



# THE CITY OF AUGUSTA

DAVID M. ROLLINS, MAYOR

CITY COUNCIL

JEFFREY M. BILODEAU  
ANNA D. BLODGETT  
LINDA J. CONTI  
DAREK M. GRANT

DALE McCORMICK  
CECIL E. MUNSON  
PATRICK E. PARADIS

WILLIAM R. BRIDGEO  
CITY MANAGER

## INFORMATIONAL MEETING AGENDA

THURSDAY, February 12, 2015

CITY HALL (COUNCIL CHAMBERS)

6:30 P.M.

**A. Items for discussion submitted by the City Council and/or the City Manager:**

1. Ray Fecteau – Pétanque Club presentation
2. ECO Maine presentation
3. Clear Cutting
4. Edwards Dam Scholarship
5. Maine Service Center Coalition

**B. Persons wishing to address the City Council who have submitted a formal request in accordance with Section 2-61 of the Code of Ordinances:**

**C. Open comment period for any persons wishing to address the City Council.**

# **Capital City of Maine, Augusta**



## **Executive Summary: Recycling Proposal**

**Provided By:**

**ecomaine**

**Written By:**

**Lissa Bittermann, Business Development Manager**

**February 2, 2015**

**ecomaine** supports the EPA and The State of Maine's hierarchy of waste management:

## **Recycling Proposal**

- **ecomaine** is proposing that for a trial period of six (6) months, the company will accept all Single Sort Recyclable material delivered to us from Augusta and will process this material at no cost.
- **ecomaine** proposes that Augusta cause to be delivered all "clean" cardboard that is received and compacted at Hatch Hill in the compactor can, to **ecomaine**, for no revenue.
- **ecomaine** will provide three (3) closed top, 30 yard recycling roll off containers at no charge for the duration of the six (6) month trial period for the Single Sort Recyclables to be collected in. Augusta must place these containers where the public can access them and arrange transport of these containers to **ecomaine** for the processing of the recyclable material.
- It is understood that during this six (6) month trial period Augusta may want to continue to run it's own curbside, sorted recycling program and continue to sell that material as it has done thus far.
- Substantial landfill space is being used at Hatch Hill due to the fact that only a few types of materials are collected through the curbside recycling program. Assuming the six (6) month trial is successful **ecomaine** will be able to help Augusta transition it's curbside program into a much more robust system, creating significant diversion of material from the landfill.
- During the trial period, **ecomaine** will bring the full weight of our education, community outreach and PR programs to the City in an effort to generate a full understanding for the residents and positive impressions of Single Sort Recycling. The motivation of such a push is to assist the public in making a smooth transition to Single Sort and to inject an immediately apparent shift in the handling of solid waste among the residents of Augusta and other communities who use Hatch Hill's services.
- The goal is to help to put Augusta on the path to being the leader for the State of Maine in sustainable waste management policy.
- Lastly, if at the end of the six (6) month trial period, should the program have proven successful and the City of Augusta opts to continue with a Single Sort Recycling program of any kind within the next year, it will be with **ecomaine** under a formal contractual agreement of between 3-5 years in duration.
- Please refer to the full proposal for complete details.

# February 2015

| Sun | Mon | Tue  | Wed | Thu   | Fri   | Sat |
|-----|-----|--|-----|---|---|-----|
| 1   | 2   | 3  | 4   | 5   | 6   | 7   |
| 8   | 9   | 10   | 11  | 12  | 13  | 14  |
| 15  | 16  | 17<br><b>ecomaine<br/>Director of<br/>Public<br/>Relations<br/>begins to<br/>work on<br/>Message<br/>Wheel for<br/>Channel 7</b> | 18  | 19<br><b>-ecomaine press<br/>release about<br/>program and<br/>dates/times/locations<br/>of education and<br/>outreach<br/>-FB &amp; Twitter<br/>Campaign by<br/>ecomaine</b> | 20  | 21  |
| 22  | 23  | 24<br><b>-FB &amp; Twitter<br/>Campaign by<br/>ecomaine</b>  | 25  | 26<br><b>-FB &amp; Twitter<br/>Campaign by<br/>ecomaine</b>   | 27<br><b>ecomaine staff<br/>hang posters in<br/>Augusta<br/>announcing<br/>program,<br/>education/outreach<br/>dates, times and<br/>locations</b> | 28  |

# March 2015

| Sun | Mon  | Tue   | Wed   | Thu   | Fri   | Sat  |
|-----|--|---|---|---|---|--|
| 1   | 2<br>- ecomaine drop press releases about program and outreach dates/locations<br>-ecomaine start FB & Twitter campaigns<br>-ecomaine staff hang outreach posters in Augusta | 3   | 4<br>-ecomaine led presentation for the public about Do's & Don'ts of Single Sort Recycling<br>-3:00pm<br>-6:00pm<br>City Center? | 5<br>- 3 x 30 yard ecomaine recycling containers picked up from ecomaine by Augusta Hauler-dropped at 3 Augusta locations | 6<br>Recycling program "Kick-Off" at Augusta Public Works:9:00-6:00pm Lots of education! Plus free recycling bins, Recycling Do/Don't lists, refrigerator magnets, recycled pencils etc | 7  |
| 8   | 9<br>-ecomaine staff hang posters in Augusta   | 10  | 11  | 12  | 13  | 14<br>ecomaine led education and outreach at Augusta Public Library 10:00-4:00 |
| 15  | 16   | 17<br>-ecomaine FB & Twitter commentary<br><br>-ecomaine led presentation for the public about Do's & Don'ts of Single Sort Recycling<br>-3:00pm<br>-6:00pm<br>City Center? | 18  | 19  | 20<br>ecomaine led education and outreach at City Center 8:00-4:00  | 21   |
| 22  | 23   | 24<br>-ecomaine FB & Twitter commentary   | 25  | 26  | 27<br>ecomaine led education and outreach at City Center 8:00-4:00  | 28   |
| 29  | 30   | 31  |   |   |   |  |

**City of Augusta, Maine**  
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



ENGINEERING  
FACILITIES & SYSTEMS  
PLANNING

Memo

To: City Council  
William Bridgeo, City Manager

From: Matt Nazar, Director of Development Services

Date: February 9, 2015

Re: Forestry Management and Timber Harvesting

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The issue of timber harvesting and forestry practices was last discussed by the Planning Board and City Council in January of 2012 when the City Council adopted the current noise standards. The standards limited the impact on neighboring property owners from noise created by harvesting in the following manner:

Forestry and other natural resources uses. Noise generated by forestry or other natural resources uses shall be exempt between the hours of 6:00 a.m. and 10:00 p.m., except that "Mineral Extraction" shall comply with Augusta's Mineral Extraction Ordinance or their individual license, whichever is more restrictive, regarding hours of operation. If logging equipment is within 100 yards of a residence, the noise shall be exempt between 7:00 a.m. and 7:00 p.m.

The discussion of forestry issues was a long one that began in the summer of 2010 and involved several public hearings with both residents and harvesters attending and expressing their concerns and interests. None of the hearings touched on the issue of buffers or limiting the extent of harvests on a particular property. And for owners with less than 100 acres statewide, the Maine Department of Conservation has very limited regulations regarding timber harvests.

Title 12, Section 8869 does provide a structure within which municipalities must work in order to develop a timber harvesting ordinance.

1. The municipality must have the participation of a licensed professional forester during the ordinance development.
2. The municipality must have a meeting with the Department of Agriculture, Conservations, and Forestry during the development of the ordinance.
3. The municipality must mail notice of the ordinance to all landowners in the municipality in addition to the standard notice required in public places and the newspaper. And we must certify to the City Clerk that the mailing to all landowners occurred.

4. The city must notify the Department at least 30 days prior to the public hearing on the ordinance and Department representatives must be given an opportunity to speak at the public hearing regarding silviculture practices.

If the City Council wishes to move this issue forward, I recommend it be sent to the Planning Board, as it will likely be included in the Land Use Ordinance, with the request that they form a subcommittee that complies with the requirements of MRSA Title 12, section 8869, to form a recommendation to City Council requiring the buffering of all timber harvests. I recommend that any other specific standards the Council wants the Planning Board to review be listed in the Council Order requesting their review of the issue. If hours of operation, noise, specific locations of the city with different regulations, etc, are important issues to be reviewed, the Council should outline them. Or, the Council could clearly define the problem they are want the Planning Board to address. To date, I have heard the concern expressed by one councilor that timber harvesting to a property line is undesirable anywhere in the city. How fine grained is that concern and how deeply should the Planning Board be reviewing the issue? If a homeowner has an acre of land and half of it is wooded, should they be restricted from clearing their parcel if they want an acre of lawn? If a developer proposes clearing land for development similar to Augusta Crossing or Fieldstone Place, should the Planning Board look at requiring a vegetated buffer strip of existing trees around the entire development? Any direction the Council can give the Planning Board and staff on this issue will help them provide the Council with a well-researched proposal.

Staff is still trying to get a response from DOC to determine if there are any other municipalities in the state that regulate timber harvesting beyond the standards of the Shoreland Zoning act. A query to a statewide planner's listserver did not turn any regulations up.

Title 12, Section 8869

8. Relationship to municipal rules and regulations. Nothing in this subchapter may be construed to preempt or otherwise limit the existing authority of municipalities to regulate harvesting, except that municipalities regulating timber harvesting shall adopt definitions for forestry terms used in their ordinances that are consistent with definitions in section 8868 and with forestry terms adopted by the commissioner pursuant to this subchapter. Municipal timber harvesting ordinances adopted before September 1, 1990 must meet this standard of compliance with definitions no later than January 1, 2001.

A municipality may not adopt an ordinance that is less stringent than the minimum standards established in this section and in rules adopted by the commissioner to implement this section and section 8867-B. A municipality may not adopt or amend an ordinance that regulates timber harvesting unless the process set out in this subsection is followed in the development and review of the ordinance.

A. A licensed professional forester must participate in the development or amendment of the ordinance. [1999, c. 263, §1 (AMD).]

B. A meeting must take place in the municipality during the development or amendment of the ordinance between representatives of the department and municipal officers and officials involved in developing the ordinance. Discussion at the meeting must include, but is not limited to, the forest practices goals of the municipality. At this meeting and subsequently, the department shall provide guidance to the municipality on how the municipality may use sound forestry practices to achieve the municipality's forest practices goals. [1999, c. 263, §1 (AMD).]

C. The municipality shall hold a public hearing to review a proposed ordinance or ordinance amendment at least 45 days before a vote is held on the ordinance. The municipality shall post and publish public notice of the public hearing according to the same general requirements of posted and published notice for zoning ordinance public hearings as provided by Title 30-A, section 4352, subsection 9.

In addition, when a municipality proposes to adopt or amend a timber harvesting ordinance pursuant to its home rule authority as provided by Title 30-A, section 3001, the municipality shall mail notice of the hearing by first-class mail at least 14 days before the hearing to all landowners in the municipality at the last known address of the person on whom a property tax on each parcel is assessed. In the case of a timber harvesting ordinance or amendment that applies only to certain zones or land use districts in the municipality, the municipality may meet the requirements of this paragraph by mailing notice only to those landowners whose land is in a zone or land use district or immediately abutting the affected zone or land use district.

Mailed notice to individual landowners is not required under this subsection for any type of amendment to an existing local land use ordinance merely to conform that ordinance to the minimum timber harvesting guidelines required by Title 38, section 439-A, as those guidelines may be subsequently amended, or to conform any timber harvesting ordinance to the requirements of this

section for conformity of definitions when the proposed amendments do not substantially change any previously established timber harvesting standards adopted pursuant to home rule authority.

The municipal officers shall prepare and file with the municipal clerk a written certificate indicating those landowners to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. The certificate constitutes prima facie evidence that notice was sent to those landowners named in the certificate.

Any action challenging the validity of the adoption or amendment of a municipal timber harvesting ordinance based on the municipality's alleged failure to comply with the landowner notice requirement must be brought in Superior Court within 90 days after the adoption of the ordinance or amendment. The Superior Court may invalidate an ordinance or amendment only if the landowner demonstrates that the landowner was entitled to receive a notice under this section, that the municipality failed to send the notice as required, that the landowner had no knowledge of the proposed ordinance or amendment and that the landowner was materially harmed by that lack of knowledge. [1999, c. 263, §1 (AMD).]

D. The municipal clerk shall notify the department of the time, place and date of the public hearing and provide the department with a copy of the proposed ordinance that will be reviewed at the hearing at least 30 days before the date of the hearing. [1999, c. 263, §1 (AMD).]

E. At the public hearing, representatives of the department must be provided an opportunity to present and discuss for the municipality's information any reports, articles, treatises or similar materials published by acknowledged experts in the field of sound forestry or silvicultural management to the extent such information is relevant to the proposed ordinance or ordinance amendment.

The proposed ordinance or ordinance amendment may be revised after the public hearing. The ordinance or amendment must be submitted to the legislative body of the municipality in accordance with the procedures the municipality uses for adopting ordinances. [1999, c. 263, §1 (NEW).]

F. Municipal timber harvesting ordinances may not be unreasonable, arbitrary or capricious and must employ means appropriate to the protection of public health, safety and welfare. [1999, c. 263, §1 (NEW).]

G. All direct costs incurred by a municipality associated with landowner notification requirements and other required public notice must be paid to the municipality in accordance with a distribution schedule established under Title 30-A, section 5685, subsection 5. All direct costs incurred by a municipality in order to comply with this subsection for the amendment of ordinances adopted before September 1, 1990 must be paid to the municipality in accordance with a distribution schedule established under Title 30-A, section 5685, subsection 5. [1999, c. 263, §1 (NEW).]

# MAINE SERVICE CENTERS COALITION

60 Community Drive • Augusta, Maine 04330 • (207) 623-8428

John Bubier, Chair  
City of Biddeford  
(207) 284-9313

William Bridgeo, Vice Chair  
City of Augusta  
(207) 626-2300

Scott Morelli, Secretary  
City of Gardiner  
(207) 582-4200

December 29, 2014

Catherine Conlow, Treasurer  
City of Bangor  
(207) 992-4204

Mr. William Bridgeo  
City Manager  
City of Augusta  
16 Cony Street  
Augusta, ME 04330-5201

Dear Bill:

The 2014 Maine Election is over and the 2015 Maine Legislative Session is about to begin. More importantly, we are asking that you renew your dues support of the Maine Service Centers Coalition. The need for your participation in the Maine Service Centers Coalition's collective efforts has never been greater. We thank you for your membership this past year and appreciate your support and work with us on the many policy initiatives and positions we advocated on your behalf. Your efforts in outreach to local legislators, working with your local municipal groups and in many cases lobbying with us at the State House were critical to success in defeating or mitigating so many of the attacks directed at municipal revenue streams.

This new biennial legislative session begins with Maine's most onerous fiscal problems not only unsolved but, in many cases not even prudently addressed. The structural gap in Maine's General Fund for the upcoming biennium is estimated to be \$461 million. A recent report from Maine's Revenue Forecasting Committee predicts that Maine will bring in an increase of \$67.5 million over the next two years potentially closing the "gap" to a mere \$393.5 million. You are well aware of the inevitable pressure on municipal revenue when the serious holes in the current budget are totaled. The current budget leaves municipalities more than \$188 million short of the 55% in local education funds prescribed in Maine Law. The current budget also leaves us almost \$100 million short in meeting the 5% obligation for Municipal Revenue Sharing and nearly \$75 million in spending reduction gimmicks never identified. (Say \$363 million in round figures)

Maine's Highway Fund faces a massive structural gap of more than \$358 million over the next biennium. This Governor and recent Legislatures continue to be unable or unwilling to come to grips with the rapid decline in highway fund revenue. A recent study outlined the highway fund budget would need an additional \$150 million per year for the next decade just to address the critical areas of deficient bridges and highways. The study also noted that 33% of Maine's major local or state maintained highways are in either poor or mediocre condition; that 30% of Maine's bridges are structurally deficient or functionally obsolete and that the annual collective maintenance costs to Maine drivers due to the deficient roads continues to grow beyond the most recent estimate of \$300 million.

Our inside information suggests that the Administration, rather than taking a responsible approach to these drastic revenue shortfalls, will almost certainly renew their attempt to repeal Municipal Revenue Sharing entirely and continue to underfund Local Aid to Education's 55% threshold by at least 5%. On the Highway Fund side we understand that the Administration is contemplating a proposal to divert all of the municipal excise tax revenue to the Highway Fund while supporting only a transportation bond issue. This worn out" band aid" approach totally ignores what has been blatantly obvious for more than a decade – highway funding needs to be restructured to increase revenue for a sustainable infrastructure network.

We are committed to defeating the attacks on Revenue Sharing and other municipal revenue sources. We will continue to work with a group of organizations to restore full funding to municipalities. Our strategy includes holding every Maine Legislator accountable for every vote that impacts municipal revenue and impairs our ability to provide long overdue property tax relief to our citizens. We are committed to working with the Maine Municipal Association, the Maine School Management Association, the Mayor's Coalition, and the Maine State Employees Association to protect municipal funding in order to restore local control and good government services.

Given the ongoing fiscal problems, the Maine Service Centers Coalition leadership and staff will continue to need your help, support and input. For this Legislative Session, we are again relying upon Richard Trahey and his firm of Maine Governmental Relations for professional lobbying staff support. I believe that this relationship with Richard has benefited the Coalition greatly in providing us access to policy makers, sound policy advice and effective advocacy services.

We are enclosing the MSCC Membership Dues invoice for 2015 and hope you will respond favorably. Membership dues are set at twelve cents per capita based on your community's population (*established by the State of Maine Revenue Sharing estimate*) with a minimum dues payment of \$500 per community. Also enclosed please find an informational form that we ask you to update and return to us. Please be sure to note to whom we should rely upon as the principal REPRESENTATIVE and ALTERNATE for your community.

Also, please feel free to contact me directly at the Biddeford City Hall (284-9313) or by e-mail at [jbubier@biddefordmaine.org](mailto:jbubier@biddefordmaine.org).

Once again, thank you for your municipality's past support. Together we can make 2015 a productive year for the Maine Service Centers Coalition.

Sincerely,



John Bubier, Chairperson  
Maine Service Centers Coalition  
Biddeford, Maine

Enclosure