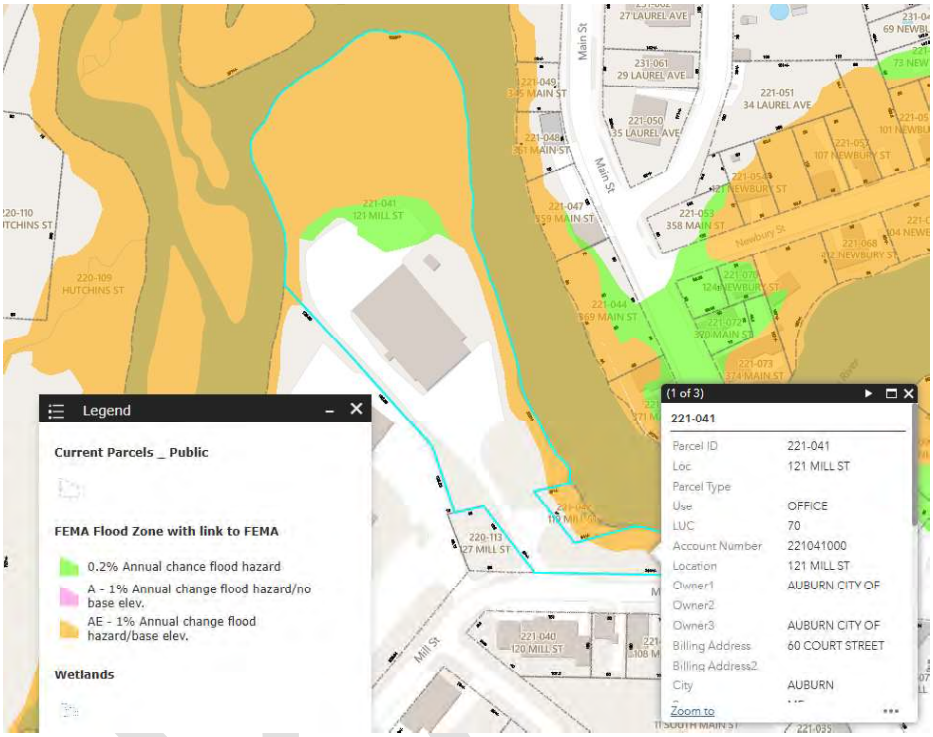
2	$45,346.26	$32,200.58	$937,089.73
3	$43,782.99	$33,763.85	$903,325.88
4	$42,143.82	$35,403.01	$867,922.87
5	$40,425.08	$37,121.75	$830,801.12
6	$38,622.90	$38,923.94	$791,877.18
7	$36,733.23	$40,813.61	$751,063.57
8	$34,751.81	$42,795.02	$708,268.55
9	$32,674.20	$44,872.63	$663,395.92
10	$30,495.73	$47,051.10	$616,344.81
11	$28,211.50	$49,335.33	$567,009.48
12	$25,816.37	$51,730.46	$515,279.02
13	$23,304.97	$54,241.87	$461,037.15
14	$20,671.64	$56,875.19	$404,161.96
15	$17,910.47	$59,636.36	$344,525.60
16	$15,015.25	$62,531.58	$281,994.01
17	$11,979.48	$65,567.36	$216,426.66
18	$8,796.32	$68,750.51	$147,676.14
19	$5,458.63	$72,088.21	$75,587.94
20	$1,958.90	$75,587.94	$-0.00

IX. Expected Sources of Repayment and Loan Fee

The expected source of repayment will be the city's annual CDBG entitlement award. The requested funds include an $8,200 financing fee, which will be paid using the loan proceeds.

X. Statutory and Proposed Additional Security

The city will provide a first position lien on the subject property located at 121 Mill st Auburn. This property is owned by the city and values at (TBD by appraisal) .



XI. Contact Information

a. Local Point of Contact: Glen E Holmes, Director of Business & Community Development
b. Field/Regional Office Point of Contact:
c. Congressional District and Delegation:

XII. Certifications

Attached to this application are the required Section 108 and CDBG certifications for Entitlement Public Entities, as per HUD guidelines. These documents are included in the appendix A**.**

XIII. Appendix List

A. Certifications (Pending)
B. Project Timeline (Pending)
C. Project Design
D. Environmental Review

Auburn Community Center

121 Mill Street, Auburn, Maine 04210

DRAWING LIST

DWG NUM	DRAWING TITLE	ISSUE OR MODIFICATION DATE: 10/3/24 DD SET	10/11/24 PERMIT SET	10/30/24 REVIEW SET	11/8/24 PERMIT SET		
T-1.0	TITLE SHEET	●	●				
D-1.0	DEMO PLAN	●	●				
EG-1.0	EGRESS PLAN / CODE REVIEW	●	●				
A-1.0	FLOOR PLAN	●	●				
A-2.0	DETAILS	●	●				
A-2.1	DETAILS	●	●				
A-2.2	DETAILS		●				
A-3.0	SCHEDULES		●				
FS-1	FOODSERVICE EQUIP PLAN AND SCHED	●	●				
FS-2							
FS-3							
FS-4	FOODSERVICE EQUIP PLUMBING PLAN	●	●				

PROJECT SUMMARY

EXISTING CONDITIONS:

THE CURRENT BUILDING IS A SINGLE-STORY BUILDING THAT FORMERLY HOUSED A BUSINESS OCCUPANCY. THE BUILDING HAD WATER DAMAGE AND SOME DAMAGED FINISHES HAVE BEEN REMOVED.

PROJECT DESCRIPTION:

THE INTENT OF THIS PROJECT IS TO REMODEL THE EXISTING BUILDING TO BECOME THE AUBURN COMMUNITY CENTER. IT IS EXPECTED THAT MOST OF THE BUILDING WILL BE OFFICES, BUT WITH A LARGE COMMUNITY SPACE AND A COMMERCIAL KITCHEN TO ASSIST IN FEEDING THE HOMELESS POPULATION.

NOTE:

THIS IS AN EXISTING BUILDING. EVERY ATTEMPT HAS BEEN MADE BY PORT CITY ARCHITECTURE TO RECORD EXISTING CONDITIONS THROUGH ON-SITE VERIFICATION. FIELD VERIFICATION BY THE CONTRACTOR IS REQUIRED.

PROJECT INFO

BUILDING AREA (EXISTING):
FOOTPRINT: 15,454 SF.
FIRST FLOOR: 14,864 SF.

BUILDING AREA (PROPOSED): SAME

BUILDING USE (EXISTING): BUSINESS
BUILDING USE (PROPOSED): NON-SEPARATED BUSINESS AND ASSEMBLY

CONSTRUCTION TYPE: 5B

EXT. WALL FIRE SEPARATION: N/A (EXISTING BUILDING)

SPRINKLED: YES (NFPA 13)

FIRE ALARM: YES

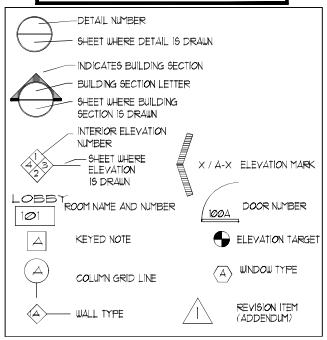
PORTABLE FIRE EXTINGUISHERS: YES

STORIES ABOVE GRADE PLANE: ONE

ZONING: DOWNTOWN TRADITIONAL CENTER (T5.1)

AREA OF SITE: 4.58 ACRES

LEGEND



GENERAL NOTES

1. ALL MATERIALS, COMPONENTS, AND WORK ARE NEW AND SHALL BE PROVIDED IN THIS CONTRACT BY THE CONTRACTOR UNLESS NOTED OTHERWISE.
2. ALL WORK INCLUDED IN THIS CONTRACT SHALL CONFORM TO ALL STATE, NATIONAL AND OTHER CODES AND ORDINANCES WHICH APPLY TO THIS PROJECT.
3. IT IS THE INTENT AND MEANING OF THESE DRAWINGS THAT THE CONTRACTOR AND EACH SUBCONTRACTOR PROVIDE ALL LABOR, MATERIALS, TRANSPORTATION, SUPPLIES, EQUIPMENT, ETC. TO OBTAIN A COMPLETE JOB TO INDUSTRY STANDARD IN A PROFESSIONAL WORKMANLIKE MANNER.
4. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND REPORT ANY DISCREPANCY(IES) IMMEDIATELY TO THE ARCHITECT.
5. AT THE END OF EACH WORKING DAY, THE CONSTRUCTION SITE SHALL BE LEFT IN A NEAT AND CLEAN MANNER.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS WHICH ARE REQUIRED FOR THE SATISFACTORY COMPLETION OF THE WORK AND FOR PAYING ALL FEES, HOOK UP CHARGES, ETC.
7. THE CONTRACTOR SHALL OBTAIN APPROVAL FROM THE OWNER FOR THE SEQUENCE AND TIMING OF OPERATIONS PRIOR TO COMMENCING WORK. AREAS FOR STAGING ETC. MUST BE APPROVED BY THE OWNER.
8. THE CONTRACTOR SHALL DISPOSE OF AND / OR RECYCLE ANY CONSTRUCTION DEBRIS FROM THE PROJECT SITE AS REQUIRED BY THE STATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING DISPOSAL PERMITS WHICH ARE REQUIRED. CONSTRUCTION DEBRIS FROM THE PROJECT SITE SHALL BE DISPOSED OF IN A STATE APPROVED LANDFILL.
9. ROOM NUMBERS ON THE DRAWING ARE FOR COORDINATION PURPOSES AND DO NOT NECESSARILY CORRESPOND TO ACTUAL ROOM NUMBERS.
10. DUTY OF COOPERATION: RELEASE OF THESE PLANS CONTEMPLATES FURTHER COOPERATION AMONG THE OWNER, THE CONTRACTOR, THE ARCHITECT AND HIS CONSULTANTS. DESIGN AND CONSTRUCTION ARE COMPLEX. ALTHOUGH THE ARCHITECT AND HIS CONSULTANTS HAVE PERFORMED THEIR SERVICES WITH DUE CARE AND DILIGENCE, THEY CANNOT GUARANTEE PERFECTION. COMMUNICATION IS IMPERFECT, AND EVERY CONTINGENCY CANNOT BE ANTICIPATED. ANY AMBIGUITY OR DISCREPANCY DISCOVERED BY THE USE OF THESE PLANS SHALL BE REPORTED IMMEDIATELY TO THE OWNER. FAILURE TO NOTIFY THE OWNER COMPOUNDS MISUNDERSTANDING AND MAY INCREASE CONSTRUCTION COSTS. A FAILURE TO COOPERATE BY A SIMPLE NOTICE TO THE OWNER SHALL RELIEVE THE OWNER AND THE ARCHITECT FROM RESPONSIBILITY FROM ALL COSTS.
11. THESE DRAWINGS DO NOT INCLUDE THE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. THE GENERAL CONTRACTOR SHALL PROVIDE FOR THE SAFETY, CARE OF UTILITIES AND ADJACENT PROPERTIES DURING CONSTRUCTION, AND SHALL COMPLY WITH STATE AND FEDERAL SAFETY REGULATIONS.
12. ALL MATERIALS AND WORK SHALL BE GUARANTEED FOR A MINIMUM OF ONE YEAR FROM THE DATE OF FINAL PAYMENT.
13. ALL DOORS SHOULD HAVE ADA COMPLIANT LEVER HANDLES.
14. SIGNAGE TO MEET ALL ADA REQUIREMENTS INCLUDING THE ONES INDICATED ON THE ADA BLOCK UNLESS NOTED OTHERWISE.

CODE REVIEW

Code Review - NFPA 2018

General Note on the IEBC Code Review

This is an existing building. It was a Business use. With this project, it will be a non-separated mixed-use of Business and Assembly. Therefore, it is a Change of Use and a Change of Occupancy. In addition, the work area exceeds 50% of the space. Therefore, the project shall comply with Ch. 12 and 13 for Assembly Occupancies and Ch. 39 for Existing Business Occupancies.

Chapter 43 - Building Rehabilitation

43.7.1.1 - The Business use is a Change of Use, but not a Change of Occupancy. Therefore, the Building use shall comply with Chapter 39 for Existing Business Uses.

Note: Due to the Modifications being over 50% of the area of the building, this is also defined as Extensive Modifications and shall comply with Ch. 38 for New Business Occupancies.

43.7.2.2 - The Assembly use is a Change of Occupancy (from Business) within the same Hazard Category (#3). Therefore, the Assembly use shall comply with Ch. 13 and with Ch. 12 for sprinkler systems, fire alarm, and main entrance/exit.

Note: The Assembly area is also considered a Modification and allowed to comply with 43.7.2.2 above.

Chapter 12 - New Assembly Occupancies

12.2.3.6.6 - There is no well-defined main entrance. The five entrances can accommodate 100% of the total occupant load for the building.

12.2.3.7 - The other two exits can accommodate 1/2 of the total occupant load for the building.

12.3.4.1.1 - The building to have a fire alarm system.

12.3.5.2 - The building to have an NFPA 13 sprinkler system.

Chapter 13 - Existing Assembly Occupancies

Table 13.1.6 - Type V (000) sprinkled allowed any occupant load.

13.2.2.2.3 - See Door/Frame Schedule for panic hardware.

13.2.3 - See Egress Plan for egress capacity width req'd.

13.2.4.2 - Min. two exits req'd.

13.2.5.1.1 - Exits req'd. to be spaced at 1/3 of the diagonal of the space due to the sprinkler system.

13.2.5.1.2 - Common path of travel 75' for 50 occupants and under (20' for any amount of occupants).

13.2.5.1.3 - Dead-end corridors 20' max.

13.2.6.2(1) - Travel distance to exit 250' max.

13.2.8 - Means of egress lighting req'd.

13.2.9.1 - Emergency lighting req'd.

13.2.10.1 - Exit signs req'd. - see Egress Plans

13.3.2.2 - Cooking equipment shall be protected per NFPA 96 - see Kitchen Equipment Plans.

13.3.3.2 - Finishes in corridors and lobbies to be Class A or B

13.3.3.3 - Finishes in the Community area to be Class A, B or C (under 300 occupants in the space).

Code Review - NFPA 2018 cont.

Chapter 38 - New Business Occupancies

39.2.2.2.2 - Door locking to prevent unwanted entry allowed if complying with this section.

39.2.3.1 - See Egress Plan for egress capacity widths

39.2.3.2 - All corridors in excess of 44"

39.2.4.1 - Two exits req'd. (min.)

39.2.4.3 - One exit allow out of Clothing area (less than 100 occupants and 100' of egress travel).

39.2.5.1 - Exits to be separated by 1/3 of the diagonal of the space due to the sprinkler system.

39.2.5.2 - Dead-end corridors to be 50' max.

39.2.5.3.1 - Common paths of travel not to exceed 100' (sprinkled).

39.2.6.3 - Travel distance to an exit not to exceed 300' (sprinkled).

39.2.8 - Means of egress lighting req'd.

39.2.9.1 - Emergency lighting not req'd. (but will be provided).

39.2.10 - Exit signs req'd. - see Egress Plan

39.3.2.5 - Cooking equipment to be protected by NFPA 96

39.3.3.2.1 - Interior finish in exit access corridors to be Class A or B.

39.3.3.2.2 - Interior finish (except above) to be Class A, B, or C.

39.3.4.1 - Fire alarm not req'd. (but will be provided)

39.3.5 - Portable fire extinguishers req'd. - see Egress Plan

Code Review - IEBC 2015

General Note on the IEBC Code Review

This is an existing building. It was a Business use. With this project, it will be a non-separated mixed-use of Business and Assembly (A-3). Therefore, it is a Change of Use and a Change of Occupancy. Furthermore, due to the Area of Work, the project shall also comply with Chapters 7, 8, and 9.

Chapter 10 - Change of Occupancy

1012.1.1.1 - Chapter 9 shall apply throughout due to the non-separated uses.

1012.1.3 - The Means of Egress Hazard Category has changed from a 3 (Business) to a higher category of 2 (Assembly / Business).

1012.2.1 - A fire sprinkler is req'd. due to the change in Hazard Category (Assembly / Business).

1012.2.2 - A fire alarm is req'd. due to the change in Hazard Catagory (Assembly / Business).

1012.4.1 - Means of Egress shall comply w/ Ch. 10 of the IBC.

10121.5 - The Height and Areas Hazard Category has changed from a 4 (Business) to a higher category of 2 (Assembly / Business).

1012.5.1 - The height and area shall comply with Ch. 5 in IBC.

Note: The most restrictive is Assembly at 24,000 s.f. and 2 stories at 40' high. The building is within these limits.

1012.6 - The Exterior Wall Fire-Resistance Rating Hazard Category remains at a 3.

Note: All exterior walls are in excess of 10' from the Property lines. No exterior wall fire-ratings are req'd.

Code Review - IEBC 2015 cont.

1012.8.2 - The building is req'd. to have:

* One accessible building entrance (three provided)
* One accessible route w/in building to primary functions
* ADA signage
* Accessible parking
* One accessible route from parking (3 provided)
* Note: No loading zones provided

Chapter 9 - Alterations-Level 3

904.1 - A sprinkler system is req'd.

904.2 - A fire alarm is req'd.

905.2 - Means of egress lighting req'd.

905.3 - Exit signs req'd. (see Egress Plan).

Chapter 8 - Alterations-Level 2

803.4 - Interior finishes of exits/corridors to comply w/ IBC.

803.5 - Guards shall be provided per IBC.

804.2.2 - A sprinkler system is req'd.

804.4.1 - A fire alarm is is not req'd. by this section, but the building already has a fire alarm installed.

805.3.1 - The minimum number of exits from the building and from spaces within the building shall be per IBC.

805.3.3 - There are multiple building entrances and no well-defined main entrance. The entrances are able to serve 100% of the req'd. egress width of the entire occupant load of the building.

805.4.1.1 - The Community space is req'd. to have two egress doors. Neither Training Room has over 50 occupants or travel distances in excess of 75'.

805.4.2.1 - All doors in the building serving more than 50 occupants shall swing in the direction of egress travel.

805.4.4.1 - All egress doors to have panic hardware.

805.5 - Corridors not req'd to be rated due to the sprinkler system (IBC Table 1020.1).

805.6 - Dead-end corridors limited to 35'.

805.7 - Means of egress lighting req'd.

805.8 - Exit signs req'd. (see Egress Plan).

805.9.1 - Stairs shall have handrails on at least one side (handrails will be provided on both sides).

805.11 - Guards provided where req'd.

811.1 - All Level 2 alterations are req'd. to comply with the IECC, but the entire building is not required to comply.

Chapter 7 - Alterations-Level 1

702.1 - Interior finishes shall comply with IBC.

702.2 - Floor finishes shall comply with IBC.

705.1.1 - Three of the five building entrances are accessible.

705.1.4 - Ramp slope to be 1:12 (max.).

705.1.9 - All existing and new toilet rooms to be accessible.

705.1.12 - Thresholds not to exceed 3/4" with beveled edges.

705.2 - All areas of primary function to be accessible.

708.1 - Level 1 alterations are req'd. to comply with the IECC, but the entire building is not required to comply

PHOTOS





KEY PLAN



DEMO NOTES

1. REMOVE STRUCTURAL ELEMENTS AS NOTED ON PLANS. NOTIFY THE ARCHITECT OR STRUCTURAL ENGINEER OF ANY DISCREPANCIES. BEFORE DEMOLITION OF JOISTS, BEAMS OR OTHER STRUCTURAL MEMBERS, CONSULT WITH THE ARCHITECT OR STRUCTURAL ENGINEER FOR APPROVAL.
2. CARE SHALL BE TAKEN BY THE CONTRACTOR TO PROTECT EXISTING SYSTEMS AND SURFACES TO REMAIN. ALL DAMAGE RESULTING FROM THE CONTRACTOR'S OPERATIONS SHALL BE REPAIRED OR REPLACED AS APPROVED BY THE ARCHITECT AT NO ADDITIONAL COST TO THE OWNER.
3. WHERE REMOVALS OCCUR, PATCH HOLES AND AREAS OF MISSING FINISH (IE EXPOSED STUD AREAS WHERE WALLS ARE REMOVED, FLOOR FINISHES, ETC. TO MATCH EXISTING ADJACENT SURFACE). PROVIDE A SMOOTH CONTINUOUS SURFACE FREE OF SHADOW LINES.
4. WHERE NEW WALLS OR INFILLS ABUT OR INTERSECT EXISTING WALLS, ALIGN NEW FINISH WITH EXISTING WALLS, ALIGN NEW FINISH WITH EXISTING FINISH AND FINISH JOINTS AT INTERSECTIONS SMOOTH AND CONTIGUOUS.
5. IF SUSPECT HAZARDOUS MATERIALS ARE UNCOVERED DURING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY FOR TESTING AND / OR REMOVAL. ANY HAZARDOUS REMOVAL NECESSARY FOR THE SAFE IMPLEMENTATION OF THIS PROJECT SHALL BE CONTRACTED DIRECTLY BY THE OWNER. IF NECESSARY, THE CONTRACTOR SHALL COORDINATE WITH THE OWNER'S ABATOR ON THESE EFFORTS.
6. UNLESS OTHERWISE NOTED, ALL ITEMS ON DEMOLITION PLANS ARE EXISTING.
7. CONTRACTOR TO REPAIR ALL FINISH AND PROVIDE INFILL WALL AND FLOOR FINISHES WHERE REQUIRED.

PERMIT NOTES

- THE CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING A BUILDING PERMIT FROM THE CITY OF PORTLAND.
- A CONSTRUCTION / ADA PERMIT FROM THE MAINE STATE FIRE MARSHAL'S OFFICE IS NOT ANTICIPATED.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL OTHER PERMITS (IF REQUIRED) FOR CONSTRUCTION (INCLUDING, BUT NOT LIMITED TO: MECHANICAL, PLUMBING, AND ELECTRICAL).
- CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE ARCHITECT AND THE OWNER IF CONDITIONS IN THE FIELD ARE NOT AS REPRESENTED ON THESE DRAWINGS, PRIOR TO CONTINUING THE WORK.
- CONTRACTOR TO PROTECT ALL SURROUNDING CONSTRUCTION THAT IS TO REMAIN AS REQUIRED. REPAIR AND REPLACE ALL DAMAGE DONE TO SURROUNDING CONSTRUCTION AS REQUIRED.
- IF THE DRAWING SET IS NOT LABELED "FOR CONSTRUCTION" IT SHALL NOT BE USED FOR CONSTRUCTION. CONTACT ARCHITECT FOR THE CONSTRUCTION SET OF DOCUMENTS.

PORT CITY ARCHITECTURE
65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000

REGISTERED ARCHITECT — LITA SEMRAU NO. 2007 — STATE OF MAINE

Client:

City of Auburn, ME
attn: Glen E. Holmes, Director of Business and Community Development
(207) 333-6600 x1159
gholmes@auburnmaine.gov

Construction Manager:

Allied-Cook Construction
attn: JP Schwartz
8 US-1
Scarborough, ME 04074
(207) 772-2888
jpschwartz@AlliedCook.com

REVISIONS

No.	Description	Date
1	DD SET	10-3-24
2	PERMIT SET	10-11-24
3	REVIEW SET	10-30-24
4	PERMIT SET	11-8-24

PERMIT SET

Project Location:

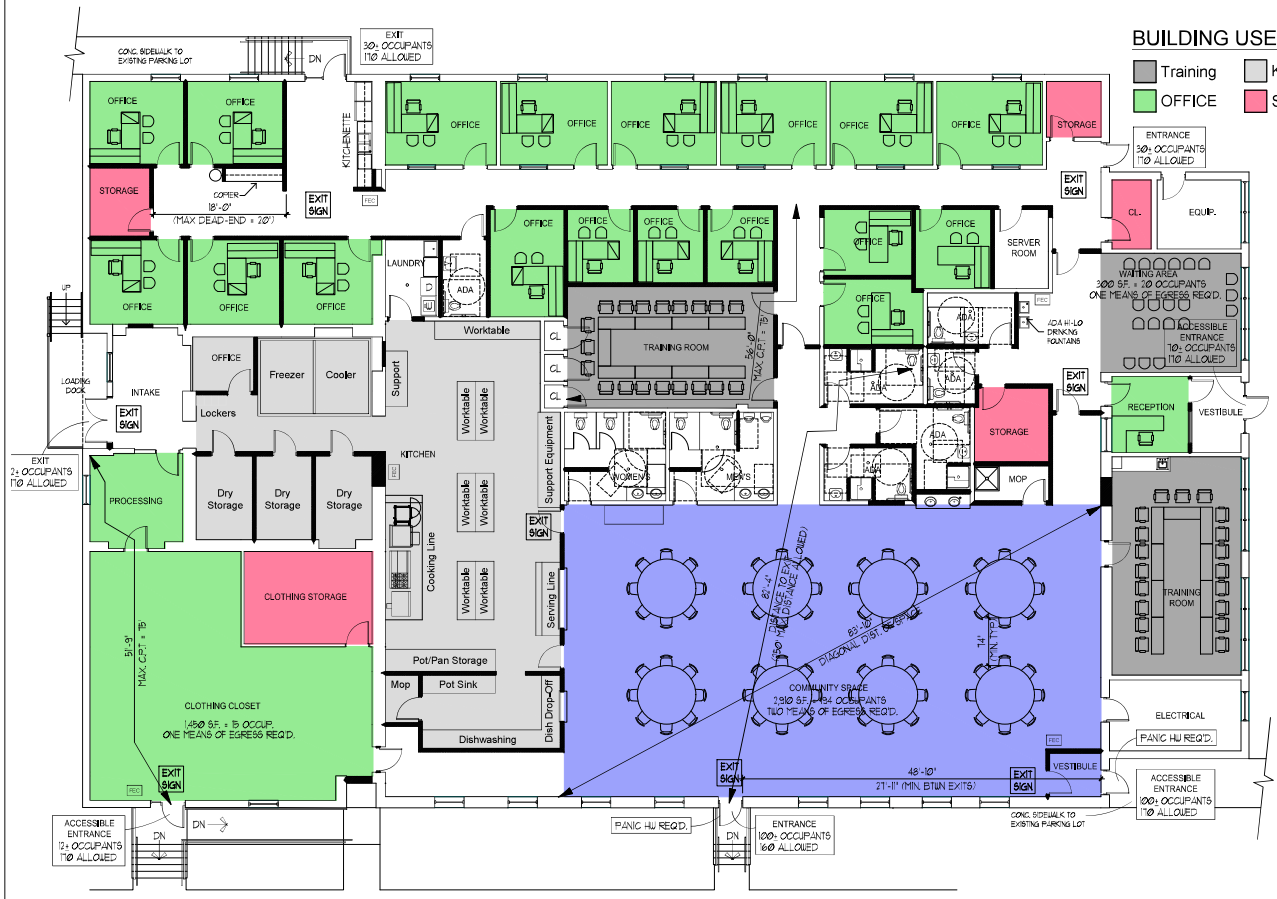
121 Mill Street
Auburn, Maine
04210

TITLE SHEET

Project Number	24417
Date	November 8, 2024
Drawn by	MC
Checked by	LAS

T 1.0

Scale: AS NOTED



1 EGRESS PLAN

Ø 8'-Ø" SCALE: 1/8" = 1'-Ø"

BUILDING USE KEY

- Training
- KITCHEN
- ASSEMBLY
- OFFICE
- STOR

RESTROOM FIXTURE COUNT:

TOTAL OCCUPANT LOAD: 354 OCCUPANTS

ASSUME BUSINESS USE

FIXTURES REQUIRED FOR 177 MALE OCCUPANTS:
- TOILETS: 3
- URINALS: 2
- LAVATORIES: 3

FIXTURES REQUIRED FOR 176 FEMALE OCCUPANTS:
- TOILETS: 8
- LAVATORIES: 4

TOTAL FIXTURES REQUIRED:
- TOILETS: 11
- URINALS: 2
- LAVATORIES: 7

TOTAL FIXTURES PROVIDED:
- TOILETS: 11
- URINALS: 2
- LAVATORIES: 10

DRINKING FOUNTAINS REQ'D: 3
1 DRINKING FOUNTAIN PROVIDED W BOTTLE FILLERS AT KITCHENETTE AND IN COMMUNITY SPACE

NOTE: ALL SINGLE-USER RESTROOMS / SHOWERS ARE UNISEX AND ARE ADA COMPLIANT

GENERAL BUILDING INFORMATION:

BUILDING AREA:
- BUILDING FOOTPRINT: 15,454 S.F.
- FIRST FLOOR: 14,864 S.F.

NUMBER OF STORIES:
- ABOVE GRADE: ONE

PORTABLE FIRE EXTINGUISHERS: YES

SPRINKLED: YES, TO BE INSTALLED PER NFPA 13: STANDARD FOR THE INSTALLATION OF SPRINKLER SYSTEMS, 2016 EDITION.

FIRE ALARM: YES, TO BE INSTALLED PER NFPA 72 NATIONAL FIRE ALARM AND SIGNALING CODE, 2019 EDITION.

CONSTRUCTION TYPE:
- IBC: 5B
- NFPA: V(000)

BUILDING USE:
- IBC: NON-SEPARATED MIXED OCCUPANCY OF BUSINESS AND ASSEMBLY (A-3).
- NFPA: NON-SEPARATED MIXED OCCUPANCY OF BUSINESS AND ASSEMBLY

TOTAL OCCUPANT LOAD: 354 OCCUPANTS

EGRESS PLANS - GENERAL NOTES

- THERE ARE 5 BUILDING ENTRANCES TO THE FACILITY. THREE OF THE ENTRANCES ARE ADA COMPLIANT.
- 354 OCCUPANTS x 2" = 11" OF EXIT CLEARANCE REQ'D.
- FOUR 3-A FIRE EXTINGUISHERS PROVIDED ON THIS FLOOR W/ MAX TRAVEL DISTANCE TO A FIRE EXTINGUISHER OF 75'.
  - 15,454 SF / 13,000 SF PER UNIT OF 'A' = 1Ø3 UNITS OF 'A' REQ'D.
  - PROVIDE FOUR 3-A FIRE EXTINGUISHERS (12-A TOTAL)
  - IN ADDITION, PROVIDE SCHEDULE K FIRE EXTINGUISHER IN KITCHEN
- ALSO SEE DOOR / HARDWARE SCHED.
- LARGE TRAINING ROOMS ARE 464 S.F. AND 521 S.F.
  - 464 S.F. / 15 S.F. PER PERSON = 31 OCCUPANTS
  - 521 S.F. / 15 S.F. PER PERSON = 35 OCCUPANTS
  - BOTH TRAINING ROOMS UNDER 50 OCCUPANTS - 1 EXIT REQ'D. FOR EA.
- TWO EXITS REQ'D. FROM COMMUNITY SPACE
- THERE IS NOT A WELL-DEFINED MAIN ENTRANCE/EXIT. WIDTH OF EXITS TO ACCOMMODATE 354 OCCUPANTS (ACTUAL WIDTH ACCOMMODATES 680 OCCPANTS)
- ALL CORRIDORS EXCEED 44" IN WIDTH
- EMERGENCY LIGHTING REQ'D.
- VERIFY EXACT EXIT SIGN LOCATIONS W/ AHJ
- ALL COOKING EQUIPMENT TO BE PER NFPA 96. SEE FOODSERVICE DRAWINGS.
- CONTRACTOR TO CONFIRM EXISTING SPRINKLER SYSTEM IS IN FULL COMPLIANCE WITH NFPA 13.
- CONTRACTOR TO CONFIRM EXISTING FIRE ALARM SYSTEM IS IN FULL COMPLIANCE WITH NFPA.
- CORRIDOR AND LOBBY SPACES ARE NOT REQ'D. TO BE FIRE-RATED DUE TO THE SPRINKLER SYSTEM
- PROVIDE AND INSTALL ADA ROOM SIGNAGE FOR ALL ROOMS AS REQ'D.

OCCUPANT LOAD (NFPA):

OFFICE AREAS: 3,972 S.F.
1 OCCUPANT PER 150 S.F. = 27 OCCUPANTS

TRAINING ROOMS: 985 S.F.
1 OCCUPANT PER 15 S.F. = 66 OCCUPANTS

KITCHEN: 2,090 S.F.
1 OCCUPANT PER 100 S.F. = 21 OCCUPANTS

COMMUNITY SPACE: 2,910 S.F.
1 OCCUPANT PER 15 S.F. = 194 OCCUPANTS

WAITING AREA: 300 S.F.
1 OCCUPANT PER 7 S.F. = 43 OCCUPANTS

OCCUPANT LOAD FOR LOWER LEVEL: 351 OCCUPANTS

OCCUPANT LOAD (IBC):

OFFICE AREAS: 3,972 S.F.
1 OCCUPANT PER 100 S.F. = 40 OCCUPANTS

TRAINING ROOMS: 985 S.F.
1 OCCUPANT PER 15 S.F. = 66 OCCUPANTS

KITCHEN: 2,090 S.F.
1 OCCUPANT PER 200 S.F. = 11 OCCUPANTS

COMMUNITY SPACE: 2,910 S.F.
1 OCCUPANT PER 15 S.F. = 194 OCCUPANTS

WAITING AREA: 300 S.F.
1 OCCUPANT PER 7 S.F. = 43 OCCUPANTS

OCCUPANT LOAD FOR LOWER LEVEL: 354 OCCUPANTS

PORT CITY ARCHITECTURE
65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000

LITA SEMRAU NO. 2007 REGISTERED ARCHITECT STATE OF MAINE

Client:
City of Auburn, ME
attn: Glen E. Holmes, Director of Business and Community Development
(207) 333-6600 x1159
gholmes@auburnmaine.gov

Construction Manager:
Allied-Cook Construction
attn: JP Schwartz
8 US-1
Scarborough, ME 04074
(207) 772-2888
jpschwartz@AlliedCook.com

REVISIONS

No.	Description	Date
1	DD SET	10-3-24
2	PERMIT SET	10-11-24
3	REVIEW SET	10-30-24
4	PERMIT SET	11-8-24

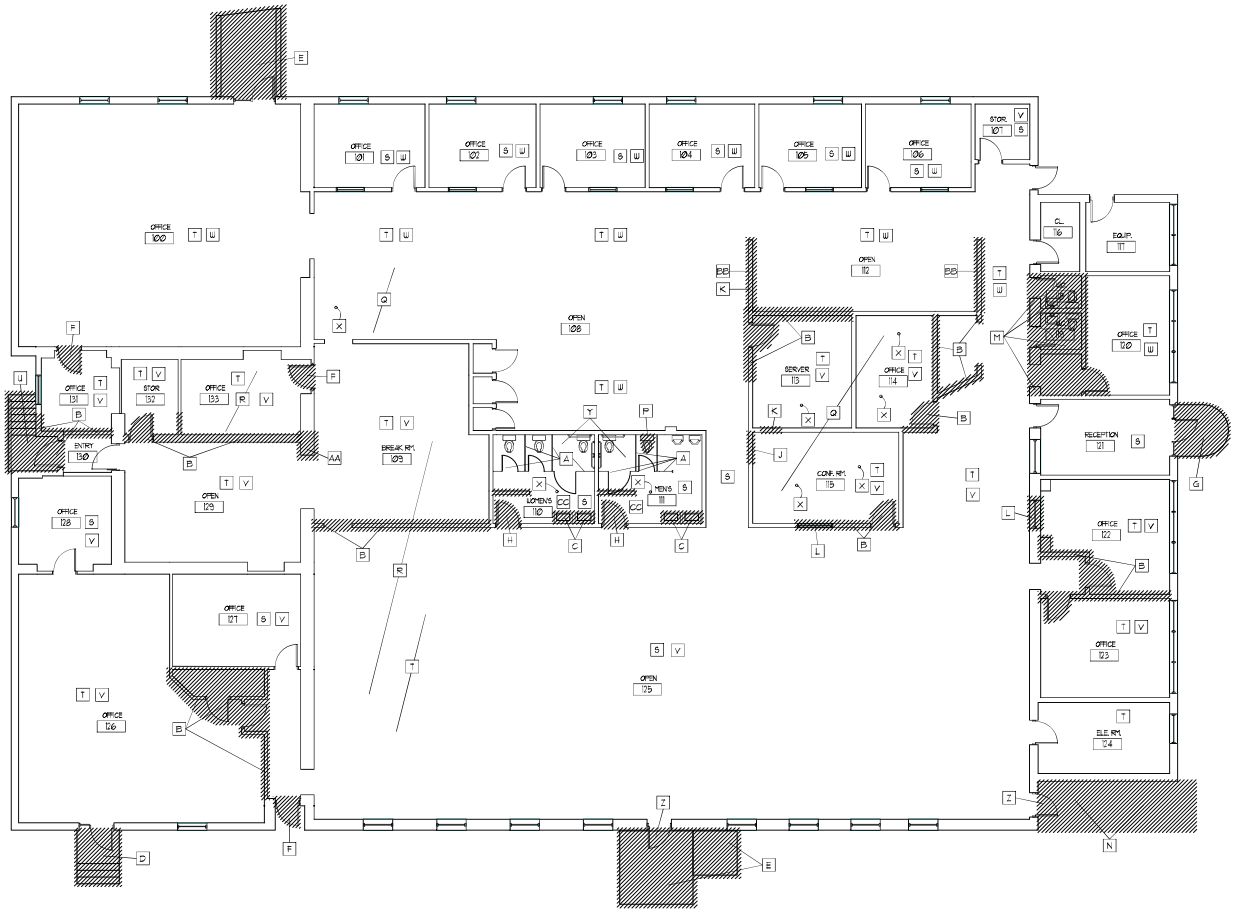
PERMIT SET

Project Location:
121 Mill Street
Auburn, Maine
04210

EGRESS PLAN

Project Number	24417
Date	November 8, 2024
Drawn by	MC
Checked by	LAS
Scale	AS NOTED

EG 1.0



1 DEMO PLAN
0 8'-0" SCALE: 1/8" = 1'-0"

DEMO FLOOR PLAN - GENERAL NOTES

- FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS
- VERIFY ALL EQUIPMENT W/ OWNER
- THE CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF THESE DRAWINGS WITH ALL OTHER DISIPLINES.
- PATCH AND REPAIR ADJACENT CONSTRUCTION AS REQ'D. TO MATCH EXISTING.

DEMO PLAN - KEYED NOTES

A REMOVE AND DISCARD EXISTING TOILET PARTITIONS

B REMOVE AND DISCARD EXISTING WALLS, DOORS AND EXISTING CONSTRUCTION AS SHOWN

C REMOVE AND DISCARD EXISTING CABINET SINKS (TO BE REPLACED)

D REMOVE AND DISCARD EXISTING WOOD STAIR

E REMOVE AND DISCARD EXISTING CONCRETE PAD AS REQ'D. FOR NEW CONCRETE STAIR

F REMOVE EXISTING DOOR AS REQ'D. FOR INFILL

G REMOVE EXISTING PAVERS AS REQ'D. FOR CONC. ENTRANCE PAD

H REMOVE EXISTING DOOR FOR REPLACEMENT (NEW DOORS TO SWING OUT)

J REMOVE PORTION OF EXISTING WALL FOR HALLWAY

K REMOVE PORTION OF EXISTING WALL FOR NEW DOOR

L REMOVE EXISTING BORROWED LIGHT FOR INFILL

M REMOVE EXISTING WALLS, DOORS, AND EXISTING CONSTRUCTION AS REQ'D. CAP ALL PLUMBING AS REQ'D.
NOTE: PRIOR TO REMOVAL OF THICK WALL, NOTIFY ARCHITECT WHEN STRUCTURE IS EXPOSED SO A DETERMINATION OF NEW STRUCTURAL SUPPORT CAN BE ASCERTAINED.

N REMOVE AND DISCARD EXISTING CONCRETE ENTRY SIDEWALK AS REQ'D. FOR INSTALLATION OF NEW CONCRETE ENTRANCE PAD (NEW CONCRETE ENTRANCE PAD TO EXTEND TO EXISTING ASPHALT PARKING).

P REMOVE AND DISCARD EXISTING TOILET AS REQ'D FOR RELOCATED TOILET

Q TRENCH EXISTING SLAB AS REQ'D. FOR NEW PLUMBING FIXTURES (SEE FLOOR PLAN FOR NEW PLUMBING LAYOUT).

R TRENCH EXISTING SLAB AS REQ'D. FOR NEW UNDER SLAB UTILITIES FOR NEW KITCHEN EQUIPMENT (SEE KITCHEN DRAWINGS).

S REMOVE AND DISCARD EXISTING CEILING TILES AND LIGHTING. EXISTING CEILING GRID TO BE REUSED WITH NEW TILES AND LIGHTING.

T REMOVE AND DISCARD EXISTING CEILING TILES, GRID AND LIGHTING.

U REMOVE AND DISCARD EXISTING WOOD PORCH (AND CONC. STEPS UNDERNEATH).

V REMOVE AND DISCARD EXISTING FLOORING/GLUE/GROUT DOWN TO SLAB (SLAB TO BE GROUND AND POLISHED).

W REMOVE AND DISCARD EXISTING FLOORING/GLUE/GROUT DOWN TO SLAB AS REQ'D. FOR NEW CARPET.

X APPROX. LOCATION OF NEW FLOOR DRAIN. CUT EXISTING CONC. SLAB AS REQ'D. FOR UTILITIES.

Y REMOVE EXISTING WALL TILE AS REQ'D. FOR INSTALLATION OF NEW FRP WALL PANELS.

Z REMOVE EXISTING DOOR AS REQ'D. FOR REPLACEMENT

AA REMOVE PORTION OF EXISTING WALL.
NOTE: PRIOR TO REMOVAL OF WALL, NOTIFY ARCHITECT WHEN STRUCTURE IS EXPOSED SO A DETERMINATION OF NEW STRUCTURAL SUPPORT CAN BE ASCERTAINED.

BB REMOVE TRIM ON TOP OF PARTIAL HT WALL AS REQ'D TO EXTEND WALL TO FULL HT.

CC REMOVE DISCARD EXISTING FLOOR TILE. PREPARE CONC. SLAB FOR NEW TILE AS REQ'D.

PORT CITY ARCHITECTURE
65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000

LITA SEMRAU NO. 2007 REGISTERED ARCHITECT STATE OF MAINE

Client:
City of Auburn, ME
attn: Glen E. Holmes, Director of Business and Community Development
(207) 333-6600 x1159
gholmes@auburnmaine.gov

Construction Manager:
Allied-Cook Construction
attn: JP Schwartz
8 US-1
Scarborough, ME 04074
(207) 772-2888
jpschwartz@AlliedCook.com

REVISIONS

No.	Description	Date
1	DD SET	10-3-24
2	PERMIT SET	10-11-24
3	REVIEW SET	10-30-24
4	PERMIT SET	11-8-24

PERMIT SET

Project Location:
121 Mill Street
Auburn, Maine
04210

DEMO PLAN

Project Number	24417
Date	November 8, 2024
Drawn by	MC
Checked by	LAS

D 1.0

Scale AS NOTED



FLOOR PLANS - GENERAL NOTES

- FOR EXIT SIGN LOCATIONS - SEE EGRESS PLAN
- FOR FIRE EXTINGUISHER INFO AND LOCATIONS - SEE EGRESS PLAN
- ALL DOOR HARDWARE (NEW AND EXISTING DOORS) TO BE ADA.
- CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS
- SEE SHEETS FS-1 THROUGH FS-4 FOR KITCHEN INFORMATION

FLOOR PLAN - KEYED NOTES

1. PROVIDE AND INSTALL CONCRETE RAMP W/ METAL RAILINGS (SEE DETAILS 1, 2, AND 3, SHEET A2.0)
2. PROVIDE AND INSTALL CONCRETE STAIR W/ METAL RAILINGS (SEE DETAIL 4, SHEET A2.0)
3. PROVIDE AND INSTALL CONCRETE ENTRANCE PAD AS REQ'D. FOR ADA ENTRANCE. PAD NOT TO EXCEED 2% SLOPE IN ANY DIRECTION. PATCH ASPHALT PAVING AS REQ'D.
4. REPLACE EXISTING DOOR THRESHOLD WITH NEW (DUE TO REMOVED FLOOR TILE)
5. NOT USED
6. PROVIDE AND INSTALL CONCRETE ENTRANCE PAD AS REQ'D. FOR ADA ENTRANCE. PAD NOT TO EXCEED 2% SLOPE IN ANY DIRECTION FOR THE 5' LANDING OUTSIDE OF THE DOOR. CONCRETE TO EXTEND OUT TO EXISTING ASPHALT. PATCH ASPHALT PAVING AS REQ'D.
7. APPROX. LOCATION OF FLOOR DRAIN (FIELD VERIFY)
8. PROVIDE / INSTALL HI-LO ADA DRINKING FOUNTAIN W/ BOTTLE FILLER
9. PROVIDE / INSTALL DBL UNDERMOUNT SINK W/ SOLID SURFACE COUNTERTOP AT 34" AFF. (ADA COMPLIANT)
10. PROVIDE / INSTALL COUNTERTOP MOUNTED WATER STATION (BOTTLE FILLER)
11. INFILL EXTERIOR WALL WHERE DOOR WAS REMOVED
12. INFILL INTERIOR WALL WHERE WINDOW WAS REMOVED
13. (NOT USED)
14. OVERHEAD ROLLING SHUTTER (10'-6" AND 5'-0" WIDE). COORD. EXACT LOCATION W/ KITCHEN DRAWINGS (SILL AT 34" AFF.)
15. LAUNDRY TO HAVE WASHER, DRYER, SOLID SURFACE COUNTERTOP AT 34" AFF. AND UTILITY SINK (VERIFY W/ KITCHEN DRAWINGS AND OWNER)
16. KITCHENETTE TO HAVE SOLID SURFACE TOP, UPPER / LOWER PLAM CABINETS W/ DBL. S. STL. SINK, DISHWASHER, AND TWO REFRIGERATORS (VERIFY W/ OWNER)
17. COFFEE BAR W/ SOLID SURFACE TOP, PLAM LOWER CABINETS, AND UNDERMOUNT S. STL. SINK
18. REPLACE TOILET PARTITIONS (PREVIOUS LAYOUT TO REMAIN UNCHANGED)
19. PROVIDE SOLID SURFACE COUNTERTOP AT 34" AFF. W/ UPPER AND LOWER PLAM CABINETS
20. PROVIDE AND INSTALL CONC. LOADING DOCK (SEE DTL. 2, SHT. A-2.0 - SIM). OSHA GUARDRAIL ON OPEN FRONT OF LOADING DOCK TO HAVE TWO REMOVABLE 48" LONG SECTIONS TO ALLOW FOR LOADING / UNLOADING.
21. PROVIDE AND INSTALL 2-TIER LOCKERS (VERIFY W/ OWNER)

PORT CITY ARCHITECTURE
65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000

REGISTERED ARCHITECT LITA SEMRAU NO. 2057 STATE OF MAINE

Client:
City of Auburn, ME
attn: Glen E. Holmes, Director of Business and Community Development
(207) 333-6600 x1159
gholmes@auburnmaine.gov

Construction Manager:
Allied-Cook Construction
attn: JP Schwartz
8 US-1
Scarborough, ME 04074
(207) 772-2888
jpschwartz@AlliedCook.com

REVISIONS

No.	Description	Date
1	DD SET	10-3-24
2	PERMIT SET	10-11-24
3	REVIEW SET	10-30-24
4	PERMIT SET	11-8-24

PERMIT SET

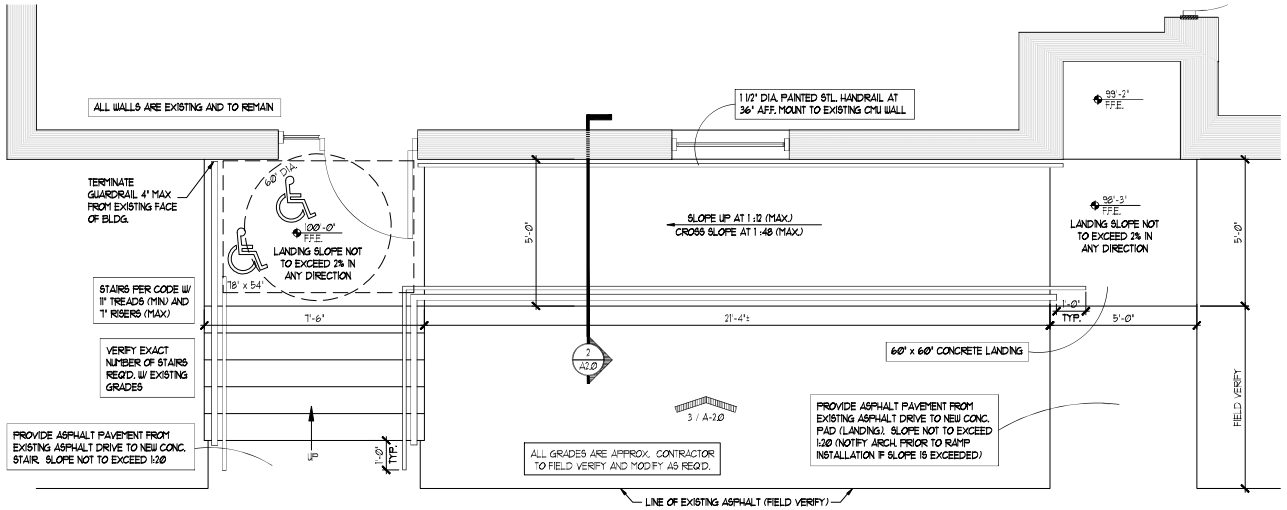
Project Location:
121 Mill Street
Auburn, Maine
04210

FLOOR PLAN

Project Number	24417
Date	November 8, 2024
Drawn by	MC
Checked by	LAS

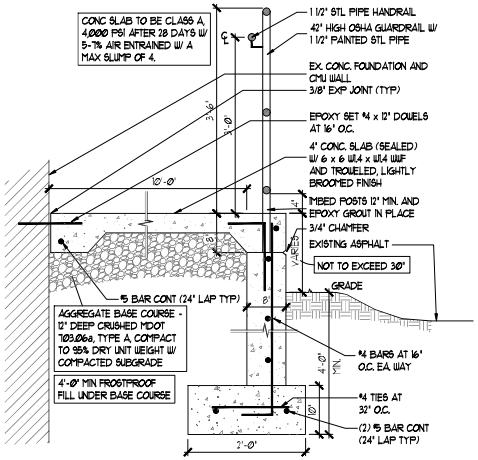
A 1.0

Scale: AS NOTED



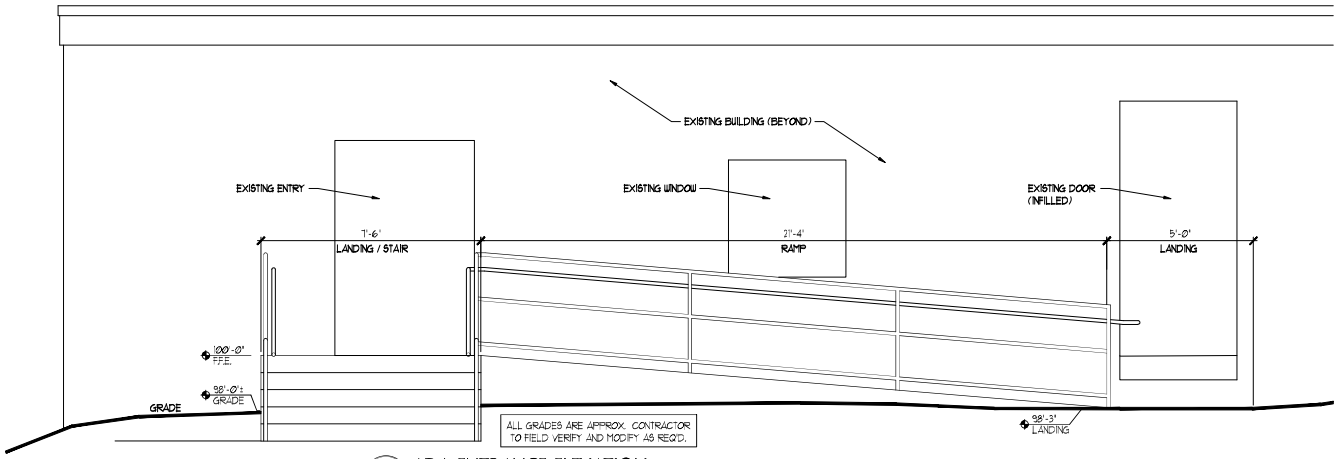
1 ADA ENTRANCE PLAN

Ø 2'-Ø" SCALE: 1/2" = 1'-Ø"



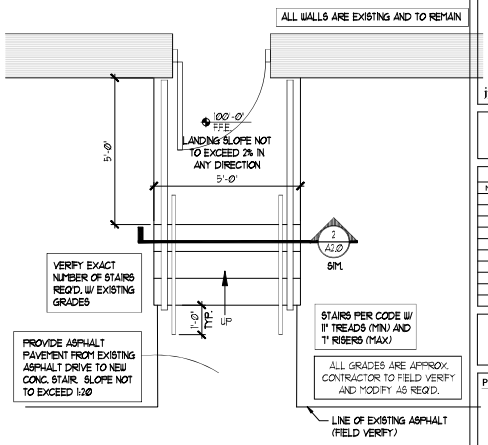
2 ADA RAMP SECTION

Ø 1'-Ø" SCALE: 1" = 1'-Ø"



3 ADA ENTRANCE ELEVATION

Ø 2'-Ø" SCALE: 1/2" = 1'-Ø"



4 CONC. ENTRANCE STAIR

Ø 2'-Ø" SCALE: 1/2" = 1'-Ø"

PORT CITY ARCHITECTURE
65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000

LITA SEMRAU NO. 2007 REGISTERED ARCHITECT STATE OF MAINE

Client:
City of Auburn, ME
attn: Glen E. Holmes, Director of Business and Community Development
(207) 333-6600 x1159
gholmes@auburnmaine.gov

Construction Manager:
Allied-Cook Construction
attn: JP Schwartz
8 US-1
Scarborough, ME 04074
(207) 772-2888
jpschwartz@AlliedCook.com

REVISIONS

No.	Description	Date
1	DD SET	10-3-24
2	PERMIT SET	10-11-24
3	REVIEW SET	10-30-24
4	PERMIT SET	11-8-24

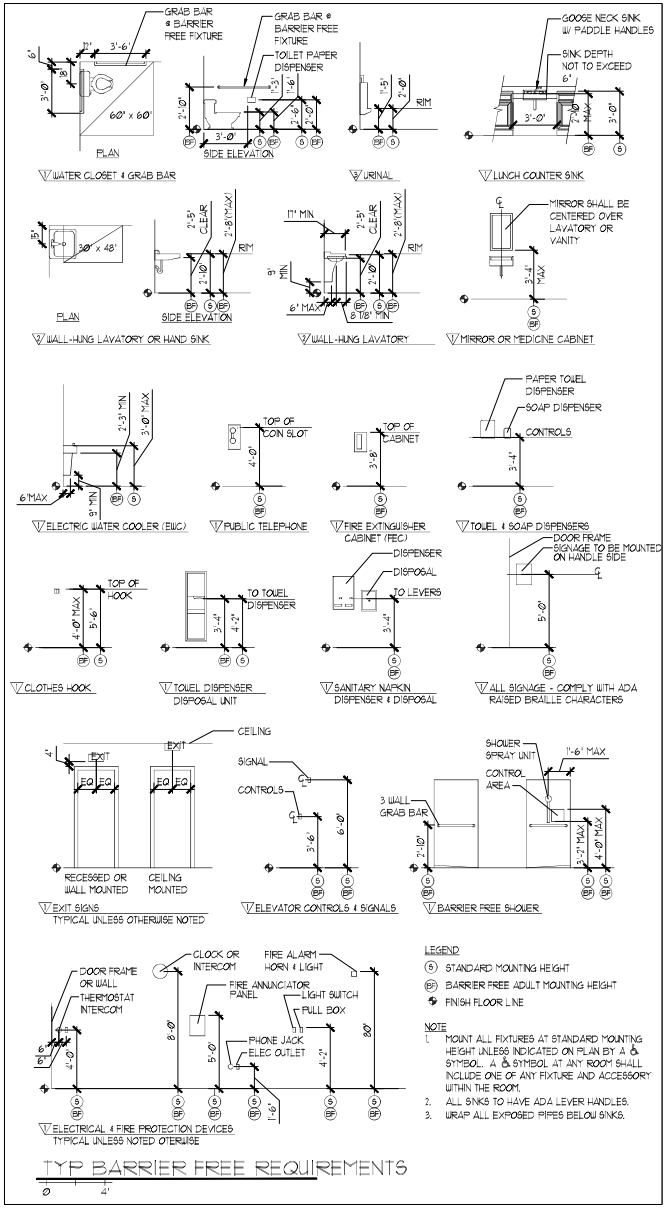
PERMIT SET

Project Location:
121 Mill Street
Auburn, Maine
04210

DETAILS

Project Number	24417
Date	November 8, 2024
Drawn by	MC
Checked by	LAS
Scale	AS NOTED

A 2.0



PORT CITY ARCHITECTURE
65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000

LITA SEMRAU NO. 2907 REGISTERED ARCHITECT STATE OF MAINE

Client:

City of Auburn, ME
attn: Glen E. Holmes, Director of Business and Community Development
(207) 333-6600 x1159
gholmes@auburnmaine.gov

Construction Manager:

Allied-Cook Construction
attn: JP Schwartz
8 US-1
Scarborough, ME 04074
(207) 772-2888
jpschwartz@AlliedCook.com

REVISIONS

No.	Description	Date
1	DD SET	10-3-24
2	PERMIT SET	10-11-24
3	REVIEW SET	10-30-24
4	PERMIT SET	11-8-24

PERMIT SET

Project Location:

121 Mill Street
Auburn, Maine
04210

DETAILS

Project Number	24417
Date	November 8, 2024
Drawn by	MC
Checked by	LAS

A 2.2

Scale: AS NOTED

ROOM FINISH SCHEDULE

ROOM	ROOM NAME	FLOORING MAT	FLOORING BASE	WALLS NORTH	WALLS EAST	WALLS SOUTH	WALLS WEST	CEILING MAT	CEILING HEIGHT	NOTES
100	CORRIDOR	CPT	VB	GWB	GWB	GWB	GWB	SAT		
101	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		2
102	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		2
103	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		2
104	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		2
105	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		2
106	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		2
107	STORAGE	CONC	VB	GWB	GWB	GWB	GWB	SAT		2
108	TRAINING	CPT	VB	GWB	GWB	GWB	GWB	SAT		
109	KITCHEN	CONC	VB	FRP	FRP	FRP	FRP	SAT		1
110	WOMEN'S	CONC	VB	FRP	FRP	FRP	FRP	SAT		1 2 3
111	MEN'S	CONC	VB	FRP	FRP	FRP	FRP	GWB		1 3
112	BATH	TILE	VB	FRP	FRP	FRP	FRP	GWB		
113	SHOWER	TILE	VB	FRP	FRP	FRP	FRP	GWB		
114	BATH	TILE	VB	FRP	FRP	FRP	FRP	GWB		
115	SHOWER	TILE	VB	FRP	FRP	FRP	FRP	GWB		
116	CLOSET	CONC	VB	GWB	GWB	GWB	GWB	SAT		2
117	EQUIPMENT	CONC	---	---	---	---	---	---		
118	(NOT USED)									
119	(NOT USED)									
120	WAITING	CPT	VB	GWB	GWB	GWB	GWB	SAT		
121	RECEPTION	---	---	GWB	GWB	GWB	GWB	SAT		2
121A	VESTIBULE	---	---	GWB	GWB	GWB	GWB	SAT		
122	TRAINING	CONC	VB	GWB	GWB	GWB	GWB	SAT		
123	VESTIBULE	WOM	VB	GWB	GWB	GWB	GWB	SAT		
124	ELECTRIC ROOM	---	---	---	---	---	---	---		
125	COMMUNITY	CONC	VB	GWB	GWB	GWB	GWB	SAT		
126	CLOTHING	CONC	VB	GWB	GWB	GWB	GWB	SAT		
127	CLOTHING	CONC	VB	GWB	GWB	GWB	GWB	SAT		
128	PROCESSING	CONC	VB	GWB	GWB	GWB	GWB	SAT		
129	KITCHEN	CONC	VB	FRP	FRP	FRP	FRP	SAT		
130	INTAKE	CONC	VB	GWB	GWB	GWB	GWB	SAT		
131	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		
132	OFFICE	CONC	VB	FRP	FRP	FRP	FRP	SAT		
133	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		
134	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		
135	STORAGE	CONC	VB	GWB	GWB	GWB	GWB	SAT		
136	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		
137	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		
138	CORRIDOR	LVT	VB	GWB	GWB	GWB	GWB	SAT		
139	BATH	LVT	VB	GWB	GWB	GWB	GWB	GWB		
140	LAUNDRY	CONC	VB	GWB	GWB	GWB	GWB	SAT		
141	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		
142	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		
143	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		
144	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		
145	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		
146	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		
147	SERVER	CONC	VB	GWB	GWB	GWB	GWB	SAT		
148	OFFICE	CPT	VB	GWB	GWB	GWB	GWB	SAT		
149	CORRIDOR	CPT	VB	GWB	GWB	GWB	GWB	SAT		
150	CORRIDOR	CPT	VB	GWB	GWB	GWB	GWB	SAT		
151	STORAGE	CONC	VB	GWB	GWB	GWB	GWB	SAT		
151A	MOP	CONC	VB	FRP	FRP	FRP	FRP	GWB		
152	SHOWER	TILE	VB	FRP	FRP	FRP	FRP	GWB		
153	CORRIDOR	CONC	VB	GWB	GWB	GWB	GWB	SAT		

KEYED NOTES

1. SAT TILES TO BE VINYL-FACED GYP
2. SAT TILES IN EXISTING GRID
3. COVER EXISTING WALL TILE W/ FRP PANELS

GENERAL NOTES

A. ALL NEW SAT TO BE 24" x 24"
B. ALL NEW SAT TILES TO BE 24" x 48" W/ MID-TILE RECESS (APPEARANCE OF 24" x 24")
C. FRP IN BATHROOMS TO BE: MARLITE SYMMETRIX SMART SEAM (SUBWAY) OR ARCH APPROVED EQ.
D. PROVIDE AND INSTALL INPRO CORNER GUARDS AT ALL OUTSIDE WALL CORNERS

DOOR AND FRAME SCHEDULE

NUM	DESCRIPTION	DOOR SIZE	DOOR MAT	DOOR FRAME	HARDWARE	NOTES
108A	CORRIDOR TO TRAINING	3' x 7'	WD	HM	CLASSROOM	
108B	CORRIDOR TO TRAINING	3' x 7'	WD	HM	PASSAGE	
109A	COMMUNITY TO KITCHEN	3' x 7'	WD	HM	ENTRY	
109B	COMMUNITY TO KITCHEN	3' x 7'	WD	HM	ENTRY	
109C	KITCHEN TO MOP	3' x 7'			PASSAGE	
112A	WAITING TO BATH	3' x 7'	WD	HM	PRIVACY	
113A	CORRIDOR TO SHOWER	3' x 7'	WD	HM	PRIVACY	
114A	WAITING TO BATH	3' x 7'	WD	HM	PRIVACY	
115A	CORRIDOR TO SHOWER	3' x 7'	WD	HM	PRIVACY	
120A	WAITING TO COMMUNITY	3' x 7'	WD	HM	CLASSROOM	
120B	CORRIDOR TO WAITING	3' x 7'	WD	HM	CLASSROOM	
122A	COMMUNITY TO TRAINING	3' x 7'	WD	HM	PASSAGE	
123A	COMMUNITY TO VESTIBULE	3' x 7'	WD	HM	PUSH / PULL	1
123B	VESTIBULE TO EXTERIOR	3' x 7'	MTL	HM	ENTRANCE	1 3
125A	COMMUNITY TO EXTERIOR	3' x 7'	MTL	HM	ENTRANCE	1 3
126A	COMMUNITY TO CLOTHING	3' x 7'	WD	HM	EXIT SECURITY	
127A	CLOTHING TO CLOTHING	3' x 7'	WD	HM	OFFICE	
128A	CLOTHING TO PROCESSING	3' x 7'	WD	HM	OFFICE	
128B	INTAKE TO PROCESSING	3' x 7'	WD	HM	ENTRY	
129A	KITCHEN TO KITCHEN	3' x 7'	WD	HM	PASSAGE	
129B	KITCHEN TO KITCHEN	3' x 7'	WD	HM	PASSAGE	
129C	KITCHEN TO KITCHEN	3' x 7'	WD	HM	PASSAGE	
130A	INTAKE TO EXTERIOR	DBL. 3' x 7'	MTL	MTL	ENTRANCE	
131A	CORRIDOR TO OFFICE	3' x 7'	WD	HM	OFFICE	
132A	KITCHEN TO OFFICE	3' x 7'	WD	HM	OFFICE	
133A	CORRIDOR TO OFFICE	3' x 7'	WD	HM	OFFICE	
134A	CORRIDOR TO OFFICE	3' x 7'	WD	HM	OFFICE	
135A	CORRIDOR TO STORAGE	3' x 7'	WD	HM	STOREROOM	
136A	CORRIDOR TO OFFICE	3' x 7'	WD	HM	OFFICE	
137A	CORRIDOR TO OFFICE	3' x 7'	WD	HM	OFFICE	
138A	KITCHEN TO LAUNDRY	3' x 7'	WD	HM	PASSAGE	
140A	BATH TO CORRIDOR	3' x 7'	WD	HM	PRIVACY	
141A	CORRIDOR TO OFFICE	3' x 7'	WD	HM	OFFICE	
142A	CORRIDOR TO OFFICE	3' x 7'	WD	HM	OFFICE	
143A	CORRIDOR TO OFFICE	3' x 7'	WD	HM	OFFICE	
144A	CORRIDOR TO OFFICE	3' x 7'	WD	HM	OFFICE	
145A	CORRIDOR TO OFFICE	3' x 7'	WD	HM	OFFICE	
146A	CORRIDOR TO OFFICE	3' x 7'	WD	HM	OFFICE	
147A	CORRIDOR TO SERVER	3' x 7'	WD	HM	OFFICE	
148A	CORRIDOR TO OFFICE	3' x 7'	WD	HM	OFFICE	
151A	WAITING TO STORAGE	3' x 7'	WD	HM	STOREROOM	
151B	COMMUNITY TO MOP	3' x 7'	WD	HM	STOREROOM	
152A	CORRIDOR TO SHOWER	3' x 7'	WD	HM	PRIVACY	
153A	CORRIDOR TO CORRIDOR	3' x 7'	WD	HM	CLASSROOM	

KEYED NOTES

1. HALF-LITE DOOR
2. DOORS TO HAVE 10" x 10" GLAZED VISION PANEL
3. DOOR TO HAVE PANIC HARDWARE

GENERAL NOTES

A. VERIFY ANY KEY CARD ACCESS WITH OWNER

PORT CITY ARCHITECTURE
65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000

REGISTERED ARCHITECT LITA SEMRAU NO. 2907 STATE OF MAINE

Client:

City of Auburn, ME
attn: Glen E. Holmes, Director of Business and Community Development
(207) 333-6600 x1159
gholmes@auburnmaine.gov

Construction Manager:

Allied-Cook Construction
attn: JP Schwartz
8 US-1
Scarborough, ME 04074
(207) 772-2888
jpschwartz@AlliedCook.com

REVISIONS

No.	Description	Date
1	DD SET	10-3-24
2	PERMIT SET	10-11-24
3	REVIEW SET	10-30-24
4	PERMIT SET	11-8-24

PERMIT SET

Project Location:

121 Mill Street
Auburn, Maine
04210

SCHEDULES

Project Number	24417
Date	November 8, 2024
Drawn by	MC
Checked by	LAS

A 3.0

Scale AS NOTED

Determination of Categorical Exclusion (subject to Section 58.5)

Determination of activities per 24 CFR 58.35(a)

Project Names(s) and Grant Number(s):

121 Mill Street Environmental Assessment
American rescue Plan Act – 1505-0271
Community Development Block Grant - B-24-MC-23-0001, B-23-MC-23-0001, B-22-MC-23-0001

Address:

121 Mill Street, Auburn, ME 04210

Project Description, including all contemplated actions which logically are either geographically or functionally part of the project:

The City of Auburn is proposing the renovation of an office building for a new community resource center (Proposed Project). The Proposed Project includes the renovation of a one-story, 15,410 square foot (sf) building located at 121 Mill Street in Auburn, Maine (Project Site). The community resource center will remain the same size and capacity as the existing structure. The renovations include interior renovations to the existing structure to fit-out the space for its proposed use, plus the addition of a 300+/- sf loading dock, 170+/- sf staging area, and 336+/- sf cooler (refrigerator/freezer) on the northwest side of the building, parking lot restriping, American with Disabilities Act (ADA) accessible removals and retrofits, and safety-related rehabilitations to the roof, southwest landing, and northeast loading dock due to their current unsafe condition. Construction of the Proposed Project is anticipated to take approximately 3 to 6 months and be completed in 2025.

Estimated cost:

$850,000

Funding Source:

CDBG HOME Public Housing EDI ICDBG NAHASDA Other: **ARPA**

	The project falls into the category below, which is listed at 24 CFR 58.35(a) as a Categorically Excluded activity subject to Section 58.5.
	1. Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are already in place and will be retained in the same use without change in size or capacity for more than 20 percent. Examples: ▪ Replacement of water or sewer lines ▪ Reconstruction of curbs and sidewalks ▪ Repaving of streets
	2. Special projects directed toward the removal of material and architectural barriers that restrict the mobility of and accessibility to the elderly and handicapped persons.
X	3. Rehabilitation of buildings and improvements under the following conditions: i. In the case of a building for residential use (with one to four units), the density is not increased beyond four units and the land use is not changed. ii. In the case of multifamily residential buildings: A. Unit density is not changed more than 20% B. The project does not involve changes in land use from residential to non-residential; and C. The estimated cost of rehabilitation is less than 75% of the total estimated cost of replacement after rehabilitation. **iii. In the case of non-residential structures, including commercial, industrial, and public buildings:** **A. The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and** B. The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.
	4. An individual action

	i. Up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or ii. A project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site.
	5. Acquisition (including leasing) or disposition of an existing structure or acquisition (including leasing) of vacant land provided that the structure or land acquired or disposed of will be retained for the same use;
	6. Combinations of the above activities

The determination of the category listed above is supported by the following information (explain how you determined that the project satisfied the condition of the category you checked above and document as appropriate):

The Proposed Project qualifies for the Categorical Exclusion under 24 CFR 58.35(a)(3)(iii)(A). The Project Site is located in a Neighborhood Business Zoning District and currently a vacant commercial building that previously operated as office space. Following the renovations, the site will be used as a community resource center. Although this involves a change in land use from private commercial to public facility, it is not considered a materially significant change in land use. The Proposed Project will require Planning Board approval for a special exception use in accordance with Auburn Maine Code of Ordinances Chapter 60, Article XVI, Division 3 for an adaptive reuse of a structure with community significance (Chapter 60, Article IV, Division 11, Section 60-471(b)(7)). There are no plans to change the size or capacity of the facility.

You must complete the compliance checklist for 24 CFR 58.6 and the Statutory Worksheet on the following pages.

Compliance Checklist for the "Other Requirements" in 24 CFR 58.6

Project Name: **121 Mill Street Environmental Assessment**

Section 1. Flood Disaster Protection Act

Are funds for acquisition (including equipment) or construction (including repair and rehabilitation) purposes?	**Yes** **Continue**	No Proceed to Section 2-Act does not apply
Is the Activity in an area identified as having special flood hazards (SFHA)? Identify FEMA flood map used to make this determination: FEMA Map Community Name and Number **City of Auburn, 230001#** Map panel number and date **23001C0328E – 7/8/2013**	Yes Document and Continue	**No** **Document and Proceed to Section 2-Act does not apply**
Is the Community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?	**Yes-Document and follow instructions below.**	No-Federal Assistance may not be used for this project.
Flood Insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost. A copy of the flood insurance policy declaration must be kept on file.		

Section 2. Airport Runway Clear Zones (Civil) and Accident Potential Zones (Military)

Does the project involve HUD assistance, subsidy or insurance for the purchase or sale of an existing property?	Yes Continue	**No—Proceed to Section 3—regulation does not apply.**
Is the project located within 2,500 feet of a civil airport or 15,000 feet of a military airfield?	Yes Continue	**No—Document and proceed to Section 3—regulation does not apply.**
Is the project located within an FAA-designated civilian airport Runway Clear Zone (RCA) or Runway Protection Zone, or within the military Airfield Clear Zone (CZ) or Accident Potential Zone/Approach Protection Zone (APZ), based upon information from the airport or military airfield administrator identifying the boundaries of such zones?	Yes Continue	**No—Document and proceed to Section 3—regulation does not apply.**
Comply with 24 CFR Part 51, Subpart D. This may include providing a written notice to a prospective buyer or leaser of the potential hazards from airplane accidents and the potential that an airfield operator may wish to purchase the property. Maintain copies of the signed notice. For properties located in a military clear zone, make and document a determination of whether the use of the property is consistent with DOD guidelines. Notice Sample: http://www.hud.gov/offices/cpd/energyenviron/environment/compliance/qa/airporthazards.pdf)		

Section 3. Coastal Barrier Resources Act

Section 58.6 also requires compliance with the Coastal Barrier Resources Act.

The City of Auburn is not recognized as having any coastal contact that would require it being identified within a Coastal Barrier Resource System (CBRS), therefore, the Proposed Project has no potential to affect a CBRS and is in compliance with the CBRS Act.

STATUTORY WORKSHEET

Use this worksheet only for projects which are Categorically Excluded per 24 CFR Section 58.35(a).

PROJECT NAME and Grant Number: 121 Mill Street – American rescue Plan Act – 1505-0271

Community Development Block Grant - B-24-MC-23-0001, B-23-MC-23-0001, B-22-MC-23-0001

Compliance documentation must contain verifiable source documents and relevant base data.

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5	Status A/B	Compliance Documentation
Historic Preservation [36 CFR Part 800]	A	In a letter dated August 28, 2024, the State of Maine Historic Preservation Commission determined the Proposed Project "that there will be no historic properties affected by the proposed undertaking as defined Section 106 of the National Historic Preservation Act." Therefore, the Proposed Project is in compliance with the applicable Historic Preservation regulations and no further Section 106 consultation is required.
Floodplain Management [24 CFR 55, Executive Order 11988]	A	The Project Site includes the renovation of an existing building; however, the building is completely outside of the FEMA-designated Special Flood Hazard Area for both the 1% and 0.2% annual chance floodplains. Therefore, the Proposed Project is in compliance with 24 CFR 55 and Executive Order 11988.
Wetland Protection [Executive Order 11990]	A	The Project Site is not located in the FFRMS floodplain. The Proposed Project involves interior renovations to an existing structure and would not result in new construction that directly impacts on-site wetlands or result in a modification to a wetland. Therefore, the site is exempt from the policy directives set forth in Executive Order 11990.
Coastal Zone Management Act [Sections 307(c), (d)]	A	The location of the Project Site is not within the Maine Coastal Zone Management Act (CZMA) area. Therefore, the Project Site does not have the potential to affect the coastal zone and is in compliance with the applicable Coastal Zone Management Act regulations.
Sole Source Aquifers [40 CFR 149]	A	The Project Site is not located within or near an EPA-designated Sole Source Aquifer (SSA), therefore, is in compliance with the applicable sole source aquifer regulations. The closest SSA from the project site is approximately 66 miles.
Endangered Species Act [50 CFR 402]	A	The Proposed Project does not include activities with the potential to affect any species or habitats. Therefore, the site is in compliance with the Endangered Species Act regulations.
Wild and Scenic Rivers Act [Sections 7(b), and (c)]	A	The Project Site is not located within one mile of a wild or scenic river, designated by the Nationwide Rivers Inventory (NRI) and U.S. National Park Service (U.S. NPS). The closest wild or scenic river is approximately 73 miles from the Project Site. Therefore, the Proposed Project is in compliance with the applicable Wild and Scenic Rivers regulations.
Clean Air Act - [Sections 176(c), (d), and 40 CFR 6, 51, 93]	A	The Proposed Project would not include activities that constitute a significant new source of air pollution. Therefore, it has been assumed that its

		emissions are below de minimus levels and the project is in compliance with the Clean Air Act.
Farmland Protection Policy Act [7 CFR 658]	A	The Project Site does not include any unique or prime farmland, nor does it intend to convert agricultural land to non-agricultural use. Therefore, the Proposed Project is in compliance with the applicable Farmland Protection Policy Act regulations.
Environmental Justice [Executive Order 12898]	A	The Proposed Project is not anticipated to have any adverse environmental impact. Therefore, the Proposed Project complies with Executive Order 12898.
HUD ENVIRONMENTAL STANDARDS Noise Abatement and Control [24 CFR 51B]	A	The Proposed Project does not involve new construction for residential use or rehabilitation of an existing residential property. Construction of the Proposed Project is expected to comply with City laws for construction activities which state, "appropriate measures to reduce, to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris, and during the hours of 10:00 p.m. to 7:00 a.m. shall not use, except with the express written permission of the city engineer or in case of an emergency as otherwise provided in this article, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property." Therefore, the Proposed Project is in compliance with the applicable Noise Abatement and Control regulations.
Explosive and Flammable Operations [24 CFR 51C]	A	The Project Site does not involve a hazardous facility or include any activity that will increase residential density or conversion. Therefore, the Proposed Project is in compliance with the applicable Explosive and Flammable Hazards regulations.
Toxic Chemicals and Radioactive Materials [24 CFR 58.5(i)(2)]	A	Preliminary assessment reveals the Project Site is within a half mile of a state/tribal voluntary cleanup site, brownfield site, and registered storage tank; however, the Proposed Project would involve very limited site disturbance work (approximately 806 sf for the construction of the loading dock, staging, and cooler area). Furthermore, based on the age of the existing on-site structure and known issues with Radon in the State of Maine, it is possible that asbestos-containing material (ACM), lead-based paint (LBP), polychlorinated biphenyls (PCBs), mercury, and/or radon may be present. Applicable regulatory requirements for disturbance of any suspect ACM, LBP, PCBs, and/or mercury-containing equipment would be followed during the renovation of the existing structure and during any disturbance of existing utilities which may contain suspect ACM, LBP, and/or PCBs. Radon testing would be conducted prior to renovation activities. If necessary, measures to protect construction workers and future users would be implemented. With these measures included as part of the Proposed Project, it is concluded that there would be no significant adverse toxic chemicals and radioactive material impacts during project renovation or operation. Therefore, the Proposed Project is in compliance with the applicable Toxic Chemicals and Radioactive Materials regulations.

Airport Clear Zones and Accident Potential Zones [24 CFR 51D]	A	The Project Site is not located within 15,000 of a military airport or 2,500 feet from a civil airport. Therefore, the proposed project is within compliance with the Airport Hazards requirements.

DETERMINATION:

☒ This project converts to Exempt, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities); **This** (now) EXEMPT project may now be initiated; OR

☐ This project cannot convert to Exempt because one or more statutes/authorities require consultation or mitigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per Section 58.70 and 58.71 before initiating the project; OR

☐ The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

Conditions for Approval: (List all mitigation measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as requirements).

CERTIFICATION:

PREPARER SIGNATURE: Megan Gatto

NAME, TITLE: Megan Gatto, AICP, Project Manager, Woodard & Curran, Inc. DATE: 9/6/2024

RESPONSIBLE ENTITY SIGNATURE:

NAME, TITLE: Glen E. Holmes Director of Business & Community Dev. DATE: 9/10/24

INSTRUCTIONS for completing the STATUTORY WORKSHEET

For HUD funded projects that are categorically excluded per 24 CFR §58.35(a), the Responsible Entity (**RE**) must determine whether the proposal achieves compliance with each applicable statute, Executive Order or regulation with or without requiring formal consultation, mitigation, permits or having adverse effects on the resources protected by the statute. These instructions are a brief description of the essential findings needed to establish compliance. Please see Northwest Region Checklist Tools for further guidance on these laws and authorities. These instructions are not intended to replace the applicable regulations and applicable regulations take precedence.

The Preparer of the Statutory Worksheet must DOCUMENT AND ATTACH THE SOURCES OF THE DETERMINATION.

Record the finding status on the STATUTORY WORKSHEET for each listed Federal statute, regulation, authority as follows:
Status "A" applies when compliance with the authority is achieved without adverse effects on the protected resource, without necessary mitigation or attenuation AND when no formal consultation, permit or agreement is required to establish compliance. In these situations, enter **"A"** in the STATUTORY WORKSHEET status column.
Status "B" applies when project compliance with the authority requires formal consultation, a permit or agreement, OR when the proposal may have an adverse effect on the protected resources. Part B summarizes what additional steps or formal procedures must be completed prior to submitting a Request for Release of Funds (RROF) to HUD or to the State. Evidence of completion and implementation of the required procedures or mitigation must be retained in the project Environmental Review Record (ERR).

Historic Properties (including archeology): **A)** The RE and SHPO agree that there are No Historic Properties Affected per 36 CFR 800.4(d)(1) **OR** SHPO has not objected within 30 days to such a fully documented determination. **B)** The proposal will have an affect on historic properties per §800.4(d)(2) This includes no adverse effect on historic properties §800.5.

Floodplain Management: **A)** The project does not require compliance with 8-step decision-making at 24 CFR Part 55.20 or the 5-step decision-making at 24 CFR 55.12(a). **B)** The project requires compliance with the 8-step decision-making process at 24 CFR Part 55.20 or the 5-step decision-making process at 24 CFR 55.12(a).

Wetlands Protection: A) The project does not require compliance with 8-step decision-making at 24 CFR Part 55.20 or the 5-step decision-making at 24 CFR 55.12(a). **B)** The project requires compliance with the 8-step decision-making process at 24 CFR Part 55.20 or the 5-step decision-making process at 24 CFR 55.12(a).

Coastal Zone Management: A) The project is not located in the coastal zone, **OR** the project does not include new construction or major rehabilitation of existing structures, **OR** the State Department of Ecology has accepted the RE's certification that the project is consistent with the Coastal Zone Management Program. **B)** State Department of Ecology does not accept consistency determination and/or requires mitigation.

Sole Source Aquifers (Safe Drinking Water Act): A) The project is not located within a U.S. EPA-designated sole source aquifer watershed area (including stream flow source areas), **OR** the project need not be referred to EPA for evaluation according to an EPA approved MOU or checklist, **OR** EPA has concurred that the project is "not likely to affect Sole Source Aquifer quality" in an informal consultation. **B)** EPA does not concur with "not likely to affect Sole Source Aquifer quality' determination and/or requires mitigation.

Endangered Species: A) The RE determines that the proposal will have "no effect" on federally protected (listed or proposed) Threatened or Endangered Species **B)** US Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) concur the project "is not likely to adversely affect" any federally protected (listed or proposed) Threatened or Endangered Species (i.e., plants or animals, fish, or invertebrates), nor adversely modify critical habitats **OR** USFWS and/or NMFS do not concur the project "is not likely to adversely affect" federally protected species or adversely modify critical habitats **OR** the proposal is "likely to adversely affect" any federally protected (listed or proposed) Threatened or Endangered Species.

Wild and Scenic Rivers: A) The project is not located within one mile of a listed Wild and Scenic River, **OR** the project will have no effects on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system. **B)** Impact resolution and/or mitigation required.

Air Quality: A) The project is located within an "attainment" area, **OR**, if within a "non-attainment" area, conforms with the EPA-approved State Implementation Plan (SIP), per contact with a regional Clean Air Agency, **AND** the project requires no individual NESHAP permit or notification; **B)** Negotiate suitable mitigation measures with the relevant regional Clean Air Agency, obtain necessary permits, issue required notices. (For example, 40 CFR §61.145 requires 10-day prior notification to the Air Quality District Administrator whenever either 260 linear ft., 160 sq.ft., or 35 cubic ft., of asbestos containing material is to be disturbed).

Farmland Protection: A) The project site does not include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service NRCS (formerly the Soil Conservation Service), **OR** the project site includes prime or unique farmland, but is located in an area committed to urban uses; **B)** Project site includes prime or unique farmland as identified by NRCS.

Noise Abatement and Control: A) The project does not involve development of noise sensitive uses, **OR** the project is not within 15 miles of a civil airport or military airfield, within 1000 feet of major highways or busy roads, or with 3000 feet of a railroad, **OR** ambient noise level is documented to be 65 LDN (CNEL) or less, based upon the HUD Noise Assessment Guidelines (NAG); **B)** Development project requires mitigation to meet HUD"s noise standards at 24 CFR 51B.

Explosive or Flammable Operations: A) The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to 24 CFR 51C, **OR** the project will expose neither people nor buildings to such hazards; **B)** Project requires mitigation to meet Acceptable Separation Distance.

Toxic Chemicals and Radioactive Materials: A) The subject and adjacent properties are free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which could affect the health or safety of occupants or conflict with the intended use of the subject property. **B)** Project requires mitigation to meet HUD's toxic standards.

Environmental Justice: A) The proposed site is suitable for its proposed use and will NOT have a disproportionate environmental impact on low income or minority populations; **B)** Site suitability is a concern; the proposal is adversely affected by environmental conditions disproportionately impacting low income or minority populations.

Airport Clear Zones and Accident Potential Zones: A) The project is not located within an FAA-designated civilian airport Runway Clear Zone (RCA) or Runway Protection Zone, or within the military Airfield Clear Zone (CZ) or Accident Potential Zone/Approach Protection Zone (APZ), based upon information from the airport or military airfield administrator identifying the boundaries of such zones, **OR** the project involves only minor rehabilitation, **OR** the project involves only the sale or purchase of an existing property in the RCZ or CZ; **B)** It is HUD policy not to provide any development assistance, subsidy or insurance in RCZs or CZs unless the project will not be frequently used or occupied by people and the airport operator provides written assurances that there are no plans to purchase the project site.

ATTACHMENT 1: SUPPLEMENTAL PROJECT INFORMATION

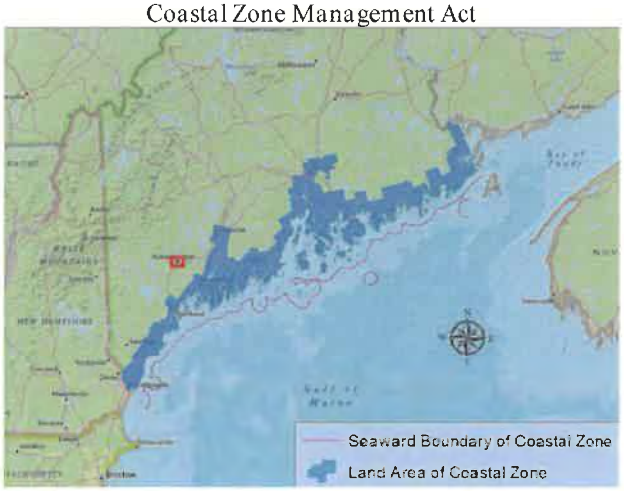
Floodplain Management Compliance and Flood Disaster Insurance



Airport Clear Zones



Coastal Zone Management Act



ATTACHMENT 2: HISTORIC CONSULTATION LETTER

12 Mountfort Street
Portland, Maine 04101
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

RECEIVED
AUG 20 2024
By 1527-24

Via Electronic Mail

8/20/2024

Kirk F. Mohney, Director and State Historic Preservation Officer
Maine Historic Preservation Commission
55 Capitol Street
65 State House Station
Augusta, ME 04333-0065

Re: 121 Mill Street, Auburn, ME Renovation
Owner of Record: City of Auburn – Parcel #221-041

Dear Mr. Mohney:

In accordance with Federal Regulation 36 CFR Part 800, we are providing information for your review and concurrence regarding the below-referenced Proposed Project.

The Proposed Project is the renovation of an existing office building, located at 121 Mill Street in Auburn Maine (Project Site), for use as a community resource center and to house the City's Community Development Offices. The intent is to use U.S. Department of Housing and Urban Development (HUD) American Rescue Plan Act (ARPA) funding and other non-federal funding to complete the Proposed Project.

The Project Site is a vacant non-residential property that includes a single-story masonry (cinder block concrete masonry unit and brick veneer) structure built in 1964, formerly used as commercial office space, with accessory parking (approximately 75 parking spaces). The City acquired the property in 2021 from Great Falls Marketing and the building has been vacant since 2020. The Proposed Project would include interior renovations to the 15,410 square foot (sf) existing structure to fit-out the space for its proposed use, plus the addition of a 300+/- sf loading dock, 170+/- sf staging area, and 336+/- sf cooler (refrigerator/freezer) on the northwest side of the building, parking lot restriping, American with Disabilities Act (ADA) accessible removals and retrofits, and safety-related rehabilitations to the roof, southwest landing, and northeast loading dock due to their current unsafe condition.

The Project Site is adjacent to the former Barker Mill, located at 143 Mill Street; the Barker Mill is listed on the National Register of Historic Places (NRHP). The Project Site and this NRHP-Listed resource are separated by a row of deciduous trees, which obscures the view to either property.

Enclosed for your review is supplemental project information (Attachment 1), Project Drawings (Attachment 2), and United States Geological Survey (USGS) 7.5' Topographic (Topo) Map (Attachment 3). This documentation is intended to satisfy the requirements set forth in §800.11(d).

Woodard & Curran

Based on our understanding of the Proposed Project and our review of the National Register of Historic Places, Maine property records, and the Project Drawings, we have made a Finding of "No Historic Properties Affected" pursuant to 36 CFR 800.4(d)(1).

We appreciate you examining this Proposed Project in accordance with the procedures for protection of historic properties (36 CFR Part 800) to determine whether the Proposed Project would have the potential to affect historic properties. We understand that in accordance with §800.4(d)(1)(i), your office has thirty days to object to this finding, otherwise we will assume that you concur with our finding.

Should you have any questions, please contact me at (781) 613-0168 or you can reach out to Zakk Maher at the City at (207) 333-6601 x1136.

Sincerely,

Megan Gatto

Megan Gatto, AICP
Project Manager
Woodard & Curran, Inc.

Cc:
Glen E. Homes, Director of Business & Community Development, City of Auburn
Zakk Maher, Deputy Director of Business & Community Development, City of Auburn
Barry Sheff, Vice President, Woodard & Curran

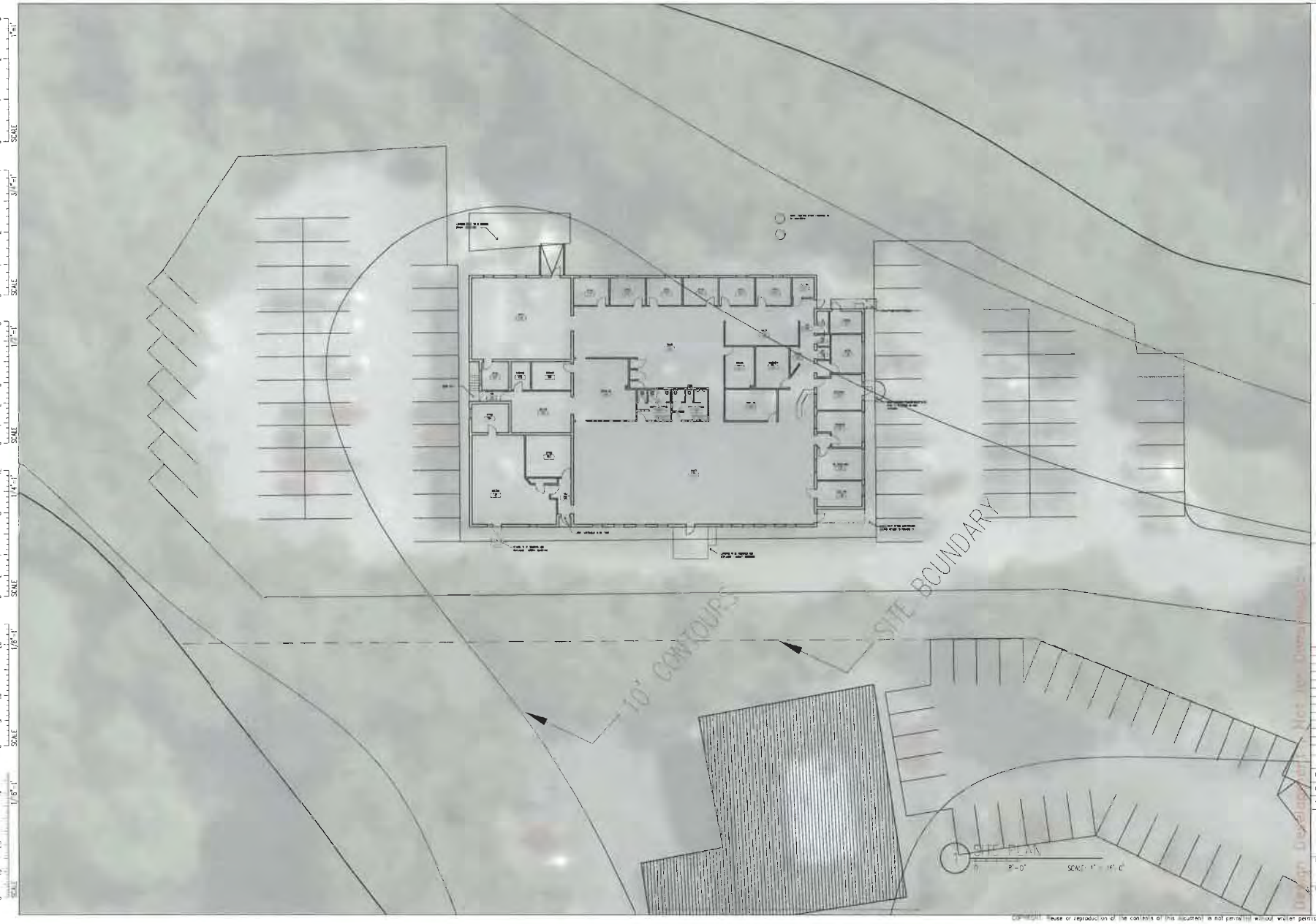
Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

Kirk F. Mohney 8/28/24

Kirk F. Mohney,
State Historic Preservation Officer
Maine Historic Preservation Commission **Date**

MHPC # 1527-24

ATTACHMENT 3: PROJECT DRAWINGS



IF THIS SHEET IS NOT 24 X 36 IT IS A REDUCED SCALE PRINT - SCALE ACCORDINGLY

PORT CITY ARCHITECTURE
65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000
fax: 207.761.2010

AUBURN COMMUNITY RESOURCE CENTER
AUBURN, MAINE

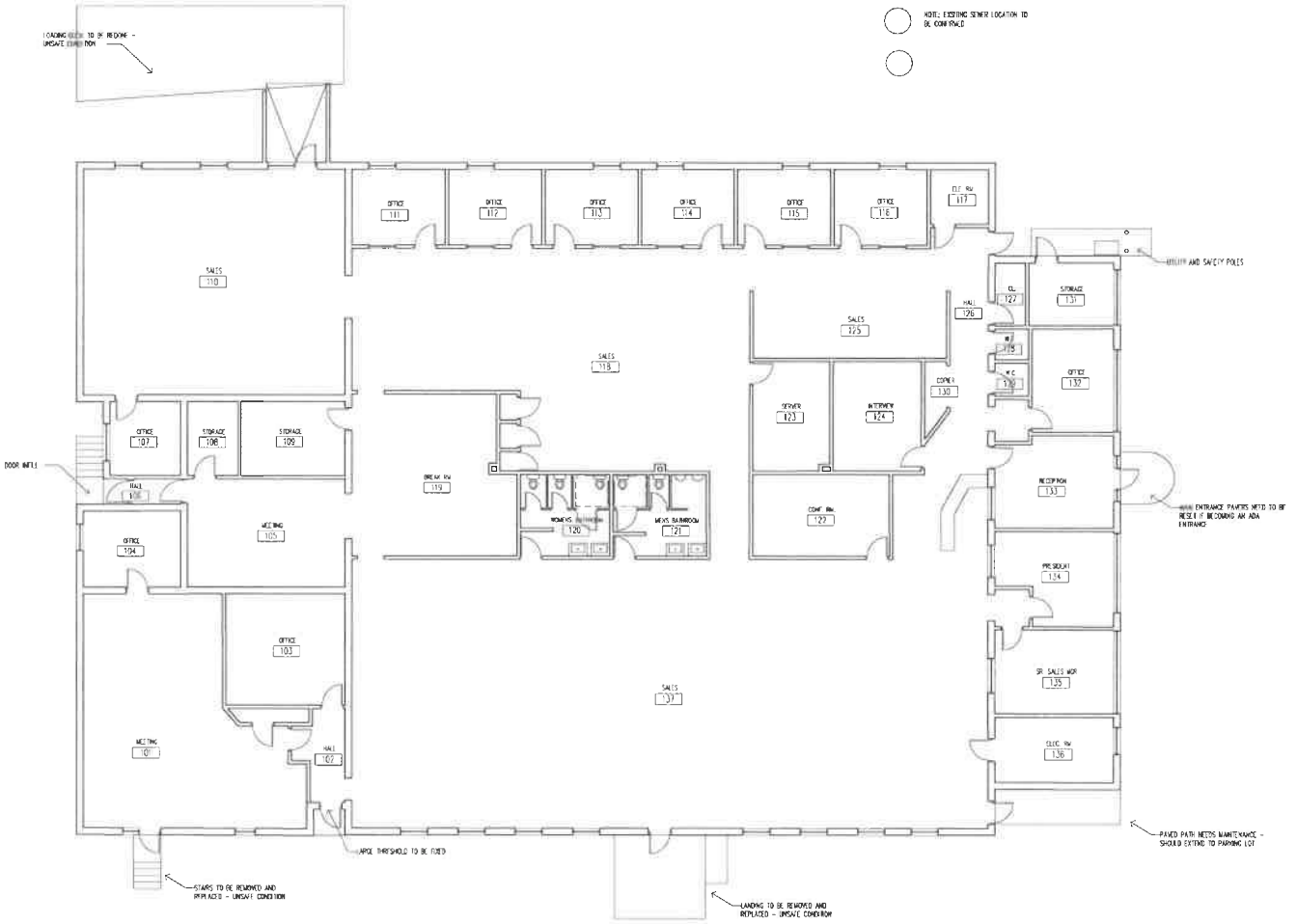
Date Issued JULY 16, 2024
Project Number 24417
Scale

SHEET NAME
SITE PLAN

Drawn By RAD
Checked By LAS

D0.1

Design Development - Not for Construction
Copyright. Reuse or reproduction of the contents of this document is not permitted without written permission of PORT CITY ARCHITECTURE PA



1 EXISITNG PLAN
0 4'-0" SCALE: 1" = 8'-0"

IF THIS SHEET IS NOT 24 X 36 IT IS A REDUCED SCALE PRINT - SCALE ACCORDINGLY

SCALE 0 1/16"=1" 1/8"=1" 1/4"=1" 1/2"=1" 3/4"=1" 1"=1"

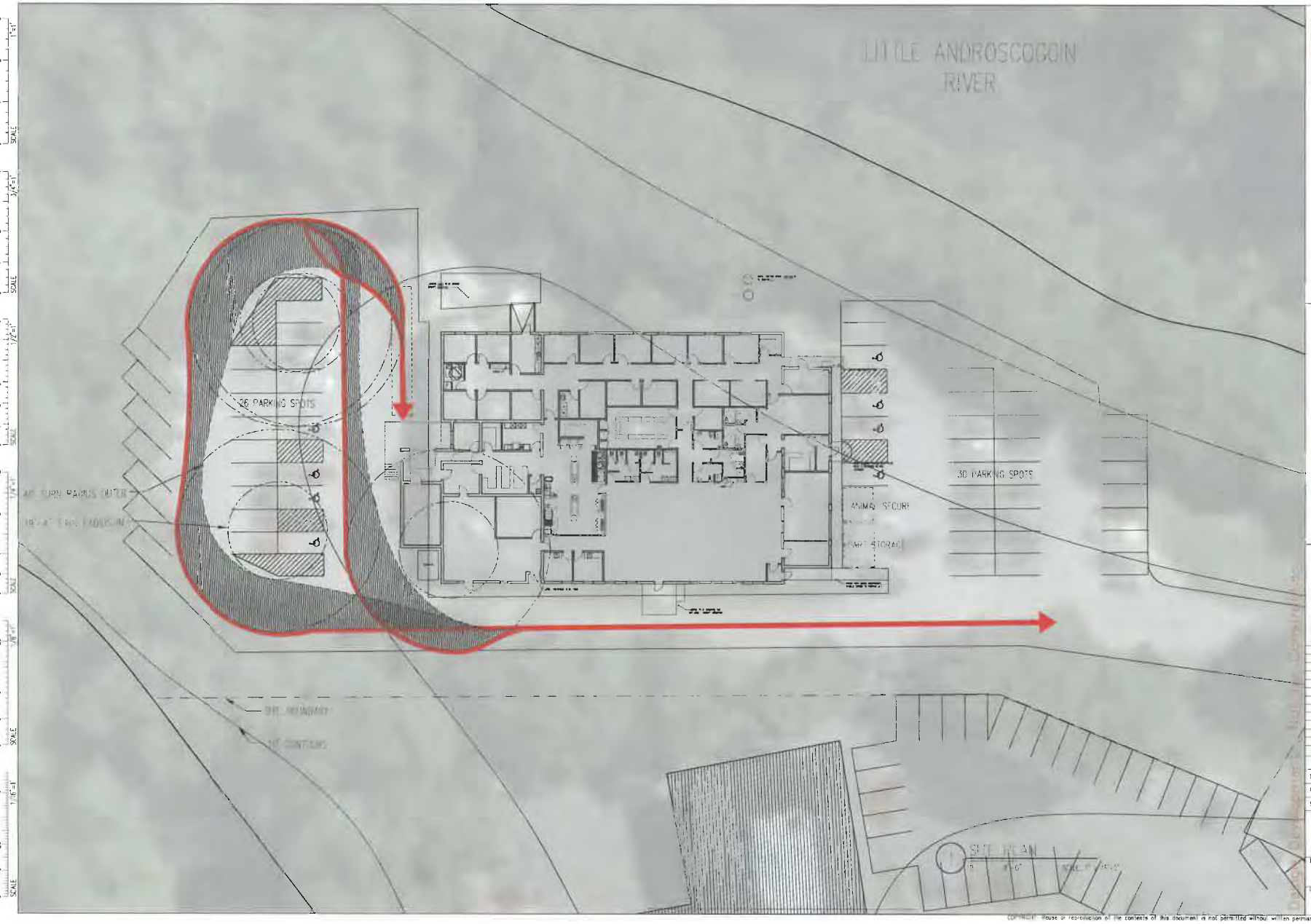
PORT CITY ARCHITECTURE
85 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000
fax: 207.761.2010

AUBURN COMMUNITY RESOURCE CENTER
AUBURN, MAINE

Design Development - Not for Construction

Date Issued JULY 18, 2024
Project Number 24417
Scale
SHEET NAME
EXISTING PLAN
Drawn By RAD
Checked By LAS
D1.1

COPYRIGHT Reuse or reproduction of the contents of this document is not permitted without written permission of PORT CITY ARCHITECTURE PA



IF THIS SHEET IS NOT 24 X 36 IT IS A REDUCED SCALE PRINT - SCALE ACCORDINGLY

PORT CITY ARCHITECTURE
65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9060
fax: 207.761.2010

AUBURN COMMUNITY RESOURCE CENTER
AUBURN, MAINE

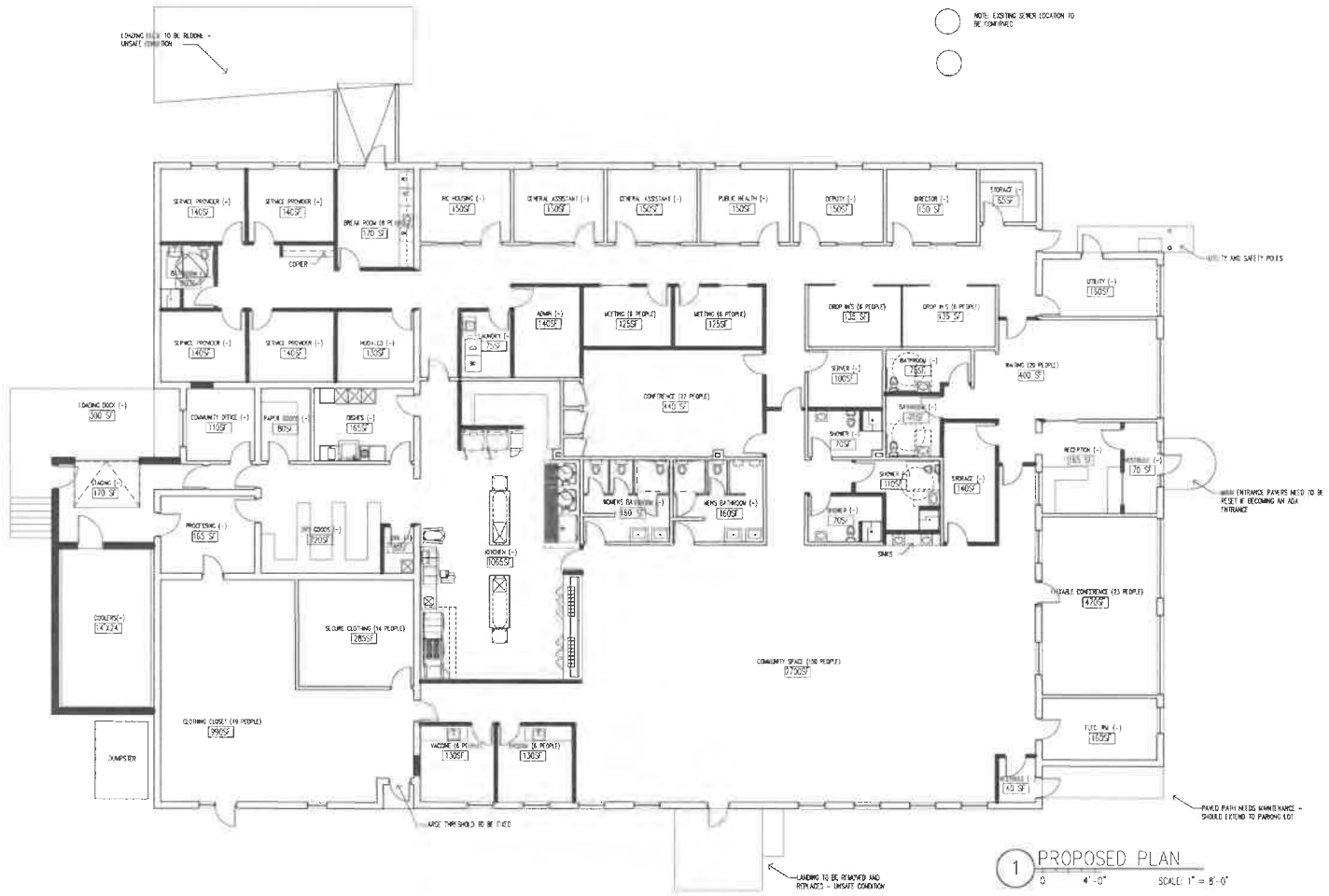
Date Issued: JULY 18, 2024
Project Number: 24417
Scale:

SHEET NAME
SITE PLAN

Drawn By: RAD
Checked By: LAS

A0.1

COPYRIGHT House or reproduction of the contents of this document is not permitted without written permission of PORT CITY ARCHITECTURE PA



1 PROPOSED PLAN
0 4'-0" SCALE: 1" = 8'-0"

IF THIS SHEET IS NOT 24 X 36 IT IS A REDUCED SCALE PRINT - SCALE ACCORDINGLY

SCALE 1"=1' 3/4"=1' 1/2"=1' 1/4"=1' 1/8"=1' 1/16"=1'

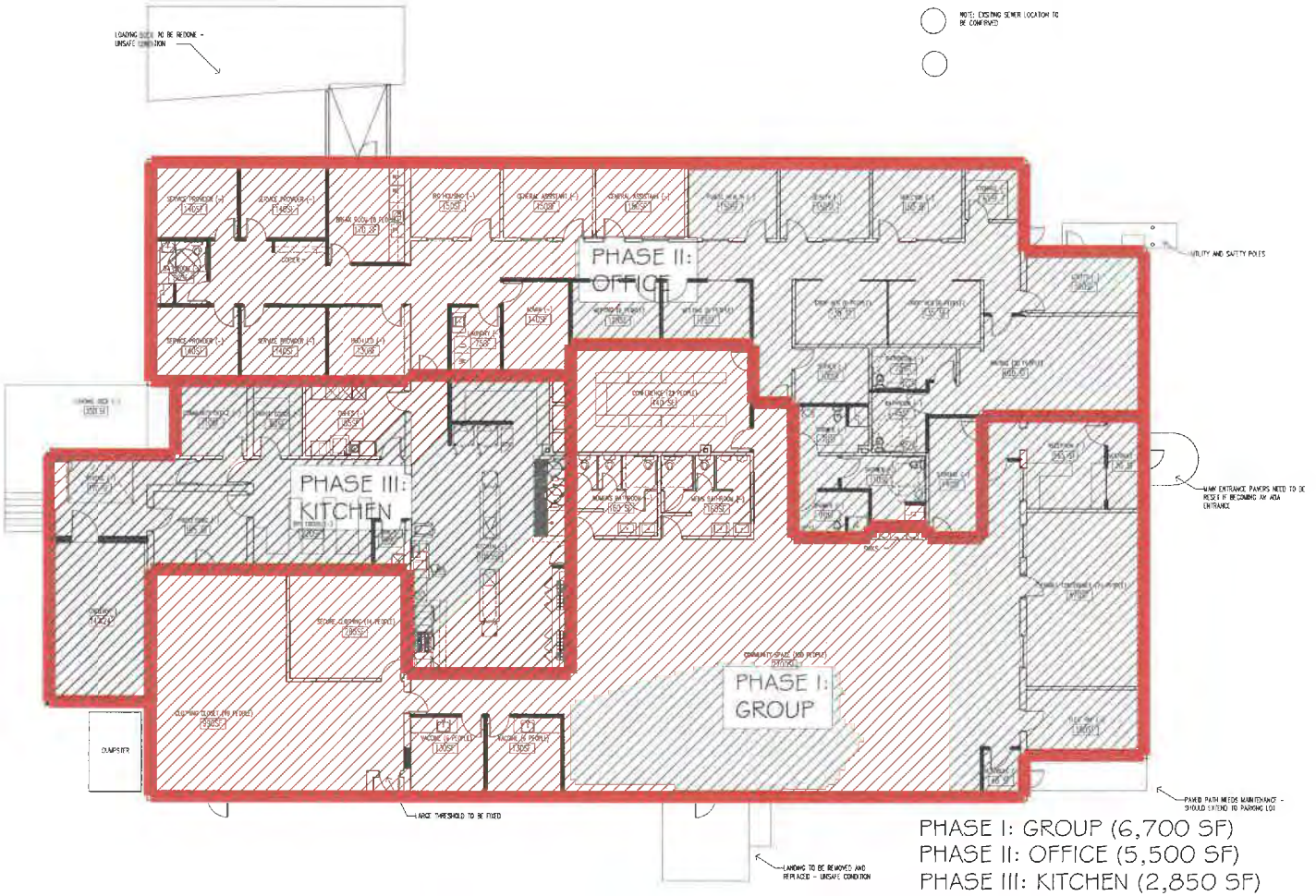
PORT CITY ARCHITECTURE
65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000
fax: 207.761.2010

AUBURN COMMUNITY RESOURCE CENTER
AUBURN, MAINE

Date Issued JULY 19, 2024
Project Number 24417
Scale
SHEET NAME
PROPOSED PLAN
Drawn By RAD
Checked By LAS
A1.1

Design Development - Not for Construction

COPYRIGHT: Reuse or reproduction of the contents of this document is not permitted without written permission of PORT CITY ARCHITECTURE PA



PHASE I: GROUP (6,700 SF)
PHASE II: OFFICE (5,500 SF)
PHASE III: KITCHEN (2,850 SF)

1 PHASE PLAN
0 4'-0" SCALE: 1" = 8'-0"

IF THIS SHEET IS NOT 24 X 36 IT IS A REDUCED SCALE PRINT - SCALE ACCORDINGLY

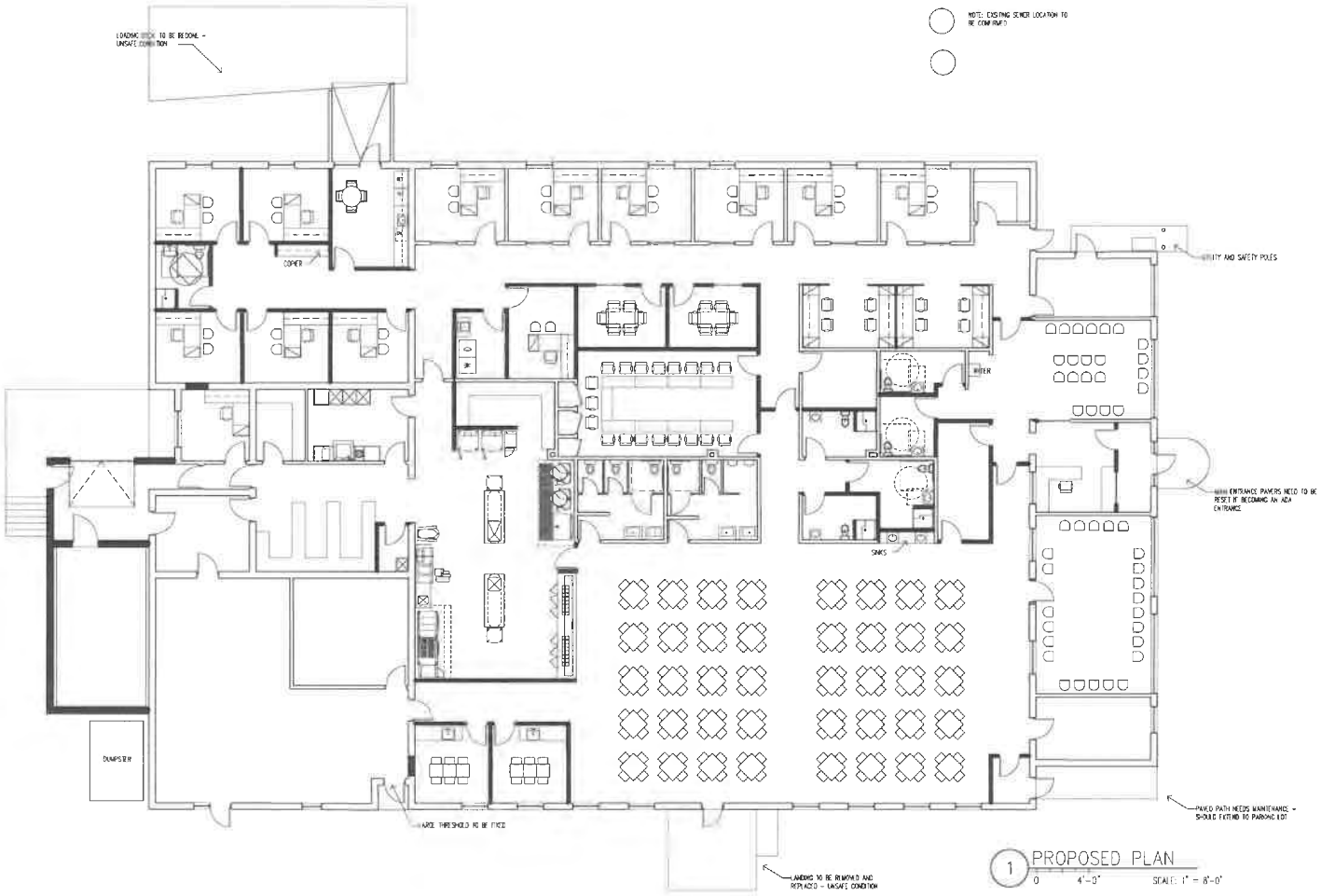
PORT CITY ARCHITECTURE
65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000
fax: 207.761.2010

AUBURN COMMUNITY RESOURCE CENTER
AUBURN, MAINE

Design Development - Not for Construction

Date Issued JULY 19, 2024
Project Number 24412
Scale
SHEET NAME
PHASES
Drawn By RAD
Checked By LAS
A1.2

COPYRIGHT Reuse or reproduction of the contents of this document is not permitted without written permission of PORT CITY ARCHITECTURE PA



1 PROPOSED PLAN
0 4'-0" SCALE: 1" = 8'-0"

IF THIS SHEET IS NOT 24 X 36 IT IS A REDUCED SCALE PRINT - SCALE ACCORDINGLY

PORT CITY ARCHITECTURE
65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000
fax: 207.761.2010

AUBURN COMMUNITY RESOURCE CENTER
AUBURN, MAINE

Design Development - Not for Construction

Date Issued JULY 18, 2024
Project Number 24417
Scale

SHEET NAME
PROPOSED FURNITURE PLAN

Drawn By NAD
Checked By LAS

F1.1

COPYRIGHT Reuse or reproduction of the contents of this document is not permitted without written permission of PORT CITY ARCHITECTURE PA

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Citizen Participation Plan
2020-2024
Adopted July 18th, 2022
Amended December 16th, 2024

The U.S. Department of Housing and Urban Development (HUD) has consolidated the planning, application, reporting and citizen participation processes of formula grant programs: Community Development Block Grants (CDBG), & Home Investment Partnerships (HOME). The Consolidated Plan is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the formula block grant programs.

The city of Auburn (City) encourages citizens, especially those earning low and moderate incomes, to participate in the development of the City's Consolidated Housing and Community Development Plan ("Consolidated Plan"). This Citizen Participation Plan outlines the responsibilities of the City for obtaining citizen participation in the process of preparing, amending, and updating the Five-Year Consolidated Plan, the Annual Action Plan, and the Consolidated Annual Performance Evaluation Report (CAPER).

Citizen Participation Statutory Requirements

Plan/Report	Frequency	Due Date	Comment Period	Public Hearings
Consolidated Plan	Every 5 years	May 15*	30 days	2
Annual Action Plan	Every Year	May 15*	30 days	2
Amendments to Consolidated Plan Annual Action Plan	As needed		30 days	1
Consolidated Annual Performance Evaluation Report (CAPER)	Every year	Sept. 30	15 days	1

*Unless otherwise extended by HUD CPD Notice

Timeline of Annual Tasks, Submissions & Approvals

February	Public Hearing to solicit consolidated/Action plan input Complete Department Program Budget
March 1st	Revisit Needs assessment and prioritizations Draft Consolidated/ Action Plan
April 1st	Publish Consolidated/ Action Plan Public Notice for 30-day Comment Period
1st Council Meeting in May	Public Hearing Approval of Budget & Action Plan
May 15th	Submission of: • Consolidated/ Action Plan • Summary of Consultations • Summary of Citizen Participation/ Comments • Certifications & 424s
July 1st	Beginning of Fiscal Year
August 1st	Close out Previous year activities/ Budgets
September 15	Publish CAPER Public Hearing regarding CAPER
September 30th	Submit CAPER to HUD
December 1st	Release annual citizen participation survey Solicit unmet needs statements from area service providers

THE CONSOLIDATED PLAN AND THE ANNUAL ACTION PLAN

The Consolidated Plan examines the current housing situation, explores the housing and community development needs of the City, and sets priorities for spending HUD grant funds. The Annual Action Plan represents activities for years 2-5 of the Consolidated Plan. The City encourages inter-local government, public and private agency, and citizen participation in collaboratively identifying housing and community development needs. To provide varied opportunities for participation in the planning and preparation of the Consolidated Plan, the City will undertake the following actions:

Consultation

Prior to the development of the draft Consolidated Plan, the City will solicit information about housing and community development needs. This solicitation may take the form of one or more of the following:

1. Consultation with local public agencies which assist low-income persons and areas, including state and federal agencies, other local governments and regional councils of government.
2. Consultation with private agencies, including public and private housing developers, local not-for-profit service providers, local public housing authorities, homeless service providers, not for-profit housing developers, community action agencies, social service agencies and advocates.

3. Information collection at statewide affordable housing and homeless conferences, with established entities such as the Statewide Homeless Council and the Continuums of Care, MaineHousing and with professional associations.
4. Public Hearing to solicit input from the community.
5. Sharing of local data and plans with Auburn Housing Authority to be incorporated in the AHA public hearing process.

Participation of Citizens

The City encourages citizens to participate in the development of the Consolidated Plan, Annual Action plans and all annual performance evaluations and reports. The City will take whatever actions are appropriate to encourage the participation of all residents, including minorities, non-English speaking persons, persons with disabilities, low- and moderate income persons, particularly those persons living in areas designated by the City as a revitalization area, or in a slum and blight area where CDBG funds are proposed to be used, as well as residents of predominantly low- and moderate income neighborhoods as defined by the most recent HUD census data. This includes translation services upon request for any written plans or notices as well as the increased use of the development of new, quantitative ways to increase and broaden public participation beyond the attendance of Public Hearings as required by 24 CFR 91.105 A-2 (iv).

Citizen participation will be accomplished through the following means:

1. Citizen Survey
    - An online survey of housing needs and service priorities will be provided via the City's websites. The availability of the online survey will be communicated through email and social media. Partner organizations will be encouraged to notify low-income clients of its availability.
    - A paper survey corresponding to the online survey will be provided locally through jurisdiction-wide service providers. These surveys will be translated into a minimum of three additional languages to include French, Portuguese & Somali.
2. Public Hearings/Forums
    - Public hearings will be scheduled at times and locations that are convenient to potential and actual beneficiaries.
    - Sites will accommodate persons with mobility impairments by being held in locations which meet ADA requirements, and special communication accommodations will be arranged if requested prior to the hearing date.

To the greatest extent practicable, the City may employ electronic means of communication and consultation, to include e-committees, online discussion forums and blogs, videoconferencing, online surveys, or similar methods. Upon request the City will provide Technical Assistance to groups representative of low- to moderate income communities who need assistance in developing proposals for funding assistance under any program included within the Consolidated Plan.

Public Notice

Reasonable notice will be given to announce the availability of the draft Consolidated Plan, Annual Action Plan and Consolidated Annual Performance and Evaluation Report. Availability of the drafts Plan or Annual Action Plan will be announced on the City's website and Social media.

To encourage citizen comment and attendance at public hearings/forums, notices will be emailed via City's mass email list as well as posted in city facilities including the local Housing Authority, the city Library, Senior Center and other service organizations which predominantly serve Low- and moderate-income residents.

These notices will include links to the draft plans and reports, contain information on how to access translation services and notify residents how to receive paper copies of the full proposals. The draft plans published will include the following as required by 24 CFR 91.105 (b)(1):

- HUD-provided data available to the public as cross-referenced to the data on HUD's Website
- the amount of assistance the local government expects to receive (including grant funds and program income);
- the range of activities that may be undertaken;
- the estimated amount of funding that will benefit persons of low- and moderate-income;
- the local government's plans to minimize displacement of persons and to assist any persons displaced, specifying the types and levels of assistance the local government will make available (or require others to make available) to persons displaced, even if the local government expects no displacement to occur; and

Public Hearings

Public hearings will be held before the submission of the final Consolidated & Annual Action Plan. This will be part of the 30-day public comment period. The purpose of this public hearing will be to gather citizen input on the proposed plans prior to submission.

Citizens will be notified of the public hearings at least two weeks before they are held. Public hearings will be announced in at least one Maine newspaper, by email, and on the City websites.

CONSIDERATION OF PUBLIC COMMENTS

A public comment period of at least 30 days will be provided prior to the adoption of the Consolidated Plan or implementation of substantial amendments. City staff will prepare a summary of all comments received in writing, or orally at the public hearing. In cases where citizens' views are not accepted, the city will provide reasons for the decision.

CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORTS

Before the City submits a Consolidated Annual Performance and Evaluation Report (CAPER) to HUD, the proposed CAPER will be made available to those interested for a comment period of no less than 15 days. Citizens will be notified of the CAPER's availability by public notices as outlined above

The CAPER will be available on the City website during the 15-day public comment period. Hard copies will be provided upon request. Any comments from individuals or groups received verbally or in writing will be considered. A summary of the comments, and of the responses, will be included in the final CAPER.

SUBSTANTIAL AMENDMENTS

A substantial amendment is defined as a proposed change in allocation of funds after the official adoption of the Consolidated Plan that affects 10 percent or more of the City's annual allocation of CDBG & HOME funds. A substantial amendment may also be required to carry out an activity not previously described in the action plan.

Any changes in the distribution of funds caused by changes in federal funding allocations after the Consolidated Plan/Annual Action Plan's draft comment period has expired will not be considered a substantial amendment.

Substantial amendments to the approved Consolidated Plan will be made public by public notices as outlined above. The City will receive and consider comments delivered in writing or orally at a Public Hearing on substantial amendments to the Consolidated Plan for 30 days before implementing those amendments. Approved amendments and a summary of comments will be attached and uploaded to the plan being amended within the Integrated Disbursement Information System.

The application for and use of Section 108 Loan guarantee funds-including any potential repayment from future entitlement funds will follow the same citizen's participation process outlined in this plan. If the city's decision to apply for Section 108 loan guarantee funds occurs after the annual public hearing on community development and housing needs, and the section 108 funding is not included in the annual action plan approved by HUD, the city will address this decision as a substantial amendment to the plan. In this case, the city will follow the substantial amendment process outlined above prior to applying for Section 108 funding.

If a state of emergency is declared which requires reallocation of funds and/or receipt of disaster recovery funding, the City will follow any abbreviated notice and approval process as published within a HUD CPD notice.

CITIZEN COMPLAINTS

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

Community Development Department
City of Auburn
60 Court Street
Auburn, ME 04210

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

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

PUBLIC ACCESS : Availability of Documents

The final Consolidated Plan, any substantial amendments, and annual performance reports will be made available to the public on the city's website. Copies will be available in printed form or electronic means upon request.

Access to Records

The City will provide all interested parties with access to information and records related to the Citizen Participation Plan, Consolidated Plan, Action Plan and any amendments by posting it in a translatable form on the city website. Hard copies can be requested, and accommodations will be available to individuals with visual or hearing impairments. Records relating to these documents can be requested for the preceding five years. The public will be provided reasonable access to housing assistance records, subject to laws regarding privacy and obligations of confidentiality.

Accommodations

Arrangements will be made for non-English-speaking persons and persons with special needs for mobility, hearing and visual impairments, or the homebound. Please contact the Community Development Department in advance so that arrangements can be made to provide adequate communication assistance. Access to these accommodations can be attained by contacting the Community Development Office ahead of time at (207) 333-6601 or emailing CDBG@auburnmaine.gov .

ORDER 164-12162024

City Council Order

IN CITY COUNCIL

Ordered, that City Council hereby adopts an Amendment to the CDBG/HOME Consortium Consolidated & Action Plan for Program Year 2024 as presented by the Business & Community Development Department.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

RESOLVE 8-12162024

City Council Resolve

IN CITY COUNCIL

RESOLUTION OF THE AUBURN CITY COUNCIL APPROVING AND RATIFYING THE APPLICATION OF A $1,000,000 HUD SECTION 108 LOAN GUARANTEE FOR THE DEVELOPMENT OF THE AUBURN COMMUNITY RESOURCE CENTER LOCATED AT 121 MILL ST.

WHEREAS, the Auburn City Council approved the development of the Auburn Community Resource Center located at 121 Mill St on July 1, 2024; and

WHEREAS, that the Auburn City Council approved the use of Community Development Block Grant (CDBG) funds for the construction of the Auburn Community Resource Center on August 19th, 2024; and

WHEREAS, the Department of Housing & Urban Development (HUD) has established under the Housing and Community Development Act of 1974 the CDBG program and included provisions for loans to entitlement communities whereby they pledge their future CDBG entitlements as a guarantee to the loan, in a program known as the Section 108 Loan Guarantee Program. The Section 108 Loan Guarantee Program provides below-market rate loans for qualified projects that serve the needs of low- and moderate-income persons; and

WHEREAS, the City of Auburn meets the criteria to participate in the Section 108 Loan Guarantee Program as a Grantee, receiving funds through the HUD CDBG program; and

WHEREAS, the Auburn City Council adopted substantial amendment #2 to the city's Consolidates and PY2024 Action Plan for the period from July 1, 2024 through June 30, 2025 to include a HUD section 108 Loan Guarantee as a funding source for the development of the Auburn Community Resource Center in accordance with the city Citizen Participation Plan (CPP) and federal regulations to include the; and

WHEREAS, the City of Auburn in accordance with Federal regulations, has made this amendment available for public review and comment period for a period of thirty days as required by Federal regulations, and has summarized, and in some cases incorporated as applicable, the resulting public comments regarding these amendments into the body of the Action Plan; and

WHEREAS, by adopting this amendment, the Auburn City Council approves the Section 108 Loan Guarantee application as presented and directs the city manager to submit to the U.S. Department of Housing & Urban Development.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Council Resolve

NOW, THEREFORE, the Auburn City Council hereby approves and ratifies:

1. All Actions of the city manager necessary to apply for, complete, and receive a $1,000,000 HUD Section 108 Loan Guarantee; and
2. Upon successful receipt of the same, use the proceeds of the loan for the redevelopment of city owned property located at 121 Mill St.
3. The city manager is hereby authorized to execute, deliver and carry out all necessary and reasonable actions required to carry out and give effect to the transaction contemplated within this resolution.
4. This resolution shall become effective immediately upon adoption.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Monthly Financial Report

October 2024 - Fiscal Year 2025

Authored by: Kelsey Earle

To: Honorable Mayor, Members of the City Council and City Manager
Subject: Financial Report for the Month Ending October 31, 2024

I respectfully submit the financial summaries of the revenue and expenditure activities for the City during the month ending October 31, 2024.

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 first month of the current fiscal year. As a guideline for tracking purposes, if split evenly throughout the year, revenues and expenditures should amount to approximately 33.33% of the annual budget. However, not all costs and revenues are distributed evenly as individual line items can vary based upon cyclical activity. As such, comparisons are made based upon previous years of activity as noted.

General Fund Highlights

Revenues

Total revenues collected through October 2024 were **$41.39M** or **33.0%** of budgeted general fund revenue, as compared to 43.9**%** of actual revenues through October 2023.

- Revenues down 7% in Clerks department- Commercial licenses down by over $15K. Other larger percentage reductions attributed to School Department.

Expenditures

Expenditures through October 2024 were **$26.3M** or **22.7%** of the budget, as compared to 27.1**%** of actual expenditures through October 2023.

- Health & Social Services had a much higher expenditure total at this time last fiscal year. General Assistance reports that requests have slowed.

Respectfully submitted,

Kelsey L. D. Earle

Kelsey L. D. Earle
Finance Director

CITY OF AUBURN

BALANCE SHEET FOR 2025 Period 4 (October)

			NET CHANGE FOR PERIOD	ACCOUNT BALANCE
FUND: 1000 General Fund				
ASSETS				
	TOTAL ASSETS		-2,167,903.71	64,071,051.54
LIABILITIES				
	TOTAL LIABILITIES		514,408.05	-30,254,794.03
FUND BALANCE				
1000	037000	Ctrl Total - Encumbrances	-187,770.25	1,823,429.69
1000	037100	Assinged Fund Balance	.00	-1,951,394.00
1000	037102	Nonspendable Fund Balance	.00	-689,263.00
1000	037103	Restricted Fund Balance	.00	-2,309,553.00
1000	037104	Unassinged Fund Balance	.00	-17,882,496.61
1000	037105	FB RESTRICTED SCHOOL	.00	536,000.00
1000	037201	CTRL TOTAL-BUD FB DESIGNATED	187,770.25	-1,823,429.69
1000	047000	Ctrl Total - Revenues	-2,449,664.40	-37,153,976.67
1000	057000	CTRL TOTAL-EXPENDITURES	4,103,160.06	25,632,346.49
	TOTAL FUND BALANCE		1,653,495.66	-33,818,336.79
TOTAL LIABILITIES + FUND BALANCE			2,167,903.71	-64,073,130.82

CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF October 31, 2024

INVESTMENT		FUND	BALANCE October 31, 2024	BALANCE September 30, 2024	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	$ 1,628,753.27	$1,625,643.96	**2.00%**
ANDROSCOGGIN BANK	502	SR-TIF	$ 1,058,611.23	$1,056,590.33	**2.00%**
ANDROSCOGGIN BANK	836	GENERAL FUND	$ 30,677,590.07	$37,859,868.70	**2.00%**
ANDROSCOGGIN BANK	801	WORKERS COMP	$ 54,782.96	$54,678.39	**2.00%**
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	$ 354,211.83	$353,535.62	**2.00%**
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	$ 236,508.77	$236,057.26	**2.00%**
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	$ 423,524.59	$422,716.10	**2.00%**
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	$ 8,592,579.35	$8,569,697.21	**2.00%**
NOMURA 2		ELHS Bond Proceeds	$ 4,023,708.42	$4,023,708.42	**2.08%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**5.05%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**4.20%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**5.80%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**5.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**5.75%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**5.60%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**4.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**5.10%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**5.10%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**5.10%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**4.35%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$250,000.00	**4.40%**
GRAND TOTAL			**$ 51,550,270.49**	**$ 58,702,495.99**	**4.02%**

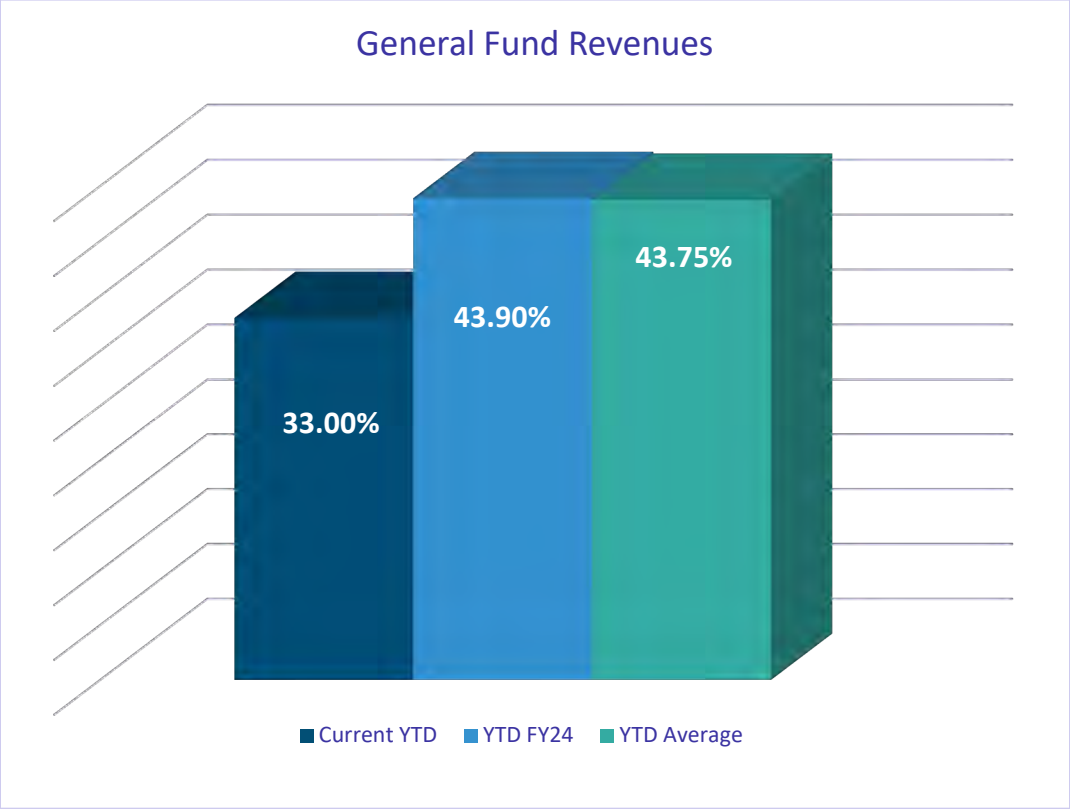
EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2024 - Oct 31,2024
Report as of October 31st, 2024

	Beginning Balance 10/1/2024	October 2024 New Charges	October 2024 Payments	October 2024 Refunds	October 2024 Adjustments	Write-Offs	Ending Balance 10/31/2024
Attorney/In care of	**$ 945.25**	$ -	$ -	$ -	$ -	$ -	$ 945.25
Bluecross	**$ 86,392.98**	$ 24,486.00	$ (8,816.30)	$ -	$ (3,169.73)	$ -	$ 98,892.95
Intercept	**$ (2,169.40)**	$ -	$ (100.00)	$ -	$ -	$ -	$ (2,269.40)
Medicare	**$ 507,450.22**	$ 238,730.00	$ (53,846.14)	$ -	$ (93,060.50)	$ -	$ 599,273.58
Medicaid	**$ (268,705.88)**	$ 79,914.00	$ (29,987.10)	$ -	$ (29,447.13)	$ -	$ (248,226.11)
Other/Commercial	**$ 159,257.58**	$ 52,533.70	$ (22,376.88)	$ -	$ (3,295.25)	$ -	$ 186,119.15
Private Insurance	**$ -**	$ 924.00	$ -	$ -	$ -	$ -	$ 924.00
Patient	**$ (59,464.59)**	$ 16,962.00	$ (13,758.84)	$ 25.00	$ (1,442.67)	$ (25,785.61)	$ (83,464.71)
Worker's Comp	**$ (15,321.51)**	$ 1,170.00	$ (1,676.20)	$ -	$ -	$ -	$ (15,827.71)
TOTAL	**$ 408,384.65**	**$ 414,719.70**	**$ (130,561.46)**	**$ 25.00**	**$ (130,415.28)**	**$ (25,785.61)**	**$ 536,367.00**

General Fund

for the Period Ended October 31, 2024

*Graph reflects current YTD with comparison to prior YTD and YTD average of prior 3 years percentage.



FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1000 General Fund							
1006 Communications & Engagement							
420070 Sponsorships-Special Events	-65,000	0	-65,000	.00	.00	-65,000.00	.0%
TOTAL Communications & Engagement	-65,000	0	-65,000	.00	.00	-65,000.00	.0%
1007 City Clerk							
420011 Fees - Clerk/Sale of Copies	-60	0	-60	-6.00	.00	-54.00	10.0%
420013 Fees - Voter Registration Lis	-200	0	-200	-22.00	.00	-178.00	11.0%
420024 Fees - City Clerk Notary	-1,100	0	-1,100	-470.00	.00	-630.00	42.7%
420066 City Clerk Advertising Fees	0	0	0	-400.00	.00	400.00	.0%
421001 Certificate - Birth	-3,500	0	-3,500	-1,732.00	.00	-1,768.00	49.5%
421002 Certificate - Death	-17,000	0	-17,000	-4,480.60	.00	-12,519.40	26.4%
421003 Certificate - Marriage	-4,500	0	-4,500	-2,151.80	.00	-2,348.20	47.8%
421006 Licenses - Commercial	-75,000	0	-75,000	-10,590.00	.00	-64,410.00	14.1%
421007 Licenses - Marriage	-5,500	0	-5,500	-3,240.00	.00	-2,260.00	58.9%
421012 Marijuana Business Licenses	-200,000	0	-200,000	-71,700.00	.00	-128,300.00	35.9%
421101 Permits - Burial	-2,000	0	-2,000	-686.00	.00	-1,314.00	34.3%
TOTAL City Clerk	-308,860	0	-308,860	-95,478.40	.00	-213,381.60	30.9%
1008 Finance							
401011 2011 Property Tax Revenue	0	0	0	-145.05	.00	145.05	.0%
401013 2013 Property Tax Revenue	0	0	0	-300.00	.00	300.00	.0%
401014 2014 Property Tax Revenue	0	0	0	-148.75	.00	148.75	.0%
401015 2015 Property Tax Revenue	0	0	0	-41.04	.00	41.04	.0%
401016 2016 Property Tax Revenue	0	0	0	.00	.00	.00	.0%
401017 2017 Property Tax Revenue	0	0	0	.00	.00	.00	.0%
401018 2018 Property Tax Revenue	0	0	0	-99.41	.00	99.41	.0%
401019 2019 Property Tax Revenue	0	0	0	-696.54	.00	696.54	.0%
401020 2020 Property Tax Revenue	0	0	0	.00	.00	.00	.0%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
401021 2021 Tax Revenue	0	0	0	-4,216.89	.00	4,216.89	.0%
401022 2022 Tax Revenue	0	0	0	-66,572.37	.00	66,572.37	.0%
401023 2023 Tax Revenue	0	0	0	-360,970.89	.00	360,970.89	.0%
401024 2024 Tax Revenue	0	0	0	-28,910,650.25	.00	28,910,650.25	.0%
401100 Property Tax Revenue - Current	-54,314,567	0	-54,314,567	.00	.00	-54,314,567.00	.0%
401300 Homestead Exemption Reimburse	-1,770,000	0	-1,770,000	-1,722,458.80	.00	-47,541.20	97.3%
401400 In Lieu of Taxes	-90,000	0	-90,000	.00	.00	-90,000.00	.0%
401500 Personal Property Reimburse	-3,000,000	0	-3,000,000	.00	.00	-3,000,000.00	.0%
402000 Excise Tax - Vehicles	-4,650,000	0	-4,650,000	-1,870,736.77	.00	-2,779,263.23	40.2%
402001 Excise Tax - Boat	-15,000	0	-15,000	-2,482.20	.00	-12,517.80	16.5%
402002 Excise Tax - Aircraft	-5,000	0	-5,000	-75.00	.00	-4,925.00	1.5%
403000 Penalties & Interest	-100,000	0	-100,000	-18,643.15	.00	-81,356.85	18.6%
420003 Cable Television Franchise	-125,000	0	-125,000	-56,454.63	.00	-68,545.37	45.2%
420038 Fees - Hunting/Fishing/Dogs	-700	0	-700	-115.25	.00	-584.75	16.5%
420041 Fees - Neutered Animals	-2,000	0	-2,000	-176.00	.00	-1,824.00	8.8%
420055 Fees - MMWAC Host	-232,110	0	-232,110	.00	.00	-232,110.00	.0%
420080 CATV Fees-City of Lewiston	-71,000	0	-71,000	.00	.00	-71,000.00	.0%
421000 Agent Fee	-95,000	0	-95,000	-31,820.00	.00	-63,180.00	33.5%
421011 Fines - Dog	-3,000	0	-3,000	-475.00	.00	-2,525.00	15.8%
422000 Investment Income	-350,000	0	-350,000	-73,996.54	.00	-276,003.46	21.1%
429000 Miscellaneous	-50,000	0	-50,000	-35,438.97	.00	-14,561.03	70.9%
429004 CDBG Reimbursement	-588,154	0	-588,154	.00	.00	-588,154.00	.0%
429009 Reimbursement - Other	-193,132	0	-193,132	.00	.00	-193,132.00	.0%
429013 Sale of Assets	-100,000	0	-100,000	-1,327.37	.00	-98,672.63	1.3%
429036 Ingersoll Turf Facility Income	-245,000	0	-245,000	.00	.00	-245,000.00	.0%
429200 Tax Sharing Revenue	-182,000	0	-182,000	.00	.00	-182,000.00	.0%
429900 Designated FB Offset	-1,875,000	0	-1,875,000	.00	.00	-1,875,000.00	.0%
430000 Other State Aid	-3,400	0	-3,400	.00	.00	-3,400.00	.0%
430001 State Revenue Sharing	-7,200,000	0	-7,200,000	-3,032,804.48	.00	-4,167,195.52	42.1%
430003 Tree Growth	-12,500	0	-12,500	-11,322.81	.00	-1,177.19	90.6%
430004 Veterans Reimbursement	-18,000	0	-18,000	.00	.00	-18,000.00	.0%
580000 TIF	-1,500,000	0	-1,500,000	.00	.00	-1,500,000.00	.0%
580020 Transfer In-Opioid Settlement	-60,000	0	-60,000	.00	.00	-60,000.00	.0%
TOTAL Finance	-76,850,563	0	-76,850,563	-36,202,168.16	.00	-40,648,394.84	47.1%
1010 Planning & Permitting							
420027 Fees - Court	0	0	0	-24,500.00	.00	24,500.00	.0%
TOTAL Planning & Permitting	0	0	0	-24,500.00	.00	24,500.00	.0%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
10108001 General Fund Prop Tax							
401004 2004 Property Tax Revenue	0	0	0	.00	.00	.00	.0%
401008 2008 Property Tax Revenue	0	0	0	.00	.00	.00	.0%
TOTAL General Fund Prop Tax	0	0	0	.00	.00	.00	.0%
1012 Planning & Permittin							
420023 Fees - Citation Ordinance	-3,000	0	-3,000	-673.00	.00	-2,327.00	22.4%
420068 Departmental Review	-12,000	0	-12,000	-10,946.88	.00	-1,053.12	91.2%
420069 Advertising Fees	-3,400	0	-3,400	.00	.00	-3,400.00	.0%
421100 Permits - Building	-120,000	0	-120,000	-155,134.30	.00	35,134.30	129.3%
421102 Permits - Electrical	-25,000	0	-25,000	-14,428.50	.00	-10,571.50	57.7%
421106 Permits - Plumbing	-15,000	0	-15,000	-7,515.00	.00	-7,485.00	50.1%
421107 Permits - Sign	-5,000	0	-5,000	-1,681.50	.00	-3,318.50	33.6%
TOTAL Planning & Permittin	-183,400	0	-183,400	-190,379.18	.00	6,979.18	103.8%
1014 Engineering							
420028 Fees - Drive Opening	-250	0	-250	-180.00	.00	-70.00	72.0%
420039 Fees - Inspection	-5,000	0	-5,000	.00	.00	-5,000.00	.0%
421103 Permits - Fill	-200	0	-200	.00	.00	-200.00	.0%
421108 Permits - Street Excavation	-15,000	0	-15,000	.00	.00	-15,000.00	.0%
TOTAL Engineering	-20,450	0	-20,450	-180.00	.00	-20,270.00	.9%
1015 Facilities							
429010 Rental Income	-84,000	0	-84,000	-14,848.50	.00	-69,151.50	17.7%
429100 Utility Reimbursement-School	-20,000	0	-20,000	.00	.00	-20,000.00	.0%
TOTAL Facilities	-104,000	0	-104,000	-14,848.50	.00	-89,151.50	14.3%
1021 Fire & EMS Transport							

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
420034 Fees - Fire/Copies of Reports	-100	0	-100	-10.00	.00	-90.00	10.0%
TOTAL Fire & EMS Transport	-100	0	-100	-10.00	.00	-90.00	10.0%
1022 Police							
420016 Fees - Accident & Police	-11,000	0	-11,000	-2,700.00	.00	-8,300.00	24.5%
420020 Fees - Animal Impound	0	0	0	-75.00	.00	75.00	.0%
420027 Fees - Court	-3,300	0	-3,300	.00	.00	-3,300.00	.0%
420044 Fees - Police/False Alarms	-15,000	0	-15,000	-1,990.00	.00	-13,010.00	13.3%
420045 Fees - Police/Photos, Tapes, &	-800	0	-800	-260.00	.00	-540.00	32.5%
420052 Fees - Vehicle Rel/Driver Lice	-4,000	0	-4,000	-715.00	.00	-3,285.00	17.9%
420053 Fees - Vehicle Rel/Non Driver	-3,000	0	-3,000	-70.00	.00	-2,930.00	2.3%
421005 Fines - Parking Violations	-25,000	0	-25,000	-4,455.00	.00	-20,545.00	17.8%
421104 Permits - Firearms	-1,900	0	-1,900	-405.00	.00	-1,495.00	21.3%
429000 Miscellaneous	0	0	0	-296.86	.00	296.86	.0%
TOTAL Police	-64,000	0	-64,000	-10,966.86	.00	-53,033.14	17.1%
1023 Fire EMS Transport							
420029 Fees - EMS Transport	-1,700,000	0	-1,700,000	-532,644.29	.00	-1,167,355.71	31.3%
TOTAL Fire EMS Transport	-1,700,000	0	-1,700,000	-532,644.29	.00	-1,167,355.71	31.3%
1032 Health and Social Serv Assist							
429000 Miscellaneous	0	0	0	-11,616.14	.00	11,616.14	.0%
430008 General Welfare Reimbursement	-630,840	0	-630,840	-125,762.59	.00	-505,077.41	19.9%
TOTAL Health and Social Serv Assist	-630,840	0	-630,840	-137,378.73	.00	-493,461.27	21.8%
1042 Public Works							

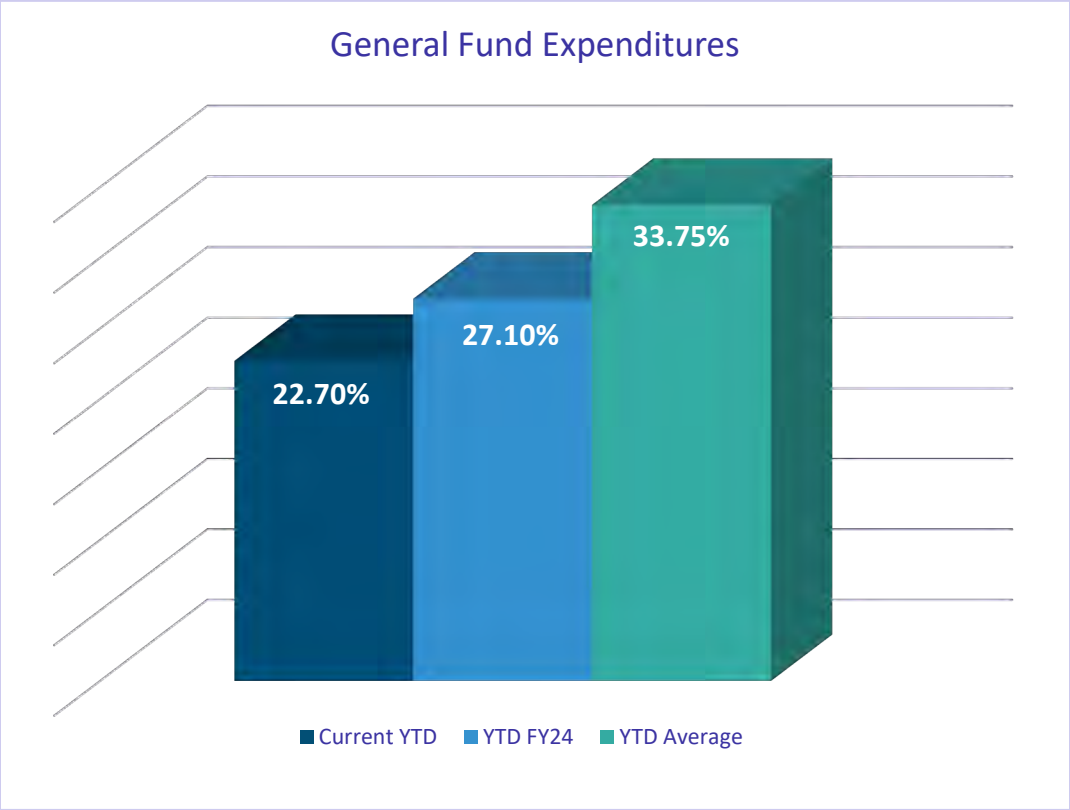
FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
420028 Fees - Drive Opening	0	0	0	.00	.00	.00	.0%
420039 Fees - Inspection	0	0	0	.00	.00	.00	.0%
421108 Permits - Street Excavation	0	0	0	.00	.00	.00	.0%
430002 State/Local Road Assistance	-400,000	0	-400,000	.00	.00	-400,000.00	.0%
TOTAL Public Works	-400,000	0	-400,000	.00	.00	-400,000.00	.0%
1043 Solid Waste Disposal							
420025 Fees - Commercial Solid Waste	0	0	0	-12,625.50	.00	12,625.50	.0%
TOTAL Solid Waste Disposal	0	0	0	-12,625.50	.00	12,625.50	.0%
1046 PW School Maint & Custodial							
420082 School M&C Reimburse	-3,745,487	0	-3,745,487	.00	.00	-3,745,486.97	.0%
TOTAL PW School Maint & Custodial	-3,745,487	0	-3,745,487	.00	.00	-3,745,486.97	.0%
1070 Education							
529000 Miscellaneous School	-104,150	0	-104,150	-7,680.00	.00	-96,470.00	7.4%
530002 Secondary Tuition	0	0	0	.00	.00	.00	.0%
530004 Adult Ed Tuition	-100,000	0	-100,000	-1,300.00	.00	-98,700.00	1.3%
530007 State Subsidy Education	-29,231,738	0	-29,231,738	-2,435,978.17	.00	-26,795,759.83	8.3%
530008 Debt Service Reimbursement	-9,089,775	0	-9,089,775	.00	.00	-9,089,775.00	.0%
530014 Special Education	-100,000	0	-100,000	.00	.00	-100,000.00	.0%
530015 State Agency Clients	-20,000	0	-20,000	.00	.00	-20,000.00	.0%
530017 State Aid for Adult Education	-162,072	0	-162,072	.00	.00	-162,072.00	.0%
530019 School Naming Rights	-211,000	0	-211,000	.00	.00	-211,000.00	.0%
580001 Transfer In	-2,350,000	0	-2,350,000	-1,729,561.50	.00	-620,438.50	73.6%
TOTAL Education	-41,368,735	0	-41,368,735	-4,174,519.67	.00	-37,194,215.33	10.1%
TOTAL General Fund	-125,441,435	0	-125,441,435	-41,395,699.29	.00	-84,045,735.68	33.0%
TOTAL REVENUES	-125,441,435	0	-125,441,435	-41,395,699.29	.00	-84,045,735.68	
GRAND TOTAL	-125,441,435	0	-125,441,435	-41,395,699.29	.00	-84,045,735.68	33.0%

General Fund

for the Period Ended October 31, 2024

*Graph reflects current YTD with comparison to prior YTD and YTD average of prior 3 years percentage.



FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1000 General Fund							
1000 General Fund							
692024 SPECIAL PROJECTS-WARMING CENTR	0	0	0	-2,602.50	.00	2,602.50	.0%
TOTAL General Fund	0	0	0	-2,602.50	.00	2,602.50	.0%
1004 Mayor and Council							
611000 Regular Salaries	45,800	0	45,800	13,783.24	.00	32,016.76	30.1%
628000 PS - Gen/Professional	71,100	0	71,100	17,939.00	.00	53,161.00	25.2%
629001 Travel - Mileage Reimbursment	550	0	550	53.87	.00	496.13	9.8%
632000 Dues & Subscriptions	57,850	0	57,850	27,500.00	.00	30,350.00	47.5%
633000 Office Supplies	3,500	0	3,500	154.62	.00	3,345.38	4.4%
TOTAL Mayor and Council	178,800	0	178,800	59,430.73	.00	119,369.27	33.2%
1005 City Manager							
611000 Regular Salaries	510,630	0	510,630	180,546.43	.00	330,083.57	35.4%
628000 PS - Gen/Professional	23,000	0	23,000	5,978.28	-1,885.15	18,906.87	17.8%
628100 Legal - General	140,000	0	140,000	52,090.78	.00	87,909.22	37.2%
629000 Professional Development	12,000	0	12,000	2,739.13	.00	9,260.87	22.8%
629001 Travel - Mileage Reimbursment	10,800	0	10,800	1,800.00	.00	9,000.00	16.7%
632000 Dues & Subscriptions	5,000	0	5,000	1,494.02	.00	3,505.98	29.9%
633000 Office Supplies	7,500	0	7,500	2,010.95	-1,831.25	7,320.30	2.4%
640000 Telephones/Cell Stipends	2,520	0	2,520	761.44	.00	1,758.56	30.2%
TOTAL City Manager	711,450	0	711,450	247,421.03	-3,716.40	467,745.37	34.3%
1006 Communications & Engagement							

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
611000 Regular Salaries	241,916	0	241,916	39,874.18	.00	202,041.82	16.5%
628000 PS - Gen/Professional	7,500	0	7,500	217.50	.00	7,282.50	2.9%
628035 Special Events	100,000	0	100,000	46,441.49	2,500.00	51,058.51	48.9%
628080 Community Outreach	20,000	0	20,000	1,342.48	.00	18,657.52	6.7%
629000 Professional Development	4,000	0	4,000	.00	.00	4,000.00	.0%
629001 Travel - Mileage Reimbursment	400	0	400	.00	.00	400.00	.0%
633000 Office Supplies	2,500	0	2,500	43.98	.00	2,456.02	1.8%
640000 Telephones/Cell Stipends	2,650	0	2,650	1,153.02	.00	1,496.98	43.5%
TOTAL Communications & Engagement	378,966	0	378,966	89,072.65	2,500.00	287,393.35	24.2%
1007 City Clerk							
611000 Regular Salaries	280,606	0	280,606	83,791.05	.00	196,814.95	29.9%
613000 OT - Regular	2,100	0	2,100	460.33	.00	1,639.67	21.9%
620000 Advertising	1,500	0	1,500	122.40	.00	1,377.60	8.2%
628000 PS - Gen/Professional	6,400	0	6,400	.00	.00	6,400.00	.0%
628043 Wardens & Ward Clerks	26,460	0	26,460	2,416.08	.00	24,043.92	9.1%
629000 Professional Development	800	0	800	120.00	.00	680.00	15.0%
629001 Travel - Mileage Reimbursment	1,650	0	1,650	.00	.00	1,650.00	.0%
632000 Dues & Subscriptions	775	0	775	.00	.00	775.00	.0%
633000 Office Supplies	1,000	0	1,000	340.29	.00	659.71	34.0%
633004 Voter Supplies	4,500	0	4,500	169.95	.00	4,330.05	3.8%
644002 Voting Machines	9,500	0	9,500	.00	.00	9,500.00	.0%
TOTAL City Clerk	335,291	0	335,291	87,420.10	.00	247,870.90	26.1%
1008 Finance							
611000 Regular Salaries	884,524	0	884,524	279,636.97	.00	604,887.03	31.6%
614003 Longevity Bonus	0	0	0	.00	.00	.00	.0%
620000 Advertising	300	0	300	.00	.00	300.00	.0%
628000 PS - Gen/Professional	35,500	0	35,500	7,010.07	.00	28,489.93	19.7%
628008 Recording Fee	300	0	300	.00	.00	300.00	.0%
629000 Professional Development	8,500	0	8,500	1,283.07	.00	7,216.93	15.1%
629001 Travel - Mileage Reimbursment	700	0	700	75.55	.00	624.45	10.8%
631000 Reports, Printing, & Binding	3,000	0	3,000	3,770.04	.00	-770.04	125.7%
632000 Dues & Subscriptions	4,000	0	4,000	30.00	.00	3,970.00	.8%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
633000 Office Supplies	5,500	0	5,500	37.41	.00	5,462.59	.7%
640000 Telephones/Cell Stipends	1,740	0	1,740	469.96	.00	1,270.04	27.0%
642000 Postage	39,000	0	39,000	18,184.49	.00	20,815.51	46.6%
645000 Insurance Premiums	343,000	0	343,000	169,582.50	.00	173,417.50	49.4%
645001 Insurance Deductibles	25,000	0	25,000	-49,735.17	.00	74,735.17	-198.9%
TOTAL Finance	1,351,064	0	1,351,064	430,344.89	.00	920,719.11	31.9%
1009 Human Resources							
611000 Regular Salaries	251,480	0	251,480	77,844.43	.00	173,635.57	31.0%
620000 Advertising	2,000	0	2,000	.00	.00	2,000.00	.0%
628002 Employee Assist Program	3,000	0	3,000	.00	.00	3,000.00	.0%
628003 Drug Testing	6,000	0	6,000	339.96	.00	5,660.04	5.7%
628004 Testing	4,000	0	4,000	849.00	.00	3,151.00	21.2%
628052 Professional Development	10,000	0	10,000	.00	.00	10,000.00	.0%
629000 Professional Development	0	0	0	110.00	.00	-110.00	.0%
629001 Travel - Mileage Reimbursment	0	0	0	.00	.00	.00	.0%
629002 Travel - Seminar Costs	0	0	0	.00	.00	.00	.0%
632000 Dues & Subscriptions	0	0	0	.00	.00	.00	.0%
633000 Office Supplies	600	0	600	15.59	.00	584.41	2.6%
633001 Operating Supplies	2,500	0	2,500	.00	.00	2,500.00	.0%
640000 Telephones/Cell Stipends	840	0	840	280.00	.00	560.00	33.3%
TOTAL Human Resources	280,420	0	280,420	79,438.98	.00	200,981.02	28.3%
1010 Planning & Permitting							
611000 Regular Salaries	788,548	0	788,548	224,713.95	.00	563,834.05	28.5%
613000 OT - Regular	9,500	0	9,500	5,752.78	.00	3,747.22	60.6%
615000 Uniform Allowance	1,000	0	1,000	313.86	.00	686.14	31.4%
620000 Advertising	5,500	0	5,500	2,407.62	.00	3,092.38	43.8%
628000 PS - Gen/Professional	3,500	0	3,500	64.88	.00	3,435.12	1.9%
628020 Vehicle Repairs	0	0	0	.00	.00	.00	.0%
628021 Equipment Repairs	2,000	0	2,000	.00	.00	2,000.00	.0%
628024 Street Light Repairs	0	0	0	.00	.00	.00	.0%
628025 Traffic Signal Maintenance	0	0	0	1,422.20	.00	-1,422.20	.0%
629000 Professional Development	4,000	0	4,000	80.00	.00	3,920.00	2.0%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
629001 Travel - Mileage Reimbursment	300	0	300	.00	.00	300.00	.0%
629002 Travel - Seminar Costs	0	0	0	.00	.00	.00	.0%
632000 Dues & Subscriptions	4,300	0	4,300	317.50	.00	3,982.50	7.4%
633000 Office Supplies	2,500	0	2,500	912.27	.00	1,587.73	36.5%
633001 Operating Supplies	3,000	0	3,000	.00	.00	3,000.00	.0%
633021 Safety Equipment	1,000	0	1,000	.00	.00	1,000.00	.0%
633029 MV Sup - Tires/Tube/Chain	0	0	0	.00	.00	.00	.0%
633030 MV Sup - Fuel	0	0	0	.00	.00	.00	.0%
640000 Telephones/Cell Stipends	3,900	0	3,900	1,527.76	.00	2,372.24	39.2%
641002 Electricity	0	0	0	.00	.00	.00	.0%
TOTAL Planning & Permitting	829,048	0	829,048	237,512.82	.00	591,535.18	28.6%
1011 Economic Development							
611000 Regular Salaries	113,938	0	113,938	58,959.39	.00	54,978.61	51.7%
620000 Advertising	500	0	500	.00	.00	500.00	.0%
628000 PS - Gen/Professional	12,220	0	12,220	.00	.00	12,220.00	.0%
629000 Professional Development	2,500	0	2,500	.00	.00	2,500.00	.0%
629001 Travel - Mileage Reimbursment	2,750	0	2,750	919.90	.00	1,830.10	33.5%
629002 Travel - Seminar Costs	0	0	0	.00	.00	.00	.0%
632000 Dues & Subscriptions	2,253	0	2,253	.00	.00	2,253.00	.0%
633000 Office Supplies	500	0	500	17.96	.00	482.04	3.6%
640000 Telephones/Cell Stipends	800	0	800	152.76	.00	647.24	19.1%
TOTAL Economic Development	135,461	0	135,461	60,050.01	.00	75,410.99	44.3%
1012 Planning & Permittin							
611000 Regular Salaries	0	0	0	568.88	.00	-568.88	.0%
613000 OT - Regular	0	0	0	825.00	.00	-825.00	.0%
TOTAL Planning & Permittin	0	0	0	1,393.88	.00	-1,393.88	.0%
1013 Business & Community Developme							

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
611000 Regular Salaries	757,068	0	757,068	157,829.96	.00	599,238.04	20.8%
614003 Longevity Bonus	0	0	0	.00	.00	.00	.0%
620000 Advertising	1,000	0	1,000	.00	.00	1,000.00	.0%
628000 PS - Gen/Professional	20,000	0	20,000	5,266.88	.00	14,733.12	26.3%
629000 Professional Development	15,000	0	15,000	140.00	.00	14,860.00	.9%
629001 Travel - Mileage Reimbursment	2,000	0	2,000	363.67	.00	1,636.33	18.2%
632000 Dues & Subscriptions	4,500	0	4,500	-118.69	.00	4,618.69	-2.6%
633000 Office Supplies	2,500	0	2,500	562.72	.00	1,937.28	22.5%
640000 Telephones/Cell Stipends	2,500	0	2,500	965.26	.00	1,534.74	38.6%
TOTAL Business & Community Developme	804,568	0	804,568	165,009.80	.00	639,558.20	20.5%
1014 Engineering							
611000 Regular Salaries	306,286	0	306,286	.00	.00	306,286.00	.0%
615000 Uniform Allowance	750	0	750	.00	.00	750.00	.0%
620000 Advertising	150	0	150	.00	.00	150.00	.0%
628000 PS - Gen/Professional	5,000	0	5,000	.00	.00	5,000.00	.0%
628005 Water Quality Monitoring	15,000	0	15,000	.00	.00	15,000.00	.0%
628008 Recording Fee	250	0	250	.00	.00	250.00	.0%
628021 Equipment Repairs	500	0	500	.00	.00	500.00	.0%
629000 Professional Development	5,500	0	5,500	.00	.00	5,500.00	.0%
629001 Travel - Mileage Reimbursment	150	0	150	.00	.00	150.00	.0%
631000 Reports, Printing, & Binding	250	0	250	.00	.00	250.00	.0%
632000 Dues & Subscriptions	2,000	0	2,000	.00	.00	2,000.00	.0%
633000 Office Supplies	400	0	400	123.90	.00	276.10	31.0%
633001 Operating Supplies	200	0	200	.00	.00	200.00	.0%
633021 Safety Equipment	300	0	300	.00	.00	300.00	.0%
633023 Small Tools	400	0	400	.00	.00	400.00	.0%
640000 Telephones/Cell Stipends	1,910	0	1,910	160.00	.00	1,750.00	8.4%
650030 Operating Capital	9,600	0	9,600	.00	.00	9,600.00	.0%
655405 St Imp-Crack Seal	15,000	0	15,000	.00	.00	15,000.00	.0%
TOTAL Engineering	363,646	0	363,646	283.90	.00	363,362.10	.1%
1015 Facilities							
611000 Regular Salaries	325,012	0	325,012	11,147.13	.00	313,864.87	3.4%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
614003 Longevity Bonus	1,000	0	1,000	.00	.00	1,000.00	.0%
615000 Uniform Allowance	500	0	500	.00	.00	500.00	.0%
620000 Advertising	100	0	100	.00	.00	100.00	.0%
628000 PS - Gen/Professional	102,608	0	102,608	17,690.00	4,110.09	80,807.91	21.2%
628021 Equipment Repairs	4,500	0	4,500	.00	.00	4,500.00	.0%
628090 Municipal Property Maintenance	15,000	0	15,000	2,271.03	.00	12,728.97	15.1%
629000 Professional Development	4,650	0	4,650	.00	.00	4,650.00	.0%
633000 Office Supplies	5,800	0	5,800	1,559.60	.00	4,240.40	26.9%
633001 Operating Supplies	12,000	0	12,000	1,707.70	.00	10,292.30	14.2%
633021 Safety Equipment	100	0	100	.00	.00	100.00	.0%
633023 Small Tools	100	0	100	97.42	.00	2.58	97.4%
633030 MV Sup - Fuel	358,621	0	358,621	83,135.91	.00	275,485.09	23.2%
633033 Tax Acquired Property Exp	1,500	0	1,500	.00	.00	1,500.00	.0%
640000 Telephones/Cell Stipends	1,800	0	1,800	300.00	.00	1,500.00	16.7%
641000 Water/Sewer	34,610	0	34,610	8,320.38	.00	26,289.62	24.0%
641001 Natural Gas	177,500	0	177,500	1,224.56	.00	176,275.44	.7%
641002 Electricity	312,750	0	312,750	611.23	.00	312,138.77	.2%
642000 Postage	0	0	0	.00	.00	.00	.0%
650030 Operating Capital	516,000	0	516,000	187,834.00	14,850.00	313,316.00	39.3%
TOTAL Facilities	1,874,151	0	1,874,151	315,898.96	18,960.09	1,539,291.95	17.9%
1016 Worker's Compensation							
900001 Transfer Out	719,025	0	719,025	.00	.00	719,025.00	.0%
TOTAL Worker's Compensation	719,025	0	719,025	.00	.00	719,025.00	.0%
1017 Fringe Benefits & Salary Incre							
617000 Health Insurance	3,921,869	0	3,921,869	1,212,437.60	.00	2,709,431.40	30.9%
617001 FICA/Medicare	939,327	0	939,327	336,976.58	.00	602,350.42	35.9%
617004 MSRS Retirement	2,086,753	0	2,086,753	672,486.86	.00	1,414,266.14	32.2%
617005 ICMA Retirement	290,966	0	290,966	116,861.70	.00	174,104.30	40.2%
617008 Cafeteria Plan	218,800	0	218,800	76,413.04	.00	142,386.96	34.9%
617010 Health Reimbursement Account	450,000	0	450,000	81,068.28	.00	368,931.72	18.0%
617015 Unemployment	40,000	0	40,000	5,545.39	.00	34,454.61	13.9%
618000 Salary Reserves	265,000	0	265,000	16,910.95	.00	248,089.05	6.4%
TOTAL Fringe Benefits & Salary Incre	8,212,715	0	8,212,715	2,518,700.40	.00	5,694,014.60	30.7%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1018 Emergency Reserve							
670000 Emergency Reserve	550,000	0	550,000	.00	.00	550,000.00	.0%
TOTAL Emergency Reserve	550,000	0	550,000	.00	.00	550,000.00	.0%
1019 Debt Service							
660000 Debt Service - Principal	7,771,975	0	7,771,975	7,338,598.28	.00	433,376.72	94.4%
661000 Debt Service - Interest	2,000,837	0	2,000,837	1,070,492.50	.00	930,344.50	53.5%
TOTAL Debt Service	9,772,812	0	9,772,812	8,409,090.78	.00	1,363,721.22	86.0%
1020 Capital Investment and Purchas							
611000 Regular Salaries	0	0	0	86,531.38	.00	-86,531.38	.0%
615000 Uniform Allowance	0	0	0	.00	.00	.00	.0%
628000 PS - Gen/Professional	0	0	0	.00	.00	.00	.0%
628005 Water Quality Monitoring	0	0	0	5,008.75	-5,008.75	.00	.0%
628008 Recording Fee	0	0	0	.00	.00	.00	.0%
628019 Building Repairs	0	0	0	.00	.00	.00	.0%
628021 Equipment Repairs	0	0	0	.00	.00	.00	.0%
628090 Municipal Property Maintenance	0	0	0	.00	.00	.00	.0%
629000 Professional Development	0	0	0	.00	.00	.00	.0%
632000 Dues & Subscriptions	0	0	0	.00	.00	.00	.0%
633000 Office Supplies	0	0	0	.00	.00	.00	.0%
633001 Operating Supplies	0	0	0	.00	.00	.00	.0%
633021 Safety Equipment	0	0	0	.00	.00	.00	.0%
633023 Small Tools	0	0	0	.00	.00	.00	.0%
633030 MV Sup - Fuel	0	0	0	.00	.00	.00	.0%
633033 Tax Acquired Property Exp	0	0	0	.00	.00	.00	.0%
640000 Telephones/Cell Stipends	0	0	0	507.45	.00	-507.45	.0%
641000 Water/Sewer	0	0	0	.00	.00	.00	.0%
641001 Natural Gas	0	0	0	.00	.00	.00	.0%
641002 Electricity	0	0	0	-3,405.86	.00	3,405.86	.0%
650030 Operating Capital	0	0	0	44,002.49	-44,002.48	-.01	.0%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
655405 St Imp-Crack Seal	0	0	0	19,427.49	-21,415.63	1,988.14	.0%
TOTAL Capital Investment and Purchas	0	0	0	152,071.70	-70,426.86	-81,644.84	.0%
1021 Fire & EMS Transport							
611000 Regular Salaries	4,939,295	0	4,939,295	1,553,119.07	.00	3,386,175.93	31.4%
611002 Acting Rank	16,000	0	16,000	5,403.03	.00	10,596.97	33.8%
613000 OT - Regular	80,000	0	80,000	.00	.00	80,000.00	.0%
613001 OT - Vacation Replacement	12,000	0	12,000	1,287.78	.00	10,712.22	10.7%
613002 OT - Sick Replace LT	42,000	0	42,000	21,009.00	.00	20,991.00	50.0%
613003 OT - Sick Replace ST	160,000	0	160,000	77,023.84	.00	82,976.16	48.1%
613004 OT - Mandatory Training	25,000	0	25,000	8,259.59	.00	16,740.41	33.0%
613005 OT - Outside Jobs	0	0	0	1,702.71	.00	-1,702.71	.0%
613008 OT - Extra Assignments	84,992	0	84,992	18,142.20	.00	66,849.80	21.3%
613010 OT - Vacancies/Retirement	18,000	0	18,000	72,518.18	.00	-54,518.18	402.9%
613011 OT - Work Related Injuries	23,000	0	23,000	30,160.00	.00	-7,160.00	131.1%
613012 OT - Meetings	7,000	0	7,000	.00	.00	7,000.00	.0%
613013 OT - Funeral Leave	5,000	0	5,000	.00	.00	5,000.00	.0%
613014 OT - Multiple Alarms	5,000	0	5,000	4,108.15	.00	891.85	82.2%
614002 Holiday Pay	245,000	0	245,000	54,635.70	.00	190,364.30	22.3%
614006 EMS Ambulance Pay	133,000	0	133,000	39,309.40	.00	93,690.60	29.6%
615000 Uniform Allowance	39,680	0	39,680	8,741.92	.00	30,938.08	22.0%
615100 Protective Clothing	48,000	0	48,000	20,117.13	-7,070.06	34,952.93	27.2%
616000 Physicals	4,000	0	4,000	.00	.00	4,000.00	.0%
616001 Safety Compliance	10,000	0	10,000	40.00	.00	9,960.00	.4%
620000 Advertising	500	0	500	.00	.00	500.00	.0%
628000 PS - Gen/Professional	75,000	0	75,000	15,590.34	.00	59,409.66	20.8%
628013 Uniform Clean/Laundry	200	0	200	.00	.00	200.00	.0%
628019 Building Repairs	4,500	0	4,500	4,374.37	-1,221.39	1,347.02	70.1%
628020 Vehicle Repairs	85,000	0	85,000	7,727.43	2,749.12	74,523.45	12.3%
628021 Equipment Repairs	15,000	0	15,000	4,872.15	.00	10,127.85	32.5%
628023 Radio Equipment Repairs	2,500	0	2,500	.00	.00	2,500.00	.0%
628026 Maintenance Contractx	21,350	0	21,350	.00	.00	21,350.00	.0%
628047 PS-Public Relations	500	0	500	.00	.00	500.00	.0%
628049 EMS Vehicle Repairs	10,000	0	10,000	2,999.22	.00	7,000.78	30.0%
629000 Professional Development	95,000	0	95,000	17,201.76	.00	77,798.24	18.1%
631000 Reports, Printing, & Binding	500	0	500	.00	.00	500.00	.0%
632000 Dues & Subscriptions	26,950	0	26,950	32,058.30	.00	-5,108.30	119.0%
633000 Office Supplies	4,000	0	4,000	1,711.63	.00	2,288.37	42.8%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
633006 Fire Prevention Supplies	5,500	0	5,500	.00	.00	5,500.00	.0%
633007 Maintenance Supplies	7,000	0	7,000	3,460.18	.00	3,539.82	49.4%
633009 FIre Training Supplies	4,500	0	4,500	.00	.00	4,500.00	.0%
633011 Medical Supplies	85,000	0	85,000	17,106.33	424.01	67,469.66	20.6%
633023 Small Tools	15,000	0	15,000	5,517.31	.00	9,482.69	36.8%
633027 Other Sup - Other	6,500	0	6,500	89.59	.00	6,410.41	1.4%
633029 MV Sup - Tires/Tube/Chain	9,000	0	9,000	7,822.06	.00	1,177.94	86.9%
633030 MV Sup - Fuel	0	0	0	.00	.00	.00	.0%
633050 EMS Program Exp	1,500	0	1,500	.00	.00	1,500.00	.0%
640000 Telephones/Cell Stipends	6,000	0	6,000	1,526.90	.00	4,473.10	25.4%
641000 Water/Sewer	0	0	0	.00	.00	.00	.0%
641001 Natural Gas	0	0	0	.00	.00	.00	.0%
641002 Electricity	0	0	0	.00	.00	.00	.0%
641003 Bottled Gas	1,500	0	1,500	829.57	.00	670.43	55.3%
641005 Diesel	0	0	0	264.23	.00	-264.23	.0%
642000 Postage	500	0	500	.00	.00	500.00	.0%
650010 Capital Reserve	250,000	0	250,000	.00	.00	250,000.00	.0%
653030 EMS Communication Equipment	4,000	0	4,000	360.09	.00	3,639.91	9.0%
654000 Computer Software	1,000	0	1,000	6.00	.00	994.00	.6%
656407 AMBULANCE PURCHASE	0	0	0	50,000.00	.00	-50,000.00	.0%
TOTAL Fire & EMS Transport	6,634,967	0	6,634,967	2,089,095.16	-5,118.32	4,550,990.16	31.4%
1022 Police							
611000 Regular Salaries	4,757,211	0	4,757,211	1,466,556.75	.00	3,290,654.25	30.8%
612001 Temp Assistance	400	0	400	.00	.00	400.00	.0%
613000 OT - Regular	78,882	0	78,882	39,415.12	.00	39,466.88	50.0%
613001 OT - Vacation Replacement	56,938	0	56,938	32,965.49	.00	23,972.51	57.9%
613002 OT - Sick Replace LT	55,011	0	55,011	3,404.34	.00	51,606.66	6.2%
613003 OT - Sick Replace ST	0	0	0	9,887.00	.00	-9,887.00	.0%
613004 OT - Mandatory Training	3,000	0	3,000	1,104.16	.00	1,895.84	36.8%
613005 OT - Outside Jobs	0	0	0	16,512.67	.00	-16,512.67	.0%
613006 OT - Court	18,000	0	18,000	4,444.81	.00	13,555.19	24.7%
613008 OT - Extra Assignments	0	0	0	1,515.02	.00	-1,515.02	.0%
613035 OT-Special Events	20,000	0	20,000	2,257.50	.00	17,742.50	11.3%
614000 Extra Pay - On Call	20,980	0	20,980	7,520.76	.00	13,459.24	35.8%
614002 Holiday Pay	209,000	0	209,000	52,550.23	.00	156,449.77	25.1%
614003 Longevity Bonus	500	0	500	.00	.00	500.00	.0%
614004 Educational Incentive	2,500	0	2,500	13,986.00	.00	-11,486.00	559.4%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
614005 Sick Leave Incentive	8,000	0	8,000	8,805.66	.00	-805.66	110.1%
615000 Uniform Allowance	38,500	0	38,500	15,474.61	.00	23,025.39	40.2%
616000 Physicals	3,000	0	3,000	1,042.00	.00	1,958.00	34.7%
616001 Safety Compliance	4,000	0	4,000	.00	.00	4,000.00	.0%
628000 PS - Gen/Professional	9,000	0	9,000	3,581.70	7,275.00	-1,856.70	120.6%
628004 Testing	2,700	0	2,700	.00	.00	2,700.00	.0%
628006 Animal Control	42,230	0	42,230	2,760.60	34,888.00	4,581.40	89.2%
628013 Uniform Clean/Laundry	26,000	0	26,000	8,760.50	17,196.50	43.00	99.8%
628019 Building Repairs	500	0	500	.00	.00	500.00	.0%
628020 Vehicle Repairs	0	0	0	.00	1,384.19	-1,384.19	.0%
628021 Equipment Repairs	4,200	0	4,200	278.25	.00	3,921.75	6.6%
628026 Maintenance Contractx	5,000	0	5,000	950.00	.00	4,050.00	19.0%
629000 Professional Development	54,500	0	54,500	17,209.95	11,900.00	25,390.05	53.4%
631000 Reports, Printing, & Binding	1,500	0	1,500	2,409.86	.00	-909.86	160.7%
632000 Dues & Subscriptions	14,300	0	14,300	7,304.00	.00	6,996.00	51.1%
633000 Office Supplies	3,000	0	3,000	87.90	.00	2,912.10	2.9%
633001 Operating Supplies	28,000	0	28,000	2,951.87	.00	25,048.13	10.5%
633029 MV Sup - Tires/Tube/Chain	18,000	0	18,000	.00	.00	18,000.00	.0%
633030 MV Sup - Fuel	0	0	0	.00	.00	.00	.0%
640000 Telephones/Cell Stipends	31,800	0	31,800	9,679.42	.00	22,120.58	30.4%
642000 Postage	1,000	0	1,000	.00	.00	1,000.00	.0%
TOTAL Police	5,517,652	0	5,517,652	1,733,416.17	72,643.69	3,711,592.14	32.7%
10221061 Fire - Sal Fringe							
611000 Regular Salaries	0	0	0	.00	.00	.00	.0%
TOTAL Fire - Sal Fringe	0	0	0	.00	.00	.00	.0%
1025 Information Technology							
611000 Regular Salaries	309,215	0	309,215	97,050.19	.00	212,164.81	31.4%
628000 PS - Gen/Professional	77,000	0	77,000	38,703.89	877.80	37,418.31	51.4%
628021 Equipment Repairs	4,000	0	4,000	.00	.00	4,000.00	.0%
629000 Professional Development	12,000	0	12,000	.00	.00	12,000.00	.0%
632000 Dues & Subscriptions	2,000	0	2,000	.00	.00	2,000.00	.0%
633001 Operating Supplies	4,000	0	4,000	.00	.00	4,000.00	.0%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
633005 Computer Hardware	45,000	0	45,000	5,444.19	10,922.10	28,633.71	36.4%
640000 Telephones/Cell Stipends	4,000	0	4,000	4,970.95	.00	-970.95	124.3%
640002 Network	60,000	0	60,000	19,460.75	121.28	40,417.97	32.6%
640012 Network Billable & Reimbusemen	0	0	0	-187.19	.00	187.19	.0%
644004 Rental - Photocopiers	34,000	0	34,000	4,926.26	.00	29,073.74	14.5%
654000 Computer Software	15,000	0	15,000	7,560.00	400.00	7,040.00	53.1%
654001 Software Licensing	473,000	0	473,000	318,753.89	5,000.00	149,246.11	68.4%
TOTAL Information Technology	1,039,215	0	1,039,215	496,682.93	17,321.18	525,210.89	49.5%
1030 Recreation and Sports Tourism							
611000 Regular Salaries	447,906	0	447,906	143,578.49	.00	304,327.51	32.1%
612007 Sal. - Recreation Part-Time	35,000	0	35,000	16,071.86	.00	18,928.14	45.9%
613000 OT - Regular	2,000	0	2,000	391.50	.00	1,608.50	19.6%
614003 Longevity Bonus	300	0	300	300.00	.00	.00	100.0%
614015 Earned Paid Leave	500	0	500	152.00	.00	348.00	30.4%
615000 Uniform Allowance	0	0	0	.00	.00	.00	.0%
628000 PS - Gen/Professional	25,000	0	25,000	16,551.55	.00	8,448.45	66.2%
628019 Building Repairs	0	0	0	.00	.00	.00	.0%
628020 Vehicle Repairs	0	0	0	.00	.00	.00	.0%
628021 Equipment Repairs	5,000	0	5,000	730.49	.00	4,269.51	14.6%
628026 Maintenance Contractx	7,000	0	7,000	.00	.00	7,000.00	.0%
628950 Community Programs	22,000	0	22,000	2,017.79	.00	19,982.21	9.2%
629000 Professional Development	2,500	0	2,500	.00	.00	2,500.00	.0%
629001 Travel - Mileage Reimbursment	250	0	250	.00	.00	250.00	.0%
632000 Dues & Subscriptions	3,560	0	3,560	717.50	.00	2,842.50	20.2%
633000 Office Supplies	4,000	0	4,000	532.79	.00	3,467.21	13.3%
633001 Operating Supplies	11,000	0	11,000	.00	.00	11,000.00	.0%
633003 Janitorial Supplies	7,000	0	7,000	1,041.17	.00	5,958.83	14.9%
633007 Maintenance Supplies	14,000	0	14,000	3,650.00	.00	10,350.00	26.1%
633011 Medical Supplies	500	0	500	189.00	.00	311.00	37.8%
633029 MV Sup - Tires/Tube/Chain	0	0	0	.00	.00	.00	.0%
633030 MV Sup - Fuel	0	0	0	.00	.00	.00	.0%
640000 Telephones/Cell Stipends	3,000	0	3,000	675.58	.00	2,324.42	22.5%
641000 Water/Sewer	0	0	0	.00	.00	.00	.0%
641001 Natural Gas	0	0	0	.00	.00	.00	.0%
641002 Electricity	0	0	0	-25.00	.00	25.00	.0%
642000 Postage	350	0	350	.00	.00	350.00	.0%
TOTAL Recreation and Sports Tourism	590,866	0	590,866	186,574.72	.00	404,291.28	31.6%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1032 Health and Social Serv Assist							
628028 Electrical	30,000	0	30,000	12,082.80	.00	17,917.20	40.3%
628029 Medical	3,200	0	3,200	.00	.00	3,200.00	.0%
628030 Burial	25,000	0	25,000	.00	.00	25,000.00	.0%
628031 Fuel	1,000	0	1,000	562.05	.00	437.95	56.2%
628032 Provisions	50,000	0	50,000	.00	.00	50,000.00	.0%
628033 Rent	750,000	0	750,000	255,440.59	.00	494,559.41	34.1%
628034 Other	42,000	0	42,000	1,786.35	.00	40,213.65	4.3%
TOTAL Health and Social Serv Assist	901,200	0	901,200	269,871.79	.00	631,328.21	29.9%
1042 Public Works							
611000 Regular Salaries	3,524,738	0	3,524,738	1,128,575.51	.00	2,396,162.49	32.0%
613000 OT - Regular	65,000	0	65,000	34,362.04	.00	30,637.96	52.9%
613015 OT - Winter Road Maintenance	215,000	0	215,000	.00	.00	215,000.00	.0%
613016 OT - Fleet Services	1,000	0	1,000	.00	.00	1,000.00	.0%
613019 OT - Sand Removal	1,500	0	1,500	33.44	.00	1,466.56	2.2%
614003 Longevity Bonus	400	0	400	.00	.00	400.00	.0%
614004 Educational Incentive	0	0	0	.00	.00	.00	.0%
614005 Sick Leave Incentive	10,300	0	10,300	2,913.04	.00	7,386.96	28.3%
615000 Uniform Allowance	52,000	0	52,000	15,309.54	.00	36,690.46	29.4%
616001 Safety Compliance	10,200	0	10,200	.00	.00	10,200.00	.0%
628000 PS - Gen/Professional	270,000	0	270,000	131,458.24	32,146.83	106,394.93	60.6%
628007 Contracted Snow Removal	9,000	0	9,000	.00	.00	9,000.00	.0%
628010 Tree Removal	30,000	0	30,000	.00	7,500.00	22,500.00	25.0%
628012 Centerline Striping	271,400	0	271,400	103,817.80	44,724.10	122,858.10	54.7%
628014 Solid Waste Disposal	0	0	0	.00	.00	.00	.0%
628019 Building Repairs	115,000	0	115,000	9,694.51	.00	105,305.49	8.4%
628020 Vehicle Repairs	245,000	0	245,000	14,947.78	5,623.83	224,428.39	8.4%
628021 Equipment Repairs	30,000	0	30,000	10,084.20	.00	19,915.80	33.6%
628023 Radio Equipment Repairs	0	0	0	978.96	.00	-978.96	.0%
628024 Street Light Repairs	20,000	0	20,000	3,745.70	.00	16,254.30	18.7%
628025 Traffic Signal Maintenance	20,000	0	20,000	4,056.68	.00	15,943.32	20.3%
629000 Professional Development	22,000	0	22,000	2,045.00	.00	19,955.00	9.3%
629001 Travel - Mileage Reimbursment	3,950	0	3,950	.00	.00	3,950.00	.0%
629002 Travel - Seminar Costs	0	0	0	.00	.00	.00	.0%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
631000 Reports, Printing, & Binding	2,000	0	2,000	.00	.00	2,000.00	.0%
632000 Dues & Subscriptions	23,500	0	23,500	718.75	.00	22,781.25	3.1%
633000 Office Supplies	2,500	0	2,500	418.63	.00	2,081.37	16.7%
633001 Operating Supplies	2,000	0	2,000	.00	.00	2,000.00	.0%
633007 Maintenance Supplies	52,500	0	52,500	9,012.01	.00	43,487.99	17.2%
633010 Welding Supplies	15,000	0	15,000	5,502.86	.00	9,497.14	36.7%
633013 Traffic Paint	5,000	0	5,000	180.30	.00	4,819.70	3.6%
633014 Sign Material	40,000	0	40,000	4,400.98	-1,878.75	37,477.77	6.3%
633015 Pre-Mix Asphalt	200,000	0	200,000	106,708.08	35,999.30	57,292.62	71.4%
633016 Culvert/Basin Supplies	75,000	0	75,000	47,360.37	171.23	27,468.40	63.4%
633017 Bridge/Fence Supplies	6,000	0	6,000	1,468.38	.00	4,531.62	24.5%
633018 Loam/Seed	14,000	0	14,000	5,921.98	.00	8,078.02	42.3%
633019 Calcium Chloride	8,000	0	8,000	7,913.67	.00	86.33	98.9%
633020 Road Salt	350,000	0	350,000	.00	300,000.00	50,000.00	85.7%
633021 Safety Equipment	25,000	0	25,000	19,063.92	.00	5,936.08	76.3%
633023 Small Tools	27,000	0	27,000	19,053.12	.00	7,946.88	70.6%
633024 Gravel	110,000	0	110,000	30,214.55	-27,395.86	107,181.31	2.6%
633025 Other Sup - MV Repair	130,000	0	130,000	70,285.00	6,967.02	52,747.98	59.4%
633026 Other Sup - Equipment Repl	80,000	0	80,000	7,594.74	.00	72,405.26	9.5%
633029 MV Sup - Tires/Tube/Chain	70,000	0	70,000	13,107.02	.00	56,892.98	18.7%
633030 MV Sup - Fuel	0	0	0	2,852.35	.00	-2,852.35	.0%
633031 MV Sup - Plow/Grader Blades	35,000	0	35,000	.00	.00	35,000.00	.0%
633032 MV Sup - Other	50,000	0	50,000	14,901.82	.00	35,098.18	29.8%
633035 Parks/Open Space Supplies	75,000	0	75,000	5,965.90	.00	69,034.10	8.0%
640000 Telephones/Cell Stipends	14,748	0	14,748	6,690.33	.00	8,057.67	45.4%
641000 Water/Sewer	0	0	0	.00	.00	.00	.0%
641002 Electricity	0	0	0	.00	.00	.00	.0%
641004 Heating Fuel	0	0	0	.00	.00	.00	.0%
642000 Postage	200	0	200	73.00	.00	127.00	36.5%
643000 Leachate Hauling	20,000	0	20,000	3,300.12	.00	16,699.88	16.5%
650030 Operating Capital	0	0	0	6,647.00	62,166.34	-68,813.34	.0%
655200 Guard Rail Replacement	20,000	0	20,000	.00	15,708.00	4,292.00	78.5%
655405 St Imp-Crack Seal	0	0	0	401.17	-442.23	41.06	.0%
TOTAL Public Works	6,368,936	0	6,368,936	1,851,778.49	481,289.81	4,035,867.70	36.6%
1043 Solid Waste Disposal							
620000 Advertising	1,000	0	1,000	.00	.00	1,000.00	.0%
628014 Solid Waste Disposal	516,500	0	516,500	168,995.85	.00	347,504.15	32.7%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
628015 Solid Waste Collection	720,000	0	720,000	235,807.35	.00	484,192.65	32.8%
628053 Recycling Disposal	91,000	0	91,000	10,798.99	.00	80,201.01	11.9%
628054 Recycling Collection	288,000	0	288,000	110,744.27	.00	177,255.73	38.5%
TOTAL Solid Waste Disposal	1,616,500	0	1,616,500	526,346.46	.00	1,090,153.54	32.6%
1045 County Tax							
628908 County Taxes	3,117,240	0	3,117,240	3,117,240.00	.00	.00	100.0%
TOTAL County Tax	3,117,240	0	3,117,240	3,117,240.00	.00	.00	100.0%
1046 PW School Maint & Custodial							
611000 Regular Salaries	0	0	0	215,290.24	.00	-215,290.24	.0%
613000 OT - Regular	0	0	0	23,570.31	.00	-23,570.31	.0%
628019 Building Repairs	0	0	0	321,650.81	845,346.15	-1,166,996.96	.0%
628021 Equipment Repairs	0	0	0	10,659.96	.00	-10,659.96	.0%
633007 Maintenance Supplies	0	0	0	29,512.24	30,822.03	-60,334.27	.0%
633029 MV Sup - Tires/Tube/Chain	0	0	0	149.99	.00	-149.99	.0%
641000 Water/Sewer	0	0	0	21,265.10	.00	-21,265.10	.0%
641002 Electricity	0	0	0	160,061.46	.00	-160,061.46	.0%
641004 Heating Fuel	0	0	0	18,741.55	.00	-18,741.55	.0%
TOTAL PW School Maint & Custodial	0	0	0	800,901.66	876,168.18	-1,677,069.84	.0%
1049 Auburn Art in the Park							
628917 Arts in the Park	25,000	0	25,000	16,250.00	.00	8,750.00	65.0%
TOTAL Auburn Art in the Park	25,000	0	25,000	16,250.00	.00	8,750.00	65.0%
1050 Public Library							

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
611000 Regular Salaries	0	0	0	26.42	.00	-26.42	.0%
628900 Public Library	1,199,897	0	1,199,897	399,965.68	.00	799,931.32	33.3%
TOTAL Public Library	1,199,897	0	1,199,897	399,992.10	.00	799,904.90	33.3%
1051 Transfer to TIF							
900001 Transfer Out	3,049,803	0	3,049,803	.00	.00	3,049,803.00	.0%
TOTAL Transfer to TIF	3,049,803	0	3,049,803	.00	.00	3,049,803.00	.0%
1052 Water & Sewer							
643002 Public Fire Protection Fee	840,280	0	840,280	390,601.64	.00	449,678.36	46.5%
TOTAL Water & Sewer	840,280	0	840,280	390,601.64	.00	449,678.36	46.5%
1053 Tax Sharing							
628909 Tax Sharing	260,000	0	260,000	.00	.00	260,000.00	.0%
TOTAL Tax Sharing	260,000	0	260,000	.00	.00	260,000.00	.0%
1054 Auburn-Lewiston Airport							
628911 Aub-Lew Airport	205,000	0	205,000	183,709.71	.00	21,290.29	89.6%
TOTAL Auburn-Lewiston Airport	205,000	0	205,000	183,709.71	.00	21,290.29	89.6%
1056 LA Transit Committee							
628913 Lew-Aub Transit	458,502	0	458,502	.00	.00	458,502.00	.0%
TOTAL LA Transit Committee	458,502	0	458,502	.00	.00	458,502.00	.0%

FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1057 LA-911							
611000 Regular Salaries	0	0	0	667.28	.00	-667.28	.0%
613000 OT - Regular	0	0	0	.00	.00	.00	.0%
628914 Lew-Aub 911	1,380,000	0	1,380,000	344,998.93	.00	1,035,001.07	25.0%
TOTAL LA-911	1,380,000	0	1,380,000	345,666.21	.00	1,034,333.79	25.0%
1070 Education							
600000 Expenditures	62,123,472	0	62,123,472	1,055,881.16	.00	61,067,590.84	1.7%
TOTAL Education	62,123,472	0	62,123,472	1,055,881.16	.00	61,067,590.84	1.7%
TOTAL General Fund	121,825,947	0	121,825,947	26,314,546.33	1,389,621.37	94,121,779.30	22.7%
TOTAL EXPENSES	121,825,947	0	121,825,947	26,314,546.33	1,389,621.37	94,121,779.30	
GRAND TOTAL	121,825,947	0	121,825,947	26,314,546.33	1,389,621.37	94,121,779.30	22.7%

Norway Savings Bank Arena

for the Period Ended October 31, 2024

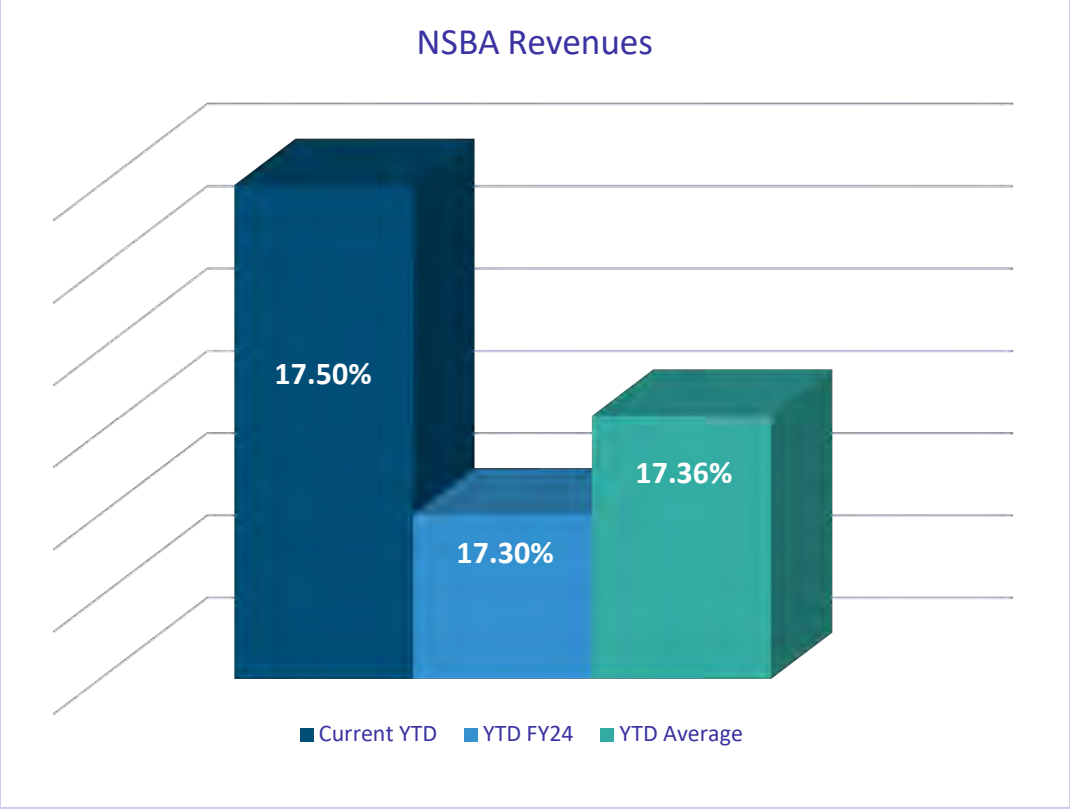
As of October 2024, Norway Arena had an operating loss fiscal YTD of $100,168.

Revenues:

The operating revenues for Norway Arena through October 2024 are $192,634 or 17.5% of the budget as compared to 17.3**%** of actual revenues through October 2023. This revenue comes from concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals.

- Ice rentals have bounced back with rink project wrapping up.

*Graph reflects current YTD with comparison to prior YTD and YTD average of prior 3 years percentage.



FROM 2025 01 TO 2025 04

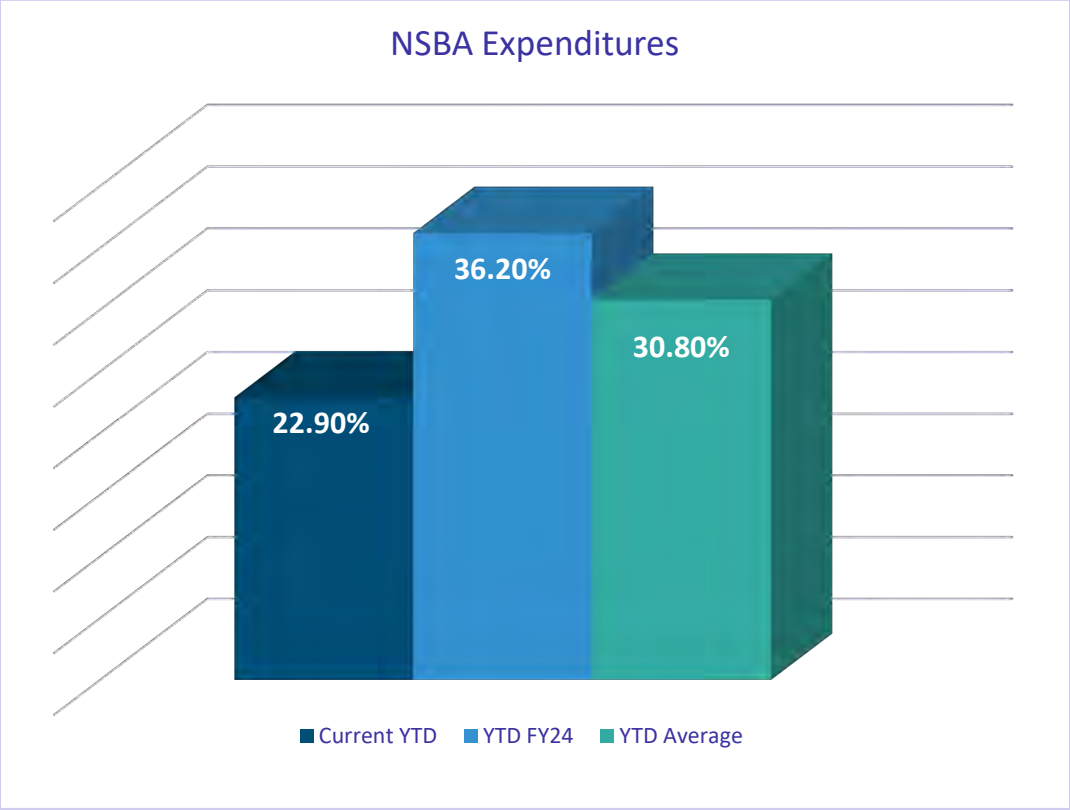
	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6200 Norway Savings Bank Arena							
6200 Norway Savings Bank Arena							
4201 Ice Rental-Gladiators	-280,000	0	-280,000	-41,958.53	.00	-238,041.47	15.0%
4202 Ice Rental-Edward Little	-22,500	0	-22,500	-4,185.00	.00	-18,315.00	18.6%
4203 Ice Rental-Red Hornets	-18,500	0	-18,500	-2,602.50	.00	-15,897.50	14.1%
4205 Ice Rental-St Doms (B & G)	-35,000	0	-35,000	.00	.00	-35,000.00	.0%
4206 Ice Rental-Poland/Gray NG	-18,500	0	-18,500	.00	.00	-18,500.00	.0%
4207 Ice Rental-CMCC	-22,500	0	-22,500	.00	.00	-22,500.00	.0%
4208 Ice Rental-SMMHL	-2,000	0	-2,000	.00	.00	-2,000.00	.0%
4209 Ice Rental-Adult Leagues	-162,000	0	-162,000	-35,191.68	.00	-126,808.32	21.7%
4210 Ice Rental-Twin City Thunder	-33,800	0	-33,800	-9,104.99	.00	-24,695.01	26.9%
4211 Ticket Revenue	-28,600	0	-28,600	-2,136.00	.00	-26,464.00	7.5%
4212 Ice Rental-Twin City Thunders	0	0	0	.00	.00	.00	.0%
4215 Freestyle-Figure Skating	-7,500	0	-7,500	-785.00	.00	-6,715.00	10.5%
4220 Camps/Clinics	-45,000	0	-45,000	-8,060.00	.00	-36,940.00	17.9%
4221 Tournaments	-75,000	0	-75,000	.00	.00	-75,000.00	.0%
4223 Private Rentals	-30,000	0	-30,000	-6,785.00	.00	-23,215.00	22.6%
4224 Public Skate	-25,000	0	-25,000	-2,091.00	.00	-22,909.00	8.4%
4225 Shinny Hockey	-4,000	0	-4,000	-240.00	.00	-3,760.00	6.0%
4240 Programs	-20,000	0	-20,000	-2,400.00	.00	-17,600.00	12.0%
4250 Non Ice & Facility Rent	-40,000	0	-40,000	-9,291.25	.00	-30,708.75	23.2%
4252 Skate Rentals	-3,000	0	-3,000	-450.00	.00	-2,550.00	15.0%
4260 Concessions	-21,000	0	-21,000	.00	.00	-21,000.00	.0%
4261 Pepsi Vending Machines	-3,000	0	-3,000	-670.73	.00	-2,329.27	22.4%
4263 Vending Food	0	0	0	-126.66	.00	126.66	.0%
4265 Pro Shop	-7,000	0	-7,000	-585.00	.00	-6,415.00	8.4%
4270 Sponsorships	-195,000	0	-195,000	-65,970.95	.00	-129,029.05	33.8%
TOTAL Norway Savings Bank Arena	-1,098,900	0	-1,098,900	-192,634.29	.00	-906,265.71	17.5%
TOTAL Norway Savings Bank Arena	-1,098,900	0	-1,098,900	-192,634.29	.00	-906,265.71	17.5%
TOTAL REVENUES	-1,098,900	0	-1,098,900	-192,634.29	.00	-906,265.71	
GRAND TOTAL	-1,098,900	0	-1,098,900	-192,634.29	.00	-906,265.71	17.5%

Expenditures:

The operating expenses for Norway Arena through October 2024 were $292,802 or 22.9% of the budget as compared to 36.2**%** of actual expenditures through October 2023. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

- Electricity credits from hydro agreement have kept costs extremely low YTD.

*Graph reflects current YTD with comparison to prior YTD and YTD average of prior 3 years percentage.



FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6200 Norway Savings Bank Arena							
6200 Norway Savings Bank Arena							
611000 Regular Salaries	311,032	0	311,032	111,107.84	.00	199,924.16	35.7%
612000 Part Time	60,000	0	60,000	19,500.68	.00	40,499.32	32.5%
612008 Programs	10,000	0	10,000	942.28	.00	9,057.72	9.4%
613030 Police Time	0	0	0	-2,197.00	.00	2,197.00	.0%
614015 Earned Paid Leave	0	0	0	.00	.00	.00	.0%
615000 Uniform Allowance	0	0	0	.00	.00	.00	.0%
620000 Advertising	2,000	0	2,000	.00	.00	2,000.00	.0%
628000 PS - Gen/Professional	12,000	0	12,000	.00	.00	12,000.00	.0%
628003 Drug Testing	400	0	400	.00	.00	400.00	.0%
628014 Solid Waste Disposal	600	0	600	208.60	.00	391.40	34.8%
628019 Building Repairs	50,000	0	50,000	3,958.59	.00	46,041.41	7.9%
628020 Vehicle Repairs	4,000	0	4,000	5,669.20	.00	-1,669.20	141.7%
628021 Equipment Repairs	4,000	0	4,000	4,058.05	.00	-58.05	101.5%
628026 Maintenance Contractx	0	0	0	.00	.00	.00	.0%
628051 Cleaning Services	20,000	0	20,000	5,225.00	14,775.00	.00	100.0%
628070 Security	4,900	0	4,900	.00	.00	4,900.00	.0%
629000 Professional Development	5,000	0	5,000	.00	.00	5,000.00	.0%
632000 Dues & Subscriptions	7,412	0	7,412	7,500.00	1,350.00	-1,438.00	119.4%
633000 Office Supplies	2,000	0	2,000	.00	.00	2,000.00	.0%
633001 Operating Supplies	70,000	0	70,000	16,105.06	7,100.00	46,794.94	33.2%
633002 Other Sup - Operating Field	3,000	0	3,000	12.00	.00	2,988.00	.4%
633021 Safety Equipment	4,000	0	4,000	629.23	.00	3,370.77	15.7%
633030 MV Sup - Fuel	0	0	0	.00	.00	.00	.0%
640000 Telephones/Cell Stipends	5,000	0	5,000	1,179.07	.00	3,820.93	23.6%
640001 Cable	2,500	0	2,500	535.68	.00	1,964.32	21.4%
641000 Water/Sewer	46,000	0	46,000	19,530.57	.00	26,469.43	42.5%
641001 Natural Gas	42,153	0	42,153	1,662.86	.00	40,490.14	3.9%
641002 Electricity	220,000	0	220,000	.00	.00	220,000.00	.0%
641003 Bottled Gas	5,000	0	5,000	1,893.99	.00	3,106.01	37.9%
642000 Postage	150	0	150	.00	.00	150.00	.0%
645000 Insurance Premiums	43,223	0	43,223	.00	.00	43,223.00	.0%
650000 Capital Outlay	40,000	0	40,000	1,917.68	.00	38,082.32	4.8%
TOTAL Norway Savings Bank Arena	974,370	0	974,370	199,439.38	23,225.00	751,705.62	22.9%
TOTAL Norway Savings Bank Arena	974,370	0	974,370	199,439.38	23,225.00	751,705.62	22.9%
TOTAL EXPENSES	974,370	0	974,370	199,439.38	23,225.00	751,705.62	
GRAND TOTAL	974,370	0	974,370	199,439.38	23,225.00	751,705.62	22.9%

Ingersoll Turf Facility

for the Period Ended October 31, 2024

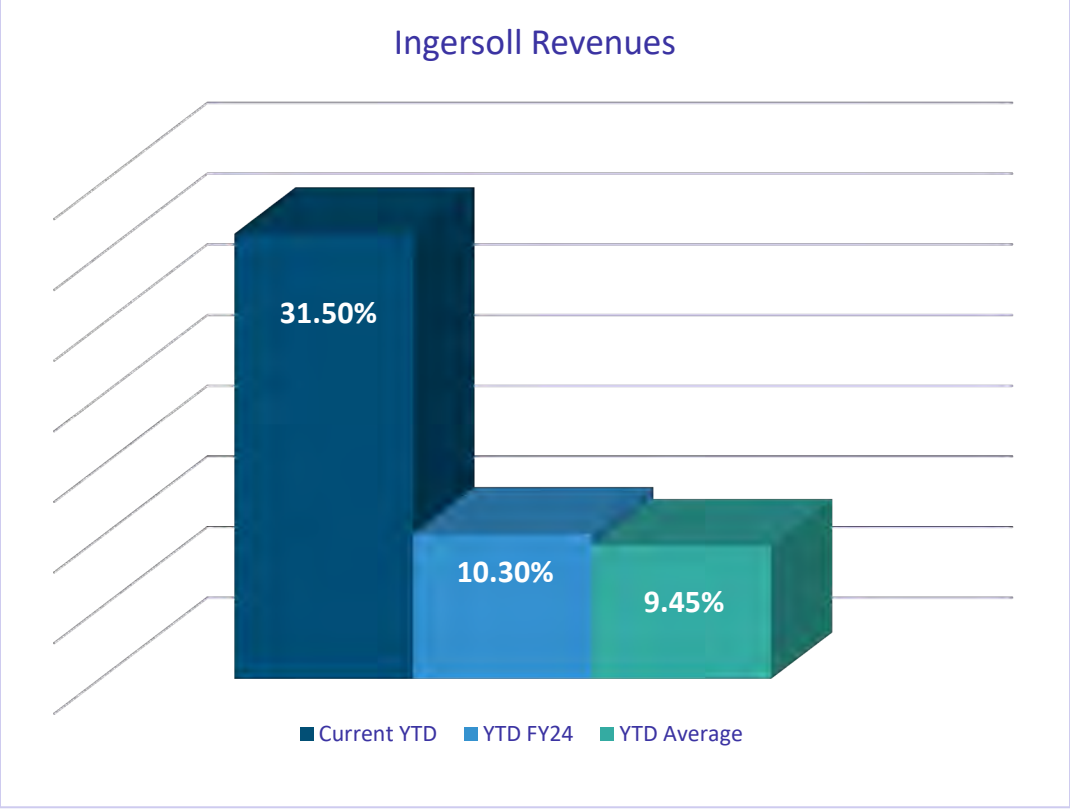
As of October 2024, Ingersoll had an operating gain YTD of $65,123. Of note, revenue to expenditure comparison is disproportionate as some expenditures are listed under the Recreation department budget, and regular salaries under Public Works.

Revenues:

The operating revenues for Ingersoll through October 2024 are $69,263 or 31.5% of the budget as compared to 10.3**%** of actual revenues through October 2023. This revenue comes from sponsorships, programs, rental income, and batting cages.

- Program revenues are at 61.5% of budgeted.

*Graph reflects current YTD with comparison to prior YTD and YTD average of prior 3 years percentage.



FROM 2025 01 TO 2025 04

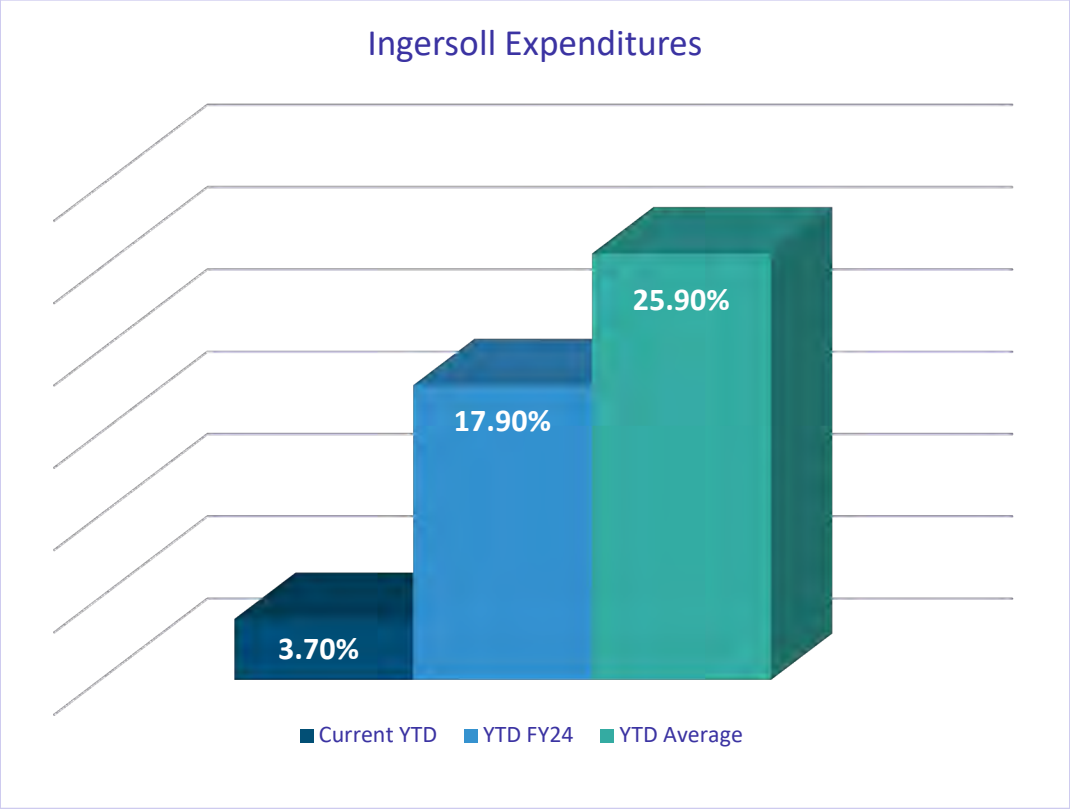
	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6100 Ingersoll Turf Facility							
6100 Ingersoll Turf Facility							
420070 Sponsorships-Special Events	-20,000	0	-20,000	-5,500.00	.00	-14,500.00	27.5%
420800 PROGRAM REVENUES	-18,000	0	-18,000	-11,072.50	.00	-6,927.50	61.5%
420903 Programs	-42,000	0	-42,000	-2,960.00	.00	-39,040.00	7.0%
422000 Investment Income	0	0	0	-1,786.24	.00	1,786.24	.0%
429010 Rental Income	-140,000	0	-140,000	-47,945.25	.00	-92,054.75	34.2%
TOTAL Ingersoll Turf Facility	-220,000	0	-220,000	-69,263.99	.00	-150,736.01	31.5%
TOTAL Ingersoll Turf Facility	-220,000	0	-220,000	-69,263.99	.00	-150,736.01	31.5%
TOTAL REVENUES	-220,000	0	-220,000	-69,263.99	.00	-150,736.01	
GRAND TOTAL	-220,000	0	-220,000	-69,263.99	.00	-150,736.01	31.5%

Expenditures:

The operating expenses for Ingersoll through October 2024 were $4,140 or 3.7% of the budget as compared to 17.9**%** of actual expenditures through October 2023. These expenses include supplies, repairs, capital purchases and maintenance.

- Many expenses are under Recreation, causing the disparity in comparison.

*Graph reflects current YTD with comparison to prior YTD and YTD average of prior 3 years percentage.



FROM 2025 01 TO 2025 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6100 Ingersoll Turf Facility							
6100 Ingersoll Turf Facility							
611000 Regular Salaries	40,000	0	40,000	.00	.00	40,000.00	.0%
612000 Part Time	25,000	0	25,000	2,229.46	.00	22,770.54	8.9%
620000 Advertising	500	0	500	.00	.00	500.00	.0%
628000 PS - Gen/Professional	5,300	0	5,300	.00	.00	5,300.00	.0%
628019 Building Repairs	20,000	0	20,000	258.48	.00	19,741.52	1.3%
629000 Professional Development	500	0	500	.00	.00	500.00	.0%
629001 Travel - Mileage Reimbursment	200	0	200	.00	.00	200.00	.0%
632000 Dues & Subscriptions	500	0	500	.00	.00	500.00	.0%
633000 Office Supplies	500	0	500	.00	.00	500.00	.0%
633003 Janitorial Supplies	2,000	0	2,000	495.52	.00	1,504.48	24.8%
633033 Tax Acquired Property Exp	16,300	0	16,300	922.85	.00	15,377.15	5.7%
640000 Telephones/Cell Stipends	1,400	0	1,400	234.04	.00	1,165.96	16.7%
641005 Diesel	300	0	300	.00	.00	300.00	.0%
642000 Postage	50	0	50	.00	.00	50.00	.0%
650000 Capital Outlay	0	0	0	.00	.00	.00	.0%
651069 Rec Programming/Facility Study	0	0	0	.00	.00	.00	.0%
TOTAL Ingersoll Turf Facility	112,550	0	112,550	4,140.35	.00	108,409.65	3.7%
TOTAL Ingersoll Turf Facility	112,550	0	112,550	4,140.35	.00	108,409.65	3.7%
TOTAL EXPENSES	112,550	0	112,550	4,140.35	.00	108,409.65	
GRAND TOTAL	112,550	0	112,550	4,140.35	.00	108,409.65	3.7%

Fiscal Year 2023 Audit- Quarterly Corrective Action Report

2023-002 Bank Reconciliations:

Recommendation: We recommend bank reconciliations be performed on a monthly basis for all cash accounts as part of the month end close to ensure that all transactions are posted appropriately and that unreconciled differences aren't carried forward from month to month.

Management Response/Corrective Action Plan: City reconciliations will continue to be done on a monthly basis and we anticipate timely imports from school to work toward month end closings and reconciliations of the school accounts

Action: All City accounts are reconciled monthly, school accounts are reconciled when received.

2023-004 Maintenance of Capital Asset Record:

Recommendation: We recommend the City retain and update its capital asset records on a regular basis during the year and at year-end. This maintenance must include periodic review of current year additions, disposals, construction in progress, retainage, and depreciation calculations.

Management Response/Corrective Action Plan: Current staff was unaware fixed assets were not prepared for the audit and therefore prepared when requested. Next fiscal year has been updated and prepared, staff now continues to review on a regular ongoing basis

Action: List was brought current and a draft process has been created, soon to be implemented, for disposal and addition of assets. For example, a trade-in vehicle for purchase will need to go through the Finance office, a title requires sign-off by Finance

Director and the information is noted at that time on the capital asset record, rather than all at once at the end of the year as previously done.

2023-005 Preparation of Financial Statements:

Recommendation: Due to time and budget constraints, we understand that certain functions must be prioritized and proper training regarding GAAP and GASB requirements may not always be possible. However, we recommend that the City provide training to finance staff and management responsible for financial reporting to the extent that the aforementioned criteria can be met. We recommend that Management and the City Council review and scrutinize transactions and reports on a regular basis to aid in the identification of errors. The City should review policy and procedures annually to ensure that controls are properly designed and implemented to mitigate the risk of inaccurate reporting throughout the year.

Management Response/Corrective Action Plan: Training has become a priority to ensure reliance on auditors is mitigated.

Action: Finance Director has signed up for Preparing an ACFR training through Government Finance Officer's Association in January, continued training expected.

Goals for next quarterly report:

Continue to address all recommendations and implement corrective actions. Specifically addressing (2023-006) SLFR Fund reporting in grant management processes and (2023-007) Child Nutrition Cluster supporting documentation and implementation of procedures/policies from school department.

Respectfully submitted,

Kelsey L. D. Earle

Kelsey L. D. Earle
Finance Director

City Council – Special Meeting
Agenda
December 19, 2024
Auburn Hall, Council Chambers

5:30 PM Meeting

I. **ORDER 145-12192024** – Reallocation of American Rescue Plan Act (ARPA) Funds in the amount of $308,226.37. *Passage requires majority vote.*

II. **Adjournment**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 19, 2024 ORDER 145-12192024

Author: Rita Beaudry, Grant Manager

Subject: American Rescue Plan Act (ARPA) Fund Update

Information: In May 2021 and May 2022, the City of Auburn received two American Rescue Plan Act (ARPA) fund allocations for a total award of $13,545,799.00. As of June 3, 2024, the City Council has appropriated a total of 52 individual projects. To date, we have expended/encumbered $13,237,572.63. A balance of $308,226.37 remains.

Per ARPA Final Rule, *all funds must be obligated by December 31, 2024, or funds will need to be returned.* All remaining funds must be expended by December 31, 2026.

ARPA reporting mandates are extensive and require a tremendous amount of obligated documentation. It is important we meet the required deadline for reporting of December 31, 2024. To do this, we strongly recommend the city council approve the recommended reallocations. These projects have all the necessary obligated documentation to file with the federal government.

Staff projects recommended for consideration:

- Project #52 – 121 Mill Street Community Resource Center: Increase original allocation of $438,702.83 by $208,226.37 for total of $646,929.20
- Project 23 – Small Area Master Planning: Increase original allocation of $300,000.00 by $100,000 for total of $400,000.00

CLOSED / REALLOCATED PROJECTS

PROJECT	TITLE	ALLOCATION	EXPENDED	BALANCE
1	Capital Investment & Purchasing	$ 165,421.00	$ 164,788.96	$ 632.04
6	Lake Grove Municipal Beach	$ 129,551.09	$ 114,803.97	$ 14,747.12
17	IT - Assessing Software (Patriot)	$ 150,000.00	$ -	$ 150,000.00
24	"Op Boxes" & Kayaks	$ 200,000.00	$ 181,408.36	$ 18,591.64
28	Efficiency Maine 2	$ 200,000.00	$ 201,684.86	$ (1,684.86)
30	Outreach Trailer Program	$ 50,000.00	$ 11,065.33	$ 38,934.67
36	Commercial Agriculture Incentive	$ 11,580.35	$ 11,848.48	$ (268.13)
37	Hasty Armory - HVAC	$ 550,000.00	$ 477,554.00	$ 72,446.00
39	Third Space Incentive Program	$ 36,064.29	$ 36,141.43	$ (77.14)
40	Auburn Victory Garden Program 2	$ 50,000.00	$ 40,094.97	$ 9,905.03
46	Special Olympics	$ 5,000.00	$ -	$ 5,000.00
				$ 308,226.37

ORDER 145-12192024

City Council Order

IN CITY COUNCIL

Ordered, City Council reallocate remaining American Rescue Plan Act (ARPA) funds in the amount of $308,226.37.

Additionally, per ARPA Final Rule, loan payments and interest received through the ARPA Economic Development Revolving Loan project, will be returned to the loan pool and utilized to provide future loans.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City Budgetary Impacts: None

Staff Recommended Action: Council to consider additional projects and reappropriate a total of $308,226.37

Previous Meetings and History: October 17, 2022, April 3, 2023, March 4, 2024, May 29, 2024, July 1, 2024

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: