



**City Council Workshop & Meeting  
Agenda  
February 3, 2025  
Auburn Hall, Council Chambers**

**5:30 PM Workshop**

- Lewiston Falls Hydropower Relicensing/FERC Update
- Auburn Resource Center (121 Mill St) Update
- FY26 Budget Schedule

**7:00 PM Meeting**

Pledge of Allegiance & Roll Call - *Roll call votes will begin with Councilor Weisner*

- I. **Consent Items** – *All items with an asterisk (\*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Passage of items on the Consent Agenda requires majority vote.*
- 1.) **ORDER 08-020325** – Appointing Maureen Hopkins to the Planning Board for a term that expires 1/1/2028, as nominated by the Appointment Committee.
- II. **Minutes** – January 21, 2024 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
- City Manager Update on Federal Funding Impacts
- IV. **Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*
- V. **Unfinished Business**
- 1) **ORDINANCE 01-012125** – Property Tax Assistance Program (2<sup>nd</sup> reading). *Second reading/public hearing. ROLL CALL VOTE.*
- VI. **New Business**
- 1) **ORDER 09-020325** - Approval to encumber from the General fund for Fire apparatus. *Passage requires majority vote.*

**VII. Reports**

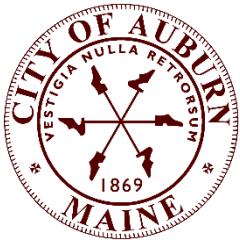
- a. **Mayor's Report**
- b. **City Councilors' Reports**
- c. **Student Representative Report**
- d. **City Manager Report**

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

**XI. Executive Session** pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter. *Requires 3/5 majority vote to enter Executive Session.*

**Executive Session** pursuant to 1 M.R.S.A. Section 405(6) (D) for contract discussions. *Requires 3/5 majority vote to enter Executive Session.*

**X. Adjournment**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date: February 3, 2025**

**Author:** Eric J. Cousens, Executive Director of Public Services

**Subject:** Lewiston Falls Hydropower Relicensing Update

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**Background:** The Federal Energy Regulatory Commission licenses hydropower facilities. The City may participate and comment on a proposed license as a stakeholder, much like a resident participates in a Planning Board process at a public hearing. We only get a chance to comment on a license renewal every 30 to 50 years so it is important that we advocate for compatibility and even contribution to accomplishing community goals in exchange for using the public's river for private power generating revenues. The FERC process requires the applicant to address fisheries, recreation, water quality and other potential impacts of their operation with equal consideration compared to power generation.

**Information:** Staff and a group of stakeholders continue to follow the process and comment at each step to advocate for mitigation of project impacts and recreational enhancement. This is a check-in and a chance to share the latest responses and advertise that there will be public meetings in February. The attached email indicates February 19<sup>th</sup> and we expect an official notification this week after the submittal of this info sheet. Attached is a response from Brookfield for each additional study request made by the City. Past requests and background can be viewed here:  
<https://www.auburnmaine.gov/pages/government/rivers-hydropower> .

**City Budgetary Impacts:** Staff Time.

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**Staff Recommended Action:** Discuss and encourage resident attendance at a scoping meeting, tentatively scheduled for 2/19/2025

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**Previous Meetings and History:** Approximately annually over the past few years.

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**City Manager Comments:**

Signature: 

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**Attachments:** Brookfield response letter dated 12/23/2024, email scheduling scoping meeting and <https://www.auburnmaine.gov/pages/government/rivers-hydropower>

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# Brookfield

Renewable

December 23, 2024

*VIA E-FILING*

Debbie-Anne A. Reese, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

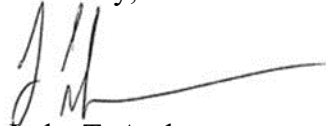
**RE: Lewiston Falls Hydroelectric Project (FERC No. 2302)  
Final License Application Response to Comments**

Dear Secretary Reese:

Brookfield White Pine Hydro LLC (BWPH or Licensee), a subsidiary of Brookfield Renewable, is the owner and operator of the Lewiston Falls Hydroelectric Project (Project) (FERC No. 2302). The Lewiston Falls Project is located on the Androscoggin River in the Cities of Auburn and Lewiston, in Androscoggin County, Maine. The Project's existing license was issued on September 29, 1986, and expires August 31, 2026. On August 28, 2024, BWPH filed a Final License Application (FLA) for the Project. In response to the FLA, comment letters were filed by certain stakeholders including the Maine Department of Marine Resources, the National Park Service, and the consolidated comments of City of Auburn, City of Lewiston, American Whitewater, Appalachian Mountain Club, Grow L-A, and Maine Council of Trout Unlimited. This letter provides BWPH's response to the comments on the FLA in the attached table.

If you require additional information, please contact me by phone at (207) 577-4536 or by email at [Luke.Anderson@brookfieldrenewable.com](mailto:Luke.Anderson@brookfieldrenewable.com).

Sincerely,



Luke T. Anderson  
Senior Manager, Licensing

Brookfield White Pine Hydro LLC

Attachment 1: Responses to FLA Comments

No.	Commenter	Comment	Suggested Response to Comments
<b>Aesthetic Flows</b>			
1	National Park Service – 10/28/2024	The NPS, along with multiple stakeholders participated in the design and conduct of the Aesthetic Flow Study and the Recreation Study 2023 and 2024. Although the conduct, scope and methodology of the Aesthetic Flow study was adequate, the applicant has not proposed any mitigation measures in terms of actual times, duration, and magnitude of flows that would enable the host communities, the public, NGOs and RAs to support a licensing proposal and to inform FERC’s NEPA analysis. A specific mitigation plan relative to aesthetic flows should be required by the FERC for the application to be considered complete, and to give reviewers the opportunity to evaluate and comment on it.	Based on the results of the Aesthetic Flow Study that was conducted by BWPH, and discussions with the aesthetics focus group participants, BWPH had previously proposed in the Final License Application (FLA) to provide six aesthetic flow releases over either Dam 3 or Dam 1 six times each year, after bass spawning season, during the months of July through September, between the hours of 10Am and 4PM to enhance the aesthetic qualities of the falls. BWPH also proposed to establish a release schedule annually in consultation with the host communities of the Cities of Lewiston and Auburn to optimize the release dates selected. BWPH routinely communicates with the Cities of Lewiston and Auburn regarding recreation and public access at the areas immediately surrounding the Lewiston Falls Project, and plans to continue such communications with the aesthetic flow releases. Specifically, this proposed measure is described in Sections 3.4.4 and 4.11.2.1 of Exhibit E of the FLA. The proposed aesthetic flow releases of suitable volume and location will provide an aesthetically appealing condition, as determined by the Aesthetics Flow Study results.
<b>Public Access and Portage</b>			
2	Auburn et al. – 10/18/2024	The Cities and the Licensee have property control on significant portions of the land needed for a riverfront portage trail that ties into existing infrastructure along the river. The licensee should study how to connect the existing project impoundment boat access (Project Facility) to the City of Auburn Riverwalk Trail system that can deliver boaters to the existing carry-in/emergency boat launch (Non-Project Facility) below the falls. The gaps can be connected through improved public sidewalks and shared and multi-use trail systems with appropriate study and design. The design should be completed and attached as an appendix to the Final License Application prior to completion of the NEPA Analysis.	Section 4.10 of Exhibit E and the Recreation Study (Appendix E-2) of the FLA describes the existing portage route at the Project that connects the existing Project impoundment boat launch access to the City of Auburn Riverwalk Trail system. As part of the Recreation Study, BWPH, along with the recreation Focus Group, discussed the existing and potential alternative portage routes, including the City of Auburn’s possible northward extension of the Riverwalk Trail. As was previously analyzed in the Recreation Study and described in Appendix E-1, DLA Comment Response Matrix, of the FLA, northward extension of the Riverwalk Trail would require the crossing of the operational railroad line, which requires permission from the railroad for new pedestrian crossing or use of their railroad bridge trestle for a pedestrian crossing. Based on this assessment, BWPH is not proposing any alternatives to the existing portage route

			<p>at this time. The existing portage route will remain as is and will utilize the existing, safe, sidewalk crossing of the railroad along Turner Street in Auburn. To enhance the existing, informal canoe portage route at the Project, BWPH has proposed to install signage at the Lewiston Falls Impoundment Boat Launch depicting the available downstream boat launches and delineating the portage route, and to install directional and wayfinding signage in consultation with the City of Auburn along the portage route utilizing existing infrastructure and leading to the Festival Plaza boat launch. See Section 4.10.2.1, Appendix E-2, and Appendix E-3 of Exhibit E of the FLA for further discussion of the proposed measures and studies of the portage route that have already been completed.</p>
3	Auburn et al. – 10/18/2024	<p>Despite opposition by the Stakeholders, Brookfield successfully removed approximately 4 miles of river from the project boundary just before commencement of the current licensing process. During that discussion, we were assured that removal would not impact the ability to mitigate project impacts in the removed river segment while we argued that it would be more appropriate to address the project boundary with more information and study during this licensing process and NEPA analysis. Poor access has contributed to rescue challenges during river emergencies and flow changes are constant due to facility operations. Our objection is detailed here: <a href="https://www.auburnmaine.gov/CMS/Content/Upload%205262022/CityofAuburnMaineCommentsP2302Amendment2020.pdf">https://www.auburnmaine.gov/CMS/Content/Upload%205262022/CityofAuburnMaineCommentsP2302Amendment2020.pdf</a>. The Cities have land control and access rights that need to be studied for FERC review and proposed access plans attached as an appendix to the Final License Application prior to completion of the NEPA Analysis.</p>	<p>With the removal of the Lewiston Canal System from the FERC-licensed project (by FERC license amendment; accession #20171109-3008) the FERC Project boundary was appropriately modified to no longer include the downstream portions of the Androscoggin River mainstem to which the Canal System discharges. Although the Project boundary was modified appropriately, BWPH has continued to cooperate and collaborate with both the Cities of Lewiston and Auburn on downstream river access issues and recreational needs. BWPH intends to continue to collaborate with the Cities on local issues and needs, particularly those related to emergency response and safety. However, such endeavors are not directly related to the Lewiston Falls Project or its operation and are not being considered as part of the FERC relicensing process.</p>
4	National Park Service – 10/28/2024	<p>The host communities and the applicant together control almost all the land needed for a riverfront portage trail on River Right that would allow a connection with existing infrastructure along the river. A safe and convenient portage is critical in this location for through paddlers. The FLA does not identify how and where to connect the existing Lewiston Falls Impoundment Boat Launch to the City of Auburn Riverwalk Trail system which would enable through paddlers to reach the public boat launch below the falls at Festival Park. The gaps can be connected through improved public sidewalks and uniform signage to allow for safe and convenient</p>	<p>See response to comment #2, above.</p>

		portage. The specific route should be identified by the host communities in consultation with the applicant and included in the FLA to inform FERC’s NEPA analysis as to adequate mitigation. The City of Auburn et al comments dated October 18, 2024 sets out specifically how this could be accomplished and provides multiple sources and publicly funded efforts to address this outstanding issue.	
<b>Recreation</b>			
5	Auburn et al. – 10/18/2024	The Stakeholders requested a recreational flow study to understand which recreational uses are available to the public during various flow conditions on different river segments below Lewiston Falls. That has not been completed. Project operations utilize upstream facilities to operate as run of release with significant flow fluctuations and water volumes driven by maximizing power generation on the river system. The recreational study and flow/depth information will also inform planning by emergency responders on how best to access an in-river emergency during different flow conditions. Detailed project specific needs, nexus, and requested methodology, labeled Study Request #2, are repeated below from previous communications with the licensee.	BWPH conducted a comprehensive study of recreation at the Project, including an assessment of the effects of flow on recreational use of the river. The Recreation Study conducted by BWPH included a recreation site inventory and condition assessment; recreation use counts and estimates of recreation site use and utilization; recreation user surveys to determine how the sites are used by recreationist and their opinions regarding the useability of the sites, the site facilities and amenities, and potential improvements to the sites. In addition, the study included both Project and non-Project recreation sites, in an effort to provide FERC and the cities with a complete understanding of recreation at the Project and the opportunities provided for public recreation in the immediate Project vicinity. The study also considered recreational boating use below the Project, and evaluated the appropriateness of existing flows for different boating uses. This included an analysis of existing boating opportunity and access both at the Project and in the Project region, downstream boating use, the flow dependent attributes of recreational boating activities in the Project area, and Project operations relative to downstream boating. The results of this study found that the Project area supports a wide variety of recreational boating activity on the river downstream from the Project, and that these activities have a wide range of flow-dependent attributes. This is further described in Appendix E-2 of Exhibit E of the FLA.
6	National Park Service – 10/28/2024	During the pre-filing stage, a River Access and Recreational Flow study was requested by the city of Lewiston et al, dated December 21, 2021. That request set out in detail locations to be evaluated to determine which facilities and access points such as trails, parks, boat launches, portage sites and picnic areas need to be developed or improved to make the river accessible to the public including an	See response to comment #5, above.

		<p>evaluation of where and how ADA compliant facilities could be developed or existing facilities improved. During the Aesthetic Flow Study, the applicant, their representatives and stakeholders toured all these areas both above and below the project and were presented with plans identified by Lewiston and Auburn to accomplish their goals for improved and safe public access. However, the actual study was not conducted, nor has any mitigation been proposed in the FLA. The information gleaned during these site visits combined with existing information (see again Auburn et al’s comments dated October 18, 2024) provides adequate information upon which to develop a comprehensive mitigation proposal.</p>	
7	National Park Service – 10/28/2024	<p>The 4.8-mile section below the project at Great Falls extending through Dresser Rips to a recently completed portage in Lewiston at 521 River Road should be a part of FERC’s NEPA analysis regarding adequate recreational use and access. The FLA does not contain information regarding the extent to which the applicant can control and modify flows within this area, how the upstream facilities controlled by the applicant impact inflows to the facility and river below it; what measures might be necessary to enable the applicant to modify flows in order to provide specific timing, duration, and magnitude of recreational flows, as well as how any modification in operations might affect power generation and availability.</p>	<p>The river section below the Project dam was analyzed in the Recreation Study (see Appendix E-2 and E-3 of Exhibit E of the FLA). There are several existing formal and informal boat launches (carry-in and trailered) that provide access to the Androscoggin River between the Project dam and the Durham Boat Launch seven miles downstream. These are all described in the Recreation Study (Exhibit E, Appendix E-2). The results of the Recreation Study found that river downstream of the Project dam supports diverse boating activities, including flatwater boating, rowing, fishing from a boat, whitewater paddling, and motorized boating.</p>
8	National Park Service – 10/28/2024	<p>The Recreation and Aesthetics studies have not been completed to the degree necessary for FERC to complete a fully informed NEPA analysis, therefore at this time, FERC and the stakeholders lack adequate information to properly assess recreational and aesthetic flows and public access around and below the project. The applicant’s conclusion that existing facilities are adequate for the proposed license period is unsupported by the information they have provided in their FLA.</p>	<p>BWPH conducted comprehensive studies which included stakeholder focus groups of both recreation and aesthetics at the Project. Based on the results of these studies (see Appendix E-2 and E-3 of Exhibit E of the FLA), BWPH is proposing a suite of enhancements to the Project recreation sites (see Exhibit E, Section 4.10), and enhancements to aesthetics (see Exhibit E Section 4.11).</p>
<b>Operations and Maintenance</b>			
9	Auburn et al. – 10/18/2024	<p>The Cities of Lewiston and Auburn have maintained the project facilities during the term of the current license, however, limited budgets and staffing constraints have resulted in less-than-ideal conditions with unacceptable tax-payer expense at project facilities. Project facilities are not accessible to members of the community with limited mobility. The Licensee should study, in collaboration with the two communities, the cost of appropriate improvement, management, and maintenance plans for project</p>	<p>BWPH proposed in the FLA to continue to provide for recreational opportunity at the existing FERC approved Project recreation sites (i.e., Lewiston Falls Impoundment Boat Launch, West Pitch Park Overlook, and Durham Boat Launch). To ensure the sites, facilities, and amenities are maintained in good useable condition, the Licensee included in the Draft Recreation Management Plan, appendix E-7 of the FLA, annual site inspections, clean-up,</p>



		<p>lands and facilities during the term of a new license. The plans should include itemized proposed maintenance tasks by season and facility. Stakeholder engagement and draft plans should be completed for FERC review and attached as an appendix to the Final License Application prior to the completion of the NEPA Analysis.</p>	<p>and maintenance at each site. The Licensee will also ensure that vegetation is appropriately managed, including periodic mowing, string trimming, pruning, and brush clearing, as needed throughout the growing season. Maintenance, improvements, and repairs will be conducted on an observed, as-needed basis. Site clean-up and routine maintenance will be conducted annually at the start of the recreation season. This information was included as Appendix E-7, Draft Recreation Management Plan, of Exhibit E of the FLA.</p> <p>In addition, in response to the Recreation Study findings, in the FLA BWPH has proposed the following enhancements to Project area recreational resources:</p> <ol style="list-style-type: none"> <li>1. Lewiston Falls Project Impoundment Boat Launch       <ol style="list-style-type: none"> <li>a. Extend the concrete boat ramp approximately 8 feet further into the impoundment by adding additional concrete planks.</li> <li>b. Extend the asphalt apron at the site entrance into the parking lot by approximately 10-15 feet to help alleviate the creation of parking lot potholes at the entrance area.</li> <li>c. Re-grade the driveway and parking area, add material as needed, add parking stops and/or signage to delineate parking spaces and to dedicate spaces for vehicles with trailers, add two dedicated ADA spaces located closest to the picnic area.</li> <li>d. Install two anti-theft picnic tables, one of which will be ADA-compliant.</li> <li>e. Provide an ADA-compliant access path to the ADA-compliant picnic table.</li> <li>f. Install two benches.</li> <li>g. Replace the FERC Part 8 sign with an updated version to include a map depicting Project recreation sites and clarifying site rules.</li> <li>h. Replace the site identification sign at the driveway entrance.</li> </ol> </li> </ol>
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			<p>2. West Pitch Park Overlook</p> <ul style="list-style-type: none"> <li>a. Replace and relocate the FERC Part 8 sign. The updated sign will include site rules and a map depicting Project recreation sites. The sign will be relocated to overlook platform entrance.</li> <li>b. Replace the existing overlook platform wood planks with “wood look” composite decking.</li> <li>c. Replace the existing chain link fencing enclosing the overlook platform with decorative fencing designed to blend better with the natural setting of the overlook and to be consistent with the black ornate fencing currently in place in the area of the overlook.</li> <li>d. Reposition the warning sign on the platform fencing to improve the view of the falls.</li> <li>e. Replace the safety fencing below the overlook with black-coated chain link or comparable safety fencing when the existing chain link safety fencing requires replacing.</li> </ul> <p>3. Durham Boat Launch</p> <ul style="list-style-type: none"> <li>a. Replace the FERC Part 8 sign with an updated version to include a map depicting Project recreation sites and clarifying site rules.</li> <li>b. Dedicate two parking spaces as ADA spaces, including parking space designation signage to be located closest to the picnic area.</li> <li>c. Install two anti-theft picnic tables, one of which will be ADA-compliant.</li> <li>d. Provide an ADA-compliant access path to the ADA-compliant picnic table.</li> </ul> <p>4. Portage Route</p> <ul style="list-style-type: none"> <li>a. Install signage at the Lewiston Falls Project Impoundment Boat Launch depicting the available downstream boat</li> </ul>
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			<p>launches and delineating the portage route.</p> <p>b. Install directional and wayfinding signage in consultation with the City of Auburn along the portage route utilizing existing infrastructure and leading to the Festival Plaza boat launch.</p>
			See Section 4.10 of Exhibit E of the FLA.
10	National Park Service – 10/28/2024	The FLA at Page E4 190-191 describes the status of ownership, easement, and maintenance responsibilities. This arrangement coupled with limited budgets and staffing constraints of Lewiston and Auburn have resulted in a poorly maintained facility with river access unavailable to members of the community with limited mobility. This facility is within the FERC project boundary; all operations and maintenance should be the responsibility of the Licensee. This is especially important given that multiple recreational facilities were removed from the Project Boundary (over the objection of the host communities) shortly before the commencement of the relicensing proceeding by FERC Order dated October 14, 2020. The FLA contains limited information regarding future capital and O&M costs for recreational facilities; this information is needed to inform FERC and to provide stakeholders with adequate expectations during the anticipated 30-40-year term of a new license.	Both Exhibit D and Section 5.0 of Exhibit E of the FLA provide information related to costs and Project financing, including information for future capital and O&M costs for recreational facilities.
<b>Project Generation, Value, Cost of PME Study</b>			
11	Auburn et al. – 10/18/2024	The FLA lacks sufficient information on the value of energy and revenues anticipated during the term on the proposed license and leaves it up to Stakeholders to make assumptions about future energy prices and guess what is included in capital and O&M costs. This study should itemize in detail what is proposed for Capital and O&M investments as well as more details about anticipated project revenues during the license term to the extent that Stakeholders and FERC can understand the balance between project generation, the environment, fisheries, and recreation. We recognize that there will be overlap between this study and the other requests for PME related study and some information may belong in different portions of the application. We ask that FERC will acknowledge that the information is needed for FERC review of a Final License Application prior to completion of the NEPA Analysis by requiring it.	See response to comment #10, above.

<b>Communities in the Project Area</b>			
12	National Park Service – 10/28/2024	Adequate public access to active and passive recreational opportunities is especially important in the underserved communities in the area surrounding the project. Nearly half of households in Auburn and Lewiston fall within or below 80% of the HUD Area Median Family Income (HAMFI), rendering them eligible for low-to-moderate-income status. Most are located within a mile of the project with residents largely dependent upon walking and public transit to access recreational opportunities along the Androscoggin River. Understanding project impacts as they relate to access to the river is necessary to promote environmental justice in the project area and surrounding low to moderate income neighborhoods.	Comment acknowledged. Section 4.14 of Exhibit E details considerations of potential impacts to environmental justice communities from the proposed action of relicensing the Project.
13	National Park Service – 10/28/2024	The cities of Auburn and Lewiston have together, undertaken considerable effort over many years to identify opportunities for improving recreational use and access and overall quality of life in and around Lewiston Falls. Almost 30 years ago during the previous licensing process, a publication was produced by the Androscoggin Land Trust entitled <i>Androscoggin Greenways: Benefits of a River Corridor</i> was produced by the Androscoggin Land Trust in 1996. Considerable progress and additional focused efforts have improved public access, but more can and should be accomplished during this relicensing.	Comment acknowledged.
<b>Fisheries</b>			
14	Maine Department of Marine Resources 10/24/2024	As we have repeatedly stated during this relicensing <sup>1</sup> , MDMR has significant concerns regarding the methods and subsequent results of the <i>Upstream American Eel Study</i> at the Project. The Licensee did not follow study methods recommended by MDMR that have been used across the range of American eel to document and quantify upstream migrations. This was likely the cause of the small sample size of eels in the study (n=34), which resulted in limited information on appropriate locations to site temporary or permanent eel ramps at the Project. Additional assessment will be needed after eel ramps are cited to ensure that they are effective. Furthermore, MDMR believes that some of the PME measures proposed by the Licensee for eel passage will be inadequate to address project effects, and we will provide comments to that effect once the proposal has been reviewed by FERC and after issuance of the REA notice.	As was described in Appendix E-1 of Exhibit E of the FLA and has been repeatedly discussed with MDMR, BWPH conducted an upstream eel survey using observation methods that could be safely and effectively employed at the Lewiston Falls Project. Given the purpose of the relicensing studies, eel pots were not used because they have been found at times to be ineffective in trapping eels, particularly in rivers where, eel numbers are relatively low (see Initial Study Report for the Ripogenus and Penobscot Mills projects; accession #20230424-5265). Regarding nighttime observations, every project is unique, and the configuration of the Lewiston Falls dams spread across a wide expanse of rock ledges and located immediately below the dams, make the falls/ledge area a dangerous place to access, even in daylight hours. For the safety of

<sup>1</sup> Accession Nos. 20230329-5098 and 20240520-5105

			<p>the field crews, eel observations conducted by accessing the rock ledges were limited to daytime electrofishing and nighttime observations with binoculars, when appropriate, from safe but effective access locations. Backpack electrofish surveys were conducted during the daylight hours for the safety of the field crew maneuvering through the falls/ledge area. Following standard safety practices for electrofish sampling, electrofish surveys were targeted for dry weather conditions. The Final Study Plan for the Upstream American Eel Study indicated surveys would be conducted once weekly for a 14-week period from June to mid-September and would occur approximately one hour after sunset. The USGS protocol for observational surveys for upstream migrant eels states “Nights should be selected that have high probability of inducing eels to congregate or climb: warmer nights, cloudy nights, light rain, minimal wind. Safety (weather, temperature, flow conditions) should also be a consideration when selecting survey nights”. As described in the Upstream American Eel Study Report, nighttime surveys at Lewiston Falls were conducted over a range of weather conditions (clear, partly cloudy, and cloudy) and air temperatures (high 50s to high 70s), representing suitable conditions to assess for upstream passage.</p>
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**[External]RE: [EXTERNAL] FERC SCOPING VISIT--FEB 19-20**

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**From** Lauren Townson <Lauren.Townson@ferc.gov>

**Date** Tue 1/21/2025 12:49 PM

**To** Mendik, Kevin R <Kevin\_Mendik@nps.gov>; Peter Rubins <prubins1@gmail.com>

**Cc** to: Ferg Lea <flea.arwc@gmail.com>; Darby Ray <dray3@bates.edu>; Eric Cousens <ECousens@auburnmaine.gov>; shanna@lametrochamber.com <shanna@lametrochamber.com>; Steve Heinz <heinz@maine.rr.com>; Jonathan Connor <jconnor@lewistonmaine.gov>; Shelley Norton <SNorton@lewistonmaine.gov>; Kevin Gagne <KGagne@lewistonmaine.gov>; Eliza Townsend <etownsend@outdoors.org>; Bob Nasdor <bob@americanwhitewater.org>; Richard Whiting (Council) <rwhiting@auburnmaine.gov>; Jonathan P LaBonte <j.labonte@auburnmaine.gov>; John Nutting <jnutting49@gmail.com>

Hi all,

I thought I can clarify a few things here. Kevin is correct that FERC has yet to issue anything formal about scoping meetings, however, we are planning to hold scoping meetings the date Peter suggested – a day and evening meeting on February 19. While maybe not ideal timing for all, we do have staff available to finally get out there now that we are post holidays and believe Commission staff will benefit from holding the scoping meetings (Feb 19) and site visit of the project (Feb 20) to help us make a more informed response to the additional study requests that were filed.

We are still finalizing our scoping document 1 which we hope to issue next week. It will have specific details on the resource issues staff has identified for NEPA and a request for comments. Comments can either be provided orally in person at the scoping meeting, **or written** to the e-Library record (instructions on how to provide written comments will be included in the scoping document). If you have attended a hydropower scoping meeting for the Commission in the past, please note that our scoping format has changed. More on this will be included in the scoping document.

We hope to see you all in person for one of the scoping meetings, or encourage you to provide written comments. Deadline for comments will be included in the scoping document once it is issued. You're also encouraged to attend the site visit if you have not yet toured the project. Again, details on when and where to meet for the site visit will be included in... you guessed it, the scoping document.

P-2302 is the project number needed to search the record on e-Library. If you have not subscribed to the project yet, we encourage you to do so, so that you can be notified when documents from the Commission are issued.

Thank you,

**Lauren Townson, Ph.D.**

Outdoor Recreation | Cultural Resources

FERC, DHL, Northwest Branch

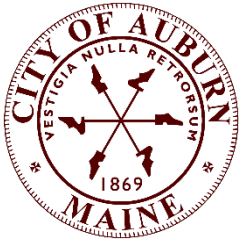
[Licensing | Federal Energy Regulatory Commission \(ferc.gov\)](https://www.ferc.gov)

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**From:** Mendik, Kevin R <Kevin\_Mendik@nps.gov>

**Sent:** Tuesday, January 21, 2025 12:05 PM

**To:** Peter Rubins <prubins1@gmail.com>; Lauren Townson <Lauren.Townson@ferc.gov>



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** February 3, 2025

**ORDER 08-020325**

**Author:** Emily F. Carrington, City Clerk

**Subject:** Appointment of Planning Board Member

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**Information:** The Appointment Committee met on January 21, 2025 to consider applications for the Planning Board seat (full member, term ending 1/1/28). The Appointment Committee considered five applications received by the January 13, 2025 deadline. At the January 21, 2025 meeting, the Appointment Committee voted unanimously (3-0) to recommend Maureen Hopkins, current Planning Board Associate Member, for the open full member seat.

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**City Budgetary Impacts:**

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**Staff Recommended Action:** Motion for passage.

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**Previous Meetings and History:** December 16, 2024

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**City Manager Comments:**

I concur with the recommendation. Signature: *Phillips Crowell Jr.*

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**Attachments:** ORDER 08



**ORDER 08-020325**

# City Council Order

**IN CITY COUNCIL**

**ORDERED**, that Maureen Hopkins be and hereby is appointed to the Planning Board (Member) for a term that expires 1/1/2028, as nominated by the Appointment Committee.

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

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

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



## **IN COUNCIL WORKSHOP & MEETING JANUARY 21, 2025 VOL 38 PAGE 4**

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

### **I. Consent Items**

1.) ORDER 07-012125 – Appointing Brian Cullen to the SNRB to represent the Sustainability Working Group for an unexpired term ending 4/1/27, as nominated by the Sustainability Working Group.

Councilor Walker moved for passage, seconded by Councilor Cowan. Motion passed 7-0.

### **II. Minutes** – January 6, 2024 Regular Council Meeting

Councilor Walker moved for passage, seconded by Councilor Cowan. Motion passed 5-0-2 (Weisner, Milks abstained due to absence at the January 6, 2025 meeting)

### **III. Communications, Presentations and Recognitions**

- Presentation: Year End Review – Economic Development Department and Planning, Permitting & Code Department
- County Commissioner Delegates – Andrew Lewis, Ward 5 (Chair) & Jane Pentheny, Ward 6 (Vice-Chair)

### **IV. Open Session**

None.

### **V. Unfinished Business**

1. ORDER 04-01062025 – Reappropriating Unspent Proceeds from the City's 2023 and 2024 General Obligation Bonds. Public hearing/second reading. ROLL CALL VOTE.

Councilor Whiting moved for passage, seconded by Councilor Walker. Mayor Harmon opened the public hearing. There were no comments from the public. Mayor Harmon closed the public hearing. Motion passed 7-0 on a roll call vote.

### **VI. New Business**

1) ORDINANCE 01-012125 – Amending the City's Code of Ordinances, Chapter 2 "ADMINISTRATION", regarding Property Tax Assistance Program. First reading. ROLL CALL VOTE.

Councilor Gerry moved for passage, seconded by Councilor Walker. Mayor Harmon opened the item for public comment. There was no public comment. Motion passed 7-0 on a roll call vote.

### **VII. Reports**

**a. Mayor's Report** – Mayor Harmon spoke at the Lewiston-Auburn Rotary Club and gave an update on current issues in Auburn and upcoming potential challenges with the budget process.

**b. City Councilors' Reports** – Councilor Whiting noted Student Representative Egge placed 3<sup>rd</sup> in slalom. Councilor Cowan thanked the City's communication dept for promoting Project Support You; Councilor Weisner noted an upcoming meeting of the Lewiston Auburn Airport Master Plan and Open House. Councilor Walker noted an upcoming Executive Meeting at Maine Waste & Energy. UNAA meeting at Rolly's Diner and will have a guest speaker from the City, and Neighborhood

**IN COUNCIL WORKSHOP & MEETING JANUARY 21, 2025 VOL 38 PAGE 5**

Watch group will be meeting. The Age Friendly Committee is collecting winter clothing to donate to those who are homeless and in need. Councilor Platz gave an update on the School Committee's budget committee, facility rebate project and an update from ELHS gym water damage noting that the damage was recently fixed.

**c. Student Representative Report** – None.

**d. City Manager Report** - Responded to the order passed at the last meeting regarding proving warming, cooling and charging locations; reviewed and provided the SOP on these emergency shelters. Current arrangements make a resource providing a minimum level of service in the city available every day of the week.

**e. 2024 November & 2024 December Finance Report – Kelsey Earle, Finance Director**  
Motion to accept the 2024 November Finance Report by Councilor Walker, seconded by Councilor Cowan. Motion passed 7-0.

Motion to accept the 2024 December Finance Report by Councilor Walker, seconded by Councilor Cowan. Motion passed 7-0.

**VIII. Open Session**

None.

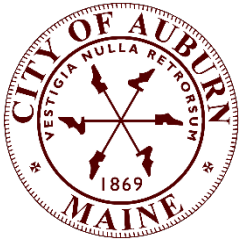
**IX. Executive Session**

**X. Adjournment**

Motion to adjourn by Councilor Weisner, seconded by Councilor Walker. Motion passed 7-0.  
Council adjourned at 8:37pm.

**A TRUE COPY ATTEST**

**Emily F. Carrington, City Clerk**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** February 3, 2025

**ORDINANCE 01-012125**

**Author:** Phil Crowell, City Manager

**Subject:** Property Tax Assistance Program Ordinance

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**Information:** City Council reviewed during the November 16, 2024 workshop; proposed language for an ordinance to create a Property Tax Assistance Program to persons 65 years of age and over who reside in the City of Auburn which is pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes.

The final ordinance was modified to accommodate the dates for application and approval. Legal has reviewed and approved the language for adoption.

If approved, the language will be available for council to fund during the FY26 budget and future funding years.

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**City Budgetary Impacts:** To be determined based on the budget allocation.

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**Staff Recommended Action:** Second reading/public hearing.

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**Previous Meetings and History:** November 4, 2024, Workshop; November 16, Workshop; January 21, 2025 first reading.

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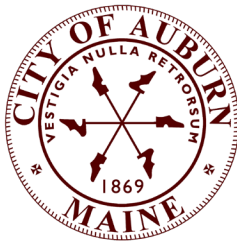
**City Manager Comments:**



I concur with the recommendation. Signature:

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**Attachments:** Property Tax Assistance Program Ordinance



# City Council Ordinance

## IN CITY COUNCIL

Be it ordained, that THE COUNCIL of the City of Auburn hereby amends Chapter 2, "ADMINISTRATION," of the "Code of Ordinances of the City of Auburn, Maine" as follows (additions are underlined; deletions are ~~struck out~~);

### CHAPTER 2 – ADMINISTRATION

#### ARTICLE VI. – FINANCE

#### DIVISION 3. IDENTITY THEFT PROGRAM

~~Secs. 2-557 – 2-574. Reserved.~~

#### DIVISION 4. PROPERTY TAX ASSISTANCE PROGRAM

##### **Sec. 2-557. Purpose**

The purpose of this Ordinance is to establish a program to provide property tax assistance pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes to qualifying persons 65 years of age and over who reside in the City of Auburn.

##### **Sec. 2-558. Definitions**

*Homestead:* A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person as their permanent residence.

*Qualifying applicant:* A qualifying applicant is a person who is determined by the Program Administrator or her/his designee, after review of a complete application submitted under Section 2-561 of this Ordinance, to be eligible for a payment under the terms of this Ordinance.

*Program Administrator:* The person designated by the city manager to administer the Property Tax Assistance Program.

*Property Tax Assistance Program:* The program established by the City of Auburn under this ordinance.

*State of Maine Residents Property Tax Fairness Credit Program:* The property tax credit established by the State of Maine pursuant to Chapter 822, §5219-KK of Title 36 of the Maine Revised Statutes.

##### **Sec. 2-559. Creation of the Program Fund**

The City Council may annually appropriate funds for the Property Tax Assistance Program. The Program Administrator shall determine the total amount of property tax assistance sought by qualified applicants.



## City Council Ordinance

If funds appropriated by the City Council are less than the amount for which applicants are eligible under the terms of this ordinance, then funds shall be proportionally disbursed. The Program Administrator shall calculate a difference ratio between the fund appropriation and the total amount of tax relief being sought by qualified applicants. This ratio shall be used to adjust each individual benefit for the qualified applicants. If a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

### **Sec. 2-560. Criteria for Participation**

To qualify for the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- a. The applicant shall be 65 years of age or more by the last day on which an application may be filed under Section 2-561 of this Ordinance.
- b. The applicant shall have been a resident of the City of Auburn with a Homestead therein for the ten years immediately preceding the last day on which an application may be filed under Section 2-561 of this Ordinance.
- c. A property owner applicant shall have a homestead exemption benefit, in accordance with Title 36 M.R.S. Sec. 681-689, already established on the property upon which the dwelling is located.
- d. The applicant has received a tax credit under the provisions of the State of Maine Residents Property Tax Fairness Credit Program for the previous income tax year.
- e. The federal adjusted gross income of the applicant and any other adult members of the applicant's household combined (total household income) does not exceed the current city's median household income as determined by the United States Bureau of the Census, or, if recent census data is not available, by another source that the Program Administerer deems reliable and accurate.
- f. The applicant or any member of the household did not receive, nor is eligible to receive, rental assistance programs which include federal, state, or local initiatives.
- g. Property taxes for the immediately preceding fiscal year and all past property taxes have been paid in full for the subject property.

### **Sec. 2-561. Application and Payment Procedures**

Persons seeking to participate in the Property Tax Assistance Program shall submit an annual application due to the Program Administrator no later than April 15<sup>th</sup> of the year seeking assistance. The Program Administrator shall provide an application form for the program, which shall include the applicant's name, homestead address and contact information.

At the time of application, applicants must provide adequate evidence of eligibility. The Program Administrator shall review and determine if the application is complete and accurate and if the applicant is eligible to participate in the Program. The Program Administrator shall notify an applicant if an application is determined to be incomplete. The Program Administrator's decision on eligibility to participate in the Program shall be final.



## City Council Ordinance

### **Sec. 2-562. Determination of eligibility and amount of eligibility**

If the Program Administrator determines that the applicant is eligible to participate in the Program, he/she shall determine the amount of the benefit that the applicant is eligible for, subject to the following eligibility requirements:

- a. The amount of benefit shall be equal to the credit that the applicant qualified for under the State of Maine Residents Property Tax Fairness Credit Program, not to exceed \$1,000.00, provided that the benefit when combined with the State of Maine Property Tax Fairness Credit received by the applicant shall not exceed the applicant's gross property tax or rent; and
- b. The actual benefit paid shall be prorated based on available monies in the program fund pursuant to Section 2-559.

### **Sec. 2-563. Timing of Payments**

A person who qualifies for payment under this Program shall be mailed a check no later than September 1<sup>st</sup> for the year in which participation is sought. The applicant must own or rent the property for use as their homestead at the time the payment is issued in order to preserve qualification.

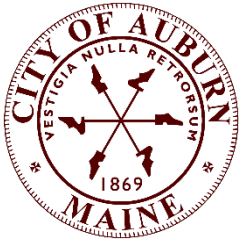
### **Sec. 2-564. Limitations upon payments**

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Program Administrator shall be disbursed to another member of the household as determined by the Program Administrator in consultation with the City Manager. If the deceased applicant was the only member of a household, then no payment shall be made under this Ordinance. Payment shall not be made to heirs of an applicant who were not residents of the household at the time the application was filed.

### **Sec. 2-565. Annual Report to the City Council**

The Program Administrator shall report in writing to the City Council no later than December 31st of each year (following the first year of the program) the projected payments, number of eligible applicants requesting assistance for the program fund, and any surplus or shortage of program funds as described in Section 2-559.

### **Secs. 2-566—2-574. - Reserved**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** February 3, 2025

**Order:** 09-020325

**Author:** Kelsey L. D. Earle, Finance Director

**Subject:** Approval to encumber from the General fund for Fire apparatus

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**Information:** During FY25 budget and CIP workshops, it was discussed that lead times for the purchase of items such as large trucks, fire apparatus, etc. have lengthened significantly. Ordering a fire apparatus this year means that we can expect the first invoice for payment in October of 2028. Part of the ordering process is a requirement from vendors to have a purchase order, giving assurance to the vendor that the city has the funds and will pay when due. Bond funds must be expended within three years of the date of issuance, meaning any delay in the order fulfillment process could put that requirement in jeopardy. This order will allow the cost to be held within the general fund until the money is secured through bonding or other funding source as determined in the CIP plan, for the fiscal year the payment is due. The expense would then be made from the determined source and unencumbered from the general fund. This also allows us not to incur additional debt service payments on an item we will not have in our possession for some time.

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**City Budgetary Impacts:** Funds will be "held" via encumbrance, nothing to be expended until future invoice is received.

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**Staff Recommended Action:** Approval to encumber funds

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**Previous Meetings and History:** Discussed during FY25 budget and CIP workshops.

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**City Manager Comments:**

I concur with the recommendation. Signature:

**Attachments:**

Order

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**ORDER 09-020325**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council hereby authorizes the Finance Director to encumber funds for a Fire apparatus purchase within the general fund, until the monies are secured through bonding or other funding source as determined in the CIP plan for the fiscal year the payment is due. At which point, the expense will be made from the determined source and unencumbered from the general fund.

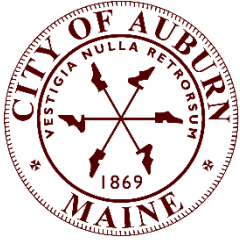
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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

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

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





## City of Auburn City Council Information Sheet

**Council Workshop or Meeting Date:** February 3, 2025

**Subject:** Executive Session

**Information:** Executive Session pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter.

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

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

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

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

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

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

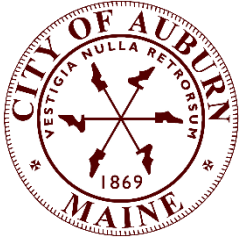
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both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

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

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

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

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



## City of Auburn City Council Information Sheet

**Council Workshop or Meeting Date:** February 3, 2025

**Subject:** Executive Session

**Information:** Executive Session pursuant to 1 M.R.S.A. Section 405(6) (D) for contract discussions.

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

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

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

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

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

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

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

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

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

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

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