

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



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

Jonathan LaBonte, Mayor

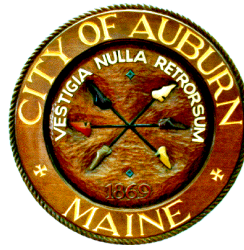
IN CITY COUNCIL

ORDER 01-01022013

ORDERED, that the City Council and School Committee hereby approve the Joint Purchasing and Procurement Policy prepared by the Audit Committee (attached) per City Charter Sec 8.16.

Passage on January 2, 2013 6-0, (Councilor Shea absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 02-01072013

ORDERED, that the following civilians be appointed or re-appointed to serve documents as Constables without firearms on behalf of the Auburn Police Department:

Lucien Asselin	Civil Process Only	Without Firearm	Re-appointment
Steven Chouinard	Civil Process Only	Without Firearm	Re-appointment
Harry Darling	Civil Process Only	Without Firearm	Re-appointment
Harry Gorman	Civil Process Only	Without Firearm	Re-appointment
Claire Barclay	Civil Process Only	Without Firearm	Re-appointment
Matthew Conde	Civil Process Only	Without Firearm	Re-appointment
Kenneth Edgerly	Civil Process Only	Without Firearm	Re-appointment
Joan Godbout	Civil Process Only	Without Firearm	Re-appointment
Ellery Hewey	Civil Process Only	Without Firearm	Re-appointment
Nicholas Kyllonen	Civil Process Only	Without Firearm	Re-appointment
Donald Linscott	Civil Process Only	Without Firearm	Re-appointment
Cynthia MacDonald	Civil Process Only	Without Firearm	Re-appointment
George Mathews	Civil Process Only	Without Firearm	Re-appointment
Sheryl Mathews	Civil Process Only	Without Firearm	Re-appointment
Jerry Webster	Civil Process Only	Without Firearm	Re-appointment

Jeffrey Campbell	Civil Process Only	Without Firearm	Appointment
Glenn Garry	Civil Process Only	Without Firearm	Appointment
Janice Jannetty	Civil Process Only	Without Firearm	Appointment
Janice Lare	Civil Process Only	Without Firearm	Appointment
Kristal Parshall	Civil Process Only	Without Firearm	Appointment
Erik Rider	Civil Process Only	Without Firearm	Appointment

Passage on 1/7/2013 5-0, (Councilors LaFontaine and Shea absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 03-01072013

ORDERED, that the City Council hereby agrees to lease two historical buildings referred to as the Knight House and the Downing Shoe Shop to the Androscoggin Historical Society as described in the agreement below.

AGREEMENT

THIS AGREEMENT made as of this 7th day of January, 2013, by and between **CITY OF AUBURN**, a municipal corporation located in the County of Androscoggin, State of Maine ("Lessor") and **ANDROSCOGGIN HISTORICAL SOCIETY**, a Maine nonprofit corporation with a principal location in Auburn, County of Androscoggin, State of Maine, ("Lessee"), **WITNESSETH THAT**, in consideration of the mutual promises and undertakings herein, Lessor and Lessee agree as follows:

1. **PREMISES:** Lessor leases to Lessee, and Lessee leases from Lessor two (2) wood frame buildings currently situated in the northeast corner of Great Falls Plaza in the City of Auburn, County of Androscoggin, State of Maine, which buildings are known as and referred to as "The Knight House" and "The Downing Shoe Shop" (also referred to as the "leased premises").

2. **TERM:** The term of this Agreement is from January 7, 2013 through August 31, 2017, for a period of five (5) years. Lessee shall have two (2) separate options to renew the term of this Agreement each for a term of five (5) years, which option Lessee shall, if at all, exercise by written notice to Lessor at least thirty (30) days prior to expiration of the then current term.

3. **RENTAL:** The Lessee shall pay the Lessor a total rent of **ONE DOLLAR (\$1.00)** payable annually on or before October 1 of each year of the term..

4. **ALTERATIONS, ADDITIONS AND IMPROVEMENTS:** Lessee may make such alterations, additions or improvement to the leased premises as it may desire, at its own expense, provided, however, that no structural alterations or additions may be made without first obtaining the written consent of the Lessor.

All repairs, alterations or additions, whether made by the Lessor or the Lessee, shall be done in a good and workmanlike manner, in full compliance with all federal, state and municipal laws, ordinances, rules and regulations.

Lessor shall not be responsible for costs of construction arising from repairs or the erection of any improvements to be done by Lessee, nor for any lien or other obligation involved in any such repair or construction. Lessee agrees to indemnify and hold the Lessor harmless from and against any lien or claim of the Lessee's creditors on account of said repairs or improvements.

5. **LESSOR'S MAINTENANCE:** Lessor agrees to perform all maintenance and make any and all repairs required, and Lessor and Lessee agree to meet at least annually to discuss what repairs and maintenance is required for the leased premises, attempting to determine the total costs for repairs and maintenance. Lessee agrees to attend Lessor's budget meetings to explain and discuss such costs.

6. **INSURANCE:** Lessor shall insure the leased premises with both casualty and personal injury insurance.

7. **LESSOR'S ACCESS:** Lessor shall have the right to enter the leased premises at all reasonable times for the purpose of making repairs required of it hereunder and for inspections at reasonable times during normal business hours.

8. **ASSIGNMENT AND SUBLETTING:** Lessee may not assign the Lease or sublet the whole of the leased premises without the prior written consent of the Lessor, which said written consent shall not be unreasonably withheld, provided that no such assignment or subletting shall in any way relieve or release the Lessee from liability hereunder.

9. **ARTIFACTS:** Lessor acknowledges that Lessee is owner of the contents and artifacts contained in the leased premises, and Lessee agrees to be solely responsible for their care, preservation, insurance and exhibition, providing Lessor with written notice of such exhibitions which shall be open to the public. Lessor and Lessee agree to cooperate to promote security of both the artifacts and leased premises.

10. **NOTICES:** Any and all notice or demands herein required, shall be sent in writing by United States certified Mail, postage prepaid, addressed to the respective parties as follows:

City of Auburn
Auburn Hall
Court Street
Auburn, ME 04210

Androscoggin Historical Society
2 Turner Street, Unit 8
Auburn, ME 04210

The above addresses may be changed at any time hereafter by the giving of written notice as hereinabove provided.

11. **TOTAL AGREEMENT:** All covenants, promises and agreements herein contained shall be binding upon and shall inure to the benefit of the respective successors or assigns of the parties hereto. This instrument embodies all of the agreements of the parties hereto with respect to the subject matter hereof and all agreements, if any, whether oral or written, heretofore made by the parties hereto relative to the subject matter hereof shall be superseded by the terms and provisions of this Lease. No modification or amplification, oral or written, with respect to the covenants, conditions and terms herein contained shall be binding upon either party until confirmed in writing. Modification or amplification or invalidity of any of the provisions hereof shall not affect any of the remaining provisions hereof.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be duly executed as of the day and year first above written.

LESSOR
CITY OF AUBURN

WITNESS

BY: _____
Jonathan LaBonte, its Mayor

LESSEE
ANDROSCOGGIN HISTORICAL

SOCIETY

WITNESS

by: David C. Young, its President

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
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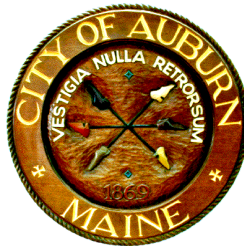
Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 04-01222013

ORDERED, that the Curb Appeal and Small Business Programs funded with Community Development Block Grant funds be adopted as recommended by Community Development Staff.

Tizz E. H. Crowley, Ward One
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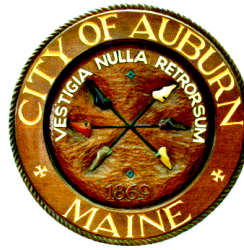
Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 05-01222013

ORDERED, that the Spot, Residential, Good Neighbor Start-up Grant, Heating Assistance and Commercial Programs funded with Community Development Block Grant funds be amended as recommended by Community Development Staff.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
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Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 06-01222013

ORDERED, that the Energy, Historic Preservation, Lead, Accessible Housing, Neighborhood Enhancement, Down Payment Assistance, and Tree Planting Programs funded with Community Development Block Grant funds be eliminated as recommended by Community Development staff.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
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Leroy Walker, Ward Five
Belinda Gerry, At Large
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Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 07-01222013

ORDERED, that the Guidelines of the Homebuyer, Homeowner Rehabilitation, and Security Deposit Loan Programs funded with HOME Investment Partnerships Program funds be amended as recommended by Community Development staff.

Tizz E. H. Crowley, Ward One
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Jonathan LaBonte, Mayor

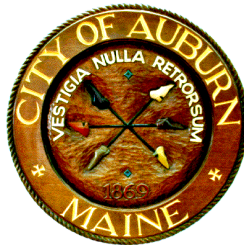
IN CITY COUNCIL

ORDER 08-01222013

ORDERED, that the School Budget Validation Referendum Election be held on June 11, 2013.

Passage on 1/22/2013, 6-1 (Councilor Shea).

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
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Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 09-01222013

ORDERED that the Auburn City Council, pursuant to section 5.A of its employment contract with Clinton E. Deschene, authorizes the six (6) month salary adjustment, for satisfactory performance, retroactive to December 18, 2012.

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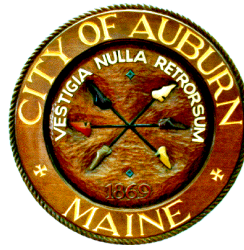
Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 10-01222013

ORDERED that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement between the City and MAP (Maine Association of Police) Command Unit for January 1, 2013 through June 30, 2013.

Tizz E. H. Crowley, Ward One
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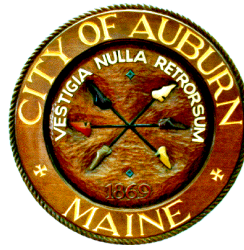
Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 11-01222013

ORDERED that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement between the City and MAP (Maine Association of Police) Police and Detective Unit for July 1, 2012 through June 30, 2013.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
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Leroy Walker, Ward Five
Belinda Gerry, At Large
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Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 12-01312013

ORDERED, that the City Council hereby accepts the design for the double sheet Ice Arena.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 13-02192013

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Travis St. Pierre), or any portion thereof (\$3,032.00 U.S. Currency) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Leon Payne), or any portion thereof (\$11,243.00 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about February 19, 2013.

Tizz E. H. Crowley, Ward One
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Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 14-02192013

ORDERED that the City Council hereby approves the Goal Setting Notes from 1-5-2013 Planning Session Meeting.

Passage on 2/19/2013, 6-0 (LaFontaine absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 15-03042013

ORDERED that the City Council hereby approves the consolidation of voting places for the June 11, 2013 School Budget Validation Referendum Election. Voting for all wards for will be held at Auburn Hall for this election.

Passage on 3-4-2013, 6-1 (Councilor Walker opposed).

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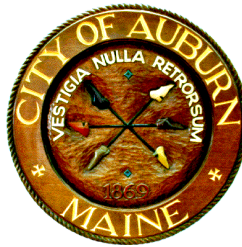
Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 16-03182013

ORDERED that the City Council hereby appoints Susan Clements-Dallaire as Registrar of Voters with a term expiration of December 31, 2014.

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



Jonathan LaBonte, Mayor

Leroy Walker, Ward Five
Belinda Gerry, At Large
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IN CITY COUNCIL

ORDER 17-03182013

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Travis St. Pierre), or any portion thereof (\$3,032.00 U.S. Currency) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Travis St. Pierre), or any portion thereof (\$3,032.00 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about March 18, 2013.

Tizz E. H. Crowley, Ward One
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Leroy Walker, Ward Five
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Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 18-03182013

ORDERED, that the following individuals are hereby appointed to the following boards and committees with term expirations as noted;

Auburn Housing Authority

Gilda Berube - term expiration 10/01/2017
Danelle Martel - term expiration 10/01/2017
Dan Curtis - term expiration 10/01/2016
Asmo Dal - term expiration 10/01/2015

Auburn Sewer District

Beverley Heath – term expiration 03/01/2017

Board of Assessment Review

Walter W. Crites – full member with term expiration of 10/01/2017
Levi Gervais – alternate member with term expiration of 10/01/2017

Cable TV Advisory Board

Edward Desgrosseilliers – term expiration of 01/01/15
Normand P. Morin – term expiration of 01/01/15

CDBG Loan Committee

Greg E. Whitney – with term expiration of 10/01/2015
Peter Simonitis – with term expiration of 10/01/2015

Ethics Panel – appointed by the Mayor with approval from Council majority

Linda Snyder – full member with term expiration of 01/01/2015
Anthony Newman – Alternate member with term expiration of 01/01/2016

L/A Transit Committee

Leonard Kimble – term expiration of 01/01/2015

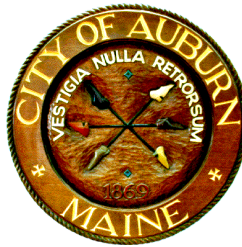
Parks & Recreation Advisory Board

Sue Patenaude – term expiration of 10/01/2014
Tom Nadeau – term expiration of 10/01/2014

Zoning Appeals Board

Dan Curtis – associate member with term expiration of 10/01/2014

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Belinda Gerry, At Large
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Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 19-04012013

ORDERED that the City Council hereby accepts the 2013 City Work Plan as presented by the City Manager.

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



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Belinda Gerry, At Large
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Jonathan LaBonte, Mayor

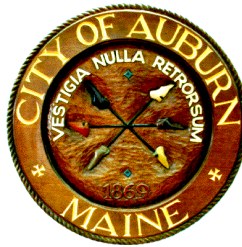
IN CITY COUNCIL

ORDER 20-04012013

ORDERED that the City Council hereby appoints Steve Lunt to the Railroad committee with a term expiration of 04/01/2016.

Passage on 4/1/2013 6-0 (Councilor LaFontaine absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 21-04012013

ORDERED that the City Council hereby approves the Charitable Organization Event Policy below.

CHARITABLE ORGANIZATION EVENT SUPPORT POLICY

PURPOSE

To establish a process for approving the funding of non-profit/charitable funding events that benefit residents in the City of Auburn.

BACKGROUND

It has been the practice of the City of Auburn to allocate funding from the city's General Fund (through individual department budget lines—events such as the July 4th fireworks) and in-kind contributions to support a variety of highly successful and well-attended community-based events conducted by charitable/non-profit organizations.

The City also provides funding support for non-profits through its Community Development Block Grant (CDBG) funds. This policy shall not involve the utilization of those funds as the City employs a separate process to review and distribute CDBG funds.

In order to ensure a uniform process is followed in the appropriation of city General Funds or in-kind city support requests that are annually submitted to the city, the following guidelines will be followed.

EXEMPT ORGANIZATIONS

For the purposes of this policy, certain organizations/events shall be exempt from the funding limitations articulated in this policy. This exemption shall not be meant to exempt these organizations from providing all required information, by March 1 of each year, required in the form outlined in Appendix A of this policy. Those organizations/events eligible for exemption under this section are:

- The Liberty Festival Committee or 4th of July fireworks funding
- The Great Falls Balloon Festival
- The Dempsey Challenge

A. DEFINITIONS

“Financial assistance” shall mean any municipal grant encompassing all forms of direct cash payments for eligible activities.

“In-kind” shall mean funding any request that requires the utilization of any municipal service, property, program, asset or employee used to support the event/program for which the non-profit is either sponsoring or participating in.

“Non-profit organization” shall mean any non-profit/charitable organization recognized as a tax exempt IRS approved 501.C.3/4 and/or recognized as a legally tax-exempt organization under Maine law.

B. INTRODUCTION

The Charitable Organization Support Policy has been established by the city manager's office to provide guidelines to non-profit organizations that are seeking financial assistance or in-kind assistance with the following:

1. One time start-up funding for a new community event or festival (support will be limited to in-kind support not to exceed \$5,000).
2. Sponsorship funding for established community events or festivals.
3. Funding towards event partnerships between the city or organizations
4. Funding to maintain and/or operate private structures or property that are used to the benefit of the community as a whole.
5. Requests for in-kind support through the use of city equipment, structures, assets, public space, services and staffing

C. CONDITIONS FOR NON-PROFIT SUPPORT CONSIDERTATION AND APPROVAL

1. EVENTS REQUESTS NOT REQUIRING CITY COUNCIL APPROVAL AND NOT REQUIRING A FORMAL APPLICATION UNDER THIS POLICY

The following non-profit in-kind requests not requiring City Council approval shall be reviewed for possible approval by the City Manager's office and subject to the review and application process required of all participating departments. In all such cases, these requests for in-kind support will not require the filing of the formal application. Eligibility for consideration under this policy section shall not occur if any organization is not eligible as outlined in Section C.4 of this policy, and shall only occur under the following limited conditions:

- a. That the utilization of city property is compliant with existing city policies and ordinances and will not require additional subsidies through the city budget or impact city staffing and resources.
- b. Any utilization of city properties & assets for the support of public meetings for county, state and federal agencies/commissions, local/state/national organizations to which the City of Auburn participates as a member, and state/federal legislative oversight groups.
- c. Waiver of use policies and/or rental and insurance fees in those instances when the event benefits the community; can be co-sponsored as a "City of Auburn" event; is consistent with the normal use of the facility; and can be supported with budgeted city staff/resources.
- d. Approval of any City Council approved prior year event which remains substantially similar in scope and did not require any direct city cash payment contribution and/or in-kind assistance.

2. CITY COUNCIL APPROVAL - APPLICATION ELIGIBILITY

All non-profit requests which do not fall under Section B.1 of this policy require the filing of an application. The City Council will review applications for municipal nonprofit support after considering the following eligibility criteria. All applications must be submitted no later than March 1 of each fiscal year. The following are the conditions for filing non-profit eligibility:

- a. A not-for-profit organization that meets the definition of "non-profit" as defined in this policy.
- b. Provides a recreation, cultural or community service to a significant proportion of city residents that the city does not otherwise provide.
- c. Has demonstrated revenue-generating capability for the event.
- d. If other government or private funding does not exceed fifty percent (50%) and the organization can demonstrate that it has exhausted all other potential avenues of funding for the service or event.
- e. Organizations demonstrate collaboration and cooperation with other local organizations in the sharing of resources.
- f. Organizations that receive any funding are required to acknowledge the support of the municipality through the use of the municipal, web site and tag line on any promotional material for the event, service, activity, etc. The plan for the use of the municipal logo, web site and tag line will be submitted as part of the event application to the City Clerk for his/her review

3. CITY COUNCIL APPROVAL - APPLICATION CONDITIONS

The following are those conditions which qualify for city financial assistance or in-kind support and will require the submission of the formal application.

- a. Start-up funds for a new community event or festival.
 - Start-up funds may be provided, on a ONE TIME basis only, to assist in the initial costs for providing the community with a new community event or festival.
 - Sponsorship funds for established community events or festivals.
 - Sponsorship funds may be given to organizations provided that Council acknowledges that the municipality is obtaining an economic benefit.
 - Depending on the monetary success of the event, Council may determine that the sponsorship funding or portion thereof be repaid or be carried forward to a subsequent year which must be within the city's fiscal year.
- b. Direct cash funding and any in-kind support for organizations that provide a service or engage in a community festival in partnership with the city.
- c. Direct cash funding to maintain and/or operate private structures or properties that are used for the benefit of the community.
 - Funding may be provided to organizations to offset operating costs such as taxes and insurance for private structures and properties if Council acknowledges that those facilities are used for the benefit of the community.

4. CITY COUNCIL WAIVER REQUIRED - NOT ELIGIBLE FOR FINANCIAL ASSISTANCE/IN- KIND SUPPORT

The following will not be eligible for financial assistance/in-kind unless specifically waived by the City Council:

I. TYPES OF ORGANIZATIONS/INDIVIDUALS

- i. Social assistance services that are provided by other government agencies or not-for-profit organizations.
- ii. For-profit organizations
- iii. Organizations with political affiliations
- iv. Organizations serving as funding sources for others, e.g. service clubs.
- v. Faith organizations where services/activities include the promotion and/or required adherence to a faith.
- vi. Organizations receiving greater than 50% funding from senior levels of government.
- vii. Political candidates.

II. TYPES OF REQUESTS

- i. Travel expenses for members of an organization.
- ii. Uniforms
- iii. Individuals
- iv. Programs with legislated mandates of other governments.
- v. Costs for major capital equipment/renovations and financing of deficits.
- vi. Any funding requests from organizations that do not submit the required reporting information for a previous year's grant in accordance with Section C of this policy.
- vii. Incorporation costs or Director's Liability insurance costs
- viii. Any request for the use of tables/chairs or other city assets off-site.
- ix. Under any one of the following conditions: The event involves fund raising supports with no general public purpose; will not be accessible to the general public; benefits the organization only as a fund-raiser; or provides a benefit limited to the participants, clients or membership of the organization.

5. FUNDING LIMITS

Any organization or event in any one fiscal year will be capped at a cash request of \$2,500 and/or in-kind value of \$5,000. Any amount, in total cash and/or in-kind, shall not exceed 25% of the total annual budget of the organization. Council has the authority to increase the maximum funding limits of this section on a case-by-case basis.

6. APPLICATION PROCESS & CONDITIONS

Prior to considering any request for funding or in-kind support (not subject to City Manager's approval under this policy), Council shall require the following from the organization:

- A completed Charitable Funding Application form detailing the requested funding/in-kind support from the city.
- Financial statements which shall include an income and expense statement and a balance sheet (if one is available) from the previous event or fiscal year
- A detailed budget for the upcoming fiscal year or event

Information pertaining to the evaluation criteria:

- The applicant will provide one (1) copy of the application form and any supporting documents to the city. An electronic copy is acceptable.
- The city reserves the right to request supplementary information in support of the application.
- Requests for financial and/or in-kind assistance shall be received by the city no later than March 1 of each calendar year
- If the above information is not submitted by the March 1 deadline, applications may not be considered by Council
- Filing an application does not necessarily guarantee the awarding of any funding to the applicant
- Previous year's funding allocations will not be considered and each application will be reviewed on its own merit
- The city reserves the right to deny or approve any/all requests

All approved applications will be approved for three years unless a substantial change has been identified in the application or financial request. The City Manager has the authority to extend the approval an additional three years if no substantial change has been identified in the application or financial request.

This item was postponed indefinitely (4/1/2013 and 4/16/2013).

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



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

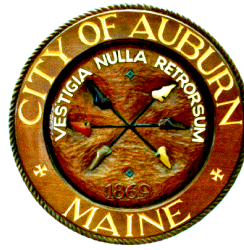
Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 22-04162013

ORDERED, that the Park Avenue Elementary School may place temporary signs for its 2013 annual May Fair event at the locations listed in their letter dated April 9, 2013 (attached) as long as their placement does not affect sight distance for streets or adjacent driveways.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 23-04162013

TITLE: ORDER - AUTHORIZING A LOAN THROUGH THE STATE SCHOOL REVOLVING RENOVATION FUND IN THE AMOUNT OF \$384,760

WHEREAS, the City desires to obtain a loan through the Maine Municipal Bond Bank's (the "Bond Bank") School Revolving Renovation Fund ("SRRF") under the Maine School Facilities Finance Program to finance renovations to Fairview School, Walton School and Franklin Alternative School; and

WHEREAS, the City expects to enter into a loan agreement with the Bond Bank in an amount not to exceed \$384,760, provided, however, that the City anticipates that 55.15% of said loan (estimated to be \$212,196) will be forgiven and that the City will be obligated to repay the 44.85% balance of said loan (estimated to be \$172,564 and will be at 0% interest, pursuant to Section 6606-F of Title 30-A of Maine Revised Statutes-SRRF);

NOW, THEREFORE, BE IT ORDERED BY THE AUBURN CITY COUNCIL, pursuant to Section 5772 of Title 30-A of the Maine Revised Statutes, as amended, the Auburn City Charter and all amendments thereof, and all other authority thereto enabling, and following a public hearing duly called and held as required by Article 8, Section 8.13 of the City Charter:

THAT the Finance Director / City Treasurer are hereby authorized to enter into a loan agreement between the City and the Bond Bank, such loan agreement to contain the usual and customary terms as is required by the Bond Bank under its SRRF program, such loan to be in the amount not to exceed \$384,760, of which 55.15% (estimated to be \$212,196) is expected to be forgiven and 44.85% (estimated to be \$172,564) is expected to be repaid under the terms of the SRRF program (the "SRRF Loan"), such SRRF Loan to be evidenced by the City's general obligation bonds in the amount to be repaid under said SRRF program (anticipated to be an amount not to exceed \$172,564), the proceeds of which loan are hereby appropriated to fund the costs of the following school renovations and improvements (including costs of issuance, capitalized interest, and any other costs related or ancillary thereto) (referred to as the "Projects"):

Amount	Description
\$40,266	Fairview School – Hazardous Material Removal
\$319,929	Franklin Alternative School – Indoor Air Quality
\$24,565	Walton School - Hazardous Material Removal

THAT the bonds shall be issued as authorized hereunder and shall be signed by the Finance Director / City Treasurer, attested by the City Clerk under the seal of the City. A tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year. The bonds may be issued at one time or from time to time, either singly or in series, and the authority and discretion to fix method of sale, issue date, maturities, denominations, interest rate, place of payment, form and other details of said bonds and notes, and to take all other actions and to sign and deliver all other documents, certificates and agreements in order to provide for the sale thereof is hereby delegated to the Finance Director / City Treasurer.

THAT the bonds authorized hereunder may be made subject to call for redemption, either with or without premium, on such terms as may be determined by the Finance Director / City Treasurer.

THAT the Finance Director / City Treasurer is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, and other documents and certificates as may be necessary or appropriate as determined and approved by the Finance Director / City Treasurer in connection with the financing of the Projects (the "Financing Documents"), which Financing Documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Finance Director / City Treasurer such approval to be conclusively evidenced by her execution thereof.

THAT the authority and discretion to designate the bond or notes, or a portion thereof, as qualified tax-exempt obligations under Section 265 of the Internal Revenue Code of 1986, as amended, is hereby delegated to the Finance Director / City Treasurer.

THAT the Finance Director / City Treasurer and Clerk be, and hereby are authorized and empowered in the name of the City and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to complete the SRRF Loan and to effect the issuance, sale and delivery of the bonds hereinabove authorized.

THAT if the Finance Director / City Treasurer or Clerk are for any reason unavailable to complete the SRRF Loan and to approve and execute the bonds or any of the Financing Documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

THAT if any of the officers or officials of the City who have signed or sealed the bonds shall cease to be such officers or officials before the bonds so signed and sealed shall have been actually authenticated or delivered by the City, such bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds had not ceased to be such officer or official; and also any such bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds, shall be the proper officers and officials of the City, although at the nominal date of such bonds any such person shall not have been such officer or official.

THAT this order is a declaration of official intent pursuant to Treas. Reg. § 1.150-2 and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

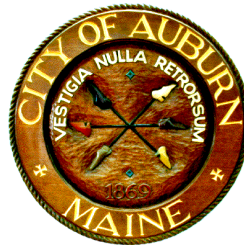
THAT in order to finance temporarily the projects described above, the Finance Director / City Treasurer is authorized to expend up to \$384,760 either from available funds of the City or from the proceeds from any bond anticipation note which would be reimbursed or refinanced from bond proceeds.

A public notice providing a general summary of the proposed borrowing was published the same on April 20, 2013, in the Lewiston Sun-Journal, a daily newspaper published in Androscoggin County.

A public hearing was held on May 6, 2013.

Passage of first reading on 5/6/2013, 7-0.
Passage of second reading on 5/20/2013, 7-0.

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



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

Jonathan LaBonte, Mayor

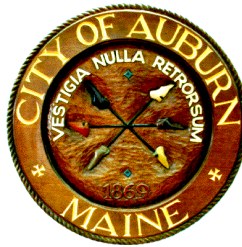
IN CITY COUNCIL

ORDER 24-04162013

ORDERED, that the Auburn Business Association may place temporary signs as requested in the March 29, 2013 letter from Peter Murphy, Board Member of the Auburn business Association (attached) as long as their placement does not affect sight distance for streets or adjacent driveways.

Passage on 4/16/2013, 5-1 (Councilor Walker opposed, Councilor Hayes absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 25-04162013

ORDERED that the City Council hereby adopts the attached Complete Streets Policy and directs the City Manager to initiate development of the appropriate supporting ordinances and designed guidelines for review and adoption no later than October 31, 2013.

COMPLETE STREETS POLICY

1. Vision

Promoting pedestrian, bicycle, and public transportation travel reduces negative environmental impacts, promotes healthy living, advances the well being of travelers, supports the goal of compact development, and meets the needs of the diverse populations that comprise our communities. The vision of the Cities of Lewiston Auburn (Cities) is of a community in which all residents and visitors, regardless of their age, ability, or financial resources, can safely and efficiently use the public right-of-way to meet their transportation needs regardless of their preferred mode of travel.

2. Policy

The Cities will plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles and riders, freight haulers, emergency responders, and residents of all ages and abilities.

Transportation facilities that support the concept of complete streets include, but are not limited to pavement markings and signs; street and sidewalk lighting; sidewalk and pedestrian safety improvements; Americans with Disabilities Act and Title VI compliance; transit accommodations; bicycle accommodations including intersection detection and appropriate signage and markings; and streetscapes that appeal to and promote pedestrian use.

The system's design will be consistent with and supportive of local neighborhoods, recognizing that transportation needs vary and must be balanced in a flexible, safe, and cost effective manner.

3. Projects

Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work. Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation. The L-A Bicycle Pedestrian Committee shall be briefed on potential future projects of this nature during or immediately following the annual development of the city's capital improvement program. This will allow the Committee to provide its views regarding complete streets policy early in the planning and design process.

4. Exceptions

Exceptions to this policy may be made under the circumstances listed below:

- a. Street projects may exclude those elements of this policy that would require the accommodation of street uses prohibited by law;
- b. Ordinary maintenance activities such as mowing, snowplowing, sweeping, spot repair, joint or crack sealing, or pothole filling do not require that elements of this policy be applied beyond the scope of that maintenance activity;
- c. Ordinary maintenance paving projects may only exclude the elements of this policy that would require increasing pavement width. However, when such projects do occur, the condition of existing facilities supporting alternate transportation modes should be evaluated as well as the appropriateness of modifying existing pavement markings and signage that supports such alternate modes. This exception does not apply to street reconstruction projects;
- d. Street reconstruction projects and maintenance paving projects which involve widening pavement may exclude elements of this policy when the accommodation of a specific use is expected to:
 - require more space than is physically available, or
 - be located where both current and future demand is proven absent, or
 - drastically increase project costs and equivalent alternatives exist within close proximity, or
 - have adverse impacts on environmental resources such as streams, wetlands, floodplains, or on historic structures or sites above and beyond the impacts of currently existing infrastructure.

In order for an exception to be granted under the conditions stated above and prior to finalizing the design and budget for the intended project, the City Engineer and Director of Public Works must first consult with the City Planner and City Administrator. If the City Administrator concludes that an exception to the policy is warranted, the Administrator or the staff representative to the L-A Bicycle Pedestrian Committee shall consult with the Committee regarding the project and the requested exception. If, after this consultation, a difference of opinion exists between the Committee and staff regarding an exception that has been granted, the Committee may forward its concerns to the City Council for its consideration.

- e. Street projects may exclude the development of sidewalks in areas falling outside those identified as appropriate for sidewalks on the basis of an adopted sidewalk policy.

5. Intergovernmental Cooperation

The Cities will cooperate together and with other transportation agencies including the Maine Department of Transportation (MDOT) and Androscoggin Transportation Resource Center (ATRC) to ensure the principles and practices of complete streets are embedded within their planning, design, construction, and maintenance activities. The two cities will specifically cooperate to ensure the transportation network flows seamlessly between the two communities in accordance with local and regional road, transit, bicycle, and pedestrian plans and mutually agreed upon design criteria.

6. Design Criteria

The Cities, through their Public Works and Planning Departments, shall develop and adopt design criteria, standards, and guidelines based upon recognized best practices in street design, construction, and operation. To the greatest extent possible, the Cities shall adopt the same standards with particular emphasis on pedestrian and bicycle markings and wayfinding signage. Resources to be referenced in developing these standards shall include, but not necessarily be limited to, the latest editions of: American Association of State Highway Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, Guide for Planning, Designing, and Operating Pedestrian Facilities, and Guide for the Development of Bicycle Facilities; Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide; U.S. Access Board Public Right-of-Way Accessibility Guidelines; Highway Capacity Manual and Highway Safety Manual; and the Manual on Uniform Traffic Control Devices.

The Cities will be permitted to consider innovative or non-traditional design options that provide a comparable level of safety and utility for users as those listed above.

7. Community Context

Implementation of this Policy shall take into account the goal of enhancing the context and character of the surrounding built and natural environments. Transportation facilities, including roads, should be adapted to fit and enhance the character of the surrounding neighborhood.

8. Network

Special attention should be given to projects which enhance the overall transportation system and its connectivity. Specifically, high priority should be given to:

- a. Corridors providing primary access to one or more significant destinations such as a parks or recreation areas, schools, shopping/commercial areas, public transportation, or employment centers;
- b. Corridors serving a relatively high number of users of non-motorized transportation modes;
- c. Corridors providing important continuity or connectivity links to existing pedestrian or bicycle networks;
- d. Projects identified in regional or local bicycle pedestrian plans prepared by organizations such as the ATRC, Androscoggin Land Trust (ALT), and other associated groups.

9. Performance Measures

The City Administrator/Manager and/or designee shall report to the Planning Boards and City Councils on an annual basis on the transportation projects undertaken within the prior year and planned within the coming year and the extent to which each of these projects has met the objectives of this policy.

10. Implementation

This policy will be primarily implemented through developing bike and pedestrian network plans on a regional basis through ATRC and within the Cities through the Joint Bicycle Pedestrian Committee. These plans shall specify the type and location of improvements and shall be implemented as funding becomes available or routine work is completed. Special emphasis shall be placed on those elements of these plans that can be accomplished with little or no additional expense, such as providing bike lanes where existing pavement is adequate or where road shoulders are sufficient to allow for safe bicycle use.

Additional implementation activities will include, but not be limited to: developing project checklists that incorporate complete streets elements in the Cities' overall design processes; establishing design manuals that clearly set forth the standards to be followed for bike and pedestrian installations including signs and markings; and directing the Planning Boards to evaluate changes to the Cities' respective land development codes that will extend the complete streets concept into private developments through appropriate subdivision and site plan regulations.

Projects that are located within the public right-of-way and also included within the Cities' annual or multi-year capital improvement plans shall specifically reference how the project addresses complete streets issues.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 26-04162013

ORDERED, that the following individuals be appointed to the Water District Board each with a term expiration of 03/01/2017.

1. Robert Cavanagh
2. Richard S. Whiting

Passage on 4/16/2013, 4-2 with Councilors Crowley and Walker opposed.

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



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

Jonathan LaBonte, Mayor

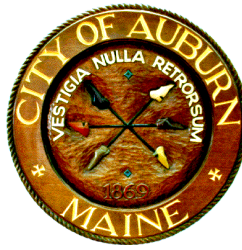
IN CITY COUNCIL

ORDER 27-05062013

ORDERED, that Safe Voices (formerly the Abused Women's Advocacy Project) may place temporary signs for its 2013 Walk to End Domestic Violence to be held on Saturday June 15, 2013 at the locations listed below so long as their placement does not affect sight distance for streets or adjacent driveways.

- Corner of Minot Ave. and Hotel Rd.
- Corner of Court St. and Minot Ave.
- Corner of Academy and Main St.
- Corner of Court St. and Union St.
- Corner of Court St. and Mount Auburn Ave.
- Corner of Turner St. and Mount Auburn Ave.
- Corner of Turner St. and Center St.
- Overpass entrance and exit from Center St.
- Auburn Turnpike exit onto Washington Ave.
- Rotary Way (Island)

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 28-05062013

ORDERED, that the City Council hereby sets the time for opening the polls at 7:00 A.M. for the June 11, 2013 School Budget Validation Referendum Election that will be held at Auburn Hall.

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



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

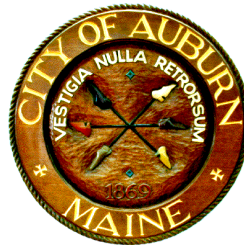
Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 29-05062013

ORDERED, that Howard Kroll, Assistant City Manager be and hereby is appointed to the Lewiston-Auburn Transit Committee with a term expiration of 1/1/2015.

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



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

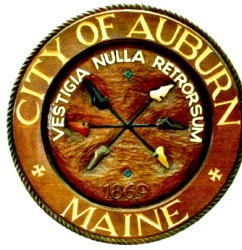
Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 30-05062013

ORDERED, that Nicholas J. Kyllonen and Krista M. Lee be named as Constables with firearm for the Auburn Police Department.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 31-05062013

ORDERED, that those certain proposed amendments to the Waste Handling Agreement between the City and Mid-Maine Waste Action Corporation, dated July 1, 1986, as amended December 1, 1987 (the “Waste Handling Agreement”), to provide that the Waste Handling Agreement shall remain in effect until the later of May 1, 2035 or termination of the MMWAC Interlocal Solid Waste Agreement, except that upon on (1) year’s prior written notice, the City may terminate the Waste Handling Agreement at the end of a fiscal year, be, and hereby are, approved; and

BE IT FURTHER ORDERED, that the City Manager be, and hereby is, authorized and directed to execute the same on behalf of the City.

AMENDMENTS TO THE MMWAC/CITY OF AUBURN WASTE HANDLING AGREEMENT

Delete Article XI in its entirety and replace it with the following:

Article XI Term of Agreement

This Agreement shall remain in effect until the later of (i) May 1, 2035, or (ii) the expiration of the term of the Interlocal Agreement; provided, however, that this Agreement may be further extended by mutual agreement of the Parties evidenced by a duly executed instrument in writing attached hereto.

The Municipality may terminate this Agreement at the end of a fiscal year, provided that it has given MMWAC at least one (1) year’s written notice of such intent to terminate the agreement.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 32-05062013

ORDERED, that the City Manager is authorized to sign the Auburn-Lewiston Consortium Mutual Cooperation Agreement to extend the consortium between the City of Auburn and City of Lewiston under the HOME Investment Partnerships Program for a three-year period.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 33-05062013

Whereas, the FY 2014 property tax commitment calculated revenue from BETE/BETR and Homestead twice;

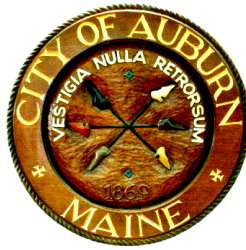
Whereas, this error inflated non-property tax revenue, reducing tax commitment by \$1,732,413 dollars;

Whereas, it is the decision of the City to not issue a supplemental tax bill, and adopt all measures in remaining expenses in FY 2014;

Whereas, use of Emergency Reserve requires Council action pursuant to Charter Section 8.7 and 8.12;

Therefore, be it hereinafter ordered that the City Council of the City of Auburn authorize the use of overlay in the amount of \$228,055 and Emergency Reserve, that otherwise would pass to undesignated general fund balance, in the amount of \$300,000 to reduce the tax commitment shortfall.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

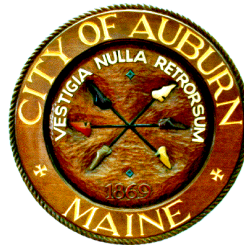
ORDER 34-05062013

Amend Order 95-11192012 to add language to authorize the City Manager to sign all documents and agreements on behalf of the City of Auburn in regards to the construction of a transit station in downtown Auburn.

ORDERED that the City Council approves the construction of a Transit Station in Downtown Auburn and authorizes the City Manager to allocate up to \$250,000 to complete the project.

FURTHER ORDERED that the City Council authorize the City Manager to sign all agreements and appropriate documents on behalf of the City of Auburn related to the Construction of a Transit Station in Downtown Auburn.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 35-05132013

ORDERED, that Capital Purchases (CIP) Bond Projects for FY 2014 in the amount of \$6,500,000 Acquisition of the following capital equipment and the design, construction, renovation, and rehabilitation of the following capital improvements, all constituting part of the City's FY14 Capital Improvement Program:

Department	FY14 Projects Only (See CIP for full description)	Proposed Financing	CIP	FY 2014 CIP Bond
School	Building and Equipment Improvements	Bond	CIP	\$1,500,000
Engineering	Major Drainage	Bond	CIP	\$60,000
Engineering	MDOT Match	Bond	CIP	\$500,000
Engineering	Reclaim/Resurface	Bond	CIP	\$1,250,000
Engineering	Reconstruction	Bond	CIP	\$1,000,000
Engineering	Bridge Repairs	Bond	CIP	\$125,000
ICT	Network Security	Bond	CIP	\$40,000
Parks & Recreation	Holder Tractor	Bond	CIP	\$165,000
Planning & Code	Municipal Street Light Purchase	Bond	CIP	\$750,000
Planning & Code	Traffic Signal Pole Replacement	Bond	CIP	\$10,736
Planning & Code	Street Light Pole Replacement	Bond	CIP	\$25,000
Planning & Code	Replace Existing HPS Fixtures and Poles	Bond	CIP	\$26,000
Library	Building Improvements	Bond	CIP	\$24,136
Public Works	Heavy Equipment-Dump Trucks	Bond	CIP	\$320,000
Public Works	Vehicles	Bond	CIP	\$38,000
Contingency	Retained earnings for bid variances			\$66,128
TOTALS				\$5,900,000

Passage on 6/3/2013, 5-2 (Councilors Gerry and Crowley opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 36-05132013

ORDERED, that Capital Purchases (CIP2) Other Funding for FY 2014 in the amount of \$891,772 are hereby approved as listed:

Department	FY14 Projects Only (See CIP for full description)	Proposed Financing	CIP 2	FY 2014 CIP Bond
ICT	Web Site-Second Phase	Unallocated Bonds	CIP 2	\$20,000
LA911	Server Upgrade/Virtualization Project-Phase III	Unallocated Bonds	CIP 2	\$49,772
LATC	Bus Replacement	Unallocated Bonds	CIP 2	\$40,000
Parks & Rec	Repair & Replace Playground Equipment City Wide	Unallocated Bonds	CIP 2	\$38,000
Parks & Rec	Hasty Window Replacement	Unallocated Bonds	CIP 2	\$46,000
Parks & Rec	Hasty Kitchen Upgrade	Unallocated Bonds	CIP 2	\$3,500
Planning	Androscoggin Greenway Signage and Wayfinding Pilot Program	Downtown TIF	CIP 2	\$75,000
Public Works	Trench Box	Unallocated Bonds	CIP 2	\$17,000
Public Works	Festival Plaza Canopies	Downtown TIF	CIP 2	\$20,000
Public Works	Oak Hill Cemetery Building Improvements	Unallocated Bonds	CIP 2	<u>\$24,000</u>
TOTALS				\$418,272

Passage on 6/3/2013, 7-0.

April 18, 2013

MAY 13 2013

Auburn City Councilors
Auburn, Maine

To All,

This letter is being respectfully submitted with a highlighted map for your consideration for the permission to locate temporary signs at those indicated locations for the Great Falls Model Rail Road Club (GFMRRRC).

The GFMRRRC has been in existence since 1987, has a membership of 120 people and is located at 144 Mill St in New Auburn, Maine. The members bought the building April 5, 2007 and renovated it from the formally known Jake & Andy's Donut Shop into the home of our club. Our members all volunteer their time in many ways to make everything work at our events that we put on several times a year. The schedule of events are as follows:

Hobo Holiday - May 18, 2013, May 17, 2014, May 16, 2015

Train fest - Aug 17, 2013, Aug 16, 2014, Aug 15, 2015

Train Show at Auburn Middle School - First Saturday of November every year.

Ex-TRAIN-aganza - The weekend before and after Thanksgiving in November every year.

We have two types of signs, the first one is the **Ten Day Sign**. This sign is used as advertisement for our previously mentioned events and will be taken down at the end of the day upon completion of the event.

The second type of sign is our **One Day Sign**. This sign is used as a directional sign on the day of the event to the exact location of the event.

Just for your information. The Auburn Middle School Music Boosters depend on our November Train Show as their largest fundraiser for the year. We bring in approximately 650 people through the gate during our one day event at the school of which people will buy coffee, hot dogs and other goodies being served by the Boosters. Also, several of our Vendors come to the November Train show from as far away as Connecticut and Massachusetts.

Thank you for your time and consideration in this matter at hand.

Respectfully Submitted ,



Stephen J. Martelli
Assistant Chairman
Sign Committee

Location of the Signs

TEN DAY SIGNS

These signs advertise the event ahead of the event's time

1. Mt Auburn Av. - before Center St. exit coming from Lewiston
2. Bill Hamilton's house at the corner of Lake & Court St. (in the Y of the road)
3. Next to Rolly's Diner in the City owned Park
4. On Court St across from the Auburn Middle School
5. At the exit/intersection of the Turnpike and Washington St. on Washington St.

ONE DAY SIGNS

These signs are directional signs, the day of the event to show the customer which way to go.

1. Along Center St.
2. Along Turner St.
3. Along Washington St.
4. Along Main St.
5. Along Mill St.
6. Along Court St.

GREAT FALLS MODEL RAILROAD CLUB

X - 10 DAY SIGNS

O - 1 DAY SIGNS

① HOBO HOLIDAY
ONE DAY
3RD SAT OF MAY

② TRAIN FEST
ONE DAY
SAT OF BALLOON FEST.
IN AUGUST

③ EX-TRAVAGANZA
5 DAYS
SAT-SUN-MON BEFORE
THANKS GIVING &
FRI-SAT AFTER

④ AUBURN MIDDLE SCHOOL
ANNUAL ONE DAY SHOW
FIRST SAT OF NOVEMBER



X

GREAT FALLS MODEL RAILROAD CLUB

X - 10 DAY SIGNS

O - 1 DAY SIGNS

① HOBO HOLIDAY
ONE DAY
3RD SAT OF MAY

② TRAIN FEST
ONE DAY

SAT OF BALLOON FEST.
IN AUGUST

③ EX-TRAVAGANZA
5 DAYS

SAT-SUN-MON BEFORE
THANKS GIVING &
FRI-SAT AFTER

④ AUBURN MIDDLE SCHOOL
ANNUAL ONE DAY SHOW
FIRST SAT OF NOVEMBER



X

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 37-05202013

ORDERED, that the City Council hereby approves the request to place temporary signs as noted in the letter of request as long as their placement does not affect sight distance for streets or adjacent driveways.

Passage on 5/20/2013, 7-0

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



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

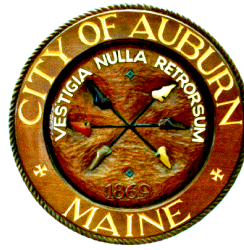
Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 38-05202013

ORDERED, that the City Council hereby accepts the money awarded to the Auburn Fire Department through the Assistance Firefighters Grant (AFG) totaling \$95,637 with the Federal share of 90% or \$86,074 and Auburn's share of 10% or \$9,563.

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



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

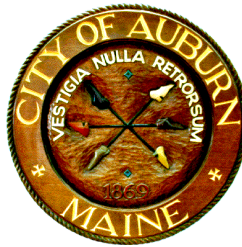
Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 39-05202013

ORDERED that the City Manager is hereby authorized to execute any and all documents necessary to complete the transfer and acquisition of land to and from R&K Properties, LLC as shown on the attached map and pursuant to the attached legal description. This Order is an amendment to Order 37-06042012 that was passed on June 4, 2012.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 40-05202013

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2013/2014.

1. That \$15,085,352.00 be authorized to be expended for Regular Instruction;
2. That \$7,578,977.00 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$669,705.00 be authorized to be expended for Other Instruction;
5. That \$4,647,621.00 be authorized to be expended for Student and Staff Support;
6. That \$856,570.00 be authorized to be expended for System Administration;
7. That \$1,276,113.00 be authorized to be expended for School Administration;
8. That \$1,497,391.00 be authorized to be expended for Transportation and Buses;
9. That \$3,679,410.00 be authorized to be expended for Facilities Maintenance;
10. That \$2,671,986.00 be authorized to be expended for Debt Service and Other Commitments;
11. That \$-0- be authorized to be expended for All Other Expenditures;
12. That \$35,016,307.00 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 \$15,372,907.00 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 \$1,510,971.00 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;

***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 \$0.00 be raised and appropriated in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, §15690;

***Explanation:** The additional local funds are those locally raised funds over and above the municipality'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 education programs.*

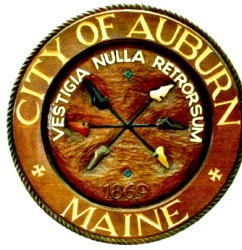
15. That the school committee be authorized to expend \$37,963,125.00 for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding 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 \$373,357.00 for adult education and raise \$183,311.00 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 the City of Auburn raise and appropriate \$41,796.00 for the services of Community Services-Crossing Guards.

18. 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;

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 41-05202013

ORDERED, that Weaver Street, as described in a deed from MSH, LLC to the City of Auburn, dated May 1, 2013 and recorded in the Androscoggin County Registry of Deeds in Book 8661, Page 165, is hereby accepted as a City Street.

Said Weaver Street being fifty (50) feet in width and extending southeasterly from the end of the street as accepted by the Auburn City Council on October 6, 1902, two hundred and fourteen (214') feet, more or less, to the land of Mohamed G. Farah and Zeinab M. Ali, and an additional fifty (50) feet in width on the southwesterly side for the last one hundred feet for use as a turnaround.

Passage on 5/20/2013, 6-1 (Councilor Crowley opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 42-05232013

ORDERED, that the City Manager is authorized to sign documents granting an access easement to GFDG One, LLC.

Access Easement Description for 15 Broad Street

An easement for travel by vehicle and foot over and across publicly owned land as acquired by the City of Auburn by virtue of a Municipal Tax Lien dated May 15, 1992 and recorded at the Androscoggin County Registry of Deeds in Book 2848, Page 110: said easement location to follow the parking lot aisles as laid out on said property and as may be altered from time to time.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

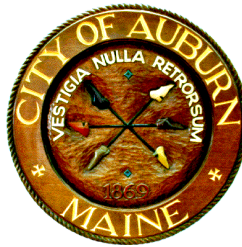
ORDER 43-06032013

ORDERED that Liberty Festival 2013 be and hereby is granted a mass gathering permit for their 2013 Fourth of July celebration as described in the attached application for the locations shown on the attached site map.

Be it further ordered that the City of Auburn hereby contributes \$10,000 toward the cost of fireworks and in kind services for the event.

Passage on 6/3/2013 6-1 (Councilor Crowley opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 44-06032013

CITY OF AUBURN CITY COUNCIL FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF DEMOLITION

9 GAMAGE AVENUE

On June 3, 2013 at 7:00 pm, the Auburn City Council held a hearing at 60 Court Street in Auburn, Maine to determine whether the residential structure (the "Structure") at 9 Gamage Avenue in Auburn, Maine, identified as Lot 308 on Tax Map 250, and further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 3939, Page 143 (the "Premises"), is dangerous or a nuisance 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 Structure be demolished.

Findings of Fact

Present at the hearing on this matter for the City was Eric Cousens, City Planner. The following individuals appeared on behalf of the owner and/or parties in interest: _____

After considering the testimony and evidence presented, the City Council makes the following findings of fact:

1. The Premises and Structure are owned by Christopher Dymkoski (the "Owner"). Planning, Permitting & Code Department ("Department") Exhibit A.
2. Mr. Dymkoski was served with the notice required by 17 M.R.S. § 2891 (the "Notice") on May 6, 2013. Department Exhibit C.
3. Party-in-Interest SunTrust Mortgage, Inc. was served with a copy of the Notice on May 2, 2013. Department Exhibit D.
4. Party-in-Interest Dead River Company, formerly Webber Energy Fuels, was served with a copy of the Notice on May 3, 2013. Department Exhibit E.
5. A copy of that Notice was also recorded in the Androscoggin County Registry of Deeds at Book 8661 and Page 293. Planning Department Exhibit B.
6. The Structure is structurally unsafe and unstable.
7. The Structure is abandoned and is unfit for human occupancy due to fire, water, and smoke damage, the lack of internal systems, dilapidation, and the collection of refuse.
8. The Structure is unsanitary.
9. The Structure has not been maintained.
10. The Structure poses a significant fire threat to itself and to neighboring residences due to its state of decline, its abandonment, and its attractiveness to vandals.
11. The Owner has been given the opportunity to remedy the conditions at the Premises but has 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:

12. The Structure is structurally unsafe and unstable.

13. The Structure is unsanitary.
14. The Structure constitutes a fire hazard.
15. The Structure is unsuitable and improper for human habitation.
16. The Structure is a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence and abandonment.
17. The Structure is dangerous to life and property.

Any one of these conclusions would be sufficient to support a finding that the Structure is a nuisance and is a dangerous building, and the Council hereby concludes that the Structure at 9 Gamage Avenue is a nuisance and a dangerous building within the meaning of 17 M.R.S. § 2851.

Order

Having found that the Structure at 9 Gamage Avenue is a nuisance and a dangerous building within the meaning of 17 M.R.S. § 2851, the Auburn City Council hereby ORDERS:

18. That the Owner demolish the Structure, remove all debris, and stabilize the site within thirty (30) days of service of this Order.

19. That if the Owner fails to comply with this Order in the time frame set forth herein, the City shall have the authority to carry out this Order.

20. That within thirty (30) days after demand by the City, the Owner 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.

21. That if the Owner fails 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.

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 June 3, 2013, the City of Auburn City Council adopted the above Order.

Dated:

Susan Clements-Dallaire
City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

June ____, 2013

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

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 45-06172013

ORDERED, that the City Council hereby adopts the attached Post-Issuance Compliance Policy For Tax-Exempt Obligations.

POST-ISSUANCE COMPLIANCE POLICY FOR TAX-EXEMPT OBLIGATIONS

1. This post-issuance compliance policy establishes procedures and guidelines to be followed with respect to the City of Auburn's outstanding Tax-exempt Obligations and Tax Credit Obligations.

"Tax-exempt Obligations" means all tax-exempt bonds, notes and lease-purchase contracts and other evidences of indebtedness the income on which is excludable from the gross income of the holders thereof under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

"Tax Credit Obligations" means all tax credit bonds and direct pay bonds that provides a tax credit to the holders thereof or a direct pay bond issued under the Code, including but not limited to Section 54, 54A, 54AA, 1394, 1400U-2, 1400U-3 and 6431 or other similar provision of the Code.

2. Compliance Officer; Consultation and Training: The Finance Director (the "Compliance Officer") shall be responsible for monitoring post-issuance compliance with respect to the City's Tax-exempt and Tax Credit Obligations.

a. Unless a shorter time-frame is specified below, the Compliance Officer shall annually review each of the City's Tax-exempt and Tax Credit Obligations then outstanding to monitor for compliance with this Policy.

b. The Compliance Officer shall consult with the City's bond counsel and/or its financial advisor and a rebate consultant as necessary to meet the requirements of this Policy.

c. The Compliance Officer will be trained to implement this Policy.

3. Closing Transcripts; Form 8038-G; Form 8038-TC. The Compliance Officer shall maintain a copy of the transcript of proceedings for each Tax-exempt and Tax-credit Obligation issued by the City.

If not included in the closing transcript, the Compliance Officer shall also maintain records required to be maintained to qualify for the safe harbor for investment contracts or defeasance escrows and to identify any qualified hedge contract on the City's books and records.

The Compliance Officer shall confirm the proper filing of an 8038-G, 8038-TC or other applicable Form 8038 return for each Tax-exempt and Tax Credit Obligation issued by the City.

4. Deposit and Use of Proceeds; Arbitrage Compliance. The Compliance Officer shall:

a. create appropriate funds and accounts to track the deposit and use of the sale proceeds and investment proceeds of each Tax-exempt and Tax Credit Obligation issued by the City;

b. maintain records of all investments and expenditures from such funds and accounts;

c. make a final allocation of the proceeds of any Tax-exempt and Tax Credit Obligation to expenditures by no later than (i) 18 months after the later of the date the expenditure was made or (ii) the date the project being finance was

- placed in service. Notwithstanding the forgoing, the final allocation shall be made not later than the earlier of five years after the particular Tax-Exempt or Tax Credit Obligations was issued or 60 days after the issue is retired.
- d. determine whether each Tax-exempt or Tax Credit Obligation meets the requirements of any applicable exception to arbitrage rebate, including the “small issuer” exception to arbitrage rebate or the semi-annual target dates for the 6-month, 18-month, or 24-month spending exception to arbitrage rebate;
 - e. consult with Bond Counsel to identify and monitor any proceeds of a Tax-exempt or Tax Credit Obligation that must be invested in yield restricted investments following the expiration of any applicable temporary period or spending period;
 - f. in the event the City fails to meet the requirements of the applicable temporary period, spending period or exception to rebate:
 - i. arrange for the timely calculation and payment of any rebate liability or yield reduction payment, if available and as applicable;
 - ii. ensure that if rebate is due, the first rebate installment is paid by the fifth anniversary of the issue date of the particular Tax-Exempt or Tax Credit Obligation plus 60 days and each fifth anniversary thereafter until the final maturity date plus 60 days.

5. Proper Use of Bond Financed Property. The Compliance Officer shall:

- a. maintain a record of all bond financed property and the proceeds of any Tax-exempt or Tax Credit Obligation spent on each such bond financed property;
- b. monitor all non-public use of any property financed with the proceeds of any Tax-exempt or Tax Credit Obligation and confer with Bond Counsel as appropriate. Such non-public use may arise out of some of the following arrangements: non-qualified management or research contracts (refer to Rev. Procs. 97-13 and 97-14), leases (including leases to the Federal Government), naming rights, or the sale, disposition or other change in use of such property;
- c. maintain copies of any non-public use arrangement; and
- d. in the event the City takes an action which causes the private activity bond tests to be met, contact bond counsel and take all actions necessary to ensure timely remedial action under the applicable IRS Regulation.

6. Continuing Disclosure. The Compliance Officer shall file the annual financial statements and other financial information and operating data and shall provide notice of any material events as required by any continuing disclosure certificate delivered by the City with respect to any Tax-exempt or Tax Credit Obligation.

7. Significant modification. The Compliance Officer shall evaluate all modifications to any of the City’s Tax-Exempt or Tax Credit Obligations to determine whether such modifications result in a reissuance and, if such modifications do result in a reissuance, to take all actions necessary to maintain the tax-exempt status of the Tax-Exempt Obligation or the tax advantaged status of the Tax Credit Obligation.

8. Retention of Records. The closing transcript for each Tax-Exempt and Tax Credit Obligation and other records to be retained pursuant to this Policy shall be maintained until three (3) years after said Tax-exempt or Tax Credit Obligation (or obligations issued to refund such Tax-exempt or Tax Credit Obligation) has been retired.

If records and materials to be maintained under this Policy are kept in electronic format, the record system shall comply with the requirements of Rev. Proc. 97-22, as such may be amended, modified, superseded or replaced.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 46-06172013

ORDERED, that the City Manager is hereby authorized to sign any and all documents needed to initiate a new agreement with Lewiston-Auburn Canoe and Kayaks, a division of Bethel Outdoor Adventures, Inc. for 2 additional years and to reevaluate for a possible proposal process.

Passage on 6/17/2013, 5-1-1 (Councilor Crowley opposed, Councilor Walker abstained).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 47-06172013

ORDERED, that the City Council hereby approves the request for a Special Amusement Permit for Eddy's Drive-in Diner, dba The Village Inn located at 165 High Street, Auburn, Maine.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 48-06172013

ORDERED, that the City Manager is hereby authorized to provide as budgeted in the current Fiscal Year 2% wage adjustments for the members of the new MSEA union subsequent to their anniversary date and tht staff are further directed to continue labor negotiations.

Passage on 6-17-2013, 6-0-1 (Councilor Walker abstained).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 49-07012013

ORDERED, that the City Council hereby approves the Special Event application for the 2013 Great Falls Balloon Festival.

This item was pulled from the agenda on 7/1/2013. No vote taken.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 50-07012013

ORDERED, by the Auburn City Council that the 2013 Action Plan be adopted as recommended by Community Development staff.

Passage on 7/1/2013, 6-1 Councilor Crowley opposed.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 51-07012013

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2013/2014.

1. That \$14,998,045.00 be authorized to be expended for Regular Instruction;
2. That \$7,524,558.00 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$667,705.00 be authorized to be expended for Other Instruction;
5. That \$4,514,948.00 be authorized to be expended for Student and Staff Support;
6. That \$847,935.00 be authorized to be expended for System Administration;
7. That \$1,266,449.00 be authorized to be expended for School Administration;
8. That \$1,294,390.00 be authorized to be expended for Transportation and Buses;
9. That \$3,472,594.00 be authorized to be expended for Facilities Maintenance;
10. That \$2,671,986.00 be authorized to be expended for Debt Service and Other Commitments;
11. That \$-0- be authorized to be expended for All Other Expenditures;
12. That \$34,311,787.00 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 \$14,369,821.00 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 \$1,510,976.00 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;

***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 \$0.00 be raised and appropriated in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, §15690;

***Explanation:** The additional local funds are those locally raised funds over and above the municipality'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 education programs.*

15. That the school committee be authorized to expend \$37,258,610.00 for the fiscal year beginning July 1, 2013 and ending June 30, 2014 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 \$373,357.00 for adult education and raise \$183,311.00 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 the City of Auburn raise and appropriate \$41,796.00 for the services of Community Services-Crossing Guards.

18. 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;

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 52-07012013

ORDERED, that the City Council hereby sets July 23, 2013 as the date for the School Budget Validation Referendum, and that voting for all wards for that election will be held at Auburn Hall.

Passage on 7/1/2013, 6-1 (Councilor Gerry opposed).

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



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

Jonathan LaBonte, Mayor

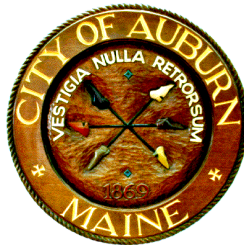
IN CITY COUNCIL

ORDER 53-07152013

ORDERED, that the City Council hereby approves the Special Event and in kind services request for the 2013 Dempsey Challenge.

Passage on 7/15/2013, 5-1-1 (Councilor Crowley opposed, Councilor Shea was out of the room during the vote).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 54-07152013

ORDERED, that the City Council hereby approves the Special Event and in kind services request for the 2013 Great Falls Balloon Festival.

Passage on 7/15/2013, 5-1-1 (Councilor Crowley opposed, Councilor Shea was out of the room during the vote).

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



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

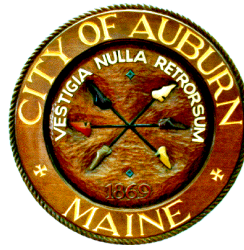
Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 55-07152013

ORDERED, that the City Council hereby sets the time for opening the polls at 7:00 A.M. for the July 23, 2013 School Budget Validation Referendum Election that will be held at Auburn Hall.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 56-07152013

ORDERED, that the City Council of the City of Auburn hereby authorizes the City Manager and Mayor Jonathan P. LaBonte to be its representatives for negotiations regarding the contract between Auburn and the City of Lewiston for water rights from the Androscoggin River into the canal system. This authorization extends to any necessary ancillary agreements, permits or contracts relating to the Lewiston Falls Hydro Project.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 57-07152013

ORDERED, that the City Council hereby:

- upholds the decision of the City Clerk denying B.A.M.B.I.N.O.S's (owner Crystal Palmer) application for a Second Hand Dealer based on the following findings:
 1. Section 24-34 of the Auburn Code of Ordinances requires that, as a condition of approval of a business license, "[t]he Police Chief shall certify that the applicant has not had a history of complaints or problems on the proposed business, applicants, owners or managers; where the approval of the license would be adverse to the public health, safety and welfare of the citizens of the City of Auburn."
 2. Crystal Palmer, the owner and manager of the applicant B.A.M.B.I.N.O.S., has the following criminal charges and complaints pending against her:
 - A. On or about May 9, 2013, the Sagadahoc County Sheriff's Department summonsed Ms. Palmer for a charge of Theft, a Class C felony. This charge arises from an allegation that Ms. Palmer listed for sale on Craigslist, a lawn tractor that belonged to her landlord and that Det. Reed of the Sagadahoc County Sheriff's Department, pretending to be an interested buyer, purchased the tractor for \$1,800.
 - B. On or about May 9, 2013, the Sagadahoc County Sheriff's Department summonsed Ms. Palmer for a charge of Violation of Conditions of Release, a Class C misdemeanor .
 - C. On or about June 18, 2013, the Sagadahoc County Sheriff's Department summonsed Ms. Palmer for two charges of Forgery, Class D misdemeanors. These charges arise from allegations that Ms. Palmer stole checks from her former mother-in-law, and forged them to herself in amounts totaling \$800.
 - D. On July 9, 2013, the Androscoggin County Grand Jury indicted Ms. Palmer on a charge of Forgery, a Class C felony, alleging that on or about May 31, 2013, in Auburn, Maine, she, "with intent to defraud or deceive another, did falsely make, complete, endorse or alter, or knowingly utter or possess a check, a written instrument with a face value exceeding \$1,000." This charge arises from allegations that Ms. Palmer stole a check from her former landlord and forged the check payable to her business and herself, "Bambinos/Palmer," in the amount of \$2,000.
 - E. On July 9, 2013, the Androscoggin County Grand Jury indicted Ms. Palmer on a charge of Theft by Unauthorized Taking, a Class C felony, alleging that on or about May 31, 2013, in Auburn, Maine, she committed "theft by obtaining or exercising unauthorized control over money, property of Beth Schultz, of a value more than \$1,000, with intent to deprive Beth Schultz of the property". This charge arises from allegations that Ms. Palmer stole a check from her former landlord and forged the check payable to her business and herself, "Bambinos/Palmer," in the amount of \$2,000.

- F. On July 9, 2013, the Androscoggin County Grand Jury indicted Ms. Palmer on a charge of Violation of Condition of Release, a Class E misdemeanor, alleging that she, having been granted pre-conviction bail on condition that she not commit new criminal conduct, violated that condition.
3. The pending criminal charges demonstrate that Ms. Palmer, the owner and manager of the applicant B.A.M.B.I.N.O.S., has a history of complaints and problems related to theft, forgery and violation of conditions of release, which bear directly on the operation of a business for a Second Hand Dealer.
 4. Based on this history of complaints and problems, approval of the application for a Second Hand Dealer license would be adverse to the public health, safety and welfare of the citizens of the City of Auburn.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

IN CITY COUNCIL

ORDER 57-07152013

ORDERED, that the City Council hereby (choose one):

• upholds the decision of the City Clerk denying B.A.M.B.I.N.O.S.'s (owner Crystal Palmer) application for a Second Hand Dealer based on the following findings:

1. Section 24-34 of the Auburn Code of Ordinances requires that, as a condition of approval of a business license, “[t]he Police Chief shall certify that the applicant has not had a history of complaints or problems on the proposed business, applicants, owners or managers; where the approval of the license would be adverse to the public health, safety and welfare of the citizens of the City of Auburn.”
2. Crystal Palmer, the owner and manager of the applicant B.A.M.B.I.N.O.S., has the following criminal charges and complaints pending against her:
 - A. On or about May 9, 2013, the Sagadahoc County Sheriff’s Department summonsed Ms. Palmer for a charge of Theft, a Class C felony. This charge arises from an allegation that Ms. Palmer listed for sale on Craigslist, a lawn tractor that belonged to her landlord and that Det. Reed of the Sagadahoc County Sheriff’s Department, pretending to be an interested buyer, purchased the tractor for \$1,800.
 - B. On or about May 9, 2013, the Sagadahoc County Sheriff’s Department summonsed Ms. Palmer for a charge of Violation of Conditions of Release, a Class C misdemeanor .
 - C. On or about June 18, 2013, the Sagadahoc County Sheriff’s Department summonsed Ms. Palmer for two charges of Forgery, Class D misdemeanors. These charges arise from allegations that Ms. Palmer stole checks from her former mother-in-law, and forged them to herself in amounts totaling \$800.
 - D. On July 9, 2013, the Androscoggin County Grand Jury indicted Ms. Palmer on a charge of Forgery, a Class C felony, alleging that on or about May 31, 2013, in Auburn, Maine, she, “with intent to defraud or deceive another, did falsely make, complete, endorse or alter, or knowingly utter or possess a check, a written instrument with a face value exceeding \$1,000.” This charge arises from allegations that Ms. Palmer stole a check from her former landlord and forged the check payable to her business and herself, “Bambinos/Palmer,” in the amount of \$2,000.
 - E. On July 9, 2013, the Androscoggin County Grand Jury indicted Ms. Palmer on a charge of Theft by Unauthorized Taking, a Class C felony, alleging that on or about May 31, 2013, in Auburn, Maine, she committed “theft by obtaining or exercising unauthorized control over money, property of Beth Schultz, of a value more than \$1,000, with intent to deprive Beth Schultz of the property”. This charge arises from allegations that Ms. Palmer stole a check from her former landlord and forged the check payable to her business and herself, “Bambinos/Palmer,” in the amount of \$2,000.
 - F. On July 9, 2013, the Androscoggin County Grand Jury indicted Ms. Palmer on a charge of Violation of Condition of Release, a Class E misdemeanor, alleging that she, having been granted pre-conviction bail on condition that she not commit new criminal conduct, violated that condition.
3. The pending criminal charges demonstrate that Ms. Palmer, the owner and manager of the applicant B.A.M.B.I.N.O.S., has a history of complaints and problems related to theft,

- forgery and violation of conditions of release, which bear directly on the operation of a business for a Second Hand Dealer.
4. Based on this history of complaints and problems, approval of the application for a Second Hand Dealer license would be adverse to the public health, safety and welfare of the citizens of the City of Auburn.

- overrules the decision of the City Clerk and approves B.A.M.B.I.N.O.S's (owner Crystal Palmer) application for a Second Hand Dealer permit, subject to strict observance of all laws, ordinances, and regulations enacted for the protection of the City of Auburn so far as they may apply and is to continue in force until the license expires unless sooner revoked.

Passage to uphold decision of City Clerk on 07/15/2013, 4-3 (Councilor LaFontaine, Councilor Walker, Councilor Shea opposed)

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 58-07152013

ORDERED, that the Building permit Fee Schedule be amended as shown on the attached Proposed Fee Schedule updated 6.18.13 and incorporated into the City of Auburn Fee Schedule effective August 1, 2013.

Passage on 7/15/2013, 6-0-1 (Councilor Shea was out of the room during this vote).

BUILDING PERMIT FEE SCHEDULE

In accordance with the provisions of the Code of Ordinances of the City of Auburn, the City Council hereby establishes the following fees:

Single Family

New construction/Additions	\$20-25 base + \$0. 21-25 sf
Accessory Structure	\$20-25 base + \$0. 05-07 sf
Renovation < \$2,500	\$20-25
Renovation > \$2,500	\$20-25 base + \$5.00 per \$1,000 value

Multi-family

New Construction/Additions	\$20-25 base + \$0. 25-30 sf
Renovations	\$20-25 base + \$5.00 per \$1,000 value

Mobile Home

New or Used	\$20-25 base + \$0. 14-15 sf
Additions	\$20-25 base + \$0. 21-25 sf

Commercial

New Construction	\$20-25 base + \$0. 30-35 sf (per floor)
Renovation	\$20-25 base + \$7.00 per \$1,000 value

Swimming Pools

Above Ground Swimming Pool	\$30-35
In-ground Swimming Pool	\$75-80

All Structures

Fences	\$20-25
Underground Storage Tank	\$32-50 (first tank) + \$ 11-15 (additional tanks)
Moving Building	\$100
Driveways	\$21-25
Foundation Only	\$20-25 base + \$5.00 per \$1,000 value
Change of Use	\$32-40
Certificate of Occupancy	Included in Permit (\$260 penalty)
Signs	\$25 base + \$0.50 sf

Demolition

Interior demolition not in conjunction with a construction project	\$50
--	------

BUILDING PERMIT FEE SCHEDULE

Less than 1,000 sf	\$27
Greater than 1,000 sf and less than 5,000 sf	\$80 + \$0.02 sf
Greater than 5,000 sf	\$210 + \$0.02 sf

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 of the permit fee paid for said permit. If the request for reimbursement is made within six months of the issuance of said permit, and if no work associated with said permit was commenced, 75% of the permit fee will be reimbursed. The City shall retain 25% of the permit fee to provide compensation for the costs associated with issuance of said permit and to process reimbursement.

Note: sf - square feet

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

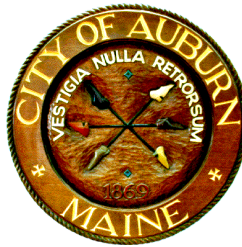
ORDER 59-08052013

Ordered that the City Council hereby authorizes the City Manager to cast a ballot in favor of the proposed candidates for the Maine Municipal Association's Vice President (Marston Lovell), and Executive Committee (James Chaousis, Linda Cohen, and Mary Sabins).

Passage on 8/5/2013, 5-0 (Councilors Hayes and Young were absent).

Passage on 8/5/2013, 5-0 (Councilors Hayes and Young absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 60-08052013

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2013/2014.

1. That \$14,578,636.00 be authorized to be expended for Regular Instruction;
2. That \$7,429,052.00 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$665,267.00 be authorized to be expended for Other Instruction;
5. That \$4,486,566.00 be authorized to be expended for Student and Staff Support;
6. That \$847,935.00 be authorized to be expended for System Administration;
7. That \$1,266,449.00 be authorized to be expended for School Administration;
8. That \$1,294,390.00 be authorized to be expended for Transportation and Buses;
9. That \$3,472,594.00 be authorized to be expended for Facilities Maintenance;
10. That \$2,671,986.00 be authorized to be expended for Debt Service and Other Commitments;
11. That \$-0- be authorized to be expended for All Other Expenditures;
12. That \$33,762,245.00 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 \$13,625,217.00 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 \$1,510,976.00 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;

***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 \$0.00 be raised and appropriated in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, §15690;

***Explanation:** The additional local funds are those locally raised funds over and above the municipality'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 education programs.*

15. That the school committee be authorized to expend \$36,712,875.00 for the fiscal year beginning July 1, 2013 and ending June 30, 2014 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;

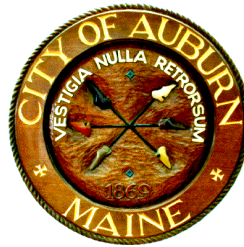
16. That the City of Auburn appropriate \$373,357.00 for adult education and raise \$183,311.00 as the local share, with authorization to expend any additional incidental or miscellaneous receipts in the interest and for the well-being of the adult education program;

17. That the City of Auburn raise and appropriate \$41,796.00 for the services of Community Services-Crossing Guards.

18. 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;

Passage on 8/5/2013, 4-1 (Councilor Gerry opposed, Councilors Young and Hayes absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 61-08052013

ORDERED, that the City Council hereby sets the date of the School Budget Validation Referendum for August 20, 2013, with voting for all Wards to be consolidated to one polling place, Auburn Hall, and polls will open at 7:00 A.M.

Passage on 8/5/2013, 5-0 (Councilors Hayes
and Young absent).

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



Jonathan LaBonte, Mayor

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

IN CITY COUNCIL

ORDER 62-08052013

ORDERED, 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 tax payer on September 25, 2013 and the remaining fifty percent (50%) shall be due on March 15, 2014.

Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any real estate taxes remaining uncollected on September 26, 2013 and March 16, 2014 respectively shall bear interest at a rate of 7% per annum from and after such dates.

Personal property taxes shall be due and payable on or before September 25, 2013. Any personal property taxes remaining unpaid on September 26, 2013 shall bear an interest rate of 7% 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.

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



Jonathan LaBonte, Mayor

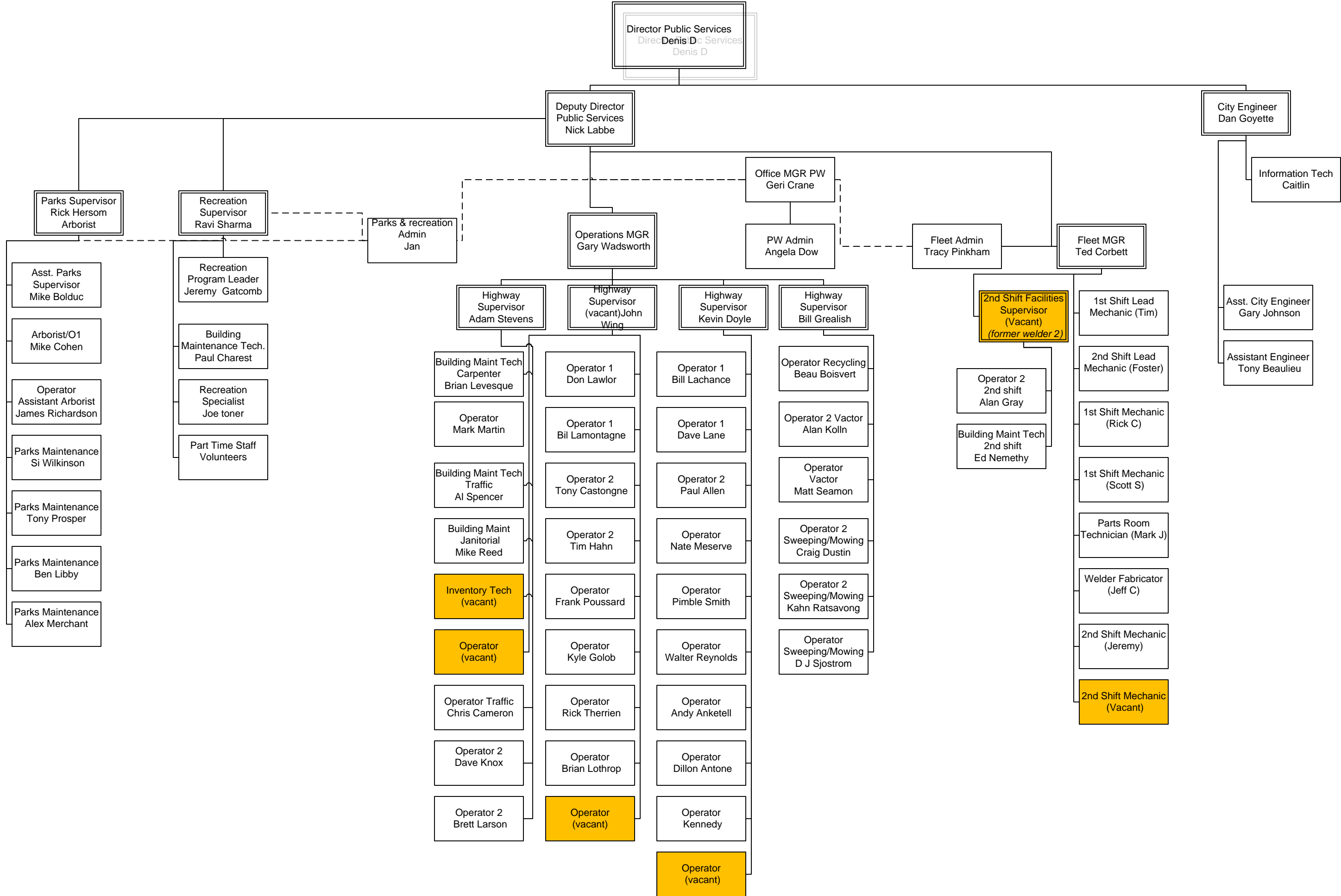
Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

IN CITY COUNCIL

ORDER 63-08052013

ORDERED, that pursuant to the City Charter Section 7.1 paragraph A, that it be hereby established a Public Services Department including Public Works, Parks and Recreation, and Engineering with no budget impact to the current fiscal year FY13/14. Be it also provided that City Staff are to work with the Mayor for the implementation of committee restructuring to be reviewed by the City Council and that the City Manager will report back to the Council within 90 days a recommendation which shows the reporting structure of the Recreation Supervisor. See attached organizational chart.

Passage on 8/5/2013, 4-1 (Councilor Gerry opposed, Councilors Hayes and Young absent).



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



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

Jonathan LaBonte, Mayor

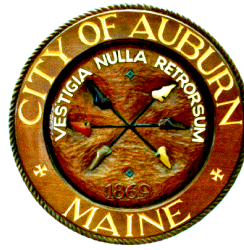
IN CITY COUNCIL

ORDER 64-08052013

Title: 2013 Community Development Program Amendment

Be it Resolved by the Auburn City Council that the Community Development Program Amendment to the 2013 Annual Action Plan be adopted as recommended by Community Development staff.

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



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

Jonathan LaBonte, Mayor

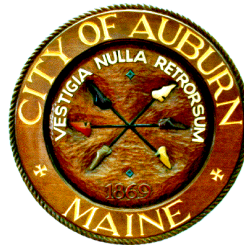
IN CITY COUNCIL

ORDER 65-08052013

ORDERED, that the City Council hereby denies the abatement pursuant to Title 36 M.R.S.A. §841 (2).

Passage on 8/5/2013, 5-0 (Councilors Hayes and Young absent).

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



Jonathan LaBonte, Mayor

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

IN CITY COUNCIL

ORDER 66-08192013

ORDERED, that Katherine D. Avery, Joseph M. Correia and Joseph T. Miville be named Constables with a firearm for the Auburn Police Department.

Passage on 8/19/2013, 7-0.

Tizz E. H. Crowley, Ward One
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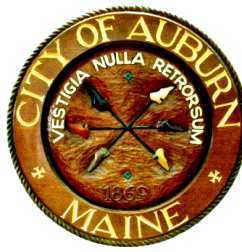
IN CITY COUNCIL

ORDER 68-08192013

ORDERED, that the City Council hereby approves the request for a Liquor License and Special Amusement Permit for Maine Billiards League d/b/a Legend's Sports Bar and Grill located at 128 Center Street.

Passage on 8/19/2013, 7-0.

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



Jonathan LaBonte, Mayor

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

Order 69-08192013

TITLE: ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Be It Ordered by the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, that there be and hereby is authorized the issuance and sale of the City's general obligation bonds on either a taxable or a tax-exempt basis in the amount of \$5,900,000, the proceeds of which, including premium, if any, and investment earnings thereon, are hereby appropriated to finance the following capital equipment and capital improvements (including costs of issuance for the bonds), all constituting part of the City's FY14 Capital Improvement Program:

Department	FY14 Projects Only (See CIP for full description)	FY 2014 CIP Bond
School	Building and Equipment Improvements	\$1,500,000
Engineering	Major Drainage	\$60,000
Engineering	MDOT Match	\$500,000
Engineering	Reclaim/Resurface	\$1,250,000
Engineering	Reconstruction	\$1,000,000
Engineering	Bridge Repairs	\$125,000
Parks & Recreation	Holder Tractor	\$165,000
Planning & Code	Municipal Street Light Purchase	\$750,000
Planning & Code	Street Light Pole Replacement	\$25,000
Planning & Code	Replace Existing HPS Fixtures and Poles	\$26,000
Library	Building Improvements	\$24,136
Public Works	Heavy Equipment-Dump Trucks	\$320,000
Contingency	Retained earnings for bid variances	\$54,864
TOTAL		\$5,800,000

THAT the bonds shall be issued as authorized hereunder and shall be signed by the City's Finance Director and its Treasurer, attested by the City Clerk under the seal of the City. A tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year. The bonds may be issued at one time or from time to time, either singly or in series, and the authority and discretion to fix method of sale, issue date, maturities, denominations, interest rate, place of payment, form and other details of said

Tizz E. H. Crowley, Ward One
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Jonathan LaBonte, Mayor

bonds and notes, and to take all other actions and to sign and deliver all other documents, certificates and agreements in order to provide for the sale thereof is hereby delegated to the City's Finance Director.

THAT in order to finance temporarily the projects described above, the Finance Director is authorized to expend up to \$5,600,000 either from available funds of the City or from the proceeds of BAN's which would be reimbursed or refinanced from bond proceeds.

THAT in order to finance temporarily the projects described above, the Finance Director is authorized to expend up to \$5,900,000 either from available funds of the City or from the proceeds of BAN's which would be reimbursed or refinanced from bond proceeds.

THAT the bonds authorized hereunder may be made subject to call for redemption, either with or without premium, on such terms as may be determined by the Finance Director.

THAT the authority and discretion to designate the bond or notes, or a portion thereof, as qualified tax-exempt obligations under Section 265 of the Internal Revenue Code of 1986, as amended, is hereby delegated to the Finance Director.

THAT the City's Finance Director, Treasurer, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all financing documents, contracts, agreements, certificates, preliminary and final official statements, tax certificates and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this order, as may be necessary or desirable.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

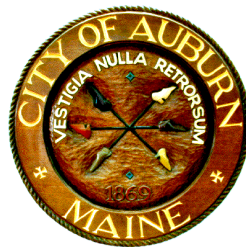
THAT this order is a declaration of official intent pursuant to Treas. Reg. § 1.150-2 and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

A Public Notice describing the general purpose of the borrowing and the terms thereof was published on or before August 5, 2013, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on August 19, 2013.

Passage of first reading on 8/19/2013,
5-2 (Councilors Walker and Crowley
opposed). Passage of second reading on
9/3/2013, 7-0.

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



Jonathan LaBonte, Mayor

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

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 70-09032013

ORDERED, that the Community Development Director is authorized to submit a request for an exception to the U. S. Department of Housing and Urban Development regulations of the Community Development Block Grant Program on behalf of Councilor Leroy Walker.

WHEREAS, Title 24, Part 570, Section 570.611 of the Community Development Block Grant Program regulation contains a conflict of interest provision that identifies elected officials as a person covered by the regulation;

WHEREAS, the regulation states that no persons who are in a position to participate in a decision making process or gain inside information with regard to such activities may obtain a benefit for themselves or those with whom they have business or immediate family ties during their tenure or for one year thereafter.

WHEREAS, Councilor Leroy Walker was a City Councilor at the time the 2012-13 and 2013-14 budget of the Community Development Block Grant Program was adopted;

WHEREAS, Councilor Leroy Walker was a City Councilor at the time the Curb Appeal Program guidelines were adopted by the City Council;

WHEREAS, upon written request, the U. S. Department of Housing and Urban Development may grant an exception to the provision on a case-by-case basis when it has satisfactorily met threshold requirements.

WHEREAS, one of the threshold requirements is a public disclosure of the nature of the conflict.

NOW THEREFORE, be it Ordered by the City Council that the Community Development Director is authorized to submit a request for an exception to the U. S. Department of Housing and Urban Development regulations of the Community Development Block Grant Program on behalf of Councilor Leroy Walker.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 71-09032013

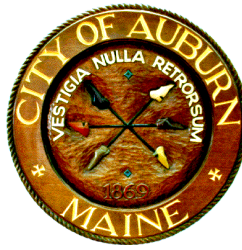
ORDERED that the Auburn City Council hereby adopts the Analysis of the Impediments to Fair Housing Choice as recommended by Community Development staff.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 9/3/2013, 6-1 (Councilor Crowley opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 72-09032013

ORDERED, that the City Council hereby casts their votes for the following individuals to serve on the Androscoggin County Budget Committee;

District 5

1. Tizz Crowley
2. Andrew Titus

District 6

1. Stanwood Gray
2. Robert Hayes

Passage on 9/3/2013 7-0.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 73-09032013

ORDERED, that the City Council hereby denies the poverty abatement pursuant to Title 36 M.R.S.A. §841 (2).

Passage on 9/3/2013, 6-0-1 (Councilor
LaFontaine abstained).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 74-09032013

ORDERED, that City Council hereby approves the request from The Holy Trinity Greek Orthodox Church to place temporary signs advertising its 2013 Greek Festival to take place on September 5, 6, and 7, 2013 at the locations listed below as long as their placement does not affect sight distance for streets or adjacent driveways.

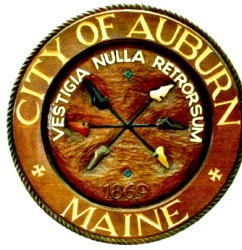
Be it further ordered, that the City Council also hereby approves the request from The Holy Trinity Greek Orthodox Church to place temporary signs advertising its annual Greek Festival three weeks prior to the event to take place on September 4, 5, and 6, 2014; September 10, 11, and 12, 2015; September 8, 9, and 10, 2016; and September 7, 8, and 9, 2017 at the locations listed below as long as their placement does not affect sight distance for streets or adjacent driveways.

Sign locations:

Mount Auburn Avenue and Turner Street intersection
Washington Avenue, near Ness Oil
Center Street across from the Auburn Mall
Auburn Plaza

Passage on 9/3/2013 7-0.

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



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

Jonathan LaBonte, Mayor

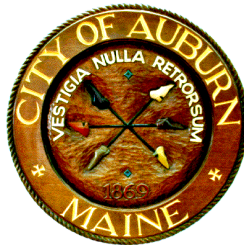
IN CITY COUNCIL

ORDER 75-09032013

ORDERED, that the City Council hereby authorizes the Finance Director to move forward with the auction of City surplus property per the proposal from Keenan Auction.

Passage on 9/3/2013, 4-3 (Councilors Gerry, Crowley, and Walker opposed).

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



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

Jonathan LaBonte, Mayor

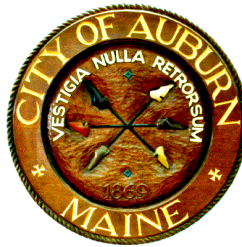
IN CITY COUNCIL

ORDER 76-09162013

ORDERED, that the City Council hereby sets the time for opening the polls at 7:00 A.M. for the November 5, 2013 State Referendum/Municipal Election.

Passage on 09/16/2013, 5-0 (Councilors LaFontaine and Hayes absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 77-09162013

ORDERED, that the City Council hereby adopts the addendum to the City's Joint Purchasing and Procurement Policy that addresses the Sale of City Property (below).

Addendum to the City of Auburn's Joint Purchasing and Procurement Policy Adopted by City Council on January 2, 2013

SALE OF PROPERTY: The Finance Director or his/her designee shall be responsible for the sale of all municipal property (real or personal) which is no longer used or has become obsolete, worn out or scrapped.

NOTICE: Department heads of all using agencies shall notify the Finance Director or his/her designee, at such times and in such form as he/she may prescribe, reports of all surplus material available in their respective departments.

TRANSFER: The Finance Director shall have the authority to transfer surplus property to other agencies after being offered to all City Departments.

SALE PROCEDURE: All sales which have an estimated dollar value over \$5,000 shall be sold at a public auction or through the formal competitive bid process. Stand alone sales from \$1,000 to \$5,000 shall be supported by price quotations from three (3) competitive sources or adequate explanation justifying the absence of such competition. Sales under \$1,000 and all other sales shall be conducted in the most economical manner and in the best interest of the City. All sales shall be posted to the City's website and an e-alert will be set up for anyone who is interested in such sales, to subscribe to.

DONATION: All items which might be donated to another town, municipality or non-profit organization shall require prior approval of the City Council.

In accordance with the City Charter, this policy applies to **all** City Departments, which includes the School Department.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 78-09162013

ORDERED, that the City Council hereby appoints Charles Morrison to the L/A Cable TV Advisory Board with a term expiration of January 1, 2015.

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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



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

Jonathan LaBonte, Mayor

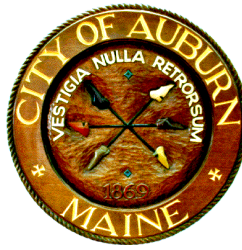
IN CITY COUNCIL

ORDER 79-09162013

ORDERED, that the City Council hereby appoints Michael Dixon to the Zoning Board of Appeals as a full member with a term expiration of October 1, 2016.

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 80-09162013

ORDERED, that the City Council hereby appoints Judith Webber to the Auburn Housing Authority with a term expiration of October 1, 2018.

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 81-09162013

ORDERED, that the City Council hereby appoints Robert Bowyer to the Planning Board with a term expiration of January 1, 2016.

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 82-09162013

ORDERED, that the City Council hereby appoints Ann Parker to the Community Development Block Grant (CDBG) Loan Committee with a term expiration of October 1, 2016.

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



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

Jonathan LaBonte, Mayor

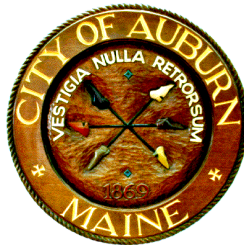
IN CITY COUNCIL

ORDER 83-10072013

ORDERED, that the City Council hereby authorizes the City Manager to use funds in the amount \$61,000 from an inactive special revenue account to fund ICT's Network Security project and Planning and Permitting's Traffic Pole projects with any unused funds being transferred to the facilities CIP for FY13/14.

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 83-10072013

ORDERED, that the City Council hereby authorizes the City Manager to use funds in the amount \$61,000 from an inactive special revenue account to fund ICT's Network Security project and Planning and Permitting's Traffic Pole projects with any unused funds being transferred to the facilities CIP for FY 13/14.

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 84-10072013A

ORDERED, that the City Council hereby authorizes the Finance Director to reallocate \$18,000 originally allocated for Public Works Security Cameras and \$51,000 originally allocated for Auburn Hall Roof , for a total of \$69,000, to the Public Works natural gas conversion project at the Public Works Facility.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 84-10072013B

ORDERED, that the City Council hereby authorizes the Finance Director to reprioritize the use of CIP funds dedicated to Hasty building improvements are as follows:

1. Asbestos Removal (**see attached**) related to the mechanical equipment (\$24,500)
2. Heating System upgrades (\$83,050), plus \$15,000 for engineering and design specifications
3. Window Replacement (\$56,000.00 = \$46,000 + \$10,000 abatement cost)
4. Kitchen upgrades (\$3,500)

We will complete the projects in the above order as the allocated dollars allow.

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

City of Auburn, Maine

"Maine's City of Opportunity"

Finance Department



**To: Clinton Deschene, City Manager
Honorable Mayor and City Council**
From: Derek Boulanger, Facilities Manager/Purchasing Agent
Date: September 24, 2013
RE: Request for the reallocation and prioritization of 2014 CIP funds related to City Buildings.

In the summer of 2013, Unitil provided natural gas service to three city buildings at no cost to the City. The agreement states that the City would be utilizing Natural Gas as its primary fuel source by the 2013 heating season. New Natural Gas Locations: *Auburn Public Works Facility, Hasty Memorial Armory, Auburn Central Fire*

Cordjia Capital Projects Group was selected this spring to audit these three facilities for energy usage and to provide recommendations for equipment upgrades and repairs, with a focus on the conversion to Natural Gas. The Draft Report outlines the most optimal improvements to achieve the most savings.

The results for the Public Works facility are as follows:

- An estimated project cost of \$249,200(+/- 10% In Engineering Design Costs)
- \$48,056.00 in annual savings (66% fuel reduction), (37% electrical reduction)
- Return on Investment 4.4 years. (Summary Attached)

The Public Works facility has \$169,700 remaining in the budget for Heating System Replacement. The Budget estimate for the Heating System Repairs/Replacement is \$249,200.00 creating a potential short fall of \$79,500

The estimated project costs are based on conservative budget estimates. Actual costs will be determined through the formal bid process. If it is determined that the City does not have the funds to cover the full scope, certain measures will have to be value engineered from the project to be completed at a later date.

Staff is proposing the following solutions to address the shortfall:

- Reallocate \$18,000 currently designated for Security Cameras at the Public Works to the heating system replacement.
- Reallocation of excess funds in the Auburn Hall Roof project, due to a more economical solution. Balance remaining in the project to reallocate is \$51,000.
- The balance of \$10,500 will come from the fuel and electrical savings.

The results for Hasty Memorial Armory are as follows:

- **An estimated project cost \$83,050**
- **Annual savings of \$24,918**
- **Return on investment 3.0 years. (See attached)**

The Hasty Memorial Armory currently has \$30,000 budgeted for boiler conversion. Upon further review of the boiler and heating system by Cordjia Capitol Projects, it was determined that the boiler should be replaced rather than retrofitted. The projected cost of replacement and system upgrades is approximately \$83,050. Therefore there is a shortfall of \$53,050.

A total of \$164,500 has been allocated for projects at Hasty. \$85,000 for Asbestos Removal, \$46,000 for Window replacement, \$30,000 for heating system upgrades \$3,500 for Kitchen upgrades.

Staff is proposing the reprioritization of CIP funds dedicated to Hasty building improvements as follows:

1. Asbestos Removal (**see attached**) related to the mechanical equipment (\$24,500)
 2. Heating System upgrades (\$83,050), plus \$15,000 for engineering and design specifications
 3. Window Replacement (\$56,000.00 = \$46,000 + \$10,000 abatement cost)
 4. Kitchen upgrades (\$3,500)
-
5. Asbestos floor tile and mastic removal can be incorporated in to flooring replacement projects.(\$17,500)
 6. Asbestos soffits can be replaced as part of a comprehensive exterior rehabilitation. (\$8,000)

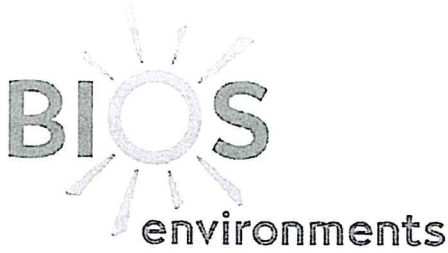
The urgency of this request is because the heating season is fast approaching. We are ready to put these projects out to bid but, the scope of work defined in the bid specifications will be determined by the budget available for each project. Based on the individual needs for each location, reduced maintenance costs, improved occupant comfort, and the substantial savings to be realized by reducing energy costs, we believe the available money would be best utilized on mechanical system improvements.

Public Works Facility

ID	Task	Annual Electric Cost Savings	Annual Fuel Cost Savings	Estimated Cost to Implement	Avoided Repairs & Incentives	Simple Payback (years)
1	Retro-Commissioning Repairs (Immediate Implementation)					
	a. All recommended repairs were deferred at the request of the owner.	-	-	-	-	-
2	Energy Conservation Measures (Immediate Implementation)					
	a. Office/Locker area: New boiler, controls, demo, pumps, piping, venting, elec. Wiring, N.G. supply, pipe mains, pipe insulation, zone valves, t-stats. Excludes abatement.	\$7,986	\$40,070	\$120,000	\$25,000 (Avoided Repairs) \$12,300 (Efficiency Maine Incentive)	4.4
	b. Garage Bay: New radiant heating system. Excludes demo of existing heating system.			\$68,000		
	c. Mechanics', Welding, and Sign Shop: New radiant heating system, gas fired unit heaters, overhead crane protection. Excludes demo of existing heating system.			\$58,000		
	d. Carpentry Shop: New electric heater.			\$2,000		
	e. Locker Room: Occupancy sensors and thermostats.			\$1,200		
Totals		\$7,986	\$40,070	\$249,200	\$37,300	4.4
		\$48,056				
		37% Electrical Reduction	66% Fuel Reduction			
		58% Aggregate Reduction				

Hasty Community Center

ID	Task	Annual Electric Cost Savings	Annual Fuel Cost Savings	Estimated Cost to Implement	Avoided Repairs & Incentives	Simple Payback (years)
1	Retro-Commissioning Repairs (Immediate Implementation)					
	a. All recommended repairs were deferred at the request of the Owner.	-	-	-	-	-
2	Energy Conservation Measures (Immediate Implementation)					
	a. New natural gas fired steam boiler, housekeeping pad, controls, demo, piping, venting, flue liner, elec. wiring, N.G. supply, pipe insulation, zone valves, t-stats, and steam trap repairs. Excludes abatement and fuel oil tank removal.	\$97	\$24,821	\$67,000	\$7,000 (Avoided Repairs) \$875 (Efficiency Maine Incentive)	3.0
	b. New natural gas fired domestic hot water heater and pump timer.			\$7,500		
	c. Thermostatically controlled zone valves for unit heaters, AHU-1, and fin tube radiation.			\$8,550		
Totals		\$97	\$24,821	\$83,050	\$7,875	3.0
\$24,918						
		3% Electrical Reduction	66% Fuel Reduction			
61% Aggregate Reduction						



For Life

September 12th, 2013

Mr. Derek Boulanger
Facilities Manager
City of Auburn
60 Court Street
Auburn, Maine 04210

Dear Mr. Boulanger;

BIOS Environments (BIOS) has completed an assessment for Asbestos Containing Building Materials (ACBM's) at the Hasty Building located at 48 Pettingill Park Road, Auburn, Maine.

On September 12th, 2013 you inquired about the possible budgetary cost estimates to remove the identified asbestos materials identified in our report. Based on our phone conversation and the need to establish budgets for planning purposes BIOS has developed the following budgetary cost estimates for your consideration.

Budgetary Cost Estimates

The objective of this facility assessment was to develop and document the presence of accessible Presumed Asbestos Containing Materials (PACM) within the boundaries of the facility that may be impacted by building demolition or demolition. BIOS is providing the following budgetary cost estimates for the sole purpose of *illustrating the potential cost impact* to remove the asbestos containing building materials outlined in this report only.

The budgetary cost estimates have also been prepared to provide projected costs for removal and disposal of various hazardous building components in accordance with the MDEP, USEPA, NESHAP's, and OSHA.

The budgetary cost estimates are based on the assumption that the building owner will remove the asbestos containing building materials outlined in this report in large phases by building level and common functional spaces and do not take into consideration or reflect any proposed phasing, encapsulation, or selective asbestos removals. In addition, the budgetary cost estimates reflect our professional opinion as it relates to anticipated costs to remove the asbestos identified in this report. Furthermore, the estimates should not be used to compare or support any estimate or opinion provided by others and is not a formal bid or cost estimate to conduct the work.

Mr. Derek Boulanger
Facilities Manager
Page Two

The budgetary cost estimates for the ACMs identified in this building are summarized below.


BUILDING AREA	MATERIAL	APPROX> QUANTITY	BUGETARY COST
Boiler room	Accessible asbestos pipe cover	175 l/f	\$4,500.00
Throughout interior	Accessible asbestos pipe cover	750 l/f	\$20,000.00
Throughout interior	Asbestos floor tiles and adhesives	1,750 s/f	\$10,000.00
Throughout interior	Asbestos adhesives – None asb. tiles	2,500 s/f	\$7,500.00
Exterior	Windows – caulking / glazing	43 sash units	\$10,000.00
Exterior	Asbestos soffits	1,800 s/f	\$8,000.00
<i>TOTAL</i>			<i>\$60,000.00</i>

Closing

The budgetary cost estimates illustrated above are based on using the most stringent removal methods as mandated by the USEPA and the MDEP. There may be other options for removal methods that could reduce costs but must be designed by a Maine certified Asbestos Designer and approved by the Maine DEP.

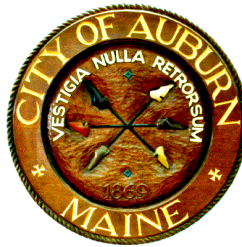
BIOS can assist you with development of alternative removal methods, should you have any additional questions or needs please don't hesitate to call.

Sincerely


Mark P. Coleman CIE, CMR
President



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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 85-10072013

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Buck's Auto, 249 Merrow Road.

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

The Auburn City Council finds the following facts regarding the operation of Morris Auto Parts Junkyard and Auto Graveyard:

1. City Staff, specifically Eric J. Cousens, Director of Planning and Permitting, conducted 3 inspections of Morris Auto Mart at 940 Washington Street, Auburn Maine 04210, acting as an agent of the City Council in carrying out their responsibilities spelled out in MRSA 30-A §3754-A. Limitations on Graveyard, Automobile Recycling Businesses and Junkyard Permits.
2. Inspection 1 was conducted on September 9, 2013 and confirmed that the operator was storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B.
3. Pursuant to MRSA 30-A, 3754-A,10. Standard for permit. The municipal officers or county commissioners may issue a permit to an automobile graveyard or junkyard if that automobile graveyard or junkyard meets the operating standards set forth in subsection 5.
4. Inspection 2 was conducted on October 1, 2013 and confirmed that the operator was storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B. As an alternative to denying the permit, the Auburn City Council attempted to allow additional time for the business to remedy violation of the MRSA 30-A, 3754-A, 5B by tabling action to the November 4, 2013 Council Meeting.
5. Inspection 3 was conducted on October 28, 2013 and confirmed that the operator was storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B. As an alternative to denying the permit, the Auburn City Council attempted to allow additional time for the business to remedy violation of the MRSA 30-A, 3754-A, 5B by delaying action to the December 16, 2013 Council Meeting.
6. Inspection 4 was conducted on December 10, 2013 and confirmed that the operator continues to store vehicles within the floodplain and within 100' of inland waters that still contain batteries and/or fluids which is a violation of MRSA 30-A, 3754-A, 5B.
7. The Council further concludes that they may not approve the license/permit renewal for Morris Auto Mart at 740 Washington Street North unless the junkyard meets the operating standards set forth in subsection 5 of MRSA 30-A, 3754-A.

Tizz E.H. Crowley

Robert Hayes

Mary LaFontaine

Adam Lee

Leroy Walker

Belinda Gerry

David Young

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 86-10072013

ORDERED, that the City Council hereby ~~approves~~denies the annual renewal request for an Auto Graveyard/Junkyard permit for Morris Auto Parts, 940 Washington Street North based on the findings of fact and conclusions (attached).

Passage on the order as amended on 12/16/13, 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 86-10072013

ORDERED, that the City Council hereby denies the annual renewal request for an Auto Graveyard/Junkyard permit for Morris Auto Parts, 940 Washington Street North based on the attached findings of fact and conclusions.

The Auburn City Council finds the following facts regarding the operation of Morris Auto Parts Junkyard and Auto Graveyard:

1. City Staff, specifically Eric J. Cousens, Director of Planning and Permitting, conducted 3 inspections of Morris Auto Mart at 940 Washington Street, Auburn Maine 04210, acting as an agent of the City Council in carrying out their responsibilities spelled out in MRSA 30-A §3754-A. Limitations on Graveyard, Automobile Recycling Businesses and Junkyard Permits.
2. Inspection 1 was conducted on September 9, 2013 and confirmed that the operator was storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B.
3. Pursuant to MRSA 30-A, 3754-A,10. Standard for permit. The municipal officers or county commissioners may issue a permit to an automobile graveyard or junkyard if that automobile graveyard or junkyard meets the operating standards set forth in subsection 5.
4. Inspection 2 was conducted on October 1, 2013 and confirmed that the operator was storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B. As an alternative to denying the permit, the Auburn City Council attempted to allow additional time for the business to remedy violation of the MRSA 30-A, 3754-A, 5B by tabling action to the November 4, 2013 Council Meeting.
5. Inspection 3 was conducted on October 28, 2013 and confirmed that the operator was storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B. As an alternative to denying the permit, the Auburn City Council attempted to allow additional time for the business to remedy violation of the MRSA 30-A, 3754-A, 5B by delaying action to the December 16, 2013 Council Meeting.
6. Inspection 4 was conducted on December 10, 2013 and confirmed that the operator continues to store vehicles within the floodplain and within 100' of inland waters that still contain batteries and/or fluids which is a violation of MRSA 30-A, 3754-A, 5B.

7. The Council further concludes that they may not approve the license/permit renewal for Morris Auto Mart at 740 Washington Street North unless the junkyard meets the operating standards set forth in subsection 5 of MRSA 30-A, 3754-A.

Tizz E.H. Crowley

Robert Hayes

Mary LaFontaine

Adam Lee

Leroy Walker

Belinda Gerry

David Young

Passage on 12/16/2013, 7-0.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 87-10072013

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

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 88-10072013

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

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 89-10072013

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

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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



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

Jonathan LaBonte, Mayor

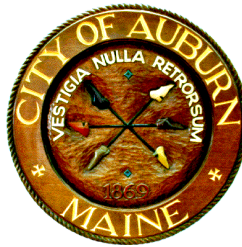
IN CITY COUNCIL

ORDER 90-10072013

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

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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



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

Jonathan LaBonte, Mayor

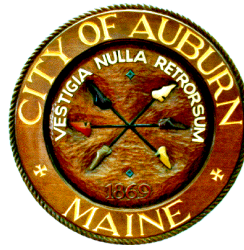
IN CITY COUNCIL

ORDER 91-10072013

ORDERED, that the City Council hereby authorizes a \$2,000 wage adjustment for the City Manager pursuant to the employment contract of the City Manager.

Passage 4-2 (Councilors Walker and Gerry opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 92-10212013

ORDERED, that the City Council hereby appoints the following individuals as Wardens and Ward Clerks for the November 5, 2013 Election:

Peter Letourneau	Warden	Ward 1	Washburn School
Jane Audet	Warden	Ward 4	Fairview School
Norman McKeone	Warden	Ward 5	Sherwood Heights School

Passage on 10/21/2013, 5-0 (Councilors Young and Shea absent).

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



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

Jonathan LaBonte, Mayor

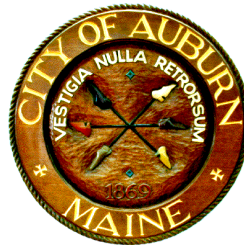
IN CITY COUNCIL

ORDER 93-10212013

ORDERED, that the City Council hereby authorizes the Finance Director to transfer from Salary Reserve to LA911 an amount to cover donated sick time to a LA911 employee.

Passage on 10/21/2013 5-0 (Councilors Young and Shea absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 94-10212013

ORDERED, that City Council hereby approves the Auburn Ski Association request to place two temporary signs for their Annual Ski Swap which will be held on Sunday, November 17th and 11th, 2012. One will be placed across the street from Auburn Hall next to the Advanced Orthodics sign and the other at the intersection of Turner Street and Lake Auburn Avenue below Starbucks. The signs are both 4' x 8' and are the same that they have been using for over a decade.

Passage on 10/21/2013, 5-0 (Councilors Young and Shea absent).

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



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

Jonathan LaBonte, Mayor

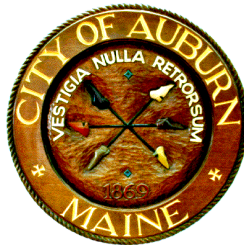
IN CITY COUNCIL

ORDER 95-10212013

ORDERED, that the City Council hereby approves the request for Saint Dominic Academy to place a temporary sign for its Holiday Festival to be held on Saturday November 9, 2013, be placed on Mount Auburn Avenue beside Starbucks from October 28th through November 10th, 2013.

Passage on 10/21/2013, 5-0 (Councilors Young and Shea absent).

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



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

Jonathan LaBonte, Mayor

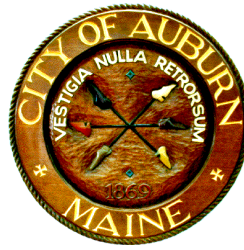
IN CITY COUNCIL

ORDER 96-10212013

ORDERED, that the City Council authorize the City Manager to enter into negotiations to purchase property at 88 Newbury Street, Auburn, Maine to improve public river access and long term connectivity of recreational assets along the Little and Big Androscoggin Rivers.

Passage on 10/21/2013, 4-1
(Councilor Crowley opposed, Councilors Shea and
Young absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 97-11042013

ORDERED, that the City Council hereby appoints the following individuals as Wardens and Ward Clerks for the November 5, 2013 Election:

Stella Doyon	Ward Clerk	Ward 1	Washburn School
Lynn Bulmer	Warden	Ward 3	Auburn Hall
Roland Jordan	Ward Clerk	Ward 5	Sherwood Heights School

Passage on 11/04/2013, 7-0.

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



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

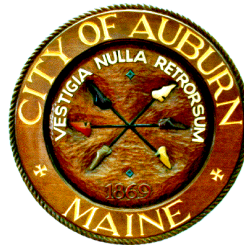
Jonathan LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 98-11042013

RESOLVED, that Katherine D. Avery, Joseph M. Correia and Joseph T. Miville be named a Constable with a firearm for the Auburn Police Department.

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



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

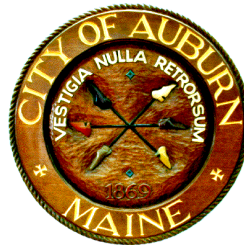
Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 99-11182013

ORDERED, that the City Council Authorize the City Manager to purchase property at 88 Newbury Street, for a purchase price of \$38,900 plus reasonable closing costs funded from Downtown TIF District #10.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 100-11182013

ORDERED that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with M.S.E.A. (Maine State Employees Association) Local 1989 for July 1, 2013 through June 30, 2016.

Passage on 11/18/2013, 6-1 (Councilor Crowley opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 101-11182013

ORDERED, that the City Council hereby denies the poverty abatement for case #1478 pursuant to Title 36 M.R.S.A. §841 (2).

Passage on 11/18/2013 5-2 (Councilors Gerry and Walker opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 102-12022013

ORDERED, that the City Council hereby appoints the following individuals as Wardens and Ward Clerks for December 2013 through December 2015;

Peter Letourneau	Warden	Ward 1	Washburn School
Stella Doyon	Ward Clerk	Ward 1	
Connie Bilodeau	Warden	Ward 2	Auburn Middle School
Beverly Ouellette	Ward Clerk	Ward 2	
Lynn Bulmer	Warden	Ward 3	Auburn Hall
Sherri Flaherty	Ward Clerk	Ward 3	
Jane Audet	Warden	Ward 4	Fairview School
Sheila Desgrosseilliers	Ward Clerk	Ward 4	
Norman McKeone	Warden	Ward 5	Sherwood Heights School
Roland Jordan	Ward Clerk	Ward 5	

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 103-12022013

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Kourtney Francoeur), or any portion thereof (\$2,464.00 U.S. Currency) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Kourtney Francoeur), or any portion thereof (\$2,464.00 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about December 2, 2013.

Passage on 12/02/2013, 7-0.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 104-12022013

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Ashley Gleason), or any portion thereof (\$6,341.00 U.S. Currency) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Ashley Gleason), or any portion thereof (\$6,341.00 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about December 2, 2013.

Passage on 12/02/2013, 7-0.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 105-12022013

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Erick Estrada), or any portion thereof (\$1,851.00 U.S. Currency) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Erick Estrada), or any portion thereof (\$1,851.00 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about December 2, 2013.

Passage on 12/02/2013, 7-0.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 106-12022013

WHEREAS, the Auburn City Council adopted a position in the 2014 budget, “that the City Manager shall propose and have established by the Auburn City Council a contract with LAEGC for services to be provided to the City of Auburn for economic development to occur within 5 months of the fiscal year with the consequence being the elimination of funding.”;

WHEREAS, the City Manager and Mayor delivered to the Auburn City Council a proposed scope of service and contract at the October 21, 2013 City Council Meeting;

WHEREAS, the Lewiston Auburn Economic Growth Council presented a revised scope of services to the Auburn City Council on November 18, 2013;

THEREFORE, BE IT ORDERED that the City Council of the City of Auburn hereby extends funding to the Lewiston Auburn Economic Growth Council through June 30, 2014 and be it further ordered that the City Council accepts the revised scope of services as a basis of framework for continued negotiation contingent upon:

The City of Lewiston and the Board of LAEGC will join Auburn in a joint workshop and presentation on economic development models targeted for January 27th, 2014;

That the joint workshop marks the initiation of strategy development for economic development work between partner and that a Joint Economic Development Committee will be established not long after said joint workshop to advise on the strategy development process and the finalization of a proposed scope of services.

Passage on 12/02/2013, 4-3 (Councilors Walker, Shea, and Crowley opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 107-12022013

WHEREAS, the City of Auburn, Maine ("City") is considering whether to amend the Downtown Area Municipal Development and Tax Increment Finance District #10 and adopt the Development Program for the District presented to the City Council, designation in adoption to be pursuant to the following terms and provisions; and

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the City as a Municipal Development and Tax Increment Finance District (the "District") and to adopt a development program and financing plan for such a district; and

WHEREAS, the City has exercised this authority by adopting an activating Downtown Area Municipal Development and Tax Increment Finance District #10; and

WHEREAS, the City continues to recognize the need for more commercial and mixed-use development in the City; and

WHEREAS, the City finds that there are three downtown neighborhoods adjacent to the "District" that have potential to provide continued employment opportunities for the citizens of Auburn, to improve and broaden the tax base of the City and are designated in the City's adopted plans for new downtown development and redevelopment; and

WHEREAS, the Public Improvements contemplated by the Development Program will enable the City to expand its tax base, improve the economic climate and environmental quality within the City; and

WHEREAS, on Decembers 2, 2013 the City will hold a public hearing on amending the "District" in accordance with the requirements of Maine Revised Statutes upon at least ten (10) days prior notice published in newspaper of general circulation within the City;

NOW, THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF AUBURN:

That the Downtown Area Municipal Development and Tax Increment Financing District #10, Development Program and Financial Plan be amended to add the three downtown neighborhoods depicted on Exhibit A in the Development Program and Financial Plan; and

The City Manager is authorized to execute documents and to submit this amendment to the Maine Department of Economic and Community Development.

Passage on 12/2/2013, 6-1 (Councilor Gerry opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 108-12022013

WHEREAS, the City of Auburn, Maine ("City") is considering whether to amend the Auburn Mall Revitalization and Tax Increment Financing District #14 Development Program and adopt the proposed amendments presented to the City Council, designation and adoption to be pursuant to the following terms and provisions; and

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to remove a specified parcel of land from the previously approved (October 30, 2006) Tax Increment Finance District #14 - Auburn Mall Revitalization in Mall area as amended (July 20, 2009); and

WHEREAS, on December 2, 2013, continued on December 16, 2013 the City will hold a public hearing on the question of amending the previously approved district in accordance with the requirements of 30-A M.R.S.A. 5253, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development approving the amendment of the district;

NOW, THEREFORE BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF AUBURN:

Tax Increment Finance District #14 - Auburn Mall revitalization be amended to remove tax parcel 290-010-001 from the district and the baseline valuation be adjusted to recognize that removal and the City Manager be authorized to submit this amendment to the Maine Department of Economic and Community Development.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 12/16/2013 5-2 (Councilors Crowley and Gerry opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 109-12022013

WHEREAS, the City of Auburn, Maine ("City") is considering whether to designate Auburn Municipal Tax Increment Finance District #18 and adopt the Development Program for the District presented to the City Council, designation and adoption to be pursuant to the following terms and provisions; and

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the City as a Municipal Development and Tax Increment Finance District (the "District") and to adopt a development program and financing plan for such a district; and

WHEREAS, the City continues to recognize the need for more commercial development in the City; and

WHEREAS, the City finds that there is a need to provide expanded employment opportunities for the citizens of Auburn, to improve and broaden the tax base of the City and to improve the general economy of the City, the surrounding region and the State of Maine; and

WHEREAS, the expansion of commercial development will enable the City to expand its tax base, improve the economic climate in order to attract additional businesses to the City; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial facilities through the establishment of the Auburn Municipal Tax Increment Finance District #18 in accordance with the provisions of Chapter 206 of Title 30 - A; and

WHEREAS, on December 2, 2013 and continued on December 16, 2013, the City held a public hearing creating the "District" in accordance with the requirements of Maine Revised Statutes upon at least ten (10) days prior notice published in newspaper of general circulation within the City; and

WHEREAS, the City desires to designate the Auburn Municipal Tax Increment Financing District #18 and adopt the development program for such a district; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development approving the designation of the District and the adoption of the Development Program for the District;

NOW, THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF AUBURN:

Section 1. The City hereby finds and determines that:

- A. At least 25%, by area, of the real property within the district, as hereby designated, is suitable for commercial development; and
- B. The total area of the District does not exceed 2% of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed 5% of the total acreage of the City; and
- C. The total equalized value of taxable property within the District as of April 1, 2013 together with equalized value of taxable property in other existing districts does not exceed 5% of the total equalized value of taxable property within the City; and
- D. The designation of the District and pursuant to the development program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadening in improving the tax base and serve as an economic stimulus and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30 - A of the Maine Revised Statutes, as amended, the City hereby designates Auburn Municipal Tax Increment Financing District #18 Development Program, designated and described as more particularly set forth in the form attached hereto and presented to the City Council and such development program is hereby incorporated by reference into the Development Program for the District.

Section 3. The City Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval pursuant to statutory requirements.

Section 4. The City Manager be, and hereby is, authorized and empowered, at his discretion, from time to time, to make such technical revisions to the Development Program for the District as may be reasonably necessary or convenient in order to facilitate the process for review and approval of the District by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.

Section 5. The foregoing designation of the District and the adoption of the Development Program for the District shall become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by the Department of Economic and Community Development, without requirements of further action by the City, the City Council, or any other party.

Section 6. The City Manager be, and hereby is, authorized and directed to enter into the Credit Enhancement Agreement contemplated by the Development Program, and in the name of and on behalf of the City, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, such approval to be conclusively evidenced by such execution thereof.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 12/16/2013, 5-2 (Councilors Crowley and Gerry opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 110-12022013

ORDERED that the lease agreement between Slap Shot, LLC and the City of Auburn (executed on October 25, 2012) is amended to: 1) establish the occupancy date for tenant at November 15, 2013; 2) establish the date for the accrual of interest, to be added to the cost of the facility, at December 1, 2013; and 3) define the formula for computing the amount subject to a 30 year amortization at 4.5% (thereby determining the rent amount).

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 12/2/2014, 6-1 (Councilor Gerry opposed).

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



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

Jonathan P. LaBonte, Mayor

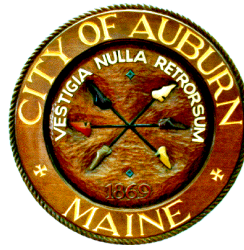
IN CITY COUNCIL

ORDER 112-12162013

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Philip Moser), or any portion thereof (one - Rossi .357 Revolver) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Philip Moser), or any portion thereof (one – Rossi .357 Revolver), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about December 16, 2013.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 113-12162013

ORDERED, that David K. Brown II be named a Constable with a firearm for the Auburn Police Department.

Passage on 12/16/2013, 7-0.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 114-12162013

WHEREAS, Environmental issues require best management practices that consider all stakeholders; and

WHEREAS, Tree harvesting operations are important to the preservation of green spaces and community forests; and

WHEREAS, City staff recommends that all future tree harvesting operations, allocation of revenues generated and implementing a new permit process be carefully reviewed by, at a minimum, the City Planner, Code Enforcement Officer and the Public Services Department; and

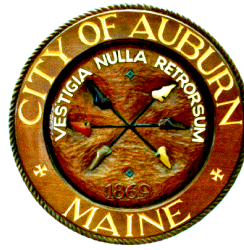
WHEREAS, Elected officials have considered implementing a Park's Commission that would review tree harvesting operations on City owned parcels; and

WHEREAS, Staff recommends a moratorium of 180 days on all tree harvesting activities within the City until this review is completed; and

NOW, THEREFORE, BE IT ORDERED, that the Auburn City Council, on behalf of the Citizens of Auburn, herewith impose a 180 day moratorium on tree harvesting operations on all city owned property and direct the City Clerk to notify all potential parties of this moratorium.

Passage on 12/16/2013, 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 115-12162013

ORDERED, that the Auburn City Council accept the Fiscal Year 2013 Comprehensive Annual Financial Report as presented by Casey Leonard of Runyon Kersteen Ouellette on December 16, 2013.

Passage on 12/16/2013, 5-1-1 (Councilor Gerry opposed, Councilor Crowley abstained).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

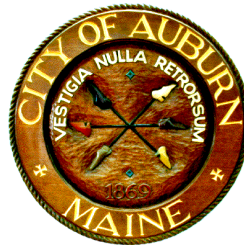
ORDER 116-12162013

ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with MAP (Maine Association of Police) Command Unit for July 1, 2013 through June 30, 2014.

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with MAP (Maine Association of Police) Command Unit for July 1, 2014 through June 30, 2017.

Passage on 12/16/2013, 4-3 (Councilors Crowley, Walker, and Gerry opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

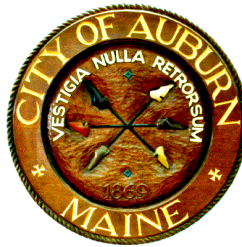
ORDINANCE 01-03182013

BE IT ORDERED, that the City of Auburn Zoning Map is hereby amended in the area of Blanchard Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) in the area outlined in yellow on the map below, pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn. The amendment is based on the finding that The City's Future Land Use Map shows the area as "Residential – Low Density". The Low Density Rural Residential zoning designation is consistent with the future land use map. Lots included in this amendment are;

96 Blanchard Road, Parcel ID 345-016
120 Blanchard Road, Parcel ID 345-017
Blanchard Road lot, Parcel ID 345-002
170 Blanchard Road, Parcel ID 345-018
48 Hathaway Road, Parcel ID 345-032-001
145 Blanchard Road, Parcel ID 345-023
117 Blanchard Road, Parcel ID 345-024
2527 Turner Road, Parcel ID 345-025

See attached map

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 02-04012013

AN ORDINANCE REINCORPORATING FOUR ORDINANCES OMITTED DURING THE RECODIFICATION OF THE CITY'S CODE OF ORDINANCES ADOPTED ON FEBRUARY 22, 2011.

BE IT ORDAINED BY THE AUBURN CITY COUNCIL:

The council finds that certain ordinances were inadvertently omitted during the recodification of the city's code of ordinances, which recodification was adopted on February 22, 2011. By this article, the city council corrects such omissions and reinstates the following ordinances (except for editorial correction of internal section numbering as necessary to coordinate with the recodified code):

- (a) *Ordinance dated May 7, 1979*, creating the planning board (Attachment "A" to this article, as amended through February 21, 1990, and formerly codified as Article III of Chapter 16) to be inserted in the city's current code as new division 5 of Article V of Chapter 2, Administration, as edited in this article;
- (b) *Ordinance dated March 26, 1990*, adopting a housing code for the city (Attachment "B" to this article, as amended through March 26, 1990, and formerly codified as Chapter 20A), to be inserted as new Article IV in Chapter 12, Buildings;
- (c) *Ordinance dated July 20, 2009*, adopting post-construction stormwater management regulations (Attachment "C" to this article) to be inserted as new Article III in Chapter 18, as edited in this article; and
- (d) *Ordinance dated August 17, 2009*, amending former sections 7.1 and 7.3 of the city's zoning regulations, recodified as sections 60-1308 and 60-1363 respectively (Attachment "D" to this article), to be inserted as new Article III of Chapter 18.

ATTACHMENT A

DIVISION 5. PLANNING BOARD

Sec. #. Membership: appointment, removal, terms, vacancies.

(a) There shall be a planning board of seven members. Members of the planning board shall be residents of the city and shall not be officers or employees 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) 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) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.

(d) 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.

Sec. #. Chairman and vice-chairman.

The members of the planning board shall annually elect one of their number as chairman to preside at all meetings and hearings, and another of their number as vice-chairman. In the absence of the chairman, the vice-chairman shall act as chairman and shall have all the powers of the chairman.

Sec. #. Staff secretary: minutes, public records.

(a) The city planner shall designate a member of his staff who shall serve as staff secretary of the planning board and attend all of its proceedings.

(b) The staff secretary shall provide for the keeping of minutes of the proceedings of the planning board, noting the vote of each member on every question, or the member's absence or failure to vote, and shall maintain the permanent records and decisions of all planning board meetings, hearings, and proceedings and ail correspondence of the planning board.

Sec. #. Quorum and necessary vote.

(a) As to any matter requiring a public hearing, no business shall be transacted by the planning board without a quorum, consisting of four members, being present. The concurring vote of at least four members shall be necessary to authorize any action by the board. If the requisite votes are not present the matter shall be tabled.

(b) If less than a quorum is present, the hearing may he adjourned. The staff secretary shall notify in writing all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of adjournment.

Sec. #. Meetings, hearings and procedures.

(a) Regular meetings of the planning board shall be held at the call of the chairman or as provided by rule of the board. Special meetings may be called by any four members of the planning board, or at the request of the city council. Testimony at any hearing may be required by the planning board to be given under oath.

(b) The planning board shall adopt its own rules for the conduct of its business not inconsistent with this chapter and with state law. Such rules shall be filed with the staff secretary of the planning board and with the city clerk. Any rule so adopted that relates solely to the conduct of hearings, and that is not required by the city council, this chapter or state law, may he waived by the chairperson upon good cause being shown.

Sec. #. Workshop or informational meetings.

Informal meetings or workshops of the planning board or any of its committees may be held at the call of any of its members or the city planner, as the case may be, for the presentation of information.

Sec. #. Record and decisions.

(a) The minutes of the staff secretary, and any transcript of the proceedings, and all exhibits, papers, applications and requests filed in any proceeding before the planning board and the decision of the board shall constitute the record.

(b) Every final decision of the planning board and every recommendation of the planning board to the city council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation.

(c) The staff secretary shall mail notice of any decision of the board to the applicant any designated interested parties within five business days of such decision.

Sec. #. Conflicts.

No member of the planning board shall participate in the hearing or disposition of any matter in which he has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by a majority vote of the members present, except the members whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be disqualified.

Sec. #. Appeals.

An appeal from any final decision of the planning board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the city to the superior court.

Sec. #. Jurisdiction and authority.

In addition to the jurisdiction conferred on it by other provisions of state law and the ordinances of the city and in accordance therewith, the planning board shall have the following jurisdiction and authority:

- (1) To prepare and recommend to the city council a comprehensive plan.
- (2) To prepare and recommend to the city council changes in and amendments to the comprehensive plan as necessary.
- (3) To aid and assist the city council and departments and agencies of the city in implementing general plans and in planning, developing and completing specific planning related projects.
- (4) To hear, review, and approve or deny applications for subdivision approval as provided in this Code.
- (5) To hear, review, and offer its recommendations to the city council on applications for zoning changes and amendments to, or revisions of, the city's zoning regulations, and to initiate recommendations for zoning changes and amendments to or revisions of the city's zoning regulations as necessary.
- (6) To review and offer its recommendations to the city council on public planning related projects.
- (7) To offer its recommendations to the city council with regard to the compatibility of the city manager's proposed capital improvements program with the comprehensive plan.
- (8) To make such investigations and compile maps and reports, and recommendations in connection therewith, relating to the planning and development of the city as it deems desirable.

Sec. #. Committees.

The chairman of the planning board shall from time to time assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to its concerning such specific items as may be assigned to them for study and report.

ATTACHMENT B

ARTICLE IV. HOUSING CODE

DIVISION 1. GENERALLY

Sec. #. Purpose.

The purpose of this article is to establish minimum standards for all dwellings and property incident thereto in the city to insure safety, health, and public welfare through the proper construction, maintenance, and use thereof.

Sec. #. 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.

Housing inspector means the legally designated housing inspection authority of the city or his authorized representative.

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 restricted 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.

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.

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.

(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".

Sec. #. 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.

Sec. #. Validity of other laws.

Nothing in this article shall be construed to prevent the enforcement of other laws that prescribe more restrictive limitations.

Sec. #. 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 housing inspector 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.

Sec. #. Procedure for granting exceptions.

(a) The housing inspector 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.

DIVISION 2. INSPECTIONS

Sec. #. Authority of housing inspector.

The housing inspector is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and premises located within this city in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public.

Sec. #. Right of entry for inspection.

For the purpose of making such inspections, the housing inspector is hereby authorized to enter, examine, and survey any or all 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.

Sec. #. Owner and occupant to give free access.

(a) *Access of housing inspector.* The owner and occupant of every dwelling, dwelling unit, lodging house and rooming unit or the person in charge thereof, shall give the housing inspector 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 provisions of this article or any lawful order issued pursuant to this article.

DIVISION 3. ENFORCEMENT

Sec. #. Procedure generally.

(a) If the housing inspector 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 the housing inspector.

(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 housing inspector that such corrective action has been taken.

Sec. #. 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.

Sec. #. 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.

Sec. #. 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.

Sec. #. 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 housing inspector, 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 housing inspector 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.

Sec. #. Placarding of buildings unfit for human habitation.

(a) *Authority of housing inspector.* 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 housing inspector, the dwelling, dwelling unit, lodging house, or rooming unit so affected may be declared unfit for human habitation and placarded by the housing inspector.

(b) *Procedure.* To placard, the housing inspector shall issue to the occupants and the owner or operator a written notice to vacate the premises within such time as the housing inspector 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 housing inspector. The housing inspector 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.

Sec. #. 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, filed in the office of the housing inspector, that extreme danger or menace to the occupants or the public health exists, the housing inspector 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.

DIVISION 4. MINIMUM STANDARDS

Sec. #. 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.

Sec. #. Maintenance.

All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

Sec. #. 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.

Sec. #. 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, excepting rooms use primarily for sleeping purposes, shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of three feet above floor level, as required by prevailing weather conditions from September 15 through may 15 of each year.

(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 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

Sec. #. 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 shall be kept clear of obstructions at all times.

Sec. #. 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 housing inspector may cause the responsible person to put the dwelling or dwelling unit in a clean and sanitary condition.

Sec. #. 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.

Sec. #. 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.

Sec. #. 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.

ATTACHMENT C

POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE

Sec. 1. Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of city citizens through monitoring and enforcement of compliance with post-construction stormwater management plans in order to comply with minimum control measures requirements of the Federal Clean Water Act (33 USC 1251 et seq.), other federal regulations and Maine's Small Municipal Separate Storm Sewer Systems General Permit.

Sec. 2. Objectives.

This article seeks to ensure that post-construction stormwater management plans are followed and stormwater management facilities are properly maintained and pose no threat to public safety.

Sec. 3. Definitions.

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

Applicant means a person with requisite right, title or interest or an agent for such person who has filed an application for new development or redevelopment that requires a post-construction stormwater management plan under this article.

Best management practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), which is commonly referred to as the Clean Water Act.

Construction activity means construction activity including one acre or more of disturbed area, or activity with less than one acre of total land area that is part of a subdivision, if the subdivision will ultimately disturb equal to or greater than one acre.

Direct discharge and *point source* means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which Pollutants are or may be discharged.

Discharge means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to "waters of the state."

Disturbed area means clearing, grading and excavation. Mere cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area." "Disturbed area" does not include routine maintenance but does include redevelopment. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of land or improvements thereon.

Enforcement authority means the director of planning and permitting, director of community services, or their designees, the persons or departments authorized by the city to administer and enforce this article.

Permitting authority means the city official or body that has jurisdiction over the land use approval or permit required for a new development or redevelopment.

Separate storm sewer system (MS4) means conveyances for storm water, including, but not limited to, roads with drainage systems, city streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any city, sewer or sewage district, fire district, state agency or federal agency or other public entity that discharges directly to surface waters of the state.

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit means a permit issued by the U.S. Environmental Protection Agency (“EPA”) or by the Maine Department of Environmental Protection (“DEP”) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

New development means any construction activity on unimproved premises.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, city, domestic, commercial or agricultural wastes of any kind.

Post-construction stormwater management plan means BMPs and stormwater management facilities employed by a new development or redevelopment to meet the standards of the city’s subdivision, site plan, or other zoning, planning or other land use ordinances and approved by the permitting authority.

Premises means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the city.

Qualified inspector means a person who conducts post construction stormwater management facilities inspections. The director of community services or his designee may require inspections for engineered systems to be completed by a Registered Professional Engineer at his discretion.

Redevelopment means construction activity on premises already improved with buildings, structures or activities or uses, but does not include such activities as exterior remodeling.

Regulated small MS4 means any Small MS4 regulated by Maine’s General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems effective July 1, 2008 (“general permit”), including all those located partially or entirely within an urbanized area (ua) and those additional small ms4s located outside a ua that as of the issuance of the general permit have been designated by the DEP as regulated small MS4s.

Small MS4 and Small Municipal Separate Storm Sewer System means any MS4 that is not already covered by the Phase I MS4 stormwater program including city owned or operated storm sewer systems, state or federally-owned systems, such as colleges, universities, prisons, state department of transportation and state turnpike authority road systems and facilities, and military bases and facilities.

Storm drainage system means the city’s regulated small MS4.

Stormwater and storm water mean any stormwater runoff, snowmelt runoff, and surface runoff and drainage.

Stormwater management facilities means any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures that are part of the post-construction stormwater management plan for a new development or redevelopment.

Sec. 4. Applicability.

This article applies to all new development and redevelopment within the city that discharges stormwater to the city’s MS4 and to associated stormwater management facilities. This article does not apply to new development or redevelopment on a lot, tract or parcel where that lot, tract or parcel is part of a subdivision that is approved under this article; the lot, tract or parcel shall not require additional review under this article, but shall comply with the post-construction stormwater management plan requirements for that approved subdivision.

Sec. 5. Post-construction stormwater management plan approval.

(a) *General requirement.* Notwithstanding any ordinance provision to the contrary, and except as provided in section 4.b. above, no applicant for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for new development or redevelopment to which this article is applicable shall receive such permit or approval for that new development or redevelopment unless the applicant also receives approval under the city’s subdivision, site plan or other zoning, planning or other land use ordinances for its post-construction stormwater management plan and stormwater management facilities for that new

development or redevelopment, even if the city's subdivision, site plan or other zoning, planning or other land use ordinances would not otherwise apply to that new development or redevelopment.

(b) Notice of BMP discharge to city's MS4. At the time of application for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for new development or redevelopment to which this article is applicable, the applicant shall notify the permitting authority if its post-construction stormwater management plan includes any BMPs that will discharge to the city's MS4 and shall include in this notification a listing of which BMPs will so discharge.
Sec. 6. Post-construction stormwater management plan compliance.

(a) *General requirements.* Any person owning, operating, leasing or having control over stormwater management facilities required by a post-construction stormwater management plan approved under the city's subdivision, site plan or other zoning, planning or other land use ordinances shall demonstrate compliance with that plan as follows:

- (1) That person or a qualified inspector hired by that person, shall, at least annually, inspect the stormwater management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all city and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.
- (2) If the stormwater management facilities require maintenance to function as intended by the approved post-construction stormwater management plan, that person shall take corrective action to address the deficiency or deficiencies.
- (3) That person or a qualified inspector hired by that person, shall, on or by June 1st of each year provide a completed and signed certification to the enforcement authority in a form identical to that attached as appendix 1 to this article, certifying that the person has inspected the stormwater management facilities and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the stormwater management facilities and, if the stormwater management facilities require maintenance or repair of deficiencies in order to function as intended by the approved post-construction stormwater management plan, the person shall provide a record of the required maintenance or deficiency and corrective action taken.
- (4) In addition, any persons required to file an annual certification under section 6 of this article shall include with the annual certification payment in the amount established by the city for the purpose of contributing toward the administrative and technical costs of review of the annual certification.

(b) *Right of entry.* In order to determine compliance with this article and with the post-construction stormwater management plan, the enforcement authority may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the stormwater management facilities.

(c) *Annual Report.* Beginning July 1, 2009 and each year thereafter, the city shall include the following in its annual report to the state department of environmental protection:

- (1) The cumulative number of sites that have stormwater management facilities discharging into their MS4;
- (2) A summary of the number of sites that have stormwater management facilities discharging into their MS4 that were reported to the city;
- (3) The number of sites with documented functioning stormwater management facilities; and
- (4) The number of sites that required routine maintenance or remedial action to ensure that stormwater management facilities are functioning as intended.

(d) *Inspections.* The city shall annually inspect a percentage of stormwater management facilities. If the owner or operator of a stormwater management facility hires or is deemed to be a qualified inspector, the permittee will have no inspection requirements. If the owner or operator of a stormwater management facility does a "self" inspection and is not a qualified inspector, the city is required to conduct the following inspection schedule:

- (1) 1-10 post construction sites: inspect at least one site, or 40% (whichever is greater)
- (2) 11-30 post construction sites: inspect at least four sites, or 30% (whichever is greater)
- (3) 31-60 post construction sites: inspect at least nine sites, or 25% (whichever is greater)
- (4) 61-100 post construction sites: inspect at least fifteen sites, or 20% (whichever is greater)
- (5) 101-160 post construction sites: inspect at least twenty sites, or 17% (whichever is greater)
- (6) Over 160 post construction sites: inspect at least twenty seven sites, or 11% (whichever is greater)

Sec. 7. Enforcement.

Violations. It is unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article or of the post-construction stormwater management plan. Whenever the enforcement authority believes that a person has violated this article or the post-construction stormwater management plan, the enforcement authority may enforce this article in accordance with 30-A M.R.S.A. § 4452.

Notice. Whenever the enforcement authority believes that a person has violated this article or the post-construction stormwater management plan, the enforcement authority may order compliance with this article or with the post-construction stormwater management plan by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

The abatement of violations, and the cessation of practices, or operations in violation of this article or of the post-construction stormwater management plan;

At the Person's expense, compliance with bmps required as a condition of approval of the new development or redevelopment, the repair of stormwater management facilities or the restoration of any affected property; or

The payment of fines, of the city's remediation costs and of the city's reasonable administrative costs and attorneys' fees and costs.

If abatement of a violation, compliance with BMPs, repair of stormwater management facilities or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, compliance, repair or restoration must be completed.

Penalties, fines and other remedies. Any person who violates this article or the post-construction stormwater management plan shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the city's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this article or the post-construction stormwater management plan also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the city for violation of federal and state environmental laws and regulations caused by or related to that person's violation of this article or of the post-construction stormwater management plan; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this Section.

Consent agreement. The enforcement authority may, with the approval of the city officers, enter into a written consent agreement with the violator to address timely abatement of the violations of this article or of the post-construction stormwater management plan for the purposes of eliminating violations of this article or of the post-construction stormwater management plan and of recovering fines, costs and fees without court action.

Appeal. Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the board of appeals in accordance with the rules of the board of appeals. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The board of appeals shall hold a *de novo* hearing on the appeal within 30 days from the date of receipt of the notice of appeal. The board of appeals may affirm, reverse or modify the decision of the enforcement authority. A party aggrieved by the decision of the board of appeals may appeal that decision in the manner provided by state law.

Judicial action for enforcement. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the board of appeals, within 45 days of a decision of the board of appeals affirming the enforcement authority's decision, then the enforcement authority may recommend to the city officers that the city's attorney file an enforcement action in a court of competent jurisdiction pursuant to state law.

ATTACHMENT D

7.1 Site Plan Review **D. Procedure**

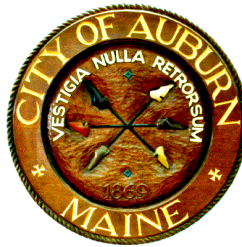
9. Approval of a site plan shall expire one year after the date of approval unless all building permits have been obtained to begin construction in accordance with the approved site plan. If a development is contested with litigation, the approval period of this section shall not commence until a final 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 existing plan. The Planning Board shall approve or disapprove the requested extension at its next regular meeting.

7.3 Subdivision **E. Final Approval and Filing** **4. Improvement Completion Time**

a. All required improvements shall be completed no later than two years after approval of the final plan. Should the subdivider request an extension it shall be made in writing to the Planning Board. Should the Planning Board grant an extension it shall be for a period not to exceed six months. Only one extension shall be granted. Should the subdivider not complete the required improvements within the time specified the subdivider shall be in violation of this chapter. If a development is proposed to be phased then specific requirements for each phase shall be complete prior to issuing Building Permits for that phase. If a development is contested with litigation, the two year completion requirement shall not commence until a final 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.

Passage of first reading on 4-1-2013, 6-0 (Councilor LaFontaine absent). Passage of second and final reading on 4-16-2013, 5-1 (Councilor Gerry opposed, Councilor Hayes absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 03-04012013

**AN ORDINANCE CORRECTING SECTION NUMBERS
IN ORDINANCES ADOPTED DURING THE PENDENCY OF THE RECODIFICATION OF THE CITY'S
CODE OF ORDINANCES
ADOPTED ON FEBRUARY 22, 2011.**

BE IT ORDAINED BY THE AUBURN CITY COUNCIL:

Sec. 1. The city council finds that certain ordinances adopted while the recodification project was on-going included numbering inconsistent with the recodified code as ultimately adopted. By this ordinance, the city council corrects the numbering of the following ordinances for consistency with the recodified code:

- (a) *Ordinance dated February 1, 2010*, designating certain stop sign and restricted parking location and street uses (Attachment "E" to this ordinance), to be used to amend traffic schedules in Article VIII, Chapter 52, Traffic Regulatory Signage;
- (b) *Ordinance dated February 16, 2010*, regarding setbacks in the Central Business District, (Attachment "F" to this ordinance), to be used to amend code sections 60-498 through 500;
- (c) *Ordinance dated March 22, 2010*, establishing setbacks and height allowances for certain accessory structures, including windmills (Attachment "G" to this ordinance), to be used to amend code section 60-548;
- (d) *Ordinance dated May 3, 2010*, adopting a business license fee schedule (Attachment "H" to this ordinance), to be used to amend the city fee schedule in Appendix A of the city code;
- (e) *Ordinance dated June 7, 2010*, regarding sandwich boards and easel signs (Attachment "I" to this ordinance), to be used to add a new subsection 9(d) to code section 60-637;
- (f) *Ordinance dated June 7, 2010*, amending the city's red flag rules (identity theft prevention program) (Attachment "J" to this ordinance), to be used to replace code sections 2-539 through 2-556;
- (g) *Ordinance dated January 18, 2011*, changing maximum floor space for certain accessory buildings (Attachment "K" to this ordinance), to be used to amend code section 60-43(e);
- (h) *Ordinance dated February 7, 2011*, regarding slaughterhouses, stockyards, abattoirs, and dressing plants as special uses in low density country residential zoning districts (Attachment "L" to this ordinance), to be used to amend code section 60-201(b);
- (i) *Ordinance dated February 7, 2011*, regarding slaughterhouses, stockyards, abattoirs, and dressing plants as special exceptions in agriculture and resource protection districts (Attachment "M" to this ordinance), to be used to amend code section 60-144 through 173;
- (j) *Ordinance dated February 7, 2011*, renaming current Chapter 14 to "Business Licenses and Permits", repealing and replacing former Chapter 24 (now Chapter 14) regarding business licensing, and repealing in their entirety Article IX (Taxicabs) of Chapter 26 (Traffic and Motor Vehicles), all of Chapter 36 (Peddlers,

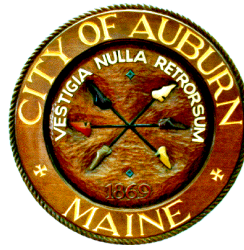
Itinerant merchants and Solicitors), all of Chapter 40 (Secondhand Goods), and all of Chapter 58 (Vehicles for Hire);

(k) *Ordinance dated September 6, 2011*, regarding excavation permits (Attachment "N" to this ordinance), to be used to amend code sections 60-697 et seq., renumbering as necessary to accommodate the addition of a new section 60-701; and

(l) *Ordinance dated December 5, 2011*, regarding the sale and use of consumer fireworks (Attachment "O" to this ordinance), to be used as new code section 20-59 renumbering current section 20-59 as 20-60.

Passage of first reading 4/16/2013, 6-0 (Councilor Hayes absent) and passage of second and final reading 5/6/2013 7-0.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 04-04162013

Be it Ordained, that the following ordinances be adopted:

Sec. 2-25. Salaries of the Mayor and Council.

Elected officials shall receive the following annual salaries, payable as listed:

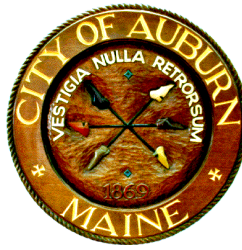
- (1) *Mayor*. The mayor shall receive an annual salary of \$4,000.00, payable quarterly.
- (2) *City council*. Each of the councilors shall receive an annual salary of \$1,800.00 payable monthly.

Sec. 2-382. Salaries of School Committee Members.

Elected School Committee Members shall receive the following annual salaries, payable as listed:

- (1) *School committee*. Each member of the school committee, shall receive a salary at the rate of \$25.00 per meeting for up to 26 meetings per year.
- (2) *The Mayor or his/her designee* is a full member of the School committee and therefore is entitled to compensation as any other member.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 07-06032013

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

Sec. 24-217. Alcoholic Beverages

~~The sale or consumption of alcoholic beverages of any kind is prohibited within the mass gathering area during any event unless the operator obtains all necessary permits from the City. The operator will exercise due diligence and exert his/her best efforts to prevent the consumption of alcoholic beverages within the mass gathering area and to prevent patrons from using, consuming, bringing in, or otherwise obtaining alcoholic beverages within the mass gathering areas.~~

If the Operator intends to sell or permit the sale of alcoholic beverages within the mass gathering area during a mass gathering, the Operator shall restrict the time and location of such sale so that alcoholic beverages are sold only during the particular event and so that public safety and order will not be impaired. The Operator shall comply fully with the laws of the State of Maine regulating the sale and consumption of alcoholic beverages, as well as with the City's Special Amusement Ordinance. Alcoholic beverages may be sold and consumed only within a restricted area of the Facility, which does not include the parking lot. The Operator shall identify, in its Permit Application, the specific restricted areas where it proposes to sell alcoholic beverages, and the means by which it anticipates to limit the consumption of alcohol to such restricted portions of the mass gathering area. Additionally, the Operator shall exercise all due diligence, work with the Auburn Police Department on strict enforcement and exert its best efforts to control, limit and prevent the unauthorized consumption of alcoholic beverages on any part of the mass gathering area outside of the restricted areas, and to prevent patrons of the mass gathering area from using, consuming, bringing in, or otherwise obtaining alcoholic beverages in any manner not authorized by this Ordinance. Nothing in this Ordinance shall preclude the Operator from implementing more restrictive rules for the sale and consumption of alcoholic beverages.

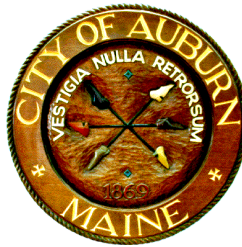
No one under the age of 21 years of age will be allowed in this area.

The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.

Any person, partnership, corporation or other legal entity including the Operator, violating this Section shall be punished by a civil penalty of at least One Hundred (\$100.00) Dollars but not more than Five Hundred (\$500.00) Dollars. The failure to comply with conditions imposed upon the issuance of a mass gathering permit shall be a violation of this Section. Each violation shall be considered a separate offense, and each day a violation is allowed to exist shall be considered a separate offense. The civil penalty provided for in this Section shall be in addition to any other penalty or damages provisions provided within this Section, and shall be in addition to all other remedies to the City of Auburn at law and in equity. The provisions of this Section shall be enforced by the City Manager or such other municipal official or employee as the City Manager shall designate in writing. The City shall also be entitled to its reasonable attorney fees and costs for successfully prosecuting a violation of this Section.

Passage of first reading 7/15/2013, 6-1 (Councilor Crowley opposed), second and final reading on 8/5/2013, motion failed 3-2 (Councilors Crowley and Gerry opposed). Affirmative vote of at least 4 is required.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 07-12172012

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

Chapter 24 Article II. Licenses

Sec. 24-36. Compliance with Rules and Regulations Required; Approval, Disapproval by City Officials, Council

- a. All licensees and applicants for licenses are required to comply with State statutes and Rules, City Ordinances and rules and regulations of City Departments which pertain to the business or activity for which a license is desired. State of Maine Rules include and are not limited to:
 1. State of Maine Food Code 2001 as adopted by the Maine Department of Human Services 10-144 CMR 200 and the Maine Department of Agriculture, Food and Rural Resources 01-001 CMR 331 May 1, 2001
 2. Rules Relating to Lodging Establishments, Department of Health and Human Services, Maine Center for Disease Control and Prevention, Division of Environmental Health 10-144 CMR 206 January 1, 2003.
 3. Rules relating to the Administrative and Enforcement of establishments Licensed by the Health Inspection Program, Department of Health and Human Services, Maine Center for Disease Control Prevention, Division of Environmental Health Inspection Program 10-144 CMR Chapter 201 Last Amended on October 7, 2012
- b. In any case where the City requires the approval of the Building Inspector, Code Enforcement Officer, Police Chief, Fire Chief or any other City Official prior to issuance of the license, it shall be the duty of the City Clerk or designee to notify in writing the officials whose approvals are required. The officials so notified, or their duly delegated representatives, shall approve or disapprove the application without delay and shall note their approval or disapproval thereon, stating the reasons for any disapproval. When required by the City Council, a hearing will be held at which time the Council shall decide whether to approve or disapprove any application for a license or permit. It shall be the duty of the City Clerk or designee to notify the applicant of the time and place of the hearing. Such notice shall be mailed by the City Clerk, postage prepaid, to the applicant at his last known address at least 48 hours prior to the date set for such hearing. The decision and order of the Council on such hearing shall be final and conclusive. Except as set forth in subsection (c) below, a license under this chapter shall be denied if the council makes a finding that:

**Passage of first reading on 12-17-2012, 6-1 (Councilor Crowley)
Passage of second and final reading on 1-7-2013, 5-0 (Councilors
LaFontaine and Shea absent).**

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



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

Jonathan LaBonte, Mayor

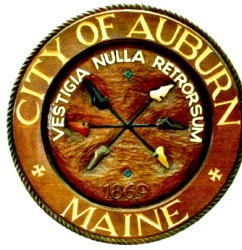
IN CITY COUNCIL

ORDINANCE 08-06032013

ORDERED, that the Community Forest Ordinance be and hereby is amended as attached:

This item was postponed indefinitely. Passage 4-2-1 (Councilors Crowley and Hayes opposed, Councilor Shea was out of the room).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 09-06172013

BE IT ORDERED, that the City of Auburn Zoning Ordinance and Map is hereby amended pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn. The amendment includes the adoption of the attached Chapter 60, Article XII, Division 2 – Floodplain Overlay District and the National Flood Insurance Rate Maps for the City of Auburn, Androscoggin County Effective July 8, 2013. The amendment is based on the finding that changes are consistent with The City's Comprehensive Plan and Future Land Use Map and are a State and Federal requirement if the City wishes to participate in the National Flood Insurance Program.

Public hearing and passage of first reading 6/17/2013 6-1, (Councilor Walker opposed). Passage of second and final reading 7/1/2013, 6-1, (Councilor Walker opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 10-08192013

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

AN ORDINANCE PERTAINING TO SYNTHETIC DRUGS THE CITY OF AUBURN HEREBY ORDAINS:

Chapter 32 of the Code of Ordinances of the City of Auburn, Maine is hereby amended as follows:

Chapter 32 Offenses
Article I, In General

Sec. 32.7

Purpose

The purpose of this article is to regulate the availability of products which are enhanced with synthetic chemicals, which chemicals mimic the effects of controlled substances on users, because these products are a danger to the public health, safety and welfare.

Definitions

For purposes of interpreting this article, the following terms, phrases, words and their derivatives shall have the meanings given herein unless the context clearly indicates or requires a different meaning:

SPICE, SYNTHETIC CANNABINOIDS, SYNTHETIC MARIJUANA - Any aromatic plant material in granular, loose leaf or powder form, or in liquid or as a food additive, or any herbal-incense-type stimulant or hallucinogen product, when the label is in any way false or misleading, or which does not contain a label specifying (1) the identity of the commodity and (2) the name and place of business of the manufacturer, packer, or distributor. Street names for these products include, but are not limited to: Bliss, Black Mamba, Bombay Blue, Fake Weed, Genie, Spice, Zohai, K2, K3, Smoke, PotPourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Stinger, Ocean Blue, Serenity, Chronic Spice, Spice Gold, Spice Silver, Skunk, Mr. Nice Guy, Mr. Happy, K3 Legal, Sence, Smoke, Chill X, Earth Impact, Galaxy Gold, Space Truckin, Solar Flare, Moon Rocks, Aroma, Scope, Sky High, Atomic, G-20, Guerrilla Warfare, Makes Scents, g-I3, Tiger Shark, California Dreams, Dank, Bullet, Mind Trip, Voodoo Child, Jazz, Nightlights, Matrix, Hypnotiq, AK47, Maui Wowie, Cloud 9, Daylights, Joker, Dead Man Walking, Brain Storm, Soul Sence, Kush, Kush Mania, Dragons Fire, Lucid, Mad Hatter, Scooby Snax, D-ZL, OMG, Demon, Barely In, Pineapple Express, Hayze. This definition shall include any plant material to which any Synthetic Chemical or Synthetic Chemical Compound has been added which has no legitimate relation to the advertised use of the product whether or not the label meets the requirements herein.

BATH SALTS, SYNTHETIC CATHINONES, SYNTHETIC STIMULANTS - Any crystalline or powder product in crystalline, loose-powder, block, tablet, or capsule form, or any stimulant-type product, when the label is in any way false or misleading. Street names for these products include, but are not limited to: Bliss, Blue Silk, Cloud Nine, Drone, Energy-I, Ivory Wave, Lunar Wave, Meow Meow, Ocean Burst, Pure Ivory, Purple Wave, Red Dove, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Knight, White Lightening, Blizzard, Bonzai Grow, Charge Plus, Charlie, Euphoria, Hurricane, Lunar Wave, Ocean, Pixie Dust, Posh, Scarface, Lovely Dovey, Aura, MDPV, MDPK, MTV, Maddie, Hurricane Charlie, Black Rob, Super Coke, PV, Peeve, Meph, Drone, MCAT. This definition shall include any product to which any Synthetic Chemical or Synthetic Chemical Compound has been added which has no legitimate relation to the advertised use of the product whether or not the label meets the requirements herein.

DRUG - An article that is intended to affect the function of the body of humans.

MISBRANDED DRUG - Any drug for which the label is in any way false or misleading.

ILLICIT SYNTHETIC DRUGS - Spice, synthetic cannabinoids, synthetic marijuana, bath salts, synthetic cathinones, synthetic stimulants, and misbranded drugs as defined herein.

SYNTHETIC CHEMICAL OR SYNTHETIC CHEMICAL COMPOUND - Any chemical or chemical compound whose molecular make up is similar to those substances listed as controlled substances in 17-A M.R.S. § 1101(16-A) (including any isomers, esters, ethers, salts, and salts of isomers, esters, and ethers of such substances) or to those substances listed in 17-A M.R.S. § 1102(4) (F) and whose intended use when introduced into the human body is to mimic or simulate the effects of a controlled substance.

Prohibition of Illicit Synthetic Drugs.

- A. It is unlawful for any person to possess, use, provide, sell, produce, manufacture, or distribute, or to offer, display, market, or advertise for sale, any illicit synthetic drug.
- B. In determining whether a product is prohibited by this article, statements on package labeling such as "not for human consumption" may be disregarded when other relevant factors (viewed alone or in totality) indicate that the product is intended to be consumed or ingested by humans, or is a product regulated by this article. Other relevant factors that may be used to determine whether a product or sale is prohibited by this article include, but are not limited to: verbal or written representations at the point of sale regarding the purpose, methods, use, or effect of the product; aspects of the packaging or labeling suggesting that the user will achieve a "high," euphoria, relaxation, mood enhancement, or that the product has other effects on the body; the cost of the product is disproportionately higher than other products marketed for the same use; the product contains a warning label stating or suggesting that the product is in compliance with state laws regulating controlled substances; the product's name or packaging uses images or slang referencing an illicit street drug; illicit or underground methods of sale or delivery are employed by the seller or provider; the product resembles an illicit street drug such as cocaine, methamphetamine, or marijuana.

- C. Defense. It shall be a defense to the prosecution of a violation of this article that a product is specifically excepted by, or regulated within and in compliance with, state or federal law. For the purposes of this section, it shall not be a defense that a product is not subject to regulation unless the product is specifically excepted from regulation; mere "non-regulation" by these acts without a specific regulatory exemption does not render a product exempt under this section.

Sale of Certain Products for Human Consumption Prohibited

It is unlawful for any person to provide, sell, or offer for sale a product for human consumption when the product is labeled "not for human consumption" or contains similar warnings.

Violation and Seizure

- A. Each package shall be a separate violation. The fine for each violation shall be \$500.
- B. Any products found in violation of this section may be seized and held as evidence to be used in any future proceeding and may be disposed of as appropriate after their use for evidentiary purposes is no longer required.

Passage of first reading on 8/19/2013, 5-2
(Councilors Crowley and Shea opposed).

Passage of second reading on 9/3/2013
(Councilors Crowley and Shea opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 11-09162013

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

**TITLE: ORDINANCE – Chapter 52 – Article 5 – Stopping, Standing and Parking Division I Generally
Sec. 52-181. Parking in city-owned lots as follows:**

Effective October 1, 2013 -

(a)

All or portions of the following parking lots and streets are designated as permit parking areas:

- (1) Great Falls Plaza parking lot.
- (2) Miller Street parking lot.
- (3) Main Street parking lot.
- (4) Phoenix Block parking lot.
- (5) Mechanics Row parking lot.
- (6) Court Street parking lot.
- (7) Mechanics Row parking garage.
- (8) Troy Street parking lot.
- (9) Pleasant Street

(b)

The monthly fee for permit parking shall be in the amount provided in the city fee schedule payable in advance at the location designated by the city manager. All monthly permits must be paid by the tenth of each month. Permit holders will be restricted to park within their designated area. Any permit which has not been paid by the tenth of each month or permitted vehicles not parked within their designated area, the owner will be subject to enforcement provisions set forth in section 52-181 (c).

(c)

No car shall be parked in an area restricted to permit parking between the hours of 7:00 am and 6:00 p.m. Monday through Friday, except pursuant to a valid permit which shall be affixed to the front window of the vehicle in question. Any car parked in violation of this section may be towed pursuant to section 52-204 and its owner shall be subject to the enforcement provisions set forth in section 52-203. The fact that a car is parked in a permit parking section without a valid permit displayed shall be prima facie evidence that the car in question has been illegally parked. The person in whose name the car is registered shall be responsible for any such illegally parked vehicle.

(d)

Nothing in this section shall be construed as prohibiting the city from restricting parking in permit parking areas during special events or from providing free temporary parking in permit areas.

(e)

Any person parking his vehicle in a space limited to two- or four-hour parking in any city-owned parking lot shall not thereafter park the vehicle in any other parking space in that parking lot during the ensuing 12-hour period other than in a space as to which parking is limited to one hour or less.

(f)

No person shall park a vehicle in any city-owned lot between the hours of 12:01 a.m. and 6:00 a.m. from November 15 to April 15, except in spaces designated as winter relief parking areas or approved areas.

(g)

No person shall park a vehicle which is not identified with a handicapped registration plate in a parking space in a city-owned lot which is limited to handicapped parking, nor shall any vehicle be parked in a handicapped parking space longer than the time limit applicable to that space.

(Code 1967, § 26-4.18; Ord. of 7-12-2004(1), § 4.18)

State law reference— Municipal authority to layout and alter parking places, 23 M.R.S.A. § 2802; parking on public ways, 29-A M.R.S.A. § 2068; enforcement of disability parking restrictions, 29-A M.R.S.A. § 521(9-A).

Passage of first reading on 9/16/2013, 5-0 (Councilors LaFontaine and Hayes absent). Passage of second reading on 10/07/2013, 5-0-1 (Councilor Walker abstained, Councilor Crowley was absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 12-10072013

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

The approval of the 2013-2014 appendix A overall maximum assistance, effective for July 1, 2013 to July 30, 2014.

Appendix B Food Maximum effective November 1, 2013. On November 1, 2013, benefits will **decrease** across the board for all participating household due to the expiration of the ARRA (American Recovery and Reinvestment Act of 2009), which increased benefits by 13.6 percent in April of 2009 in response to the recession.

Appendix C rental assistance, appendix D utilities, appendix E heating fuel, and appendix F, personal care effective October 1, 2013 to September 30, 2014, for the Auburn General Assistance program.

The approval will put the Auburn ordinance in compliance with the State statutes.

Passage on 10/21/2013, 5-0 (Councilors Shea and Young absent).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE #XX-XXXX2011

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

The approval of the ordinance changes to reflect the State statute changes approved by the legislation.

Sec. 30-2 Definitions:

Eligible person means a person who is qualified to receive general assistance according to the standards of eligibility set forth in this chapter. "Eligible person" does not include a person, who is a fugitive from justice as defined in Title 15, § 201, sub. 4.

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 this chapter. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total of number of household members. The income of household members not legally liable or otherwise responsible for supporting the household shall be considered as available to the applicant only when there is pooling of income. The City shall presume pooling of income unless the applicant proves otherwise.

Income means any form of income in cash or in kind received by the household, including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources unless specifically prohibited by any law or regulation, support payments, income from pension or trust funds, household income from any other source including relatives or unrelated household members and any benefit received pursuant to Title 36, chapter 907 and Title 36, section 5219-11, unless used for basic necessities as defined in Section 4301, subsection 1. For repeat applicants, it also includes unverified expenditures or misspent money from the 30-day period prior to application. The following items shall not be considered as income or assets which must be liquidated for the purposes of deriving income:

- (1) Real or personal income-producing property, tools of trade, or governmental entitlement specifically treated as exempt by state or federal law;

- (2) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement funds contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or
- (3) Earned income of children below the age of 18 years who are full-time students and who are not working full-time.

Sec. 30-68 Use of Resources:

(F) An applicant who is found to be ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to Title 26, § 1051 subsection 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.

Sec. 30-97 Determination of income.

(8) *Lump sum income.* A lump sum payment as defined in this chapter and received by a household prior to the date of application for general assistance will be considered as income available to the household, with the exception of any 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 in this subsection. In the case where a lump sum payment was received by a household at any time prior to the date of application for general assistance, the administrator will assess the need for prorating an applicant's eligibility for general assistance according to the following criteria:

- a. Identify the date the lump sum payment was received.
- b. Subtract from the lump sum payment all required payments.
- c. Subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities provided by general assistance, provided in this chapter; any 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; or repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities.
- d. 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 general assistance.

e. The period of proration is then determined by dividing the remainder of the lump sum payment by the verified actual monthly amounts for all the household's basic necessities.

The dividend remaining after following these guidelines represents the number of months from the receipt of the lump sum payment during which an income level equivalent to the actual expenditure for basic necessities as defined by general assistance for the household will be deemed available to that household. 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.

Passage of first reading on 10/07/2013 6-0
(Councilor Crowley absent). Passage of second
reading on 10/21/2013, 5-0 (Councilors Shea and
Young absent).

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



Jonathan LaBonte, Mayor

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

IN CITY COUNCIL

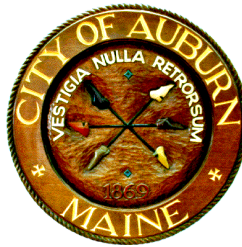
ORDINANCE 14-11042013

ORDERED, that the Code of Ordinances be and hereby is amended by adding the following Garage Sale definition under Chapter 24, Business Licenses, Sec. 24-8 Definitions:

Garage Sale –The sale of used household or personal goods held on the seller’s own premises. Also known as a yard sale, barn sale, moving sale, tag sale.

Passage of first reading on 11/4/2013, 7-0.
Passage of second reading on 11/18/2013, 7-0.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 01-01222013

RESOLVED, that the Auburn City Council hereby supports a Portland North Passenger Transit Service Linking the Municipalities from Portland to Lewiston and Auburn.

WHEREAS, the City of Portland City Council on January 7, 2013 approved a joint resolution supporting a North Passenger Service linking the City of Portland to Lewiston and Auburn; and

WHEREAS, the City of Auburn would like to study and evaluate the feasibility of developing high-quality passenger transit service between Portland and Lewiston-Auburn; and

WHEREAS, there is a growing need for fast, economical and environmentally sound transit service between Portland, Lewiston, and Auburn, that will help employment, medical and entertainment opportunities within our neighboring regions; and

WHEREAS, the municipalities of both regions support the goal of reducing single-passenger vehicle trips and work toward developing transit service while utilizing existing transit corridors; and

WHEREAS, Maine DOT conducted the Portland North Project as part of a New Starts Federal Transportation Program in 2010, which focused on addressing congestion mitigation; in communities north of Portland; and

WHEREAS, Federal New Starts and Small Starts Transportation Programs have recently instituted new broader standards to achieve land use, economic development, environmental, congestion mitigation and economic opportunity goals; and

WHEREAS, the municipalities of Auburn, Portland, Lewiston and other municipalities within the region view this study as part of a broader collaboration where communities can assist each other in addressing commuting, employment and other sustainable practices that enhances the livability of all three communities, and

WHEREAS, the participating municipalities desire to work through the Portland region MPO, Portland Area Comprehensive Transportation System (PACTS) and from the Lewiston-Auburn MPO, Androscoggin Transportation Resource Center (ATRC) to jointly conduct and manage the study for the municipalities and their constituents;

NOW THEREFORE BE IT RESOLVED, that the municipalities of Auburn, Portland and Lewiston hereby endorse this Resolution and look forward to working collaboratively toward seeking project funding and management through PACTS and ATRC and to work together on completing the feasibility evaluation of future high quality passenger commuter service between Portland and Lewiston, and Auburn; and

BE IT FURTHER RESOLVED , that the Auburn City Council hereby directs the City Manager to take

whatever steps necessary to work with officials of PACTS, ARTC, and the municipalities of Portland, Lewiston and other communities within the region on seeking program funding to advance this project toward implementation.

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



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

Jonathan LaBonte, Mayor



City of Lewiston

27 Pine Street
Lewiston, Maine 04240

City of Auburn

60 Court Street
Auburn, Maine 04210



IN CITY COUNCIL

RESOLVE 02-05062013

Expressing Support for the Initiative to Evaluate and Improve the Joint Economic Development Efforts of the Cities of Lewiston and Auburn.

Whereas, concerns have been raised regarding the focus of the Twin Cities' economic development efforts and the extent to which they reflect the changing nature of the national and regional economy; and

Whereas, interest arose during a joint workshop of the City Councils to pursue shared investment in staff support for economic development in the downtown area as well as support for the creative economy in its broadest sense and a desire to pursue policies that enhance the region's ability to attract creative and talented individuals to Lewiston and Auburn as a means to foster economic growth and investment; and

Whereas, there remains a strong commitment to the legacy of Lewiston and Auburn as a manufacturing and transportation hubs and support for strengthening targeted efforts in those areas; and

Whereas, there has been a demand among local elected officials in both communities for enhancing their role in the economic development process, including regular discussion between peers on either side of the river, and how that role should be balanced with the involvement of other stakeholders, in order to maintain a high level of involvement from the private sector in Lewiston and Auburn; and

Whereas, these issues, along with the numerous public and private organizations that are involved in economic development in this region, have raised concerns regarding our overall joint economic development strategy, the efficiency of our current structure, and the extent to which the various agencies, including the respective City governments, are coordinating their efforts around areas of joint interest; and

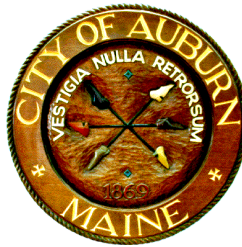
Whereas, there is a desire to develop a focused economic development structure for Lewiston and Auburn; improve communication and coordination between the organizations and principals involved in providing economic development support services; and strengthen the knowledge and involvement of municipal elected officials from both Cities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCILS OF THE CITY OF AUBURN AND THE CITY OF LEWISTON THAT

We support the effort to review, revise, and update the economic development structure currently in place in Lewiston and Auburn with the goal of implementing a broadly based, widely supported and focused joint economic development strategy, sustaining broadly based input from partners and businesses, increasing the knowledge and involvement of municipal elected officials in economic development efforts, and better coordinating and focusing the efforts and resources of the Cities and private sector partners on the areas identified as key to the economic future of the cities.

Passage on 5/6/2013, 6-1 (Councilor Walker opposed).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 03-05132013

Expressing the Opposition of the City Council of the City of Auburn to Proposals to Shift the Burden off Funding State Government to the Property Tax and Property Tax Payer.

WHEREAS, the State Administration has submitted a proposed budget for the coming biennium that will shift the funding state government to the property tax by eliminating or significantly modifying longstanding revenue sharing and property tax relief programs; and

WHEREAS, the proposal to suspend municipal revenue sharing would result in a \$2.4 million revenue loss to the City of Auburn and, representing 6.4% of the City's general fund operating budget and \$1.19 on the property tax rate; and

WHEREAS, the proposal to redirect the excise tax on tractor trailers, despite the presence of Maine's largest dry goods port within our City limits, is estimated to reduce City revenue available for road construction by an additional \$300,000 or \$0.14 cents on the tax rate; and

WHEREAS, eliminating the homestead exemption in FY 15 for those under 65 will increase taxes for no longer qualifying residents by \$196 on the net median home value in that year if the City's tax rate remains unchanged, representing a tax increase of over 6.67% for most of those losing the exemption; and

WHEREAS, low and moderate income residents under the age of 65 who now qualify for the state property tax circuit breaker program will no longer qualify for it in the coming budget year; and

WHEREAS, starting in the second year of the biennium, the business equipment tax reimbursement program (BETR), under which businesses are fully reimbursed for property taxes paid on certain business equipment, will be eliminated with most qualifying property transferred to the business equipment tax exemption program (BETE). Under this program, the City will be reimbursed by the State for 60% of the taxes due; and

WHEREAS, the elimination of the business equipment tax reimbursement (BETR) and the modification to the business equipment tax exemption (BETE) will have a significant impact on the City's commercial taxpayers, many of whom make-up the economic engine for the State of Maine, providing jobs and good paying salaries and benefits. The elimination of the BETR program will adversely impact the retail sector, a sector who will not qualify under the BETE program. Additionally, all businesses within the BETR program will experience an 18 month void in State reimbursement until those businesses qualify for BETE program funds; and

WHEREAS, further staffing and expenditure reductions of the magnitude to remove or mitigate these losses, without financial support to implement shared service or consolidation efforts, would undermine the City's ability to provide local public services;

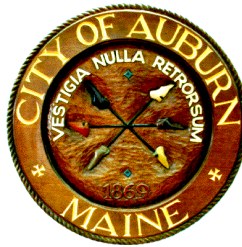
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUBURN, that the City Council hereby expresses its strong opposition to provisions included in the recently proposed state

budget that would shift the burden of funding state government to the property tax and property taxpayer. These proposals, even if consolidation efforts were pursued, would lead to an increase in property taxes in Auburn, taxes which often are unrelated to the ability of property owners to pay, or require further service reductions. And while consolidation efforts, even if fully implemented at the start of the new fiscal year, would not be sufficient to replace revenue sharing, the City Council does stand ready to discuss how state incentives could advance those opportunities;

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

Passage on 5/13/2013, 6-0-1 (Councilor Crowley was out of the room during the vote).

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 03-05202013

RESOLVED, that the following be, and hereby is the Annual Appropriation and Revenue Resolve of the City of Auburn for the fiscal year 2013-2014, which includes the amounts appropriated herein and revenues from all sources beginning July 1, 2013 and ending June 30, 2014.

The estimated aggregate amount of non-property tax revenue is \$32,149,630 with a municipal revenue budget of \$10,580,337 and a School Department revenue budget of \$21,569,293.

The aggregate appropriation for the City of Auburn is \$73,679,861, with a municipal budget of \$33,976,585 County budget of \$2,029,513 and a School Department budget of \$38,378,278 which received School Committee approval on May 1, 2013, and school budget approved at the May 20, 2013 Council Meeting pursuant to the School Budget Validation vote on June 11, 2013, in accordance with Maine Revised Statues, Title 20-A § 1486 and based on the budget submitted to the Auburn City Council on April 1, 2013, by the City Manager, and notification was posted on the City of Auburn website on May 14, 2013 that a public hearing would be held on May 20, 2013 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 2013-2014 beginning July 1, 2013 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 2013-2014.

SCHOOL BUDGET ARTICLES

1. That \$15,085,352.00 be authorized to be expended for Regular Instruction;
2. That \$7,578,977.00 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$669,705.00 be authorized to be expended for Other Instruction;
5. That \$4,647,621.00 be authorized to be expended for Student and Staff Support;
6. That \$856,570.00 be authorized to be expended for System Administration;
7. That \$1,276,113.00 be authorized to be expended for School Administration;
8. That \$1,497,391.00 be authorized to be expended for Transportation and Buses;
9. That \$3,679,410.00 be authorized to be expended for Facilities Maintenance;
10. That \$2,671,986.00 be authorized to be expended for Debt Service and Other Commitments;
11. That \$0 be authorized to be expended for All Other Expenditures;

12. That \$35,016,307.00 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 \$15,372,907.00 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 \$1,510,971.00 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, non-state-funded portions of school construction projects and minor capital 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;

***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 and minor capital renovation 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 \$0.00 be raised and appropriated in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690;

***Explanation:** The additional local funds are those locally raised funds over and above the municipality's local contributions 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 education programs.*

15. That the school committee be authorized to expend \$37,963,125.00 for the fiscal year beginning July 1, 2013 and ending June 30, 2014 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 \$373,357.00 for adult education and raise \$183,311.00 as the local share, with authorization to expend any additional incidental or miscellaneous receipts in the interest for the well-being of the adult education program;

17. That the City of Auburn raise and appropriate \$41,796.00 for the services of Community Services-Crossing Guards.

18. That in addition to amount 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;

BE IT FURTHER RESOLVED that the City Council deems it necessary to adopt a budget which exceeds the percent increase of the Consumer Price Index Urban as of December 31, 2012, and hereby waives the provisions of Section 2-485 of the City Code of Ordinances.

BE IT FURTHER RESOLVED that this budget reflects anticipated intergovernmental revenues from the State of Maine in accordance with existing law; that the budget proposed by the Governor recommends elimination of municipal revenue sharing and the reduction of other municipal support programs; that this may result in a loss of up to \$4,000,000 in revenues; and that such loss would require significant reductions in municipal appropriations and unsustainable reductions in municipal services. In the event that the final adopted state budget affects municipal revenues, the total Fiscal Year 2014 tax commitment is hereby additionally increased in an amount equal to the reductions in such state revenues up to a maximum of \$4.0 million. Further, within sixty (60) days of the adoption of the state budget, the City Council shall determine the proportion of this additional tax commitment that shall be offset by reductions in the various General Fund expenditure accounts.

BE IT FURTHER RESOLVED to direct staff to align all work planning and policies of the city and partnering agencies (including LATC, AVCOG, and ATRC) to ensure that any plans for passenger rail involve locating in Auburn's downtown as a priority over any previous or alternative locations.

BE IT FURTHER RESOLVED that included in the Police Department budget are \$3,293 worth of expenditures for the PAL Center utilities, and that this will be the last year that expenditures for the PAL Center will be included in this budget.

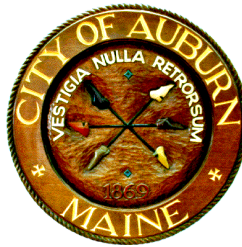
BE IT FURTHER RESOLVED that the Municipal Beach will not open for swimming this year until there is one calendar month of clean water tests at the beach.

BE IT FURTHER RESOLVED that the City Manager shall propose and have established by the Auburn City Council a contract with LAEGC for services to be provided to the City of Auburn for economic development to occur within 5 months of the fiscal year with the consequence being the elimination of funding.

BE IT FURTHER RESOLVED that the City Council, under the Authority of the City Charter of the City of Auburn, will set the School Department maximum tax commitment based upon the School Budget to be adopted July 1, 2013 by the City Council.

**Passage of first reading on 06/03/2013, 4-3 (Councilor Young absent, Councilors Gerry, Crowley and Hayes were opposed and the Mayor voted in support breaking the tie vote).
Passage of the second and final reading on 6/24/2013, 4-2 (Councilor Young absent, Councilors Gerry and Crowley opposed).**

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 04-06032013

RESOLVED, that the Auburn City Council hereby recognize and support, in consideration of the health , safety, and well being of those who live, work, visit, or transit though the City of Auburn;

THAT it is in the best interest of the community for the Auburn Fire Department to develop an operational plan for the delivery of a full service Emergency Medical Services program that is supported by the City Council and in accordance with Section 20-31 of the Code of Ordinances for the City of Auburn;

THAT such a program will reflect best practices in the pre-hospital care field, be adequately staffed and equipped therefore increasing and enhancing service to the community with a goal of providing such service in a revenue neutral manner where possible;

THAT the Auburn Fire Department will utilize its existing facilities that are strategically located, and its personnel that are trained and equipped to provide Advanced Life Support emergency medical services within the community, and;

THAT such a plan will be prepared and presented before Council within 60 days of this RESOLVE for discussion and consideration.

Passage on 7/15/2013, 6-1 (Councilor Hayes opposed).

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



Jonathan LaBonte, Mayor

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

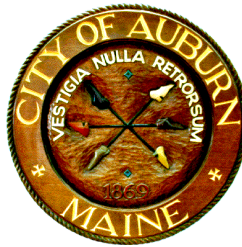
IN CITY COUNCIL

RESOLVE 05-07012013

RESOLVED, that the City Council of the City of Auburn, per City Charter Section 8.7 A, makes a supplemental appropriation in the amount of \$110,000, to account for an increase in the State Revenue Sharing, per revised estimates received from the State. An appropriation of \$20,000 from the Police Outside Jobs special revenue account and a transfer in expenditure, per Charter Section 8.7 D of \$35,000 from Police cruisers. The expenditures authorized will be;

- \$120,000 for Fire Department overtime
- \$25,000 for Public Works Curbside Recycling
- \$20,000 for Special Events

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 06-007152013

RESOLVED, that the City Council hereby authorizes the application for and Acceptance of a Grant from the Northern Border Regional Commission

Whereas, the Northern Border Regional Commission is now accepting applications for grants that will award \$1.2 million for eligible projects aimed at improving the economies within a thirty-six county region in Maine, New Hampshire, Vermont, and New York; and

Whereas, Androscoggin County is an area eligible for such grants; and

Whereas, Lewiston and Auburn, in conjunction with the Androscoggin Land Trust, have developed a plan for the installation of wayfinding and heritage signage throughout each community designed to provide directions and information for area visitors and to enhance the tourism and arts and culture based industries in our area; and

Whereas, this plan includes detailed plans indicating potential locations for such signage and plans for its construction and installation; and

Whereas, as a result, this project is shovel ready and can be quickly implemented;

Now, therefore, be It Resolved by the City Council of the City of Auburn that

Application for an acceptance of a grant for wayfaring and heritage signage from the Northern Border Regional Commission is hereby authorized, such grant to be in conjunction with the City of Lewiston and the Androscoggin Land Trust.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 06-007152013

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Whereas, Androscoggin County is an area eligible for such grants; and

Whereas, Lewiston and Auburn, in conjunction with the Androscoggin Land Trust, have developed a plan for the installation of wayfinding and heritage signage throughout each community designed to provide directions and information for area visitors and to enhance the tourism and arts and culture based industries in our area; and

Whereas, this plan includes detailed plans indicating potential locations for such signage and plans for its construction and installation; and

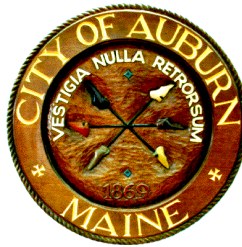
Whereas, as a result, this project is shovel ready and can be quickly implemented;

Now, therefore, be It Resolved by the City Council of the City of Auburn that

Application for an acceptance of a grant for wayfaring and heritage signage from the Northern Border Regional Commission is hereby authorized, such grant to be in conjunction with the City of Lewiston and the Androscoggin Land Trust.

Passage on 7/15/2013, 6-0-1, Councilor Shea
was out of the room during this vote.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 07-10072013

RESOLVE, Calling Upon the Lewiston-Auburn Transportation Committee to Call Upon the Maine Department of Transportation to Assist Actively in Monitoring the Performance of the Contract Between the Lewiston-Auburn Transportation Committee and Western Maine Transportation Systems, Inc., for the “Citylink” Bus Service to Assure That Existing Violations of Maintenance and Safety Standards Are Promptly Cured and That There Is Effective Oversight of the Citylink System in Future.

WHEREAS, the cities of Auburn and Lewiston entered an interlocal agreement in 1998 to create the Lewiston-Auburn Transportation Committee (LATC) for the purpose of receiving federal grant assistance and overseeing the operation of transportation systems within Lewiston and Auburn and to provide for adequate and efficient mass transit for the Lewiston-Auburn area; and

WHEREAS, the LATC has contracted with Western Maine Transportation Service, Inc., (WMTS) to provide for the implementation, operation, and maintenance of a public transit system to LATC’s satisfaction under an agreement titled “Agreement for Operation and Maintenance, LATC of Androscoggin County, Public Transit Services,” dated June 20, 2008, (the 2008 Agreement); and

WHEREAS, under the 2008 Agreement WMTS has been operating the bus service known as “Citylink” in and about the two cities; and

WHEREAS, the 2008 Agreement, which expired September 30, 2013, was recently extended through DATE by vote of the LATC Board of Directors, thus continuing the services of WMTS to provide the Citylink bus service; and

WHEREAS, LATC has contracted with the Androscoggin Valley Council of Governments (AVCOG) to act as the agent of LATC in contracting with WMTS, monitoring the performance of the 2008 Agreement, and soliciting proposals for continued provision of city bus services beyond the expiration of the 2008 Agreement on September 30, 2013; and

WHEREAS, the Maine Department of Transportation (Maine DOT) requested a review of the operation by WMTS of four transit services by WMTS (including Citylink) be conducted by Merwin Vehicle Consulting, Inc., (Merwin) with particular reference to Federal Motor Carrier Safety Regulations, Parts 393 and 396, state motor vehicle laws, and other applicable maintenance and safety requirements; and

WHEREAS, Merwin’s inspections and reviews, conducted over a two month period during April and May 2013, resulted in a report dated June 18, 2013, to the Maine DOT finding nine violations of the Part 396 regulations and eight violations of the Part 393 Regulations related to the accuracy and integrity of fleet maintenance records, vehicle inspection and maintenance, and safety; and

WHEREAS, Merwin also made ten recommendations for actions WMTS must take to correct the violations that were found, which recommendations have been endorsed by Maine DOT; and

WHEREAS, on June 26, 2013, Maine DOT reported these findings to the U. S. Department of Transportation, Federal Transit Administration, (US DOT) which has overall oversight as the agency providing grant funds to purchase the buses in the fleet, and on July 24, 2013, the US DOT Regional Administrator wrote that US DOT, “concur with the ten recommendations in the report and agrees with MEDOT’s interest to see that these recommendations get implemented by WMTS immediately;” and

WHEREAS, on September 10, 2013, Maine DOT issued these findings and the recommendations of Maine DOT and US DOT in writing to LATC for appropriate action; and

WHEREAS, to the best knowledge of the Auburn City Council, although WMTS has taken some action on the recommendations of Maine DOT and US DOT those recommendations have not yet been fully implemented by LATC and WMTS; and

WHEREAS, the Auburn city Council understands that LATC intends to engage the services of a consulting firm from California, Halsey King and Associates, Inc., to perform another review similar to that already done by Merwin for the Maine DOT, and to report its findings within another thirty days, at an estimated cost of more than \$24,000; and

WHEREAS, these facts demonstrate that WMTS has been and remains in breach of its obligations under the 2008 Agreement as recently renewed by LATCS under the guidance of AVCOG; and

WHEREAS, these facts raise substantial concerns about the efficiency and safety of the Citylink transit service as operated by WMTS under the oversight of LATC and AVCOG that need to be addressed immediately and effectively; and

WHEREAS, in the judgment of the Auburn City Council it would be in the best interests of Auburn, Lewiston, LATC, and the public for the Maine DOT, which has the requisite objectivity and expertise, to be asked to assist the cities and LATC in the continued investigation of the operations and practices of WMTS with respect to the Citylink system, review and audit the findings of the Halsey King study, examine the effectiveness of the existing arrangements with AVCOG, and assist the LATC in developing a plan for the safe and efficient operation of the Citylink system in the future,

NOW, THEREFORE, be it **RESOLVED** by the City Council of the City of Auburn that we call upon the Lewiston-Auburn Transit Committee to call upon the Maine Department of Transportation to assist in the administration and enforcement of the contract with Western Maine Transportation Systems, Inc., to review and audit the findings of Halsey King and Associates, Inc., and to assist actively in monitoring the compliance of WMTS with the findings and plan of remediation, as it may be modified upon recommendation of the Maine DOT.

BE IT FURTHER RESOLVED THAT, the Maine Department of Transportation also be asked to assist the cities and LATC in the effective oversight and administration of the transportation system in the future, including reviewing existing administrative arrangements between LATC and AVCOG, and to make recommendations with respect to future contracts for administrative and transportation (fleet maintenance) services.

Passage on 10/7/2013, 5-1 (Councilor Gerry opposed, Councilor Crowley absent).



**Cities of Lewiston and Auburn, Maine Joint
City Council Resolve
November 12, 2013**

RESOLVE 08-11122013

**Resolve, To Authorize the Re-purposing of the Lewiston-Auburn Transit Committee
(LATC) Capital Reserve Funding**

Whereas, the LATC was established by the City Councils of Lewiston and Auburn on September 10, 1976; and

Whereas, the LATCs primary mission over the last 39 years has been to provide dependable, on-time fixed transit services to the residents of Lewiston and Auburn; and

Whereas, reductions in federal and state transit funding have required all Maine fixed transit services to purchase lower cost and quality transit busses which have resulted in ongoing repairs and downtime which have been compounded by difficulties associated with parts availability; and

Whereas, sixty percent of the LATC fleet is dependent on two Thomas/SLF busses that have recently been permanently removed from operations and four Blue Bird busses that continue to be plagued by ongoing mechanical problems and parts availability; and

Whereas, LATC will no longer be able to leverage a number of Western Maine Transportation Service (WMTS) owned busses that must be reassigned to contractual coverage for the Sunday River and Sugarloaf areas; and

Whereas, the combination of WMTS bus inventory reductions coupled with the questionable dependability of Blue Bird busses will require the LATC to look at a number of operational options to keep all seven bus routes fully covered which shall include, but will not be limited to short term bus leasing, used bus purchasing, existing bus rebuilds and mid-life overhauls;

Now, therefore, be it Resolved by the Joint City Councils of the Cities of Lewiston and Auburn that

in the face of an uncertain future regarding the prospects for new transit bus funding, the Lewiston-Auburn Transit Committee is authorized to immediately re-purpose existing and future capital reserve funding to pursue the most cost effective options to include, but not be limited to repairing, leasing, rebuilding, overhauling, and purchasing used or new busses that will help to reestablish levels of service dependability and quality that are desired by the residents and City Councils of Lewiston and Auburn.

Passage on 11/12/2013, Lewiston 6-0 (Councilor Desjardins absente), Auburn 6-0 (Councilor Shea absent).