

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 01-01052015

ORDERED, that Karen Scammon be and hereby is appointed Tax Assessor for the period of February 1, 2015 through January 31, 2017.

Passage on 01/05/2015 6-0 (Councilor Lee absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 02-01052015

ORDERED, that the following civilians be 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
Claire Barclay	Civil Process Only	Without Firearm	Re-Appointment
Harry Darling	Civil Process Only	Without Firearm	Re-Appointment
Glenn Garry	Civil Process Only	Without Firearm	Re-Appointment
Harry Gorman	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
Janice Lare	Civil Process Only	Without Firearm	Re-Appointment
Cynthia MacDonald	Civil Process Only	Without Firearm	Re-Appointment
Moninda Marube	Civil Process Only	Without Firearm	Re-Appointment
Christina Moreno	Civil Process Only	Without Firearm	Re-Appointment
Paul Potvin	Civil Process Only	Without Firearm	Re-Appointment
Darlene Shores	Civil Process Only	Without Firearm	Re-Appointment
Carol Theriault	Civil Process Only	Without Firearm	Re-Appointment
Jerry Webster	Civil Process Only	Without Firearm	Re-Appointment
Zachary West	Civil Process Only	Without Firearm	Re-Appointment

Passage on 01/05/2015 6-0 (Councilor Lee absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 03-01052015

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) and §5826(6) to the transfer of the above captioned Defendant (Jermaine Motley) In Rem (\$699.00), or any portion thereof, 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 (Jermaine Motley) In Rem (\$699.00), or any portion thereof, pursuant to 15 M.R.S.A. §5824(3) and §5826(6) by vote of the Auburn Municipal legislative body on or about January 5, 2015.

Passage on 01/05/2015 6-0 (Councilor Lee absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 04-01052015

ORDERED, that the City Council hereby names James S. Davison as a Constable with a firearm for the Auburn Police Department.

Passage on 01/05/2015 6-0 (Councilor Lee absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 05-01202015

ORDERED, that the City Council hereby sets the date of Tuesday, June 9, 2015 for the School Budget Validation Referendum Election and Special Municipal Election.

Passage on 01/20/2015 6-0 (Councilor Young absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 06-01202015

ORDERED, that the Auburn City Council hereby approves the future land use map amendment to the 2010 Comprehensive Plan for the property located at 113 Woodbury Road, (PID # 110-009) from its current future land use designation of Agricultural/Rural to a future land use designation of Low Density Residential.

Passage on 1/20/2015 4-2 (Councilors Crowley and Gerry opposed, Councilor Young absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 07-02022015

ORDERED, that the City Council hereby sets the date of Tuesday, June 9, 2015 for the Special Municipal Election for the vacant Ward 5 School Committee seat.

Passage on 2/9/2015 5-0 (Councilors Young and Crowley absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 08-02022015

ORDERED, that the City Manager is authorized to execute all documents needed to grant a License Agreement to Power & Construction Group, Inc. to lease approximately 4.02 Acres of land, located within the auburn intermodal facility, for the purpose of storing poles. The lease obligation will be for 24 months.

Passage on 02/09/2015 4-1 (Councilor Lee opposed and Councilors Young and Crowley absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 09-02092015

ORDERED, that the City Council hereby approves the Mass Gathering permit request for LA Harley and The Wolf Country Festival to be held August 1, and August 2, 2015 at the Auburn Lewiston Airport, pending all Ordinance requirements, applicable department approvals and conditions are met.

Passage on 2/9/2015 4-1 (Councilor Hayes opposed).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 10-02172015

ORDERED, that the City Council hereby authorizes the Kora Shrine Committee to place temporary signs for their 2015 Kora Shrine Circus which takes place April 17 and 18, 2015 so long as their placement does not affect sight distance for streets or adjacent driveways. The signs will be placed approximately 10-14 days before the event and will be removed upon completion of the event. Placement of the signs will be as follows;

Court and Minot Ave – 2 signs
Center St and N. River Road – 1 sign, northbound
Center St and Mall – K Mart entrance - 2 signs, north and south
Turner Street Entrance to Walmart – 1 sign
Turner St and Mount Auburn Ave – 3 signs
Court St and Park Ave - 1 (two sided) sign
Minot Ave and Poland Rd out – 1 sign
Minot Ave and Hotel Rd intown – 1 sign
Washington St at Turnpike – 1 sign
Washington St at Rotary northbound – 1 sign
Broad St going across bridge - 1 (two sided) sign
Broad St – So Main - 1 (two sided) sign
Upper Cook St and So. Main – 1 sign
Riverside Dr – 1 sign

Passage on 2/17/2015 6-0 (Councilor Lee was not present for this vote).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 11-02172015

ORDERED, that the following civilian be appointed as a process server constable without a firearm:

Sean Scully	Constable	Without Firearm	Appointment
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Passage on 2/17/2015 6-0 (Councilor Lee was not present for this vote).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 12-02172015

ORDERED, that the Auburn City Council hereby adopts the Lead Loan guidelines as recommended by Community Development staff.

Passage on 2/17/2015 6-0 (Councilor Lee was not present for this vote).

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 13-02172015

Ordered, that the Auburn City Council hereby adopts the 2014 New Auburn Village Center Plan as an amendment to the 2010 Comprehensive Plan.

**Passage on 2/17/2015 4-1-1
(Councilor Gerry opposed, Councilor
Hayes abstained, and Councilor Lee
was not present for the vote).**

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 14-02172015

ORDERED, that the Auburn City Council hereby allocates \$250,000 of the \$400,000 CIP Comprehensive Plan Property Acquisition Program to be used for the design of the "Riverway" as recommended in the New Auburn Village Center Plan.

Passage on 2/17/2015 5-1 (Councilor Crowley opposed, Councilor Lee was not present for this vote).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 15-02172015

ORDERED, that the City Council hereby authorizes funding LA Arts in the amount of \$12,691 for work accomplished from July 1st through December 31st of 2014 (\$5,846) and for the additional work planned for the remainder of the fiscal year (\$6,845) from the \$17,000 appropriated in the FY 16 budget for Arts and Culture in Auburn.

Motion failed on 3/2/2015 3-4 (Councilors Crowley, Hayes, Walker, and Gerry opposed).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 16-02172015

ORDERED, that the City Council hereby authorizes the City Manager to provide additional funding in the amount of \$150,000 to the Public Services Department to fund snow removal operations. The funding will be from the emergency reserve account.

Passage on 2/17/2015 6-0 (Councilor Lee not present for the vote).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 17-03022015

ORDERED, that the City Council hereby revokes the massage establishment license issued to Chinese Massage and Body Work, Inc., owned by Yizhe Wang and located at 459 Washington Street, based on the following findings:

1. Auburn Code of Ordinances, Chapter 14, Article 2, Section 14-48, provides that “any license issued by the city may be suspended or revoked by the city council and any license fees retained by the city, upon a finding by the council that the licensee has violated the ordinances of the city or the laws of the State, or has willfully or persistently failed to comply with any applicable rules and regulations....”
2. Auburn Code of Ordinances, Chapter 14, Article 12, Section 14-382, provides that “either a massage establishment license or combined establishment/therapist license may be suspended or revoked upon a determination that the licensee...[p]ermitted or allowed an employee, massage therapist or conditional massage therapist, to violate any provision of this chapter on the premises of the establishment or in the course of conduct of the business of the establishment....”
3. Auburn Code of Ordinances, Chapter 14, Article 12, Section 14-386, provides that the following are prohibited activities:
 - (a) No massage therapist shall administer a massage to a client whose genitals are exposed.
 - (b) No massage therapist shall administer or agree to administer a massage to the genitals or anus of a client.
 - (c) [Not applicable.]
 - (d) No massage therapist shall perform any sexual act or make sexual contact, as defined in 17-A M.R.S.A. 251, in the commission of his professional activities.
4. Based upon the Auburn Police Department’s examination of activities at the Chinese Massage and Body Work, Inc. establishment located at 459 Washington Street, license holder Chinese Massage and Body Work, Inc. and its owner, Yizhe Wang, permitted and allowed an employee and massage therapist to violate Section 14-386 on the premises of the establishment and in the course of the conduct of the business of the establishment. The activities that were permitted and allowed by the license holder on the premises of the establishment and in the course of the conduct of the business of the establishment in 2014 included the following:
 - (a) A massage therapist employed by the establishment administered massages to clients whose genitals were exposed;
 - (b) A massage therapist employed by the establishment administered and agreed to administer massages to the genitals of clients; and
 - (c) A massage therapist employed by the establishment made sexual contact in the commission of her professional activities by touching the genitals of clients for the purpose of arousing and gratifying sexual desire.

Passage on 3/2/2015 6-0-1 (Councilor Walker abstained).

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 18-03022015

ORDERED, that the City Council hereby approves the consolidation of all voting districts to one voting place (Auburn Hall) for the June 9, 2015 School Budget Validation and Special Municipal Election, unless a statewide election is called on that same date. If a statewide election is to be held on the same date, all 5 polling places shall be open for voting.

Passage on 3/2/2015 4-3 (Councilors Crowley, Walker, and Gerry opposed).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 19-03022015

ORDERED, that the City Council hereby makes the follow board and committee appointments with term expirations as noted:

Board or Committee	Term Expiration Date	Name of Person Appointed or Reappointed
Cable TV Advisory Board	1/1/2017	Charles Morrison - Reappointment
Cable TV Advisory Board	1/1/2017	Edward Desgrosseilliers- Reappointment
Cable TV Advisory Board	1/1/2017	Stanwood Gray- Reappointment
Cable TV Advisory Board	1/1/2016	
Planning Board	1/1/2018	Daniel Philbrick- Reappointment
Planning Board	1/1/2018	Evan Cyr- Reappointment
Recreation and Special Events Advisory Board	1/1/2017	Susan Patneau- Reappointment
Recreation and Special Events Advisory Board	1/1/2017	Dana Staples- Reappointment
Recreation and Special Events Advisory Board	1/1/2017	
Recreation and Special Events Advisory Board	1/1/2017 (alternate)	
Auburn Sewerage District	3/1/2019	Robert Cavanagh- Reappointment
Auburn Sewerage District	3/1/2019	
Auburn Water District	3/1/2019	Preston Chapman- Reappointment
Zoning Board of Appeals	10/1/2018	Lane Feldman- Reappointment
Zoning Board of Appeals	10/1/2018	Kenneth Sonogere- Reappointment
Zoning Board of Appeals	10/1/2018	Elizabeth Shardlow- Reappointment

Passage on 4-6-2015 6-0-1 (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 20-03022015

ORDERED, that the Auburn City Council hereby authorizes the City Manager to enter into an agreement to continue to provide Health Inspection Services to the Town of Lisbon through FY16 for a fee of \$10,000. Be it further resolved that the Council authorize the City Manager to enter into the same agreement for each of the next 3 years provided that the fee is increased by the COLA increase approved as part of the Lisbon budget process as noted in the contract and that the costs of providing the services do not exceed 50% of the contract revenues in the previous contract year. If costs exceed 50% of revenues in a contract year or staff believes that they will in the upcoming year due to a known change in circumstances then staff should request that the Council reconsider the Contract.

Passage on 3/2/2015 6-1 (Councilor Walker opposed).

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



Leroy G. Walker, Sr., Ward Five
Belinda A. Gerry, At-Large
David C. Young, At-Large

Jonathan P. LaBonté, Mayor

Order 21-03022015

TITLE: ORDER - Reallocating Unspent Proceeds from the City's 2013 General Obligation Bonds.

WHEREAS, on November 21, 2013, the City of Auburn issued its 2013 General Obligation Bonds in the aggregate principal amount of \$5,625,000 (the "2013 Bonds") pursuant to City Council Order No. 69-08192013 (adopted September 3, 2013) (the "2013 Bond Order"), \$750,000 of the proceeds of which was authorized to be used to finance the acquisition of municipal street lights (referred to as the "Street Light Project"); and

WHEREAS, on October 30, 2014, the City of Auburn issued its 2014 General Obligation Bonds in the aggregate principal amount of \$6,800,000 (the "2014 Bonds") pursuant to City Council Order No. 61-07072014 (adopted September 8, 2014) (the "2014 Bond Order"), \$250,000 of the proceeds of which was authorized to be used to finance the repurposing of Ingersoll Arena (referred to as the "Ingersoll Project"); and

WHEREAS, there remain unspent proceeds of the 2013 Bonds borrowed for the Street Light Project, \$350,000 of which excess proceeds the City Council desires to reappropriate and reallocate to be used for the Ingersoll Project;

NOW, THEREFORE, by the City Council of the City of Auburn, be it hereby ORDERED:

THAT the excess proceeds of the 2013 Bonds, in the amount of \$350,000 be and hereby are appropriated from the amount borrowed as part of the 2013 Bonds for the Street Light Project to finance a portion of the costs of the Ingersoll Project, as more specifically described in the 2014 Order.

THAT the City's Finance Director / Treasurer be, and hereby is, authorized and empowered in the name and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver, all such financing documents, 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.

A Public Notice describing the repurposing of the 2013 Bond proceeds borrowed for the Street Light Project to the Ingersoll Project was published on or before February 16, 2015, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on March 2, 2015.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage of first reading on 3/2/2015 7-0. Passage of second reading on 3/16/2015 6-0 (Councilor LaFontaine absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 22-03162015

ORDERED, that the following individuals are hereby appointed to the Registration Appeals Board:

NAME	POSITION	TERM EXPIRATION
Robert Cavanagh	Democratic Member	3/01/2018
Gina Melaragno	Democratic Alternate	3/01/2018
Georgia Chomas	Republican Member	3/01/2018
Ginger Leigh Smith	Republican Alternate	3/01/2018

Passage on 3/16/2015 6-0 (Councilor LaFontaine absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 23-03162015

ORDERED, that the Auburn City Council authorize the Acting City Manager to expend an amount up to \$57,500 for the design and construction of footings in conjunction with the construction of the Transportation Center in Great Falls Plaza. These funds will come from TIF revenue.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 4/6/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 24-04062015

ORDERED, that the City Council hereby authorizes Safe Voices to place temporary signs for its 2015 Walk/Run to End Domestic Violence to be held on May 31, 2015 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)

The signs are to be placed approximately two weeks prior to the event and removed the afternoon of the event.

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ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 4/6/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 25-04062015

ORDERED, that the City Council hereby authorizes the Auburn Business Association to place 3 temporary signs to promote the Auburn Citizen of the Year Event to be held on May 28, 2015. The signs are to be installed on Center Street (in front of Better Homes & Gardens realty), on Court Street (in front of Norway Savings Bank, 31 Court Street), and in New Auburn so long as their placement does not affect sight distance for streets or adjacent driveways. The signs will be installed the week of May 4th and removed one week after the event.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 4/6/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 26-04062015

ORDERED, that the City Council hereby approves the request to place temporary signs for the Park Avenue Elementary School's 2015 annual Spring Fest and Auction event at the locations listed below as long as their placement does not affect sight distance for streets or adjacent driveways. The signs will be placed during the week of the April 11, 2015 event and removed the day after the event (April 12, 2015).

Park Avenue and Court Street near sidewalk by turn lane
Park Avenue Elementary School, south of the entrance
Park Avenue Elementary School, north of the entrance
Park Avenue and Lake Street by the United Methodist sign on lawn
Turner Street and Union Bypass on the median strip
Center Street and Lake Auburn Avenue on the grassy triangle
Center Street north bound before the Veterans Memorial Bridge by the yellow diamond in the median strip
Center Street south bound before the Veterans Memorial Bridge by the hospital sign on the right
Turner Street Circle – north side by Lamey Wellehan, the north side in the circle
Turner Street Circle – South side by Lamey Wellehan, the south side in the circle
Mount Auburn Avenue at the Wal-Mart entrance in the grassy median strip
Mount Auburn Avenue and Turner Street on the hill by Starbucks and the fence
Mount Auburn Avenue and Park Avenue on the Lutheran church corner

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 4/6/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 24-04062015

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) to the transfer of the above captioned Defendant(s) (Leslie Scott and Robert Scott) In Rem (\$3,798.00), or any portion thereof, 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) (Leslie Scott and Robert Scott) In Rem (\$3,798.00), or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) by vote of the Auburn municipal legislative body on or about April 6, 2015.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 4/6/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 28-04062015

ORDERED, that the City Council hereby sets the time for opening the polls for 7:00 A.M. for the June 9, 2015 Election.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 4/6/2015 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 29-04062015

ORDERED, that the Auburn City Council authorize the Acting City Manager to add alternates 1-5 listed below into the DATC project and to expend an amount up to \$55,470 for the extension of water, sewer electrical and natural gas services to serve the Transportation Center in Great Falls Plaza. These funds will come from TIF revenue.

A. ITEMIZED DATC PROJECT ALTERNATES

Alternate 1: Lower Concrete Masonry Unit (CMU) Block	\$ 11,924.00
Alternate 2: Flat Metal Panels at front of building	\$ 1,255.00
Alternate 3: Add 1,000 sq. ft. to building footprint	\$ 16,849.00
Alternate 4: Add Vestibules at each entrance	\$ 23,413.00
Alternate 5: Provide sloped roof	\$ 13,046.00

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ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 4/6/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 30-04062015

ORDERED, that the City Council hereby authorizes the Acting City Manager to execute the Collective Bargaining Agreement with Teamster Local 340 for 7/1/14 through 6/30/17.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 4/6/2015 7-0.

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



Leroy G. Walker, Sr., Ward Five
Belinda A. Gerry, At-Large
David C. Young, At-Large

Jonathan P. LaBonté, Mayor

Order 31-04062015

TITLE: ORDER – Rescinding Prior Bond Order.

WHEREAS, on March 1, 2004, the City of Auburn adopted an Order (the “Prior Order”) authorizing and approving issuance of the City’s bonds in an aggregate principal amount not to exceed \$5,000,000 (the “Bonds”), to finance the design and construction of a municipal parking garage in Great Falls Plaza (the “Great Falls Parking Garage Project”); and

WHEREAS, the City Council has determined that this Order was authorized eleven years ago and the City has not proceeded with the Great Falls Parking Garage Project; and

WHEREAS, the City Council therefore desires to rescind the Prior Order and to cancel and rescind the authorization for the Bonds;

NOW, THEREFORE, by the City Council of the City of Auburn, be it hereby ORDERED THAT the authorization to issue the Bonds be and hereby is cancelled and that the Prior Order be and hereby is rescinded in full and shall be of no further force or effect.

Passage on 4/6/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 32-04062015

ORDERED, that the City Council hereby authorizes the Acting City Manager to execute the Addendum to the Collective Bargaining Agreement with Auburn Firefighters Association Local, 797 for 7/1/13 through 6/30/16 to reflect implementation of the EMS Program.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 4/6/2015 5-2 (Councilors Gerry and Crowley opposed).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 33-05042015

ORDERED, that the Auburn City Council that the 2015-19 Consolidated Plan and 2015 Annual Action Plan be adopted as recommended by Community Development staff.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage 5/4/2015 5-2 (Councilors Walker and Gerry opposed).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 34-05042015

ORDERED, that the City Council hereby authorizes the Acting City Manager to execute the Tree Nursery Lease agreement as outlined below:

LEASE

This lease (“Lease”) made this [REDACTED] day of [REDACTED], 2015, by and between the **Lake Auburn Watershed Neighborhood Association** (“LAWNA”), a Maine nonprofit, public benefit corporation with a principal place of business in Auburn, County of Androscoggin, State of Maine, (“LAWNA”) and the **City of Lewiston** and the **City of Auburn** (collectively, the “Cities”), municipalities organized under Maine law, which by mutual agreement maintain the Lewiston Auburn Community Forest Board, a conservation board, (“LACFB”). Whereas both LAWNA and the Cities, by and through the LACFB, seek to encourage conservation in and around the Lake Auburn Watershed, the parties agree as follows:

1. **Premises:** LAWNA leases to the Cities a certain right-of-way and property located near Lake Auburn, in Auburn, Maine as described in **Exhibit A** (the “Premises”).
2. **Term:** This Lease shall be for a term of **20** years, beginning as of [REDACTED] [REDACTED], 2015.
3. **Use of Premises:** The Cities shall use the Premises for the purposes of planting, maintaining, and removing live trees to be used along rights of way in Auburn and Lewiston (“Use”).
4. **Well Access:** As described in **Exhibit A**, the Cities shall also have the right to access and draw water from a well on the property of LAWNA adjacent to the Premises (such well depicted on the diagram in **Exhibit B**) provided that the Cities shall draw water from the well solely for the Use described in Section 3 of this Lease.
5. **Equal Use:**
 - a. The Cities shall Use the Premises equally. The Cities shall equally share the costs associated with planting and maintaining live trees from the Premises, and each City shall have the right to remove an equal number of live trees from the Premises.
 - b. If either City breaches Section 5(a) of this Lease, the Lease shall not terminate. The Cities shall resolve any dispute regarding Section 5(a) amongst themselves through binding arbitration pursuant to Section 14.
6. **Maintenance and Repair:** The Cities shall keep the Premises clean and clear of all litter, repair any damage caused by them to the Premises, and, at the termination of this Lease, shall return the Premises to the

condition it was in at the beginning of the Term, unless the Premises cannot be returned to the condition it was in at the beginning of the Term for reasons beyond the control of the Cities.

7. **Hours of Operation:** The Cities shall not access the Premises outside the hours of **8:00 a.m. to 8:00 p.m.**, **seven** days per week, absent the express written consent of LAWNA.
8. **Assignment:** The Cities may not assign this Lease, nor sublet any part of the Premises without the prior written consent of LAWNA, which consent may be withheld for any reason at the sole discretion of LAWNA.
9. **Insurance:** The Cities shall, upon request of LAWNA, provide proof of worker's compensation insurance coverage in amounts and forms consistent with Maine state law, covering their employees during the term of this Agreement.
10. **Termination:**
 - a. Except as provided in Section 5, LAWNA or the Cities may terminate this lease for cause upon written notice of the breach to the other party, and the breaching party shall have **30** days after receipt of the notice (the "Notice Period") to cure the violation.
 - b. If the breaching party does not cure the violation during the Notice Period, the Lease shall terminate at the end of the Notice Period.
 - c. For a period of **two years** following the termination of this Lease, the Cities shall have a continuing right to maintain and remove trees from the Premises.
11. **Limits of this Lease:** This Lease is meant only to permit the Cities to Use the Premises. The Cities at all times are entities separate and distinct from LAWNA and are solely responsible for the provision of any services as described within this Lease. Nothing in this Lease shall be deemed to create any partnership, joint venture, or other business relationship between LAWNA and the Cities, except as specifically described in this Lease.
12. **Fire and Casualty:** If all or substantially all of the Premises is destroyed or seriously damaged by fire or other casualty, or is taken by eminent domain, then either party may terminate their future obligations under this Lease upon notice to the other party.
13. **Compliance:** Both parties shall comply with all applicable laws and regulations.
14. **Governing Law and Dispute Resolution:** This Lease shall be governed by Maine law. The invalidity of any of the provisions of this Lease shall not affect any of the remaining provisions of this Lease. Any dispute arising out of this Lease shall be resolved by binding arbitration before a single arbitrator, at the office of Brann & Isaacson, 184 Main Street, Lewiston, Maine, under the JAMS Streamlined Arbitration Rules. Upon a demand for arbitration, the parties shall select an arbitrator. If the parties have not selected an arbitrator within **30** days, either party may ask that the Androscoggin County Superior Court appoint the arbitrator. The prevailing party shall be entitled to recover reasonable attorney fees and costs. This Section shall survive the expiration or termination of this Lease.
15. **Notices:** Notices under this Lease shall be effective upon receipt or refusal when delivered in writing to a party in person, by certified mail, return receipt requested, or overnight delivery service with proof of delivery.

- 16. **Modifications:** This Lease may not be modified or waived except in writing. Any waiver by either party in regards to the terms of this Agreement shall constitute a waiver only of that specific occurrence, and shall not be deemed a waiver of any other covenants, promises, or agreements contained herein.
- 17. **Successors or Assigns:** All covenants, promises, and agreements contained in this Lease shall be binding upon and shall inure to the benefit of the respective successors or assigns of the parties of this Lease.
- 18. **Entire Agreement:** This Lease is the complete and entire agreement between the parties.

IN WITNESS WHEREOF, the undersigned, representing that they are duly authorized to act, have caused this instrument to be duly executed this [redacted] day of [redacted] 2015.

LAKE AUBURN WATERSHED
NEIGHBORHOOD ASSOCIATION (LAWNA)

By: _____
Its _____

STATE OF MAINE
_____, ss

[redacted] [redacted], 2015

Now appeared before me the above named _____, _____ of _____, and acknowledged the foregoing to be h__ free act and deed in said capacity and the free act and deed of the Lake Auburn Watershed Neighborhood Association.

Notary Public/Attorney at Law
Print Name: _____

CITY OF LEWISTON

By: _____
Its: _____

CITY OF AUBURN

By: _____
Its: _____

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 35-05042015

ORDERED, that the City Council hereby makes the follow board and committee appointments with term expirations as noted:

Board or Committee	Term Expiration Date	Name of Person Appointed or Reappointed
Cable TV Advisory Board	1/1/2017	Robert Gardner (new appointment)
Cable TV Advisory Board	1/1/2016	Robert Sevigny (new appointment)
Auburn Sewerage District	3/1/2019	Charles Sheehan (new appointment)
Ethics Committee	1/1/2018	Linda Snyder (re-appointment)
Conservation Commission	6/1/2016	Jeffrey "Pete" Preble
Conservation Commission	6/1/2017	Maurice Keene
Conservation Commission	6/1/2017	Ben Fletcher
Conservation Commission	6/1/2018	Nichole White-Matson
Conservation Commission	6/1/2018	Tizz E.H. Crowley

Passage on 5/4/2015 5-0-2 (Councilors Crowley and Walker abstained).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 36-05112015

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2015/2016.

1. That \$15,417,903.00 be authorized to be expended for Regular Instruction;
2. That \$ 8,693,851.00 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$ 785,509.00 be authorized to be expended for Other Instruction;
5. That \$4,074,510.00 be authorized to be expended for Student and Staff Support;
6. That \$ 861,384.00 be authorized to be expended for System Administration;
7. That \$1,367,775.00 be authorized to be expended for School Administration;
8. That 1,097,905.00 be authorized to be expended for Transportation and Buses;
9. That \$5,214,297.00 be authorized to be expended for Facilities Maintenance;
10. That \$ 1,128,505.00 be authorized to be expended for Debt Service and Other Commitments;
11. That \$ 420,558.00- be authorized to be expended for All Other Expenditures;
12. That \$39,062,197.00 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 \$16,444,036.00 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;

Statutory Recommendation \$ 16,566,669
City Council Adopted \$16,444,036

***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 \$1,128,505.00 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 \$38,641,639.00 for the fiscal year beginning July 1, 2015 and ending June 30, 2016 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 \$382,955.00 for adult education and raise \$189,080.00 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 \$37,603.00 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;

19. That the City of Auburn increase the amount of the total school budget and the amounts the school committee is authorized to expend under the previous articles, to the extent of any unanticipated increase in the adjusted state contribution under the Essential Programs and Services funding model.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 5/11/2015 5-2 (Councilors Gerry and Walker opposed).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 37-05112015

ORDERED, that the City Council hereby authorizes the Acting City Manager to sign a conditional agreement to modify the lease with Community Little Theatre in a form recommended by the City Attorney, including the following conditions:

1. The City will enter a forbearance agreement recommended by the City Attorney, that forbears from the collection of a promissory note dated July 13, 2012 for so long as the agreement is in effect, up to 3 years;
2. That authorizes the paving of the City owned parking lot on Academy Street;
3. That requires any developer of the property to incorporate reasonable sound proofing in its finished project, and to require residential tenants to waive noise related complaints against the theatre;
4. That requests the developer build a second floor in the gym for CLT use;
5. That the City and the Theatre shall execute a revised lease for the Theatrical Space as defined in the agreement; and
6. That allows the City to recover its reasonable costs and attorney fees in enforcing the agreement.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 5/11/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 38-05182015

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) and § 5826(6) to the transfer of the above captioned Defendant (Glen Barry) In Rem (\$3,592.62 U.S. Currency), or any portion thereof, 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 (Glen Barry) In Rem (\$3,592.62 U.S. Currency), or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) by vote of the Auburn municipal legislative body on or about May 18, 2015.

Passage on 5/18/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 39-05182015

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) and § 5826(6) to the transfer of the above captioned Defendant (Garrett Griffin) In Rem #1 (\$4,932.00), and one 2005 Saab 9-3 VIN #YS3FB49S751054079 In Rem #2 or any portion thereof, 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 (Garrett Griffin) In Rem #1 and #2 , or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) by vote of the Auburn municipal legislative body on or about May 18, 2015.

Passage on 5/18/2015 7-0

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



Jonathan P. LaBonté, Mayor

Leroy G. Walker, Sr., Ward Five
 Belinda A. Gerry, At-Large
 David C. Young, At-Large

Order 40-05182015

TITLE: ORDER - Reallocating Unspent Proceeds from the City's General Obligation Bonds.

WHEREAS, the City of Auburn issued General Obligation Bonds in various amounts for various projects; and

WHEREAS, there remain unspent proceeds of the Bonds borrowed for multiple capital improvements, \$766,000 of which excess proceeds the City Council desires to reappropriate and reallocate to be used for the projects listed below;

CITYWIDE TEN YEAR		
CAPITAL IMPROVEMENT PLAN FY 16 Unallocated		
	Description	Unallocated Bond Proceeds
Airport	Terminal Aircraft Parking Apron	\$ 15,500
Fire	Vehicle Replacement-Command Vehicle	\$ 56,000
GFTV	Video Production Equipment-Auburn Hall	\$ 29,000
LATC	Bus Replacement	\$ 40,000
Public Works	Asphalt Reclaimer Replacement	\$ 35,000
Public Works	Salt Brine Maker	\$ 115,000
School Department	School Department	\$ 475,500
TOTAL CIP		\$ 766,000

NOW, THEREFORE, by the City Council of the City of Auburn, be it hereby ORDERED:

THAT the excess proceeds of the Bonds, in the amount of \$766,000 be and hereby are appropriated from the amount borrowed as part of various Bonds to finance the costs of the projects listed above.

THAT the City's Finance Director / Treasurer be, and hereby is, authorized and empowered in the name and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver, all such financing documents, 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.

A Public Notice describing the repurposing of these Bond proceeds borrowed for Various Projects to the list above was published on or before May 4, 2015, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on May 18, 2015.

Public hearing and passage of first reading on 5/18/2015 7-0. Passage of second reading on 6/1/2015 6-0 (Councilor Hayes absent).

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



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

Jonathan P. LaBonte, Mayor

Order 41-05182015

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 and notes in anticipation thereof on either a taxable or a tax-exempt basis in the amount of \$5,700,000, 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 FY16 Capital Improvement Program:

CITYWIDE TEN YEAR CAPITAL IMPROVEMENT PLAN FY 16 BONDS		
	Description	Bonded General Fund
Airport	Grant Match	\$ 50,000
Facilities	Center St Fire Station-Natural Gas Conversion	\$ 95,000
Facilities	Fire-Engine 2 Efficiency Upgrades	\$ 65,000
Library	Masonry Repair	\$ 60,000
Engineering	Reconstruction	\$ 1,000,000
Engineering	Reclamation/Resurfacing	\$ 1,000,000
Engineering	Major Drainage	\$ 500,000
Engineering	MDOT Match	\$ 700,000
Engineering	Sidewalks	\$ 200,000
Parks	Replace Playground & Street Furniture	\$ 40,000
Parks	Renovation of Pettingill Baseball Fields	\$ 93,000
Public Works	Front End Loader Replacement	\$ 255,000
Public Works	One Ton Truck Replacements	\$ 130,000
Public Works	Backhoe Bucket Loader Replacement	\$ 137,500
Public Works	Tracked Excavator Replacement	\$ 225,000
Public Works	Tractor Replacement (hauling heavy equipment)	\$ 50,000
Recreation	Asbestos Abatement & Window Replacement - Hasty	\$ 75,000
School Department	School Department	\$ 1,024,500
TOTAL CIP		\$ 5,700,000

THAT the bonds and notes authorized hereunder 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 and notes 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

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



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

Jonathan P. LaBonte, Mayor

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 \$5,700,000 either from available funds of the City or from the proceeds of bond anticipation notes which would be reimbursed or refinanced from bond proceeds.

THAT the bonds and notes 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 authorized hereunder, 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 are 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 the authority to issue the bonds or notes authorized hereunder shall automatically expire 2 years from the approval of this Order.

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 May 4, 2015, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on May 18, 2015.

Public hearing and passage of first reading on 5/18/2015 6-1 (Councilor Gerry opposed). Passage of second reading on 6/1/2015 5-1 (Councilor Gerry opposed).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 42-05182015

ORDERED, that the Acting City Manager is authorized to finalize and execute a lease for the use of two buildings at the intermodal site with Power & Construction Group.

Passage on 5/18/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 43-05182015

ORDERED, that the Acting City Manager is authorized to finalize and execute a land lease at the intermodal site with Hawkeye Elecnor Group.

Passage on 5/18/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 44-06012015

ORDERED, that the Auburn City Council hereby approves the request for a Class I Restaurant with Liquor license for CAVU Restaurant, LLC., DBA CAVU Café located 80 Airport Drive.

Passage on 6/01/2015 6 -0.
(Councilor Hayes absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 45-06152015

ORDERED, that the City Council hereby approves the Special Amusement Permit for 84 Court Pizza & Restaurant located at 84 Court Street.

Passage on 6/15/2015 6-0 (Councilor Crowley absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 46-06152015

ORDERED, that the City Council hereby approves the Liquor License (Hotel-Optional Food, Class I-A) and Special Amusement Permit for Harsh Hotel, LLC., D/B/A Fireside Inn & Suites located at 1777 Washington Street.

Passage on 6/15/2015 6-0 (Councilor Crowley absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 47-06152015

ORDERED, that the City Council hereby approves the Special Amusement Permit for The Penalty Box, Inc located at 985 Turner Street.

Passage on 6/15/2015 6-0 (Councilor Crowley absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 48-06152015

ORDERED, that the City Council hereby approves the request from L/A Arts for funding Concerts in the Park (\$4,000).

Passage on 6/15/2015 6-0 (Councilor Crowley absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 49-06152015

ORDERED, that the City Council hereby approves that \$2,240 in FY 2015 “Art” funds be allocated for an “Art Therapy Program” to assist eight young girls who have been recent victims of a sexual assault.

Passage on 6/15/2015 6-0 (Councilor Crowley absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 59-06152015

ORDERED, that the Auburn City Council hereby approves the Special Event/Mass Gathering application for Liberty Festival to be held between July 3, 2015 through July 7, 2015 at Great Falls, Festival Plaza, and surrounding areas.

Passage on 6/15/2015 6-0 (Councilor Crowley absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 51-06152015

Ordered, that the City Council hereby names Daniel D. Chabot as a Constable with a firearm for the Auburn Police Department.

Passage on 7/6/2015 6-0 (Councilor Crowley absent).

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



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

Jonathan P. LaBonté, Mayor

IN CITY COUNCIL

ORDER 52-07062015

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 15, 2015 and the remaining fifty percent (50%) shall be due on March 15, 2016.

Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any real estate taxes remaining uncollected on September 16, 2015 and March 16, 2016 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 15, 2015. Any personal property taxes remaining unpaid on September 16, 2015 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.

Passage on 7/6/2015 5-1 (Councilor
Gerry opposed, Councilor Lee
absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 53-07062015

ORDERED, that the City Council hereby approves the request for a Liquor License for Café LA, located at 49 Spring Street.

Passage on 7/6/2016 6-0 (Councilor Lee absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 56-07062015

ORDERED, that the City Council hereby makes the follow board and committee appointments with term expirations as noted:

Board or Committee	Term Expiration Date	Name of Person Appointed or Reappointed
Conservation Commission	6/1/2016	Jordan Tate (new appointment)
Conservation Commission	6/1/2016	Robert Sipe (new appointment)

Passage on 7/6/2016 6-0 (Councilor Lee absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 55-07202015

ORDERED, that the City Council hereby names Christopher P. Saunders and Pedro “Efra” Becerra as Constables with a firearm for the Auburn Police Department.

Passage on 7/20/2015 6-0 (Councilor LaFontaine absent).

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



Leroy G. Walker, Sr., Ward Five
Belinda A. Gerry, At-Large
David C. Young, At-Large

Jonathan P. LaBonté, Mayor

Order 56-07202015

TITLE: ORDER - Reallocating Unspent Proceeds from the City's 2013 General Obligation Bonds.

WHEREAS, on November 21, 2013, the City of Auburn issued its 2013 General Obligation Bonds in the aggregate principal amount of \$5,625,000 (the "2013 Bonds") pursuant to City Council Order No. 69-08192013 (adopted September 3, 2013) (the "2013 Bond Order"), \$750,000 of the proceeds of which was authorized to be used to finance the acquisition of municipal street lights (referred to as the "Street Light Project"); and

WHEREAS, there remain unspent proceeds of the 2013 Bonds borrowed for the Street Light Project, \$120,000 of which excess proceeds the City Council desires to reappropriate and reallocate to be used for the Central Fire Apparatus Bay Floor Repairs;

NOW, THEREFORE, by the City Council of the City of Auburn, be it hereby ORDERED:

THAT the excess proceeds of the 2013 Bonds, in the amount of \$120,000 be and hereby are appropriated from the amount borrowed as part of the 2013 Bonds for the Street Light Project to finance the costs of the Central Fire Apparatus Bay Floor Repairs.

THAT the City's Finance Director / Treasurer be, and hereby is, authorized and empowered in the name and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver, all such financing documents, 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.

A Public Notice describing the repurposing of the 2013 Bond proceeds borrowed for the Street Light Project to the Central Fire Apparatus Bay Floor Repairs was published on or before July 6, 2015, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on July 20, 2015.

Public hearing and passage of first reading on 7/20/2015 6-0. Councilor LaFontaine absent. Passage of second and final reading on 7/20/2015 6-0. Councilor LaFontaine absent.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 57-08032015

ORDERED, that the following civilian be appointed as a process server constable without a firearm:

Paul R. Carpentier	Constable	Without Firearm	Appointment
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Passage on 8/3/2015 6-0. Councilor LaFontaine absent.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 58-08032015

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) to the transfer of the above captioned Defendant (Jaymel Reese) In Rem (\$6,091.80 U.S. Currency), or any portion thereof, 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 (Jaymel Reese) In Rem (\$6,091.80 U.S. Currency), or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) by vote of the Auburn municipal legislative body on or about August 3, 2015.

Passage on 8/3/2015 6-0. Councilor LaFontaine absent.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 59-08032015

ORDERED, that the City Council hereby direct the City Manager to purchase the property at 204 Minot Avenue for \$140,000.00 for the purpose of improving the Washington Street and Minot Avenue Gateway to our community. The acquisition of this property is essential to accomplishing the Gateway Transition District goals of the 2010 Comprehensive plan and has been an important component of encouraging recent and upcoming private developments along the corridor.

Motion failed on 8/3/2015 0-6 (Councilor LaFontaine absent, all other Councilors opposed).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 61-08172015

ORDERED, that the City Council hereby authorizes the City Manager to purchase property at 14 Newbury Street for the purchase price of \$21,000.

Passage on 8/17/2015 6-0 (Councilor LaFontaine absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 62-08172015

ORDERED, that the City Council hereby authorizes the discontinuance of Glenn Street and relinquishes all of its interest for highway purposes and all rights of the public in the below described parcel.

A city street known as Glenn Street is no longer of public use and necessity and is hereby discontinued as provided in Title 23 M.R.S.A. § 3026 et sequ:

Description of section discontinued:

All of Glenn Street as was accepted by the Auburn City Council as Glendale Street on April 17, 1950, recorded in the Auburn City Council Records, Volume 16, Page 186; said street being fifty (50) feet in width and one hundred sixty three (163) feet in length and lying westerly of Center Street; the name of said street being changed to Glenn Street by order of the Auburn City Council on February 19, 1962. Recorded in Auburn City Council Records, Volume 18, Page 262.

Having given best practicable notice to all abutting property owners and the Auburn Planning Board and with no damages being sought none are awarded.

Abutting Property Owners: Richard K. Raubeson

Passage on 8/17/2015 6-0 (Councilor LaFontaine absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 63-08172015

ORDERED, that the City Council hereby confirms the City Manager's appointment of Denis D'Auteuil as Assistant City Manager of Auburn.

Passage on 8/17/2015 4-2 (Councilors Walker and Gerry opposed, Councilor LaFontaine absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 64-09082015

ORDERED, that the City Council hereby approves the request for Saint Dominic Academy to place a temporary sign for its Holiday Festival to be placed on Mount Auburn Avenue beside Starbucks from October 26th through November 9th, 2015.

Passage on 9/8/2016 6-0 (Councilor Lee absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 65-09082015

ORDERED, that the City Council hereby sets the date of Tuesday, November 3, 2015 for the Special Municipal Election for the School Budget Amendment.

Passage on 9/8/2016 6-0 (Councilor Lee absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 66-09082015

ORDERED, that the Auburn City Council hereby authorize the City Manager to sign a Memorandum of Understanding between the City of Auburn and St. Mary's Nutrition Center dedicating 61 Webster Street as a community garden.

Passage 4-3 (there was a tie vote 3-3 with Councilors Crowley, Walker, and Gerry opposed, and in accordance the City Charter, Article III, Section 3.3 the Mayor voted to break the tie vote and voted in the affirmative).

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



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

Jonathan P. LaBonté, Mayor

IN CITY COUNCIL

ORDER 67-09142015

ORDERED, that the sale of city owned property at One Minot Avenue to Miracle Enterprise, LLC for \$500,000 is approved and that the City Manager is authorized to execute all documents necessary to complete this transaction.

Passage on 9/14/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 68-09212015

ORDERED, that the following civilian be appointed as a process server constable without a firearm:

Charity G. Klinger	Constable	Without Firearm	Appointment
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Passage on 9/21/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 70-09212015

ORDERED, that the Auburn City Council hereby approves a program amendment to the FY2015 Annual Action Plan as recommended by Community Development staff.

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

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 71-09212015

ORDERED, that the Community Development Director is hereby authorized to execute and deliver a conditional commitment letter as previously presented to the Council in draft form and a copy of which is attached to this Order and incorporated herein by reference, under which the City will agree to lend Auburn Housing Development Corporation, the amount of \$250,000.00, whose source shall be HOME Investment Partnership Program Funds, to be used exclusively for construction financing for the development of an affordable housing project to be located at 62 Spring Street in Auburn, upon the City's determination that all of the terms and conditions stated in the draft commitment letter have been satisfied; and that the Community Development Director is hereby authorized to execute all loan documents necessary to consummate the transaction stated in the commitment letter.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk Date

Passage on 9/21/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 72-09212015

ORDERED, that the City Council hereby adopts the Neighborhood Revitalization Strategy for the Downtown, New Auburn and Union Street areas, dated September 1, 2015, as a guide for future revitalization activities within the designated revitalization area.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk Date

Passage on 9/21/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 74-09212015

ORDERED, that the City Council hereby direct the City Manager to purchase the property at 351 Main Street for \$50,000 for the purpose of improving the gateway to our community. It is also ordered that the City Manager cause the demolition and stabilization of the site as soon as possible after the purchase. The acquisition of this property is essential to accomplishing the Gateway Transition District goals of the 2010 Comprehensive plan and is part of the ongoing goal of removing substandard housing this gateway area.

Passage on 9/21/2015 6-1 (Councilor Crowley opposed).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 76-10052015

ORDERED, that the City Council hereby sets the time for opening the polls for 7:00 A.M. for the November 3, 2015 Election.

**Passage on 10/5/2016 6-0 (Councilor
Hayes absent).**

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 77-10052015

ORDERED, that the City Council hereby approves the request for a Liquor License and Special Amusement Permit for Sapphire Entertainment, Inc., located at 150 Center.

Passage (which includes a friendly amendment to the original motion to adjust the hours of operation from 2:AM to 1:AM as the closing time) on 10/5/2016 6-0 (Councilor Hayes absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 78-10052015

WHEREAS, on May 11, 2015, this Council adopted Order #36-05112015, authorizing various sums for the school operating expenditure budget for the 2015-16 school year, including a total school operating budget in the amount of \$38,641,639.00 and total authorized expenditures, including adult education and community services-crossing guards, of \$39,062,197 (the "School Budget Order"); and

WHEREAS, the School Budget Order included a provision at numbered section 19, to the effect that the total school budget and applicable cost centers would be increased "to the extent of any unanticipated increase in the adjusted state contribution;" and

WHEREAS, on June 9, 2015, pursuant to sections 2307 and 1486 of the Maine Revised Statutes, the voters of the City ratified the School Budget Order; and

WHEREAS, on or about July 21, 2015, the Department of Education notified the School Department of an increase in the adjusted state contribution for the City's school operating budget, but thereafter, on or about July 30, 2015, the Commissioner of Education issued a Notice interpreting the state statutes under the Commissioner's administration to require supplemental Council and voter action on school budgets to expend the state's increases in the adjusted state contributions; and

WHEREAS, Department of Education staff subsequently confirmed that the Commissioner's Notice regarding additional budget action applies even to school systems like Auburn, whose School Budget Order, as originally approved by the Council and validated by the City's voters, already had made express provision for expenditure of any such increase; and

WHEREAS, the school committee has voted to request Council and voter action to increase expenditures authorized for the school budget for the 2015-16 school year by \$200,404; and

WHEREAS, the recent Notice issued by the Commissioner will prevent the implementation of section 19 of the School Budget Order, as approved by the Council and validated at referendum election by the City voters, unless further school budget action is taken.

Now therefore, be it Ordered as follows:

1. That the Auburn City Council hereby adopts and approves the following amendments to the authorized school budget expenditures for the 2015-16 school budget:

<i>Cost Center Summary Budget Category</i>	<i>Original School Budget Approved by Voters June 9, 2015</i>	<i>Proposed Adjustments to Cost Centers</i>	<i>Amended School Budget for 2015- 2016</i>
Regular Instruction	\$15,417,903	\$ 40,555	\$15,458,458
Special Education	\$ 8,693,851	\$ 3,476	\$8,697,327
Career and Technical Education	\$ -0-	\$ -0-	\$ 0
Other Instruction	\$ 785,509	\$2,697	\$788,206
Student and Staff Support	\$ 4,074,510	\$ 152,476	\$4,226,986
System Administration	\$ 861,384	\$ 0	\$861,384
School Administration	\$ 1,367,775	\$ 0	\$1,367,775
Transportation and Buses	\$ 1,097,905	\$ 1,200	\$1,099,105
Facilities Maintenance	\$ 5,214,297	\$ 0	\$5,214,297
Debt Service and Other Commitments	\$ 1,128,505	\$ 0	\$1,128,505
All Other Expenditures	\$ 420,558	\$ 0	\$420,558
Summary of Total Authorized Expenditures	\$39,062,197	\$200,404	\$39,262,601

2. That the increases in expenditures authorized by this Order shall be funded by the state's increase in the adjusted state contribution with no increases in taxes, as originally provided by section 19 of Order 36-05112015.
3. That the City hold a Special School Budget Validation Referendum on November 3, 2015, on the following Question:

Question #1: Do you favor approving the amended school budget for 2015-16 that was adopted at the October 5, 2015 City Council meeting and which authorized additional expenditures of up to \$200,404 for school purposes with no increase in local taxes?

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 10/5/2015 5-1 (Councilor Crowley opposed, Councilor Hayes absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 80-10052015

ORDERED, that the City Council hereby authorizes the relocation of the Great Falls TV Facility from Central Maine Community College to Auburn Hall and the studio facility to be temporarily relocated to the Auburn Library.

Passage on 10/5/2016 4-3 (there was a tie vote of 3-3 with Councilors Crowley, Walker, and Gerry opposed, and in accordance the City Charter, Article III, Section 3.3 the Mayor voted to break the tie vote and voted in support of the Order).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 81-10052015

ORDERED, that the City Council hereby modifies the tax increment finance (TIF) relationship and credit enhancement agreement (CEA) approved by the City Council in Order 74-09082014 to change the term from 20 to 15 years and to clarify that the developer's proceeds can be used for both credit enhancement and operating subsidy, and to authorize the City Manager to execute all documents needed to implement the TIF and CEA.

A TRUE COPY

ATTEST _____ DATE _____

Susan Clements-Dallaire, City Clerk

Passage on 10/05/2015 6-0 (Councilor Hayes absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 82-10192015

ORDERED, that City Council hereby approves the Auburn Ski Association request for a temporary sign for their Annual Ski Swap which will be held on Sunday, November 15th, 2015. The sign will be placed at the intersection of Turner Street and Lake Auburn Avenue below Starbucks.

Passage on 10/19/2015 6-0 (Councilor LaFontaine was absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 83-10192015

ORDERED, that the City Council hereby authorizes the City Manager to expend funds in the amount of \$50,000 for the Passenger Rail Study.

Passage on 10/19/2015 6-0 (Councilor LaFontaine absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 84-10192015

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

Passage on 10/19/2015 6-0 (Councilor LaFontaine absent)..

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 85-10192015

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

Passage on 10/19/2015 6-0 (Councilor LaFontaine absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 86-10192015

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

Passage on 10/19/2015 6-0 (Councilor LaFontaine absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 87-10192015

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

Passage on 10/19/2015 6-0 (Councilor LaFontaine absent).

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 89-11022015

ORDERED, that the City Council hereby appoints the following individuals to fill the vacant Warden and Ward Clerk positions for the November 3, 2015 Election:

Wardens

Ariel Gill
Whitney Blondeau
Patricia Philips

Ward Clerks

Rick Duchesneau
Robert Gardner
Linda Sherwood

Passage on 11/2/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 90-11022015

ORDERED, by the Auburn City Council that: First Flight Drive, as laid out on the plan of the Kittyhawk Business Park Subdivision-Revision Three, as approved by the Auburn Planning Board on September 11, 2015, and recorded at the Androscoggin County Registry of Deeds in Plan Book 51, Page 45, is hereby accepted as a City Street as provided in Title 23 M.R.S.A. § 3026 et sequ:

Passage on 11/2/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 91-11022015

ORDERED, that the City Council hereby authorizes funding LA Arts \$5,000 in matching funds for a Maine Arts Commission grant they received to create a Cultural Plan for Lewiston/Auburn.

Passage on 11/2/2015 4-3 (Councilors Gerry, Crowley, and Walker opposed).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 92-11162015

ORDERED by the Auburn City Council that: Hickory Drive, as laid out and dedicated for public use on the following plans approved by the Auburn Planning Board and recorded at the Androscoggin County Registry of Deeds: (a) “Final Subdivision Plan, Hickory Ridge”, prepared by Geo-Systems, last revised on May 9, 2005 and recorded in said Registry in Plan Book 44, Page 112 (excluding a portion of the cul-de-sac depicted on the Plan), and (b) “Subdivision Plan, Hickory Ridge – Phase II”, prepared by Geo-Systems, last revised on November 18, 2005 and recorded in said Registry in Plan Book 45, Page 133, is hereby accepted as a City Street as provided in Title 23 M.R.S.A. § 3026 et sequ.

Passage on 11/16/2015 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 93-11162015

RESOLVED, that the City Council authorizes the City Manager to enter into a Master Lease Agreement for Cellular Micro-site Locations on City poles or Structures with Portland Cellular Partnership, a Maine general partnership, d/b/a Verizon Wireless.

This Master agreement will require that proposed site locations be reviewed and acted upon by the City Council as they are proposed individually or as a group, prior to installation and lease addendums, authorizing individual locations.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 94-12212015*

ORDERED, that the City Council hereby appoint and re-appoint the following civilians to serve documents as Constables without firearms on behalf of the Auburn Police Department.

Lucien Asselin	Constable Process Server	Without Firearm	Re-appointment
Paul Carpentier	Constable Process Server	Without Firearm	Re-appointment
Steven Chouinard	Constable Process Server	Without Firearm	Re-appointment
Harry Darling	Constable Process Server	Without Firearm	Re-appointment
Harry Gorman	Civil Process Only	Without Firearm	Re-appointment
Claire Barclay	Civil Process Only	Without Firearm	Re-appointment
Kenneth Edgerly	Civil Process Only	Without Firearm	Re-appointment
Klinger, Charity	Constable Process Server	Without Firearm	Re-appointment
Jerry Webster	Civil Process Only	Without Firearm	Re-appointment
Glenn Garry	Civil Process Only	Without Firearm	Re-appointment
Paul Potvin	Civil Process Only	Without Firearm	Re-appointment

Carol Theriault	Civil Process Only	Without Firearm	Re- appointment
Amanda Tierney	Civil Process Only	Without Firearm	Appointment
Sean Scully	Constable Process Server	Without Firearm	Re- appointment

**Passage on 12/21/2015 6-0 (Councilor Young
abstained).**

James Pross, Ward One
 Robert Stone, Ward Two
 Andy Titus, Ward Three
 Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
 Grady R. Burns, At Large
 David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 95-12212015*

ORDERED, that the City Council hereby confirms Mayor LaBonte's recommendations and appointments to the Boards, Committee's and Commissions as stated below.

<p><u>Airport:</u> Robert Stone, Ward 2</p> <p><u>Appointment Committee:</u> Grady Burns, At Large Jim Pross, Ward 1 Andy Titus, Ward 3</p> <p><u>Auburn Public Library:</u> Jonathan LaBonté, Mayor</p> <p><u>Auburn School Committee:</u> Jim Pross, Ward 1</p> <p><u>Audit & Procurement:</u> Robert Stone, Ward 2 Andy Titus, Ward 3</p> <p><u>AVCOG:</u> Robert Stone, Ward 2 (Executive Committee) Andy Titus, Ward 3 Ernestine Gilbert, Ward 4 (General Assembly)</p> <p><u>Cable TV Advisory Committee:</u> David Young, At Large</p> <p><u>Community Development Block Grant Citizens Advisory Committee:</u> Grady Burns, At Large (Chair) Ernestine Gilbert, Ward 4 (member)</p>	<p><u>Lewiston-Auburn 911 Committee</u> Leroy Walker Patricia Madore</p> <p><u>LAEGC (Lewiston Auburn Economic Growth Council):</u> Jonathan LaBonté, Mayor Grady Burns, At Large</p> <p><u>Lewiston-Auburn Public Health Committee:</u> David Young, At Large</p> <p><u>LATC (Lewiston Auburn Transit Committee):</u> Ernestine Gilbert, Ward 4</p> <p><u>Mid Maine Waste Action Corporation (MMWAC):</u> Leroy Walker, Ward 5</p> <p><u>Railroad:</u> Robert Stone, Ward 2</p> <p><u>Recreation Advisory Board:</u> Leroy Walker, Ward 5</p> <p><u>Sewerage District:</u> TBD</p> <p><u>Water District:</u> TBD</p>
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Passage on 12/21/2015 7-0.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 96-12212015

ORDERED, that the City Council hereby approves the Liquor License and Special Amusement Permit for Lost Valley Management, LLC., D/B/A Lost Valley located at 200 Lost Valley Road.

Passage on 12/21/2015 7-0.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 01-01202015

Be it ordained by the Auburn City Council, that it hereby approves an amendment to the City of Auburn's Code of Ordinances, Part II, Article V., Boards, Commissions and Committees, Division 2, Planning Board as attached.

**Passage of first reading on 1/20/2015
4-2 (Councilors Walker and Gerry
opposed). Passage of second reading
on 2/9/2015 5-0 (Councilors Crowley
and Young absent).**

PART II - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. PLANNING BOARD

DIVISION 4. PLANNING BOARD

[Sec. 2-466. Membership: appointment, removal, terms, vacancies.](#)

[Sec. 2-467. Chairperson and vice-chairperson.](#)

[Sec. 2-468. Staff secretary: minutes, public records.](#)

[Sec. 2-469. Quorum and necessary vote.](#)

[Sec. 2-470. Meetings, hearings and procedures.](#)

[Sec. 2-471. Workshop or informational meetings.](#)

[Sec. 2-472. Record and decisions.](#)

[Sec. 2-473. Conflicts.](#)

[Sec. 2-474. Appeals.](#)

[Sec. 2-475. Jurisdiction and authority.](#)

[Sec. 2-476. Committees.](#)

[Secs. 2-477—2-482. Reserved.](#)

<p style="text-align:center"><u>Revised at 9/9/14 and 10/14/14 PB meetings</u></p>
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Sec. 2-466. Membership: appointment, removal, terms, vacancies.

- (a) There shall be a planning board of seven [regular and two associate](#) members. Members of the planning board shall be residents of the city 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) [Regular M](#)embers of the planning board shall be appointed by the city council for terms of three years. Such terms shall be staggered so that the term of not more than three members shall expire in any calendar year. Incumbent members of the planning board shall serve for the balance of their terms and thereafter until their successors are appointed.
- (c)[The City Council shall appoint two associate members for a term of three years each. Such terms shall be staggered so that the terms of not more than one associate member, expires in any calendar year. Associate members may participate in deliberations of the Planning Board but shall not vote unless temporarily acting on behalf of a regular member who is absent or has been recused.](#)
- (~~e~~) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.
- (~~e~~) Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before removal such members shall be given an opportunity to be heard in his own defense at a public hearing before the city council.
- (f) [The Planning Board may appoint a high school student advisory representative who is a high school student residing in Auburn for a one year term. The student advisory representative may participate in deliberations of the Planning Board but shall not be entitled to vote.](#)

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

PART II - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. PLANNING BOARD

Sec. 2-467. Chairperson and vice-chairperson.

The members of the planning board shall annually elect one of the board members as chairperson to preside at all meetings and hearings, and another of their number as vice-chairperson. In the absence of the chairperson, the vice-chairperson shall act as chairperson and shall have all the powers of the chairperson. If no Chairperson or Vice-Chairperson is present or able to preside over an agenda item, the attending members may elect an acting Chairperson.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-468. Staff secretary: minutes, public records.

- (a) The ~~city planner~~ Director of Planning and Development shall designate a member of ~~his~~ their 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 ~~all~~ correspondence of the planning board.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-469. 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~~ shall be ~~adjourned~~ rescheduled. The staff secretary shall notify in writing all members of the date of the ~~adjourned~~ reschedule hearing and shall notify such other interested parties as may be directed in the vote to reschedule of adjournment.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-470. Meetings, hearings and procedures.

- (a) Regular meetings of the planning board shall be held at the call of the chairperson 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 ~~be~~ be waived by the chairperson upon good cause being shown.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

PART II - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. PLANNING BOARD

Sec. 2-471. 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~~ Director of Planning and Development, as the case may be, for the presentation of information.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-472. 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 or any designated interested parties within five business days of such decision.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-473. Conflicts.

No member of the planning board shall participate in the hearing or disposition of any matter in which he or she 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.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-474. 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.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-475. 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.

PART II - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. PLANNING BOARD

- (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.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-476. Committees.

The chairperson of the planning board ~~shall~~may 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.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Secs. 2-477—2-482. Reserved.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning and Development

October 24, 2014

Mayor LaBonte and
The Auburn City Council
60 Court Street
Auburn, ME 04210

RE: City Council Ordinance

Dear Mayor LaBonte and Auburn City Council,

The Planning Board requests that the City Council amend Chapter 2, Article V, Division 4, Planning Board of the City Ordinances to make some minor changes that apply to the Planning Board.

The principal change that we recommend deals with Associate Members of the Planning Board. For a number of years the City Council has appointed Associate Members to the Planning Board. When a regular member of the Planning Board is absent, or recuses her/him, an Associate Member sits and acts in her/his behalf. While this has been the practice for a number of years, if a decision of the Planning Board, on which an Associate Member voted, (and conceivably was the tie breaking vote), was challenged, we could find no written authorization for the appointment of Associate Members or for them to act in behalf of Regular Members. That could place the Board's decision in a dicey situation. We believe that is easily corrected by amendment to the City Ordinance that deals with the Planning Board. There are several other suggested amendments of a housekeeping nature.

This request to the City Council and recommended amendment comes in a somewhat larger context. Several members observed that while our procedures and conduct of public hearings followed traditional practice, it was not written down. That might render the Board vulnerable if challenged.

Earlier this year the Planning Board started preparing a Policies and Procedures Manual that will commit to writing the procedures for the conduct of our meetings and public hearings and the steps that precede them. I am pleased to report that after several meetings and drafts, the Planning Board is well into preparation of a Policies and Procedures Manual.

There are several reasons why this effort is timely:

- In order to have all Board members on the "same page" it is necessary to have a written copy rather than relying on the memory of veteran Board members. While the Board's actions have followed traditional practice, it can give the appearance that we are "making it up as we go along" without reference to written rules.
- There has recently been a turnover in Planning Board members. Currently five of nine members are in their first term. A written Policies and Procedures Manual will allow newly appointed members to "get up to speed" sooner. Incidentally we held the first orientation session for new members in June.
- A written Policies and Procedures Manual is fairer to applicants so that they will know what is expected of them and when. That should make the application process overall more efficient for all concerned.
- Revised procedures are designed to make information available to interested parties in neighborhoods impacted by a proposed application earlier.
- City Manager Deschene has asked that all boards and committees have up to date written rules.
- Five members of the Planning Board recently attended an excellent training session conducted by the Maine Municipal Association for planning boards in Augusta. That session permitted us to learn of best practices of various planning boards around the state and of court decisions affecting planning boards. Those will be incorporated in the Policies and Procedures Manual.

The Planning Board looks forward to getting its house in better order. The favorable action of the City Council on the recommended amendments will be appreciated.

Sincerely



Robert A. Bowyer
Chairman

C: File

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 02-01202015

Be it ordained by the Auburn City Council, that the ordinance amendment (Part II, Code of Ordinance, Chapter 2, Administration, Article II, Mayor and Council, Division 2, Rules of Procedure, Section 2-59, Order of Business) be adopted as follows;

Sec. 2-59. - Order of business.

At every meeting of the city council, the order of business shall be as follows:

- (1) Consent agenda. All items listed with an asterisk (*) are considered to be routine by the city council and will be enacted by one motion. There will be no separate discussion of these items unless a councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.
- (2) Minutes not previously read and approved, of all preceding meetings.
- (3) Communications and recognition.
- (4) Open session.
- (5) Unfinished business.
- (6) New business.
- (7) Reports of the mayor.
- (8) Reports of the city councilors.
- (9) Reports of the city manager.
- (10) Open session.
- (11) Adjournment.

Passage of first reading on 1/20/2015 6-1 (Councilor Walker opposed). Passage of second reading on 2/9/2015 4-1 (Councilor Walker opposed, Councilors Young and Crowley absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 04-01262015

Be it ordained by the Auburn City Council, that the Code of Ordinances Chapter 14, Article IX - Mass Gatherings, section 14-275 – Alcoholic Beverages be amended as follows;

Sec. 14-275. Alcoholic Beverages

The sale or consumption of alcoholic beverages ~~of any kind~~ is prohibited within ~~the a~~ 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. ~~The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.~~

- A. The Operator obtains all permits required by Section 14-251;
- B. The Operator obtains all licenses required by Chapter 14 Article XVI;
- C. The Operator obtains all other licenses and permits required by the City of Auburn and the State of Maine and complies fully with all applicable City ordinances and State statutes;
- D. The Operator restricts the time and location of such sale so that alcoholic beverages are sold only during the particular event and in a manner that does not disrupt public safety and order;
- E. Alcoholic beverages are sold and consumed only within the permitted area of the facility which shall not include parking lots;
- F. In applying for a mass gathering permit the Operator identifies 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;
- G. The Operator exercises due diligence and works with the Auburn Police Department and State authorities to strictly enforce, control, limit and prevent the unauthorized consumption of alcoholic beverages in any part of the mass gathering area outside of the restricted areas, and to prevent patrons in the mass gathering area from using, consuming, bringing in, or otherwise obtaining alcoholic beverages in any manner not authorized by this Ordinance, any other City ordinances and State statutes; and
- H. No individual under the age of 21 is permitted within the areas designated for sale and consumption of alcoholic beverages except for those employed and appropriately licensed by the State to serve alcoholic beverages.

An Operator seeking to obtain a mass gathering permit at which it is seeking authorization for the sale and consumption of alcoholic beverages shall affirm, in writing and through its signature, its commitment to comply with all of the above provisions and shall post signs at the mass gathering event indicating its compliance in full with this ordinance.

An Operator who permits the sale or consumption of alcoholic beverages in a manner that does not adhere to this Section, or who otherwise violates this Section, shall be deemed to be in violation of Chapter 14, Article IX and subject to the penalties in Section 14-250. In addition to the penalties in Section 14-250, any person,

partnership, corporation or other legal entity including the Operator, violating this Section shall be subject to a civil penalty of at least One Hundred Dollars (\$100). Each violation shall be considered a separate offense. 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's fees and costs for bringing any action under this Section.

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 on 1/26/2015 4-1 (Councilor Hayes opposed, Councilors Crowley and Young absent).
Passage of second reading as amended on 2/9/2015 4-1 (Councilor Hayes opposed, Councilors Crowley and Young absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 05-02022015

Be it ordained by the Auburn City Council, that Part II, Code of Ordinance, Chapter 56, Vegetation, Article II – Trees and Shrubs, Section 56.19 - Tree Maintenance be amended as follows.

Sec. 56-19. - Tree maintenance.

The public works director or persons acting under his direction and control may enter upon private property at reasonable times for the purpose of detecting the presence of tree disease and carrying out control measures. Whenever a tree is found upon private property infected with the disease, or whenever a tree is found upon private property that creates a hazard to the safety of persons or property, the public works director shall give notice in writing to the property owner advising him of the dangerous condition, demanding that the property owner have the tree removed within 30 days of receiving such notice, and notifying the property owner that if the requested action is not taken within the 30-day period the tree may be removed by the City at the expense of the property owner. If the requested action is not taken within the 30-day period, and if the public works director determines that immediate action is necessary to protect persons or property from the dangerous tree, he, or persons acting under his direction, may enter the premises and cause the dangerous tree or part thereof to be removed at the expense of the property owner. A property owner may appeal the public works director's notice to remove the tree within 30 days of receiving such notice to the Board of Appeals. An adverse decision of the Board of Appeals may be appealed to the Superior Court within 30 days of the decision.

A TRUE COPY

ATTEST _____

Susan Clements-Dallaire, City Clerk

Failed first reading 3-2 (Councilors Walker and Gerry opposed, Councilors Young and Crowley absent and 4 affirmative votes are required). Passage of second and final reading on 2/17/2015 6-0 (Councilor Lee absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 06-02022015

Be it ordained by the Auburn City Council, that Part II, Code of Ordinance, Chapter 56, Vegetation, Article II – Trees and Shrubs be amended to include Section 56.21 – Shade Trees.

City of Auburn Shade Tree Ordinance

Section 1 – Preamble.

The City of Auburn hereby adopts the following shade tree maintenance ordinance in order to regulate the removal, pruning, planting, and maintenance of trees within or upon the limits of any city road or public right of way and of trees located on public property.

Section 2 – Authority.

This ordinance is enacted pursuant to the Home Rule Authority granted to the city in accordance with the provisions of 30-A M.R.S.A. §3001.

Section 3 – Definitions.

- 3.1 Person-Any individual, person, firm, corporation, association, partnership or organization
- 3.2 Abutter – Person as defined above, who owns property, which includes the limits of any city road, public right of way, or any highway within the meaning of 30-A.M.R.S.A. §3281.
- 3.3 Public Trees-All trees located upon any public property owned by the city, including public property currently used by any individual departments.
- 3.4 Public Shade Trees-All trees within or upon the limits of any city road, public right of way, or any highway within the meaning of 30-A M.R.S.A. §3281. Street trees are owned by the abutter as defined above, but managed by the city under this ordinance
- 3.5 Municipal Arborist-An official of the city appointed by the city manager who shall include the care and control of all public shade trees upon and along city roads and public rights of way and in the parks and public lands of the city, and that official shall enforce all laws relating to the preservation and maintenance of public shade trees and public trees. Any term or word of this ordinance which is not defined in this section shall have a meaning consistent with Title 30-A, M.R.S.A., to the extent that such term is defined in that Title; any terms that are not defined in that Title shall have a meaning consistent with common usage.
- 3.6 Community Cords- This program is established to provide available resources to the Health

and Human Services Department to assist qualifying applicants with heating assistance. The program is funded through annual appropriations from the Public Tree Revenue Account, by the City Council, during the annual budget process from at least 2 sources: selling wood from city tree maintenance and also the harvesting of city forests.

Section 4 - Appointment of municipal arborist.

The city manager shall appoint the municipal arborist who shall administer this ordinance in coordination with such other municipal agencies/departments as now or may in the future share in the responsibility of caring for and maintaining the community forest. The municipal arborist shall have appropriate training and skill in performing care and maintenance of all shade trees. The municipal arborist shall at all times during his or her employment hold a valid arborist's license issued by the State of Maine.

Section 5 – Harvest revenues.

If and when revenues generated from any timber harvests, salvage, or removal exceed the expense of conducting that harvest, salvage, or removal, the surplus revenues will be deposited in a dedicated Public Tree Revenue account. Proposed expenditures of funds from this account shall be presented to the city council each fiscal year during the annual budgetary process. Expenditures related to the maintenance, replacement and improvement of public trees and the Community Cords Program should be given priority while budgeting for expenditures from the Public Tree Revenue account.

Section 6 – Prohibition.

No person shall prune, plant, cut down, remove, or alter a public shade tree or a public tree unless that person has first obtained the consent of the municipal arborist for those actions.

Section 7 - Request for consent from municipal arborist.

7.1 Written Request- Any person who intends to prune, plant, cut down, remove, or alter a public shade tree or public tree shall make a written request to the municipal arborist and shall state specifically the action intended to be taken by that person concerning an identified public shade tree or public tree.

7.2 Written Decision- Within ten (10) days of receipt of a written request pursuant to section 7.1 the municipal arborist shall approve the request, approve the request with conditions, or deny the request in a written decision mailed or hand delivered to the person making the request.

The municipal arborist shall have the authority to deny or impose reasonable conditions upon approval of the request in order to preserve and maintain the health and beauty of public shade trees or public trees and the places where such trees are located; and in order to protect the public safety and the safety and convenience of the city roads, highways, public rights of way, and public lands. Any permit granted shall contain a definite date of expiration and may contain conditions attached thereto by the municipal arborist.

Section 8 – Appeal.

In the event that a person is aggrieved by the decision of the Municipal Arborist, then such a person shall have the right to appeal the notice of the municipal arborist to the city council within ten (10) days of the date of the notice of the municipal arborist. The appeal shall be made in writing and shall set forth specifically the basis for the appeal.

Upon receipt of the written appeal by the city council, the city council may delegate the responsibility for hearing appeals under this ordinance to another city administrative board or city staff member.

The appeal hearing shall be scheduled within 60 days, and the appeal findings shall be communicated in writing to the person filing the appeal within 10 days of the appeal hearing.

Section 9 - Guidelines for planting, pruning, cutting removing, or altering of public shade trees.

After a public hearing, the city council or its' designated administrative board shall have the authority to adopt, amend, or modify guidelines for pruning, planting, cutting, removing or altering of trees, and thereafter, the Municipal Arborist shall use those guidelines in making decisions pursuant to this ordinance.

Section 10 – Violations and penalties.

- a) Any violator of any provision of this article shall be subject to a civil penalty payable to the city. Each act of violation shall constitute a separate offense.
- b) Should any public tree be destroyed, the person causing the destruction shall also make restitution to the city in an amount equal to the cost to the city of removing the destroyed tree plus its replacement value.
- c) Whenever the municipal arborist determines there are reasonable grounds to believe there has been a violation of any provisions of this article, he/she may initiate enforcement proceedings in accordance with the citation system established in article VIII of chapter 2.
- d) In addition to the remedies set forth above, the municipal arborist, on behalf of the city, may seek an abatement of the violation, or injunctive relief, including an award of penalties and reasonable attorney fees, from the district court or the superior court.
- e) The court also may order a violator of this article to reimburse the city for the cost of any action that was necessary to correct violations of the ordinance. If the city is the prevailing party in an enforcement action, it shall be awarded reasonable attorney's fees and costs.

Section 11 - Severability.

The provisions of this ordinance shall be severable. If any portion of this ordinance is held to be invalid, the remainder of this ordinance and its application thereof shall not be affected.

Section 12 - Other laws and ordinances.

This ordinance shall not prohibit or prevent the city from pruning, cutting, altering, or removing trees when the pruning, cutting, alteration, or removal is ordered by the city council or its' designated administrative board for the following purposes:

- a) To layout, alter or widen the location of city roads or highways;
- b) To lessen the danger of travel on city roads or highways; or
- c) To suppress tree pests or insects.
- d) To replace street trees that have been removed and to add shade trees to the community

forest

Should the city initiate work concerning street trees referenced above in Section 12 a), b) c) or d) the abutter shall be notified a minimum of 10 days prior to commencement of the work.

The consent of the municipal arborist is not required for planting, pruning, cutting, altering or removal of trees by the city for the foregoing purposes set forth in Section 9 of this ordinance. The consent of the municipal arborist is also not required for pruning, cutting or removal of trees in connection with routine maintenance of public parks and other public facilities which are managed by the Public Services Department of the city. The city shall, however, conform to any guidelines adopted pursuant to Section 10 of this ordinance in any actions taken for the foregoing purposes.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

**Passage of first reading 2/9/2015 5-0
(Councilors Young and Crowley
absent). Passage of second reading
on 2/17/2015 6-0 (Councilor Lee
absent).**

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 07-02022015

Be it ordained by the Auburn City Council, that the following ordinance for a Conservation Commission be adopted (Part II – Code of Ordinance, Chapter 2 – Administration, Article V – Boards, Commissions and Committees, Division 5).

CITY OF AUBURN

CONSERVATION COMMISSION

Section 1. - Commission established.

A conservation commission is hereby established pursuant to 30-A M.R.S.A. §§ 3261-3263 to consist of seven (7) members appointed by the city council, all of whom shall be residents of the city. The terms of office shall be three (3) years except that initial appointments after the date of adoption of this Ordinance shall be such that the terms of no more than three (3) members shall expire in any single year. For that purpose, the city council shall initially appoint three members for terms of one year, two members for terms of two years, and two members for terms of three years, such that the terms of approximately one-third of the members shall expire each year. There shall be one (1) ex-officio member of the board consisting of the City Manager or his/her designee.

Section 2. - Purpose.

The purpose of the conservation commission shall be to serve as a research, advisory and advocacy group on environmental and conservation issues relating to the city.

Section 3. - Qualifications.

All members of the commission shall be selected upon the basis of their knowledge of or interest in conservation, environmental science or related fields.

Section 4. - Powers and duties.

The commission:

- (a) Shall keep records of its meetings and activities and make an annual report to the city council;
- (b) Shall conduct research, in conjunction with the planning board, into local land areas, which shall be initiated by majority votes of both the commission and the planning board;
- (c) Shall seek to coordinate the activities of conservation bodies organized for similar purposes;
- (d) Shall keep an index of all open areas within the city, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the city council or to any Board of the city or to any body politic or public agency of the state a program for the better protection, development or use of such open areas, which may include the acquisition of conservation easements;
- (e) May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary, if municipal appropriations provide financial resources to do so;
- (f) Shall assist staff in the preparation of park and trail plans, the identification of new sites to be added to the park system, recommendations on designation of open space areas, and grant assistance;
- (g) Shall coordinate applications for grants from the Federal or State governments, or private sources, to improve conservation assets for the city including parks, trail and the community forest.
- (h) Shall undertake any other conservation or environmental activity referred to it by the city council.
- (i) May recommend to the city council the acceptance of gifts in the municipality's name for any of the commission's purposes.
- (j) Shall develop a plan for and provide advice to city staff and agencies regarding the management of the community forest including the anticipated impact of proposed development;
- (k) Shall raise community awareness regarding the importance of the community forest;
- (l) May raise funds to establish a community forest trust fund;
- (m) Shall adopt by-laws to govern the internal affairs of the commission; and
- (n) May perform such other functions as are permitted by this Code.

Section 5. - Officers, meetings and records.

- (a) The members shall elect from their membership a chairperson, treasurer, a vice-chairperson and a secretary. Officers shall serve two year terms.
- (b) All meetings of the commission shall be open to the public, and notice, if required by law, should be

provided to the public about such meetings.

- (c) Minutes shall be kept of all meetings.

Section 6. – Committees

- (a) Establishment: The chairperson may appoint special committees for purposes and terms approved by the Conservation Commission.
- (b) Lewiston-Auburn Community Forest Board: The Lewiston-Auburn Community Forest Board will be a standing subcommittee of the Auburn Conservation Commission. The purpose of the Community Forest Board is to plan for and provide advice to city staff and the conservation commission regarding the management of the community forest. The Conservation Commission shall designate two members to serve on the Lewiston-Auburn Community Forest Board. The Lewiston-Auburn Community Forest Board shall develop and implement a Community Forest Program that enhances, preserves, protects, and maintains the community Forest. Primary activities are to:
- Advocate for the community forest;
 - Develop a plan for and provide advice on the management of the public sector portion of the community forest;
 - Educate the communities about the community forest and how to care for it;
 - Raise funds, including grants, and establish a Community Forest Trust;
 - Develop and advise on policy changes for approval by the City Councils;
 - Advise and consult on community forest issues and projects
 - Communicate and coordinate with City staff, Planning Boards, and other community programs to avoid duplications of efforts and to combine resources to meet goals.

Section 7. - Limits of authority.

Nothing contained within this section shall supersede the provisions of the Charter or contrary provisions of the Code. No powers and duties which may be exercised by conservation commissions under state statute which are not explicitly provided in this article may be exercised by the commission created herein.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Failed first reading on 2/9/2015 (Councilors Walker and Gerry opposed, Councilors Young and Crowley absent and 4 affirmative votes required). Passage of second and final reading on 2/17/2015 5-1 (Councilor Walker opposed, Councilor Lee absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 08-02022015

Be it ordained by the Auburn City Council, that the Code of Ordinance (Chapter 2, Article III, Division 7- Tax Assessor, Sec. 2-256 (a)) be amended as follows;

DIVISION 7. - TAX ASSESSOR

Sec. 2-256. - Powers and duties.

(a)

The tax assessor shall be the administrative head of the assessing operations in the Finance department and shall, with the approval of the city manager, have power to appoint such assistants as he may require and as shall from time to time be authorized by the city council. The Tax Assessor will be a direct report to the Finance Director.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

**Passage of first reading on 2/9/2015 5-0
(Councilors Young and Crowley absent).
Passage of second and final reading on
2/17/2015 6-0 (Councilor Lee absent).**

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 09-02022015

Be it ordained by the Auburn City Council, that the Code of Ordinance (Chapter 2, Article IV, Departments, Division 3 Finance, Sec. 2-359) be amended as follows;

Sec. 2-359. - Established.

The finance department responsibilities shall consist of accounting, assessing, collections and purchasing.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage of first reading on 2/9/2015 5-0
(Councilors Young and Crowley absent).
Passage of second and final reading on
2/17/2015 6-0 (Councilor Lee absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 10-02172015

Be it ordained by the Auburn City Council, that the Code of Ordinances Chapter 14, Article IX - Mass Gatherings, section 14-251 (e) be amended to include the following language:

(22) For those applicants seeking approval for the sale and for the sale and consumption of alcoholic beverages at their mass gathering, a detailed statement providing all information required by Section 14-275 and a signed written affirmation of intent to comply with all provisions of Section 14-275.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

**Passage of first reading on 2/17/2015 4-1
(Councilor Crowley opposed and Councilor
LaFontaine was not in the room for the vote).
Passage of second and final reading on
3/2/2015 6-1 (Councilor Crowley opposed).**

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 11-04062015

Be it ordained by the Auburn City Council, that the Code of Ordinance (Chapter 2, Article IV, Departments, Division 1 Finance, Sec. 2-487) be amended as follows;

- Sec. 2-487. – Bond Authorization.

All bond authorization orders shall include a date on which the authorization is automatically cancelled if the bonds have not been issued.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk **4-22-2015**

Passage of first reading on 4/6/2015 7-0.
Passage of second reading on 4/21/2015 6-0
(Councilor LaFontaine absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 12-06152015

Be it ordained by the Auburn City Council, that Part II, Code of Ordinance, Chapter 14, Business Licenses and Permits, Article XVII, Garage Sales, Section 14-632, to include Agricultural Barn Sale, Article I, In General, Section 14-2, Definitions, to include Agricultural Barn Sale, and Appendix A – Fees and Charges under Businesses and Business Regulations to include Agricultural Barn Sale.

Article I, In General, Sec. 14-2. - Definitions

Agricultural Barn Sale means a sale of property, personal or household goods or other used items from a barn or property that is or was used by the current owner, and operator of the barn sale, primarily for an agricultural use and is located in an Agriculture and Resource Protection or Residential Zoning District.

Appendix A

Agricultural Barn Sale (maximum of one 3 day permit per month between the months of April and October) - \$15.00 each

Article XVII, Garage Sales, Section 14-632, to include Agricultural Barn Sale – attached.

Public hearing and first reading on 6/15/2015, motion failed 2-4 (Councilors LaFontaine, Lee, Gerry, and Young opposed, Councilor Crowley absent). Passage of second and final reading on 7/6/2015 5-1 (Councilor Crowley opposed, Councilor Lee absent).

IN CITY COUNCIL

ORDINANCE 12-06152015

ARTICLE XVII. -GARAGE, YARD AND BARN SALES

Sec. 14-630. - Permit required.

No person shall sell or offer for sale personal property from any residential premises except as permitted by this article. Only the sale of donated personal property and the sale of personal property owned, used and maintained for personal use only by the seller, and not for resale to the public, shall be permitted to be sold from residential premises, and only after issuance to the seller of a permit for such purposes, as follows:

- (1) A permit may be obtained from the city. The fee for a permit shall be paid in accordance with the business fee schedule as established by the city council.
- (2) No permit shall be issued for sales of personal property upon residential premises for a period of more than three consecutive days, and no more than two permits shall be issued for such sales upon residential premises in any six month period. Permits required under this article shall be on forms furnished by the city. Two or more people may hold a garage sale jointly at one location upon obtaining a permit. The person who resides at the location where the yard sale is to be held shall be listed as the applicant.

(Ord. No. 38-02072011-05, art.§ 24-460, 2-7-2011)

Sec. 14-631. - Neighborhood garage sales.

- (a) A neighborhood garage sale is permitted under this article . When applying for a garage sale permit, the organizer or one of the participants in the garage sale shall list his address as a the location of record where the garage sale shall take place. In addition, the names and addresses of all of the participants shall be listed on the permit application.
- (b) For the purposes of the article, a neighborhood garage sale shall be considered as a single event and the permit charge shall be the same as for a single garage sale.
- (c) Neighborhood garage sale permits are valid for the same periods as other garage sales and no more than one neighborhood garage sale on the same street may take place in any six month period.

(Ord. No. 38-02072011-05, art.§ 24-462, 2-7-2011)

Sec. 14-632. Agricultural Barn Sale.

- (1) A permit may be obtained from the city. The fee for a permit shall be paid in accordance with the business fee schedule as established by the city council and shall be the same as a Garage Sale.
- (2) No permit shall be issued for the sale of property, personal or household goods or other used items upon the agricultural or formerly agricultural premises for a period of more than

three consecutive days, and no more than one permit in any one month period between April and October. Permits required under this article shall be on forms furnished by the city. The person who resides at the location where the Agricultural Barn Sale is to be held shall be listed as the applicant and will provide information to confirm that they use or used the premises for agricultural purposes of generating more than 50% of their household income for 25 years or more.

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



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

Jonathan P. LaBonte, Mayor

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 13-06152015

Be it ordained by the Auburn City Council, that Part II, Code of Ordinance, Chapter 14, Business Licenses and Permits, Article I, In General, Section 14-2, Definitions, and Appendix A – Fees and Charges under Businesses and Business Regulations (Flea market, craft fairs, swap meets, and bazaars).

Article I, In General, Section 14-2, Definitions

Flea market means the selling or offering for sale, to the public, of any services, goods, wares and merchandise or personal property by three or more individuals, groups or organizations from or at one fixed location. Also known as a craft fair, swap meet, bazaar.

APPENDIX A Fees and Charges under Businesses and Business Regulations

Flea market, craft fairs, swap meets, and bazaars:

One day event \$50.00 up to 25 tables, \$100 over 25 tables

Three months:

Per table50.00

Maximum per location500.00

**Public hearing and passage of first reading on
6/15/2015 6-0 (Councilor Crowley absent).
Passage of second reading on 7/6/2015 6-0
(Councilor Lee absent).**

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 14-10052015

ORDERED, that the City Council hereby amends the General Assistance Ordinance to incorporate the following maximum levels of assistance to be effective on and after October 1, 2015 as follows:

Appendix A

Effective: 10/01/15-09/30/16

Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	549	650	849	1,070	1,136
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Appendix C

Effective: 10/01/15-09/30/16

Lewiston/Auburn MSA Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	89	382	113	486
1	105	451	135	580
2	141	607	178	767
3	181	779	227	975
4	183	788	239	1,026

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

Number in Household	Weekly	Monthly
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

Number in Household	Weekly	Monthly
1	\$19.10	\$86.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

Passage of first reading on 10/5/2015, 6-0 (Councilor Hayes absent).

Passage of second reading on 10/19/2015, 6-0 (Councilor LaFontaine absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 14-10052015

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APPENDIX D - UTILITIES

ELECTRIC

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6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

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6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

Passage of first reading on 10/5/2015, 6-0 (Councilor Hayes absent).

Passage of second reading on 10/19/2015, 6-0 (Councilor LaFontaine absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 01-04062015

WHEREAS, the 1998 Auburn Downtown Action Plan for Tomorrow (ADAPT) identified a preferred location for a rail platform/station within Great Falls Plaza area in conjunction with a hotel development. The platform/station was to be developed to provide integration of transportation at the site including automobile access and parking, bus/trolley service, taxis, bicycle access and storage and pedestrian access; and

WHEREAS, other agencies funded by the City of Auburn pursued as passenger intermodal facility at the Auburn Lewiston Airport, conducting an Environmental Assessment in 2006, with a focus on serving intercity bus service, a need soon to be met by the construction of a passenger terminal by Maine DOT for buses at Exit 75; and

WHEREAS, the 2007 economic analysis of bringing the passenger services to the Auburn Lewiston Airport over downtown stated that there would be no substantial impacts on minorities or low-income populations, despite up to 50% of downtown households being without vehicles and unemployment rates among the immigrant population being higher than the population at large. In addition, that analysis concluded that “downtown business districts are not likely to be directly affected,” demonstrating that services needed to be directed where they could impact downtown business and residential districts; and

WHEREAS, In 2012, Maine DOT conducted the Portland North Study as part of a New Starts Transportation Grant from the Federal Transportation Administration, a study that focused on congestion mitigation; this new study will address a broader set of considerations to include land use, economic development, the environment, congestion mitigation, and economic opportunity for lower income individuals; and

WHEREAS, passenger rail can be an added stimulus for mixed use economic development, as well as a convenient mode for leisure and business travel; and

WHEREAS, In January of 2013, the Auburn Council, along with counterparts in Portland and Lewiston passed a shared resolve on making transit service connections including focusing on helping “employment, medical and entertainment opportunities” in addition to addressing “sustainable practices that enhances livability in all three communities.”

WHEREAS the Fiscal Year 2014 Annual budget resolve noting passenger rail service to the downtown as a priority for the City; and

WHEREAS, the 127th Maine Legislature is considering action that would advance passenger rail service planning to Lewiston-Auburn from Portland;

NOW THEREFORE, the City of Auburn hereby expresses the intent to work with the City of Lewiston and the necessary regional, state and federal partners, with a particular focus on private investors and nearby property owners, to explore the transportation advantages, related economic possibilities and financial implications of restoring scheduled passenger rail service to the Cities in accordance with the following:

The City Council directs all of its transportation agencies (Auburn Lewiston Airport, Lewiston Auburn Railroad Company, Androscoggin Transportation Resource Center) to affirm through board resolve, or through the re-alignment of necessary policy documents, within 90 days their support for downtown passenger rail service in Lewiston-Auburn. This will ensure one, consistent voice for Auburn and Lewiston

The City Council commits to identifying local funding, along with Lewiston, as a match towards drawing down state investment in such a planning study. Local funds may include, but aren't limited to, use of planning funds allocated to Lewiston-Auburn through the Androscoggin Transportation Resource Center, funding from the Cities shared Lewiston-Auburn Railroad Company fund balance, or Auburn's Downtown Tax Increment Finance Development Program account.

Passage on 4-6-2015 6-1 (Councilor Crowley opposed).

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



Jonathan P. LaBonte, Mayor

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

IN CITY COUNCIL

RESOLVE 02-05042015

Expressing Support for the Initiative to Evaluate and Improve the Joint Economic Development Efforts of the City

of Auburn and Town of Poland.

Whereas, concerns have been raised regarding the lack of focus of the two municipalities' economic development efforts and the extent to which they need to reflect the changing nature of the national and regional economy; and

Whereas, interest arose during a joint conference of the two communities to pursue shared vision for economic development in the adjacent properties that border each 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 Poland and Auburn as a means to foster economic growth and investment; and

Whereas, there remains a strong commitment to the legacy of Poland 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 border, 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 Poland 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 lack of a joint economic development strategy and the extent to which the various agencies, including the respective municipal governments, are coordinating their efforts around areas of joint interest; and

Whereas, there is a desire to develop a focused economic development structure for Poland 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 municipalities; and

Whereas, there shall be 4 members from each municipality, Auburn members will consist of one City Councilor, an Auburn resident, and two Auburn residents who are either LAEGC or ABDC Board members appointed by the Mayor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUBURN AND THE

BOARD OF SELECTMEN OF THE TOWN OF POLAND THAT

We support the effort to review, debate, and implement the economic development structure not currently in place in Poland 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 communities and private sector partners on the areas identified as key to the economic future of the communities.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 03-05042015 (Option 1)

WHEREAS, The Build Maine Conference is an opportunity to showcase the latest in downtown development planning and take advantage of the thoughts and ideas of national experts that are in town for the conference and interested in doing a promotional project;

WHEREAS, the Auburn City Council is committed to improving and revitalizing our downtown and promoting complete streets for historic preservation, economic vitality, quality of life and increased property values;

THEREFORE RESOLVED, the Auburn City Council encourages the Build Maine staff and City staff to collaborate on programming and tactical urbanism projects for festival Plaza and along Main Street that includes food trucks, outdoor café and retail space for local businesses and food trucks during the Build Maine Event on May 20-21.

BE IT FURTHER RESOLVED, that the Council order Staff to complete the Court Street Road Diet to restore parking along Court Street and a three lane section between Turner Street and the Railroad Tracks as depicted on the street plans.

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 LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 03-06012015

RESOLVED, that the following be, and hereby is the Annual Appropriation and Revenue Resolve of the City of Auburn for the fiscal year 2015-2016, which includes the amounts appropriated herein and revenues from all sources beginning July 1, 2015 and ending June 30, 2016.

The estimated aggregate amount of non-property tax revenue is \$35,176,298 with a municipal revenue budget of \$12,558,137 and a School Department revenue budget of \$22,618,161.

The aggregate appropriation for the City of Auburn is \$77,552,581, with a municipal budget of \$36,348,116 County budget of \$2,142,268 and a School Department budget of \$39,062,197 which received School Committee approval on May 6, 2015, and school budget approved at the May 11, 2015 Council Meeting pursuant to the School Budget Validation vote on June 11, 2015, in accordance with Maine Revised Statues, Title 20-A § 1486 and based on the budget submitted to the Auburn City Council on March 23, 2015, by the City Manager, and notification was posted on the City of Auburn website on May 28, 2015 that a public hearing would be held on June 1, 2015 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 2015-2016 beginning July 1, 2015 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 2015-2016.

SCHOOL BUDGET ARTICLES

1. That \$15,417,903.00 be authorized to be expended for Regular Instruction;
2. That \$8,693,851.00 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$785,509.00 be authorized to be expended for Other Instruction;
5. That \$4,074,510.00 be authorized to be expended for Student and Staff Support;
6. That \$861,384.00 be authorized to be expended for System Administration;
7. That \$1,367,775.00 be authorized to be expended for School Administration;
8. That \$1,097,905.00 be authorized to be expended for Transportation and Buses;
9. That \$5,214,297.00 be authorized to be expended for Facilities Maintenance;
10. That \$1,128,505.00 be authorized to be expended for Debt Service and Other Commitments;
11. That \$420,558.00 be authorized to be expended for All Other Expenditures;

12. That \$39,062,197.00 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 \$16,444,036.00 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;

Statutory Recommendation **\$16,566,669**
City Council Adopted **\$16,444,036**

***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 \$1,128,505.00 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 \$38,641,639.00 for the fiscal year beginning July 1, 2015 and ending June 30, 2016 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 \$382,955.00 for adult education and raise \$189,080.00 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 \$37,603.00 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;
19. That the City of Auburn increase the amount of the total school budget and the amounts the school committee is authorized to expend under the previous article, to the extent of any unanticipated increase in the adjusted state contribution under the Essential Programs and Services funding model.

We the Council of the City of Auburn adopt and approve the following items to the Appropriation Resolve:

RESOLVED, that the following be, and hereby is the Annual Budget and Revenue Estimate for the City of Auburn Enterprise Fund – Norway Savings Bank Arena for the fiscal year 2015 – 2016, which includes the amounts budgeted herein beginning July 1, 2015 and ending June 30, 2016.

The Enterprise Fund-Norway Savings Bank Arena estimated amount of non-property tax revenue is \$997,000.

The Enterprise Fund-Norway Savings Bank Arena budget is \$1,188,850.

If the Enterprise Fund-Norway Savings Bank Arena has a deficit at the end of the fiscal year, this deficit will be covered by the General Fund and will be considered a loan to the Arena to be paid back in subsequent years.

RESOLVED, that the following be, and hereby is the Annual Budget and Revenue Estimate for the City of Auburn Enterprise Fund – Ingersoll Turf Facility for the fiscal year 2015 – 2016, which includes the amounts budgeted herein beginning July 1, 2015 and ending June 30, 2016.

The Enterprise Fund- Ingersoll Turf Facility estimated amount of non-property tax revenue is \$214,940.

The Enterprise Fund- Ingersoll Turf Facility budget is \$178,639.

We the Council of the City of Auburn adopt and approve the following items to the Appropriation Resolve:

Create a Capital Reserve Equipment Replacement Fund for the EMS Transport program by transferring any unexpended Capital Reserve Funds at fiscal year end, budgeted in the EMS Transport annual budget, to a separate Special Revenue Fund designated to be used for the replacement of EMS Transport Ambulances, only to be spent with approval from the City Council.

Passage of first reading on 6/1/2015 4-2 (Councilors Crowley and Gerry opposed). Passage of second reading on 6/15/2015 as amended 6-0 (Councilor Crowley absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 04-06012015

Resolve, Expressing the Support of the City Council of the City of Auburn for the Process Now Underway to develop a Plan and Charter for the Possible Consolidation of the cities of Lewiston and Auburn for Presentation to the voters in November 2016.

- Whereas, the Cities of Lewiston and Auburn are recognized leaders in the State of Maine for intergovernmental cooperation, working together to cost effectively provide a wide range of services from water pollution control to public transportation; and
- Whereas, at a joint Lewiston Auburn City Council meeting held on May 1, 2013, the Councils discussed the concept of municipal consolidation as the next step in cooperation; and
- Whereas, following the discussion held at this joint meeting, residents of both Lewiston and Auburn organized successful petition campaigns for the purpose of creating a Joint Charter commission to explore and formalize a consolidation effort; and
- Whereas, members of a Joint Charter Commission were elected in June 2014 and have been working diligently since then; and
- Whereas, the Commission has tentatively selected the general election of November 2016 as the date where the communities will vote on a charter that would formally consolidate the two communities into a single local government; and
- Whereas, it is right and appropriate that the residents of Lewiston and Auburn have the opportunity to vote on whether to approve a joint charter and consolidate the two communities;

Now, therefore, be it resolved by the City Council of the City of Auburn
that:

We support the process now underway to develop a plan and charter for a consolidated Lewiston Auburn that is tentatively scheduled to be presented to the voters of our community in November 2016. We urge all residents to become informed about and participate in this process in order to be prepared to vote on whether or not to adopt a joint charter and become one municipality.

Passage on 6/15/2015 4-2 (Councilors Walker and Gerry opposed).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 05-06152015

Resolve, Authorizing Legal Action Against Androscoggin County Regarding Certain Elements of the County Charter Relating to Elected Official Compensation and Benefits and the Authority of the County Budget Committee.

Whereas, in 2012, the voters of Androscoggin County approved a new county charter changing the nature, responsibilities, and composition of both the Board of County Commissioners (the Board) and the County Budget Committee (the Committee); and

Whereas, the Committee's role was redefined from approving all county budget expenditures to advising on such expenditures, but with two exceptions: a requirement that the County elected officials' compensation and benefits be approved by the Committee (County Charter section 3.7) and authorizing the Committee to override specific line items recommended by the Board by an affirmative vote of 11 of its members (County Charter Section 5.5.2); and

Whereas, when the new charter went into effect, the newly constituted Committee and the transitional Board agreed that Section 3.7 of the Charter ultimately meant that the Board could not set its own salaries or benefits since final authority remained with the Committee; and

Whereas, this same understanding was reiterated without objection at the outset, during, and at the conclusion of this year's budget process; and

Whereas, only following final presentation of the budget and the adjournment of the Committee did the Board (upon an opinion solicited from the County's legal counsel) disregard the Committee's action on Commissioner compensation; and

Whereas, the official version of the charter provided to the municipal clerks prior to the charter election and upon which the voters cast their ballots clearly indicated that the County Budget Committee had the authority to change line items in the budget proposed by the Commissioners with a supermajority vote of 11 of its members; and

Whereas, subsequent to the approval of the charter, the Commissioners requested the legislature to make certain "non-substantive" changes to the voter approved charter to address practical problems in implementing the new charter; and

Whereas, one of the changes requested – to amend the charter to transform the Budget Committee into an advisory body only – constituted a substantive change; and

Whereas, subsequent to the legislature's adoption of a resolve directing the Commissioners to amend the charter as requested by the Commissioners, the Commissioners amended the charter to eliminate the Budget Committee's authority to make changes in the budget by a supermajority vote; and

Whereas, Maine Revised Statutes, 30-A M.R.S.A. § 1353, states that a county charter may give the board the authority to appropriate money according to the budget so long as the budget is approved by the finance committee, and the Budget Committee functions as the finance committee under 30-A M.R.S.A. § 1353 ; and

Whereas, Maine Revised Statutes, 30-A M.R.S.A. §§ 725 and 1352 provide that the Androscoggin County Budget Committee has final approval of the budget unless otherwise provided in a charter adopted by the county.

Whereas, state law also requires that amendments to county charters adopted by referendum must be approved by referendum, a process that was not followed in this case; and

Whereas, the county's municipalities have strongly objected to the County Commission's interpretation of the county charter that, in effect, denies any meaning to Section 3.7 of the charter dealing with the compensation and benefits of elected officials; and

Whereas, the municipalities also object to the Commission taking unilateral action without consultation with its municipalities to pursue a substantive change in the charter to transform the budget committee into a purely advisory body; and

Whereas, the Commission's proposal to place an amendment to section 3.7 of the charter on the November ballot is unacceptable in that it continues to advance the Commission's position that the budget committee is and remains purely advisory; and

Whereas, when presented recently with a proposed charter amendment to clarify the ability of the Budget Committee to make line item budget changes with a supermajority vote, the Commission failed to take action; and

Whereas, these actions of the Commission have undermined the checks and balances intended by the framers of the Charter and the will of the public as expressed in their approval of a county charter that clearly and unequivocally provided authority to the Budget Committee to approve elected official salaries and benefits and to make changes in the county budget with a supermajority vote, actions that have served to undermine the legitimacy of the County's governance structure;

Now, therefore, be it resolved by the City Council of the City of Auburn that the firm of Brann & Isaacson is hereby authorized to initial legal action against Androscoggin County in regard to certain actions of the Commissioners relating to elected official compensation and benefits and the authority of the county budget committee, subject to the participation of the lesser of seven other communities or communities representing two thirds or more of the total municipal assessed value of the county and to share costs and expenses in accordance with the formula used to allocate the County Tax; and

Be It Further Resolved that Lewiston is authorized to act as fiscal agent for the communities joining in this legal action, and the City Manager is authorized to enter into such agreements as the Manager deems necessary to implement the foregoing resolutions; and

Be It Further Resolved that the Council designates Councilor Gerry as its representative to any meetings of the communities participating in this effort.

**Passage on 6/15/2015 5-0-1 (Councilor
Crowley absent, Councilor Lee abstained).**

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 06-08172015

RESOLVED, that the City Council hereby authorizes the City Manager to request a quote from Androscoggin County for the provision of dispatch services under the fee-for-service program currently offered to other Androscoggin County municipalities.

WHEREAS, the Cities of Auburn and Lewiston have long recognized that consolidation of public safety and emergency dispatch services can produce significant public safety benefits and financial savings;

WHEREAS, the Cities of Auburn and Lewiston have consolidated their dispatch services under the Lewiston Auburn 911 Center;

WHEREAS, dispatch services for remaining municipalities in Androscoggin County are provided by the County;

WHEREAS, the County has refused to further consolidate the dispatch services for the County by allowing the Lewiston Auburn 911 Center to provide such services to the other County municipalities;

WHEREAS, the County purports to continue to provide dispatch services to the remaining municipalities on a per capita fee-for-service basis;

WHEREAS, the per capita fee charged by the County does not fully reflect the cost of services provided;

WHEREAS, the Cities of Auburn and Lewiston are, therefore, subsidizing the County-provided dispatch services for other Androscoggin County municipalities;

WHEREAS, the County has refused to adjust its dispatch service pricing to fully reflect the cost of such services;

WHEREAS, it is in the City of Auburn's best interest to ensure that it is receiving the most cost-effective dispatch services; and

WHEREAS, it is in the City of Auburn's best interest to explore whether it could obtain adequate dispatch services at a reduced cost from the County through participating in its current fee-for-service offering;

NOW, THEREFORE, it is resolved that the City of Auburn City Manager is hereby authorized to request a quote from Androscoggin County for the provision of dispatch services under the fee-for-service program currently offered to other Androscoggin County municipalities.

Passage on 8/17/2015 5-0-1 (Councilor Lee abstained, Councilor LaFontaine absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 07-10192015

RESOLVED, that the City Council hereby supports and approves staff to apply for a Tree Inventory Grant and the 2016 TD Green Streets Program Grant.

Passage on 10/19/2015 6-0 (Councilor LaFontaine absent).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 08-11162015

RESOLVED, that the City Council hereby supports and approves staff to apply for a Recreational Trails Program Grant.

Passage on 11/16/2015 7-0.