

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
DECEMBER 6, 2011**

6:00 p.m. Executive Session to discuss a legal matter with the City Attorney.

6:30 p.m. Workshop

- A. Discussion regarding the Libby Mill Cupola - 30 minutes

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Mayor's Proclamation - Lewiston as a "Welcoming America" community

Public Comment period - Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 2.

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

- * 1. Order Authorizing the City Administrator to Executive a Receipt and Refunding Agreement and to Accept an Estimated \$54,199 for the Lewiston Public Library Endowment.
- * 2. Resolve Authorizing, Accepting and Appropriating the FY2011 Homeland Security Grant Award of \$207,206.39.
- * 3. Authorization to accept transfer of forfeiture funds.

REGULAR BUSINESS:

- 4. Public Hearing on a new liquor license application and special amusement permit for Club Paris, 18 Park Street.
- 5. Public Hearing on a renewal application for a Special Amusement Permit for Live Entertainment for the Ramada, 490 Pleasant Street.
- 6. Public Hearing on a Bond Issue to issue refunding bonds in the amount of \$2,315,000 for the City's General Obligation Bonds, dated June 15, 2002.
- 7. Public Hearing and First Passage regarding an amendment to the City Code to lower the percentage allowed for the amount of debt to be authorized by the City Council for bond issue authorization.
- 8. Public Hearing and First Passage for Land Use Code Amendments concerning the shoreland boundary of the Garcelon Bog.
- 9. Public Hearing and First Passage for Land Use Code Amendments regarding clarification that a permit shall be required for all activities regulated by the Zoning and Land Use Code.

10. Resolve Waiving Tax Lien Foreclosure on Certain Distressed Properties.
11. Order Authorizing City staff to seek a court order requiring the rehabilitation or demolition of various placarded and hazardous structures - 305 Bates Street, 220 Park Street, 81 Lincoln Street, 10 College Street and 67 Oak Street.
12. Order Authorizing the City Administrator to demolish a city owned tax acquired structure located at 233 Blake Street.
13. Order Authorizing the Mayor to Execute Amendment Number One to the Employment Agreement between the City of Lewiston and Edward A. Barrett.
14. Resolve Authorizing Non-Union Pay Plan Adjustment.
15. Reports and Updates.
16. Any other City Business Councilors or others may have relating to Lewiston City Government.
17. Executive Session to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:00pm

SUBJECT:

Executive Session to discuss a legal matter with the City Attorney.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The state statutes outline the issues that will be discussed in executive session.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney.

A

LIBBY MILL CUPOLA WORKSHOP – 30 minutes

Councilor Bernier has been working with Peggy Rotundo toward renovating the Libby Mill Cupola as a memorial to former City Councilor Jim Carrigan. They would like to discuss this effort with the City Council.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Order Authorizing the City Administrator to Execute a Receipt and Refunding Agreement and to Accept an Estimated \$54,199 for the Lewiston Public Library Endowment.

INFORMATION:

The City has recently been notified that the Library Endowment is the beneficiary of 25% of the remainder of a trust established by Ernest Wilkins. This remainder is being distributed upon the passing of the primary beneficiary of the trust. The Trustee, U.S. Trust at Bank of America, is prepared to distribute the proceeds upon the execution, by the remaining beneficiaries, of a Receipt and Refunding Agreement. This Agreement has been reviewed by the City Attorney who recommends its execution. While the final proceeds cannot be determined until all parties have accepted this agreement, the estimate provided is that the Library's endowment will receive approximately \$54,199. The attached order will also accept this contribution. Copies of correspondence from the Trustee and of the Receipt and Refunding Agreement are attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to execute a Receipt and Refunding Agreement and to accept an estimated \$54,199 for the Lewiston Public Library Endowment.



**City of Lewiston Maine
City Council Order
December 6, 2011**



Order, Authorizing the City Administrator to Execute a Receipt and Refunding Agreement and to Accept an Estimated \$54,199 for the Lewiston Public Library Endowment.

Whereas, the Lewiston Public Library is the beneficiary of one-fourth of the remainder of a trust established by Ernest Wilkins; and

Whereas, with the passing of the primary beneficiary of the trust, the remainder is now subject to distribution; and

Whereas, the Trustee, the Trust Settlement Services Group at Bank of America, has prepared the necessary documents to settle the trust; and

Whereas, these documents have been reviewed and approved by the City Attorney; and

Whereas, it is also necessary to formally accept this donation to the Library Endowment;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

The City Administrator is hereby authorized to execute a receipt and refunding agreement and to accept an estimated \$54,199 donation to the Lewiston Public Library endowment. A copy of the agreement is attached and made a part hereto.

U. Pamela Rivas
Vice President

November 10, 2011

Auburn Lewiston YMCA
Gard Twaddle Nurses Endowment Fund
Auburn Public Library
Lewiston Public Library

Re: Trust for the benefit of Norrine Wilkins under the Ernest Wilkins Revocable Trust Agreement, dated May 15, 1974, as amended December 18, 1975 and April 10, 1980

Dear Beneficiaries:

As a result of the passing of Norrine Wilkins, the above referenced trust has been transferred to the Trust Settlement Services Group at Bank of America for handling and I will be responsible for the termination proceeding. I will be happy to answer any questions you may have. Below is a brief description of the governing provisions for your records as well as a review of the next steps in the settlement process.

Per the "Distributions" section of the governing instrument, as amended, a separate Fund B trust was created at the settlor's death to provide for discretionary net income and principal to Norrine Wilkins, the spouse of the settlor for her life. At her death, certain pecuniary dispositions are to be paid and the remainder of the trust is to be distributed as follows:

- 1) one-fourth to the Young Men's Christian Association of Auburn, Lewiston, Maine in memory of the Settlor and the spouse of the Settlor,
- 2) one-fourth to the Dr. Gard W. Twaddle Nurses' Endowment Fund in memory of the Settlor and the spouse of the Settlor,
- 3) one-fourth to the Auburn Public Library endowment fund in memory of the Settlor and the spouse of the Settlor,
- 4) one-fourth to the Lewiston Public Library Endowment Fund in memory of the Settlor and the spouse of the Settlor.

With respect to the settlement process, by law, the Bank, as trustee, is entitled to render and you, as remainder beneficiaries, are entitled to receive a detailed accounting, reflecting all of the transactions in the trust from the inception date through a current date. Such an accounting, whether settled judicially by court decree, or less formally by an attorney prepared Receipt and Release Agreement entered into by all interested parties, would necessitate the services of legal counsel on behalf of the trust. The accounting process normally requires several months to complete and the legal and accounting expenses are chargeable to the Trust as provided by law.

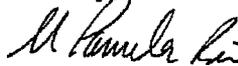
Page 2

Because it appears to us that there have been no transactions which were unduly complicated or unusual, we are willing in this instance to forego the more complete protection that a judicially settled accounting would afford us as trustee and propose settling the trust as simply as possible to avoid the expense and delay of more formal proceedings. As such, I have enclosed for your approval and signature, a Receipt and Refunding Agreement ("Agreement"), which I have prepared, representing our proposal in settling the Trust. The Agreement is a legal document and, accordingly, you may wish to have it reviewed by your attorney (at your own expense).

If you agree with this form of settlement, please indicate your acceptance by signing the Agreement before a Notary Public, and by signing and completing the enclosed delivery instructions (so that we will know where to send the cash passing to your organization) and W-9 Form. Once we receive all of the executed Agreements and forms, we can distribute your share of the trust as you have instructed. Should you have any questions regarding the settlement process or any of the above, please do not hesitate to contact me.

Kindest personal regards.

Sincerely,



U. Pamela Rivas

Enclosures
cc: Chris Wilson

COPY

For valuable consideration, Ernest C. Wilkins, of Lewiston in the County of Androscoggin and the State of Maine (hereinafter sometimes referred to as the "Settlor") hereby conveys and delivers to Northeast Bank N. A. of Lewiston and Auburn, a national banking corporation located in said Lewiston, (hereinafter sometimes referred to as the "Trustee") the property listed in the attached Schedule of Property and any other property of any kind which may be added thereto hereafter by the Settlor or others, by Will or otherwise, with the consent of the Trustee as evidenced by the subscription by the Trustee of the attached Schedule of Property or any appendix or appendixes thereto to hold in trust and to manage, invest and reinvest and distribute with the powers and subject to the limitations hereinafter set forth.

DENOMINATION

This trust is denominated "Ernest C. Wilkins Trust under Indenture of Trust dated May 15, 1974".

TRUSTEE POWERS

The Trustee, in addition to and not in limitation of common law and statutory authority, shall have the following powers which it shall retain until distribution, as hereinafter provided for, shall have been made:

- A. except as hereinafter otherwise provided, to sell and/or give options to sell any property, real or personal, which may at any time constitute an asset of the trust at public or private sale, in such manner and on such terms as the Trustee, in the exercise of its sole discretion, may determine to be satisfactory without any other or further authority from any person or any judicial or administrative body or agency and no purchaser from the Trustee shall be required to see to the application of the proceeds of such sale(s);
- B. except as hereinafter otherwise provided, to lease and/or give options to lease any property, real or personal, which may at

of the Settlor, Leona D. Wagg, if she be then living;

*deleted
4/10/80*

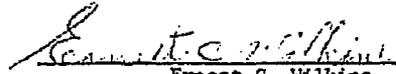
- (C) The Trustee shall distribute the sum of four thousand dollars (\$4,000.00) to the niece of the Settlor, Blanche M. Hays, if she be then living;
- (D) The Trustee shall distribute the sum of four thousand dollars (\$4,000.00) to the niece of the Settlor, Jane L. Webb, if she be then living;
- (E) The Trustee shall distribute the sum of two hundred dollars (\$200.00) to the brother-in-law of the Settlor, Norwood Waterhouse, if he be then living;
- (F) The Trustee shall distribute the sum of two hundred dollars (\$200.00) to the brother-in-law of the Settlor, Archie Waterhouse, if he be then living;
- (G) The Trustee shall distribute the sum of two hundred dollars (\$200.00) to the sister-in-law of the Settlor, Jane Torrey, if she be then living;
- (H) The Trustee shall distribute the sum of two hundred dollars (\$200.00) to the sister-in-law of the Settlor, Clara Edmondson, if she be then living;
- (I) The Trustee shall distribute the sum of two hundred dollars (\$200.00) to the sister-in-law of the Settlor, Helen DeCoster, if she be then living; and
- (J) The Trustee shall distribute the then remainder of Fund B, if any, as follows:
 - (1) One-fourth thereof to the Young Men's Christian Association of Auburn, Lewiston, Maine in memory of the Settlor and the spouse of the Settlor;
 - (2) One-fourth thereof to the Dr. Gard W. Twaddle Nurses' Endowment Fund in memory of the Settlor and the spouse of the Settlor;
 - (3) One-fourth thereof to the Auburn Public Library endowment fund in memory of the Settlor and the spouse of the Settlor; and
 - (4) One-fourth thereof to the Lewiston Public Library Endowment Fund in memory of the Settlor and the spouse of the Settlor.

3. If the spouse of the Settlor predeceases the Settlor, the Trustee shall distribute the then remainder of the assets of the trust, including any assets added thereto by the Settlor or others, by Will or otherwise, pursuant to the

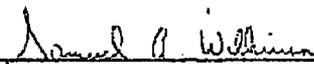
provisions of subparagraph 11 of subparagraph c of subparagraph 2 of this subparagraph B.

In the event the death of the Settlor and the death of the spouse of the Settlor occur under such circumstances that it shall be impossible to determine which of them was the survivor, it shall be presumed for purposes of administration and distribution pursuant to the provisions hereof that the spouse of the Settlor survived the Settlor.

IN WITNESS WHEREOF the said Ernest C. Wilkins, has hereunto set his hand and seal and the said Northeast Bank N. A. of Lewiston and Auburn, in token of its acceptance of the trust hereby created, has caused this instrument to be executed in its name and on its behalf by Samuel A. Wilkinson, its Senior Vice President and Senior Trust Officer, thereunto duly authorized this 15th day of May, 1974, at Lewiston, Maine.


Ernest C. Wilkins

NORTHEAST BANK N. A. OF LEWISTON AND AUBURN

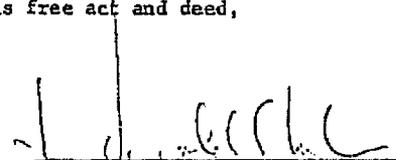
By: 
Senior Vice President and
Senior Trust Officer

STATE OF MAINE
ANDROSCOGGIN, SS.

May 15, 1974

Personally appeared the above named Ernest C. Wilkins and acknowledged the foregoing instrument to be his free act and deed,

Before me,


Notary Public -- Justice of the Peace

TD22 _____ AC 8557364 AS _____ NA 010009 B 61 R 11 O 611 _____ TH _____
K1 _____ K2 _____ ID _____

DOLLAR ACTIVITY SUMMARY

WILKINS ERNEST RES IRRV UA

	INCOME CASH	PRINCIPAL CASH
OPENING BALANCE	81.77	225,746.58
POSTED	.00	.00
RELEASED	.00	.00
CURRENT BALANCE	81.77	225,746.58

COPY

RECEIPT AND REFUNDING AGREEMENT

EXHIBIT A

PRINCIPAL CASH BALANCE AS OF NOVEMBER 8, 2011:	\$225,746.58
Trustee Settlement Fee:	(\$750.00)
Pecuniary Dispositions to be satisfied:	(8,200.00)
	<hr/>
Distributable Balance (subject to final tax reserves and expenses):	\$216,796.58
Distribution to GARD AUBURN/LEWISTON YMCA (25%):	\$54,199.14*
Distribution to AUBURN PUBLIC LIBRARY (25%):	\$54,199.14*
Distribution to LEWISTON PUBLIC LIBRARY (25%):	\$54,199.14*
Distribution to GARD TWADDLE NURSES ENDOWMENT FUND (25%):	\$54,199.14*

*NOTE: Distributions are subject to final tax reserves and expenses.

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Resolve Authorizing Application for, Accepting and Appropriating the FY2011 Homeland Security Grant Award of \$207,206.39.

INFORMATION:

The Fire Chief recently made a presentation to the City Council in a workshop regarding the Homeland Security Grant Program. This agenda item is authorization for the Chief to submit an application for the grant funds and to accept and appropriate the funds for the various purposes and programs as outlined in the Resolve.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ETB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve authorizing the application for, accepting and appropriating the FY2011 Homeland Security Grant Award of \$207,206.39.



City of Lewiston Maine

December 6, 2011

RESOLVE, Authorizing Application for, Accepting, and Appropriating the FY2011 Homeland Security Grant Award of \$207,206.39.

Whereas, the Fire Chief has prepared and presented the FY2011 Lewiston Homeland Security Grant Program to the City Council and the City Administrator; and

Whereas, the Fire Chief will submit grant applications in line with the FY2011 Homeland Security Program to the Maine Emergency Management Agency; and

Whereas, this action will authorize the Chief to apply for this award, accept it, and appropriate it for the purposes outlined below;

Now, therefore, be it Ordered By the City Council of the City of Lewiston that

The Fire Chief is hereby authorized to apply for and accept a FY2011 Homeland Security Grant Award in the amount of \$207,206.39.

Be it Further Ordered, that

These funds are hereby appropriated for the following purposes and estimated amounts:

- Fire Department Self Contained Breathing Apparatus \$46,590
- Fire Department Hazardous Materials Operations Training \$4,800
- 911 Communications Equipment and Training \$42,000
Matching funding with the City of Auburn
- Cobra Team Equipment \$16,000
Matching funding with the City of Auburn
- Lewiston City Hall UPS (Uninterrupted Power Supply) \$69,000
- Accountability System and ID System 3 yr Service Plan \$12,721
- Emergency Operations Center @ PWD \$16,000

Lewiston Fire Department



Paul M. LeClair
Fire Chief

Bruce H. McKay
Assistant Chief



November 7, 2011

To: Administrator Barrett

From: Chief LeClair

Re: 2011 Homeland Security Grant Award

The City of Lewiston has been awarded FY2011 Homeland Security Grant Program funding through the Maine Emergency Management Agency. Lewiston is one of six Metro Cities in the State of Maine to receive Homeland Security Grant funding to improve preparedness and response capabilities for Homeland security related events. Grant funds were awarded from the following programs.

- \$116,423.34 from the State Homeland Security Program (SHSP)
- \$90,783.05 from the Law Enforcement Terrorism Prevention Program (LETPP)
- **Total Grant award: \$207,206.39**

Once the City Council approves the appropriation of the grant award, I will submit grant applications for the following items in line with Homeland Security Grant criteria:

- Fire Department Self Contained Breathing Apparatus \$46,590.00
- Fire Department Hazardous Materials Operations Training \$4,800.00
- 911 Communications Equipment and Training \$42,000.00
Matching funding with the City of Auburn
- Cobra Team Equipment \$16,000.00
Matching funding with the City of Auburn
- Lewiston City Hall UPS (Uninterrupted Power Supply) \$69,000.00
- Accountability System and ID System 3 yr Service Plan \$12,721.00
- Emergency Operations Center @ PWD \$16,000.00

Background: Since 2004 the City of Lewiston has been awarded Homeland Security Grant Funding for equipment, training and practical skill exercises. Grant applications are submitted to the Maine Emergency Management Agency for review and approval. Applications are drafted based on the strict guidelines published by the US Department of Homeland Security.

Prior projects that have been funded by Homeland Security Grants include:

- Lewiston Public Safety Agency radios, repeaters and towers
- IMC Records Management Software and computer hardware
- Surveillance and Access equipment for City and School facilities
- Lewiston High School Generator (Shelter)
- Haz-Mat Team equipment and training
- Public Safety exercises
- Lewiston City Hall Generator
- Air Packs for Fire and Cobra Team
- 911 Communications Center Equipment

http://www.maine.gov/mema/homeland/home_grants_current.shtml

**LEWISTON CITY COUNCIL
MEETING OF DECEMBER 6, 2011**

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Authorization to accept transfer of forfeiture funds.

INFORMATION:

The Lewiston Police Department is requesting that the City Council authorize the acceptance of funds, in the amounts outlined below, as reimbursement for costs associated with assisting in a criminal investigation. The funds are available to the Lewiston Police Department due to its substantial contribution to the investigation of this or a related criminal case.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$956.00, or any portion thereof, in the case of the State of Maine vs. Sandra Libby, CR-11-980 Court Records. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.

STATE OF MAINE
Androscoggin, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-11-980

State of Maine	}	
	}	
v.	}	Municipality of Lewiston
	}	Approval of Transfer
Sandra Libby	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Defendant;	}	
	}	
And	}	
	}	
\$956.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Lewiston, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, (\$478.00) or any portion thereof, on the grounds that the Lewiston Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Lewiston, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Lewiston municipal legislative body on or about

Dated: _____

Municipal Officer
Lewiston, Maine
(Impress municipal legislative body seal here)

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing on a new liquor license application and special amusement permit for Club Paris, 18 Park Street.

INFORMATION:

We have received a new liquor license application and special amusement permit for Club Paris, 18 Park Street. The liquor license application is for malt, spirituous & vinous.

The police department has reviewed and approved the application.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERBKmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Club Paris, 18 Park Street.

**Department of Public Safety
Liquor Licensing & Inspection
Division**



BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|--|---|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTINONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV) |
| <input checked="" type="checkbox"/> CLASS A LOUNGE (Class X) | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V) | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) BRANDI NICKERSON DOB: 11/8/83	2. Business Name (D/B/A) CLUB PARIS
DOB:	
DOB:	Location (Street Address) 18 PARK ST
Address 101 Spout Hill Rd	City/Town LEWISTON State ME Zip Code 04240
prospect ME 04981	Mailing Address 101 Spout Hill Rd
City/Town prospect State ME Zip Code 04981	City/Town prospect State ME Zip Code 04981
Telephone Number (207) 610-3969 Fax Number	Business Telephone Number (207) 610-3969 Fax Number
Federal I.D. # (Pending)	Seller Certificate # (Pending)

3. If premises is a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES NO
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: _____
8. If business is NEW or under new ownership, indicate starting date: **ON OR ABOUT DEC. 9th 2011**
Requested inspection date: **ASAP-** Business hours: **8PM - 1AM WED - SAT.**
9. Business records are located at: **18 PARK ST - LEWISTON ME 04240**
10. Is/are applicants(s) citizens of the United States? YES NO
11. Is/are applicant(s) residents of the State of Maine? YES NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
BRANDI P. NICKERSON	11/8/83	Anchorage Alaska

Residence address on all of the above for previous 5 years (Limit answer to city & state)

BELFAST MAINE; SWANVILLE ME; PROSPECT ME
AUBURN MAINE -

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: Brandi Nickerson Date of Conviction: Sept. 2010

Offense: OVI Location: Kennebec County -

Disposition: 90 HR. Alternate Sentencing

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES NO

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: DENNIS ANDERSON
address: 8930 SW 49 Court; Cooper City FLA., 33328

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Dance Club/Night Club

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: Amusement permit, liquor license & inspection, food license

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? approx. 500 ft. Which of the above is nearest? Church -

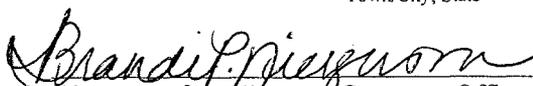
20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

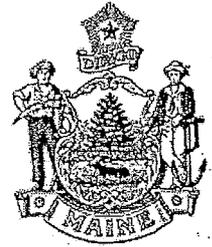
Dated at: LEWISTON MAINE on 11/22/11, 20 11
Town/City, State Date

 Please sign in blue ink
Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

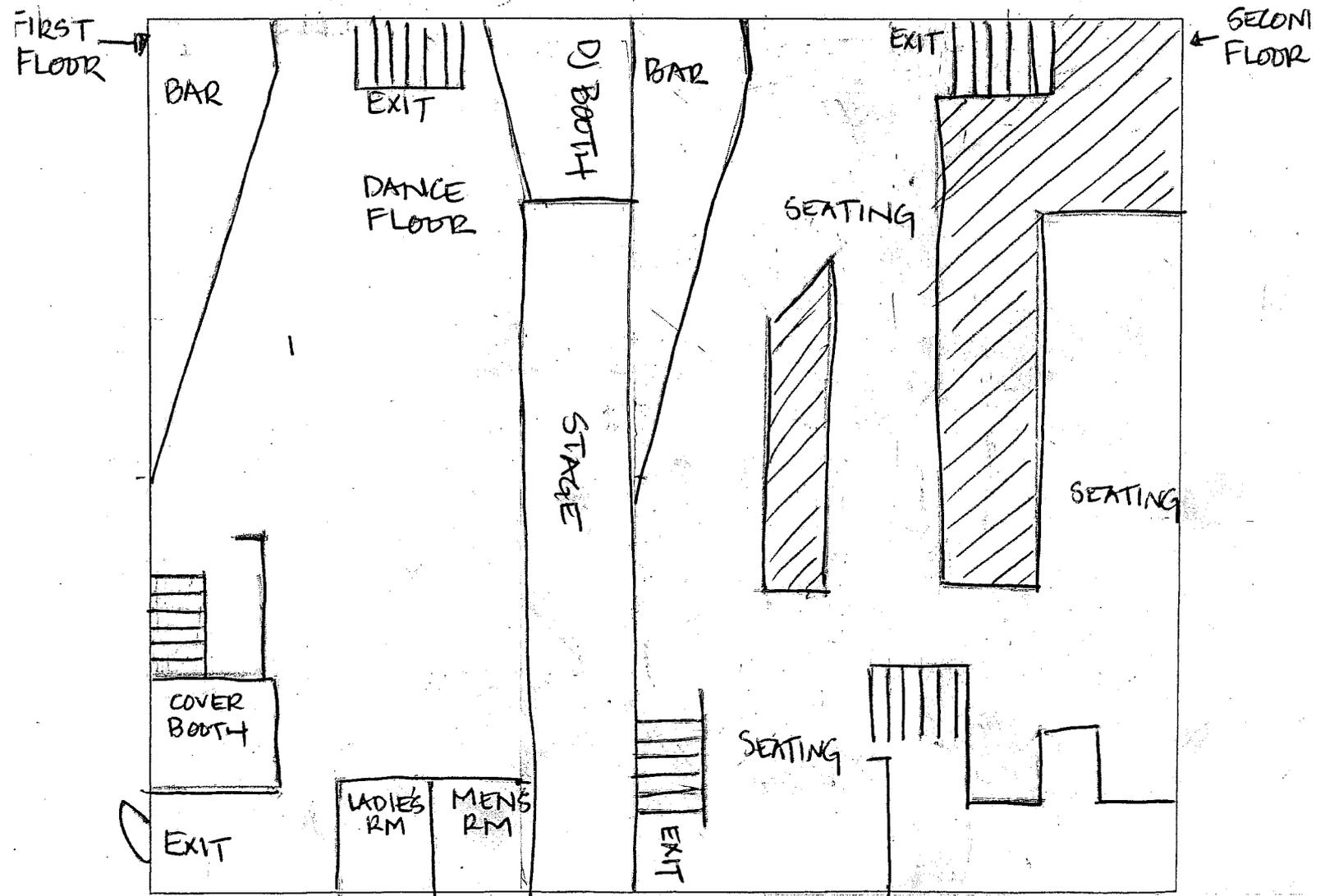
Print Name



SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Liquor Licensing & Inspection Division is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Department for liquor consumption.



CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 11/22/11 Expiration Date: _____ License fee: \$116.00

- Class A - restaurants with entertainment, which does not have dancing
- Class B - lounges/bars with entertainment, which does not have dancing
- Class C - either restaurants or lounges/bars with entertainment, including dancing
- Class D - function halls with entertainment, including dancing
- Class E - dance hall or nightclub that admits persons under the age of 21
- Class F - "chem-free" dance hall or nightclub for patrons aged 18 years and older, with no liquor service

Renewal Applicants: Has any or all ownership changed in the 12 months? _____ Yes _____ No

****PLEASE PRINT****

Business Name: CLUB PARIS Business Phone: (temp) (207) 610-3969

Location Address: 18 PARK ST; LEWISTON MAINE, 04240

(If new business, what was formerly in this location: DA BLOCK NIGHTCLUB)

Mailing Address: 101 Spout Hill Rd; Prospect ME, 04981

Contact Person: Brandi P. Nickerson Home Phone: (207) 610-3969

Owner of Business: Brandi Nickerson Date of Birth: 11/8/83

Address of Owner: 101 Spout Hill Rd; Prospect ME, 04981

Manager of Establishment: || Date of Birth: 11/8/83

Owner of Premises (landlord): DENNIS ANDERSON

Address of Premises Owner: 8930 S.W. 49 COURT, COPPER CITY FLA. 33328

Does the issuance of this license directly or indirectly benefit any City employee(s)? _____ Yes No
If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? _____ Yes No If yes, please list business name(s) and location(s): _____

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? Yes No If yes, please explain: SELF: 2010; Sept.-OVI

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: _____

Corporation Mailing Address: _____

Contact Person: _____ Phone: _____

Do you permit dancing on premises? Yes _____ No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? _____ Yes No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? approx. 100 ft.

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list _____
- other, please list _____

If new applicant, what is your opening date?: A.S.A.P. (on or about Dec. 9th, 2011)

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: Brandi Nickerson Title: OWNER Date: 11/22/11

Printed Name: Brandi P. Nickerson

Sent to Code Enforcement: _____ Need reply by: _____ Approved: _____

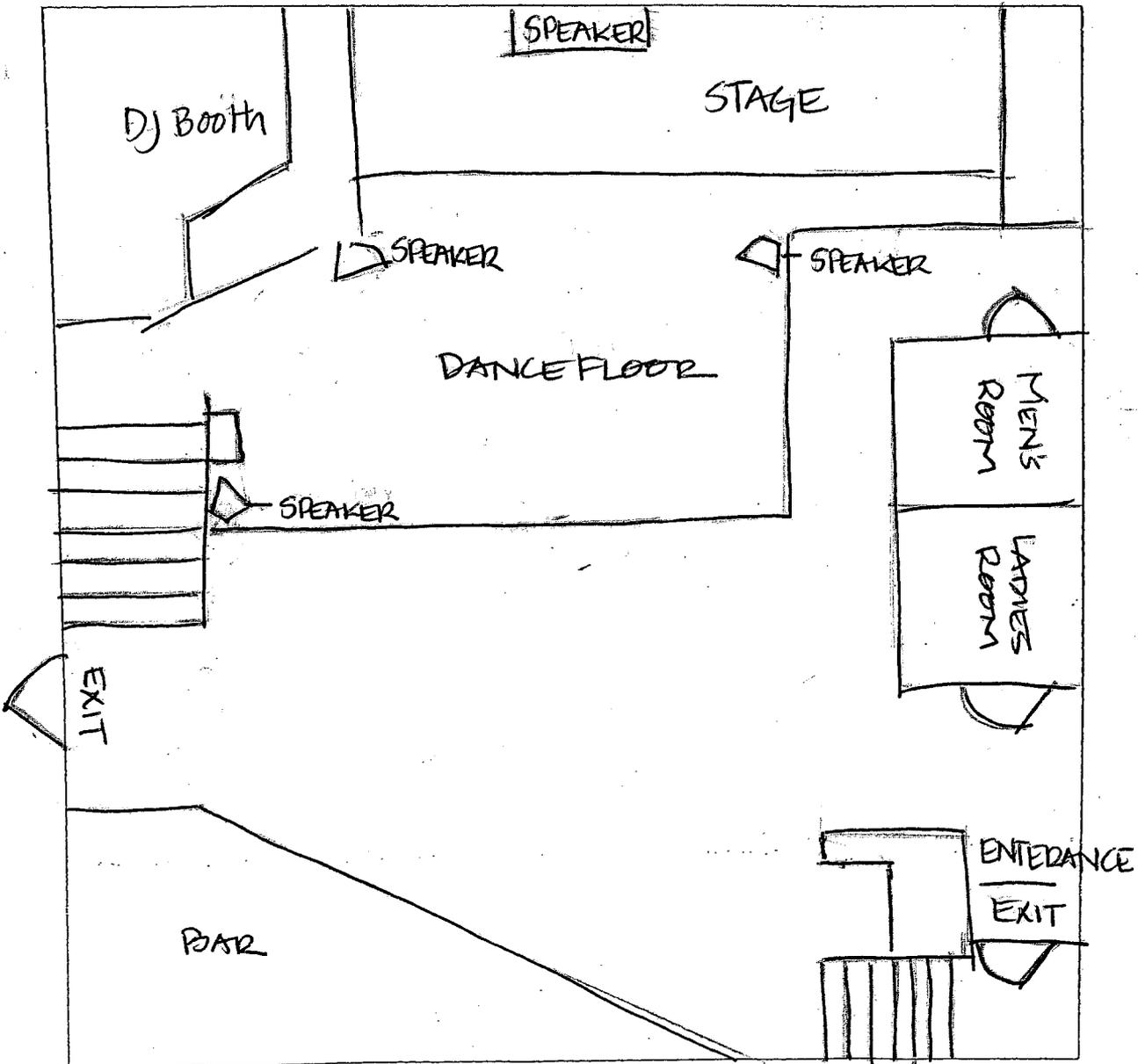
Sent to Police & Fire: _____

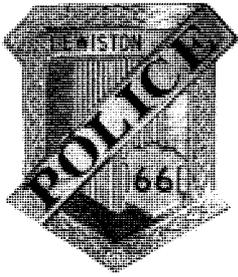
Hearing Date: _____ Approved by Council: _____ Vote No: _____

**SPECIAL AMUSEMENT PERMIT
SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM**

In an effort to clearly define your licensed premise and areas that the entertainment is allowed, the City of Lewiston is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram showing where in the facility the entertainment will be, the direction of any speakers and where the dance floor, if any will be located.





POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Mark S. Cornelio, Support Services

A handwritten signature in black ink, appearing to read 'Mark S. Cornelio'.

DT: November 29, 2011

RE: Liquor License/Special Amusement Permit – **Club Paris**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

Club Paris
18 Park Street



CITY OF LEWISTON
PUBLIC NOTICE

A hearing on the following liquor license application will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, December 6, 2011, at 7:00 p.m.***, or as soon thereafter as they may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said application.

Club Paris
18 Park Street
Brandi Nickerson, owner

The City of Lewiston is an EOE. For more information, please visit our website @ www.lewistonmaine.gov and click on the Non-Discrimination Policy.

Kathleen Montejo, MMC
City Clerk
Lewiston, Maine

PUBLISH ON: November 30, December 1 & 2, 2011

Please bill the City Clerk's Dept. account. Thank you.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing on a renewal application for a Special Amusement Permit for Live Entertainment for the Ramada, 490 Pleasant Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Ramada, 490 Pleasant Street

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Ramada, 490 Pleasant Street

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 11/29/11 Expiration Date: 11/23/12 License fee: \$116.00

- Class A - restaurants with entertainment, which does not have dancing
- Class B - lounges/bars with entertainment, which does not have dancing
- Class C - either restaurants or lounges/bars with entertainment, including dancing
- Class D - function halls with entertainment, including dancing
- Class E - dance hall or nightclub that admits persons under the age of 21
- Class F - "chem-free" dance hall or nightclub for patrons aged 18 years and older, with no liquor service

Renewal Applicants: Has any or all ownership changed in the 12 months? Yes No

****PLEASE PRINT****

Business Name: ADAMAR ASSOC. dba RAMADA Business Phone: 784-2331

Location Address: 490 PLEASANT ST. LEWISTON, ME 04240

(If new business, what was formerly in this location: SAME)

Mailing Address: 490 PLEASANT ST. LEW, ME 04240

Contact Person: GEORGE BENDRON Home Phone: 784-2331

Owner of Business: SAME Date of Birth: 5-26-1949

Address of Owner: SAME

Manager of Establishment: GEORGE BENDRON Date of Birth: 5-26-1949

Owner of Premises (landlord): SAME

Address of Premises Owner: SAME

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No
If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): _____

BENDRON'S U SAVE

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? Yes No If yes, please explain: _____

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: _____

Corporation Mailing Address: _____

Contact Person: _____ Phone: _____

Do you permit dancing on premises? Yes ___ No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? ___ Yes No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? _____

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list _____
- other, please list _____

If new applicant, what is your opening date?: _____

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: George Gendron Title: Owner/MGR Date 10-10-11

Printed Name: GEORGE GENDRON

Sent to Code Enforcement: _____ Need reply by: _____ Approved: _____

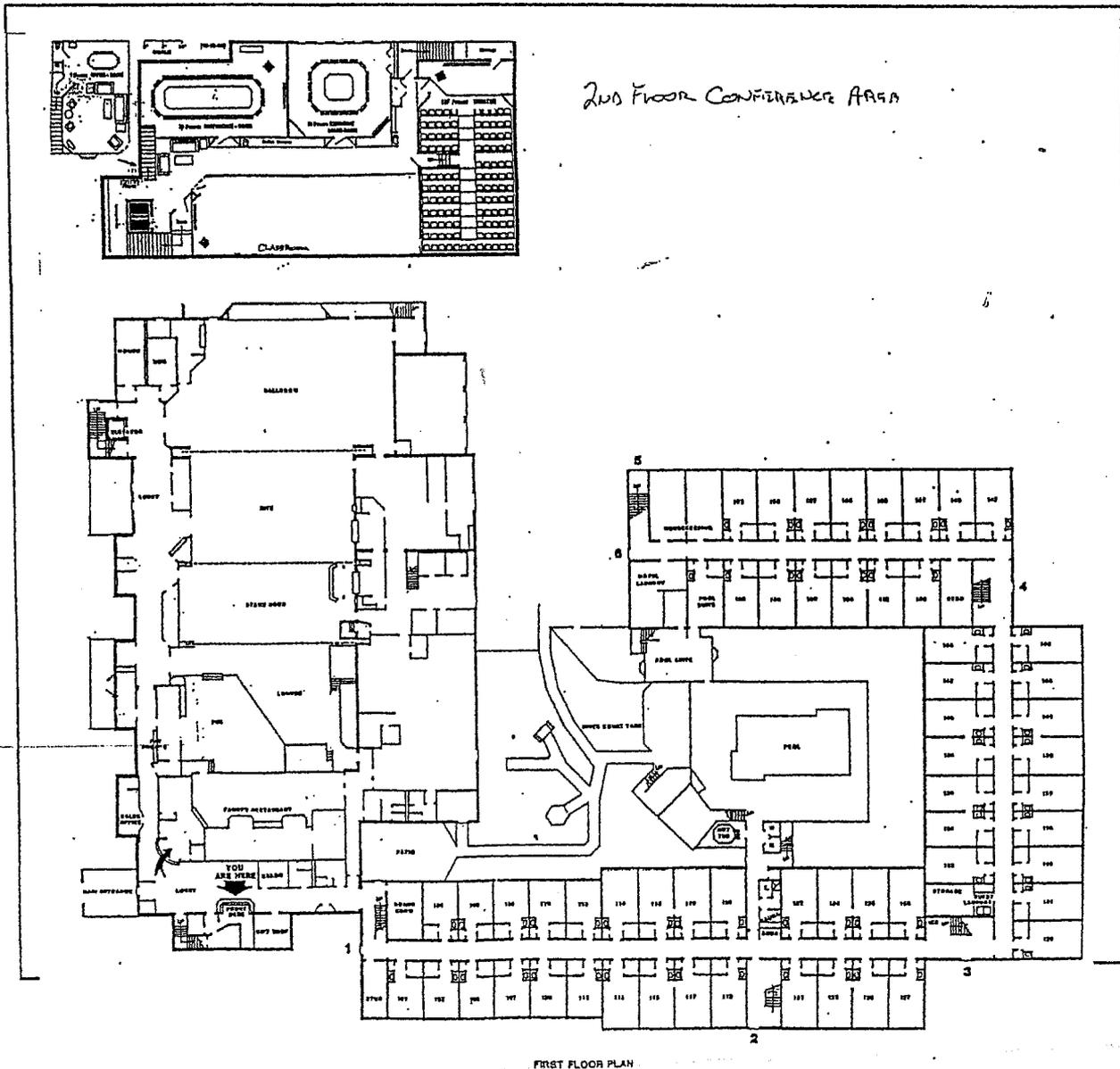
Sent to Police & Fire: _____

Hearing Date: _____ Approved by Council: _____ Vote No: _____

**SPECIAL AMUSEMENT PERMIT
SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM**

In an effort to clearly define your licensed premise and areas that the entertainment is allowed, the City of Lewiston is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram showing where in the facility the entertainment will be, the direction of any speakers and where the dance floor, if any will be located.





POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Mark S. Cornelio, Support Services *MSC*

DT: September 27, 2011

RE: Liquor License/Special Amusement Permit – **Ramada Inn**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

Ramada Inn
490 Pleasant Street



LEWISTON CITY COUNCIL

MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing on a Bond Issue to issue refunding bonds in the amount of \$2,315,000 for the City's General Obligation Bonds, dated June 15, 2002.

INFORMATION:

The Finance Department has done an analysis of the City's current debt to determine if it would be advantageous to refund any of the City's current outstanding obligations, and the Finance Director is recommending that the City issue refunding bonds in the amount of \$2,315,000 for the General Obligation Bonds, dated June 15, 2002.

Finance Director Heather Hunter will be present to address any questions.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a Public Hearing to receive citizen input, and to approve the Order authorizing the issuance of refunding bonds in the amount of \$2,315,000 for the purpose of refunding the City's General Obligation Bonds, Series A, dated June 15, 2002.

ORDER, Authorizing the Issuance of Refunding Bonds in the Amount of \$2,315,000 for the Purpose of Refunding the City's General Obligation Bonds dated June 15, 2002

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LEWISTON THAT

the Mayor and City Treasurer are authorized to issue refunding bonds in a principal amount not to exceed \$2,315,000 in order to refund all or part of the principal of and interest on the City's General Obligation Bonds, Series A, dated June 15, 2002, and to pay any redemption premiums thereon and costs of issuance;

Be It Further Ordered, That the City Council instruct the Finance Director to advertise for bids for the bonds or negotiate the sale of the bonds with any qualified purchaser; to award the loan; and to employ Edwards, Angell, Palmer & Dodge LLP to furnish the legal opinion for the same;

Be It Further Ordered, That the bonds shall be signed by the City Treasurer and Mayor;

Be It Further Ordered, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director; and

Be It Further Ordered, that bonds hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.



City of Lewiston Finance Department

Heather A. Hunter, Finance Director



TO: Mayor Gilbert and Members of the City Council
FROM: Heather Hunter, Finance Director
SUBJECT: Refunding the 2002 General Obligation Bonds
DATE: November 30, 2011

In conjunction with the upcoming sale of 2012 Lewiston Capital Improvement Plan (LCIP) general obligation bonds, an analysis was made of the city's outstanding debt to determine if it would be advantageous to refund any of the city's current outstanding obligations.

Given the current interest rates, bonds issued in 2002 are projected to generate an adequate present value savings to warrant the refunding of the callable portion. The Series A bonds originally issued in the amount of \$7,115,000 had an interest cost of 4.32%, with an outstanding par value today of \$2,160,000. It is estimated that the interest rate on approximately \$2,180,000 of new bonds to replace the callable bonds would be 2.29% and would generate an approximate present value savings of \$241,044.

The targeted sale date for the refunded bonds is February 16, 2012 and the sale date for the 2012 LCIP bonds is March 6, 2012. We are splitting the sale strategically in order to have both issues sold as non-bank qualified. The City can maintain the non-bank qualified status if we feel reasonably sure we will not be exceeded \$10 million in bond sales within the calendar year. The non-bank qualified status enables the City to achieve an even lower interest rate, usually between 20 – 25 basis points below a bank qualified sale.

It is recommended that the attached resolution be authorized by the City Council.

LEGAL AD

**PUBLIC NOTICE
CITY OF LEWISTON
REFUNDING BONDS**

Notice is hereby given in accordance with Article VI, Section 6.14 of the City Charter of a Public Hearing before the City Council to be held on the authorization to issue general obligation refunding bonds in an amount not to exceed \$2,315,000 to refund any or all of the outstanding portion of \$2,160,000 general obligation bonds of the City, dated June 15, 2002. The public hearing will be held in the Council Chambers, Lewiston City Hall, 27 Pine Street, on **Tuesday, December 6, 2011, at 7:00pm**, or as soon thereafter as it may be heard. Any interested persons may appear and will be given the opportunity to be heard before final action is taken.

The City of Lewiston is an EOE. For more information, please visit our website at www.lewistonmaine.gov and click on the Non-Discrimination Policy.

Kathleen M. Montejo, MMC
City Clerk

LEGAL AD - SUN JOURNAL - Saturday, November 26, 2011

TO: LSJ Advertising Dept. 784-3062 fax
FROM: Lewiston City Clerk's Office 784-2959 fax

Thank you.

Please bill the City Clerk's Dept account.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing and First Passage regarding an amendment to the City Code to lower the percentage allowed for the amount of debt to be authorized by the City Council for bond issue authorization.

INFORMATION:

In October, the City Council held a workshop regarding the City's debt service. The current Code states the amount of debt to be authorized for issuance in any fiscal year shall not exceed 97% of the average amount of annual debt being retired over the 3 previous fiscal years unless the debt is financed through sources other than general property taxes, such as Tax Increment Financing, State or Federal subsidy or enterprise funds. The recommendation from staff and the Finance Committee is to lower this number to 80%.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmh

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to the City Code of Ordinances, Chapter 2 "Administration", Sections 2-34 "Council action on bond issue authorization", receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regular City Council meeting.

AN ORDINANCE PERTAINING TO BOND ISSUE AUTHORIZATION

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 2 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 2

ADMINISTRATION

ARTICLE II. CITY COUNCIL

DIVISION 1. GENERALLY

Sec. 2-34. Council action on bond issue authorization.

The amount of debt to be authorized for issuance, in any fiscal year, shall not exceed ~~97%~~ 80% of the average amount of annual debt being retired over the 3 previous fiscal years unless the debt is financed through sources other than general property taxes, such as Tax Increment Financing, State or Federal subsidy opportunities or enterprise funds which are paid from user fees.

NOTE: Additions are underlined; and deletions are ~~struck-out~~.



Finance Department

Heather Hunter
Director of Finance/Treasurer
hhunter@ci.lewiston.me.us



TO: Mayor Laurent F. Gilbert and Members of the City Council
FROM: Heather Hunter, Finance Director
SUBJECT: **Bond Issue Limitation Ordinance**
DATE: November 8, 2011

In October 2009, the City Council adopted a bond issue limitation ordinance (Article II, Sec. 2-34) that limits the amount of debt to be authorized for issuance. The limit is capped to 97% of the average amount of annual debt being retired over the three previous fiscal years unless the debt is financed through sources other than general property taxes. Since that ordinance was adopted, the Finance Committee, City Council members, and staff have expressed concern about the level of debt the City of Lewiston carries and the burden it places on the municipal operating budget.

At the October 4th Council meeting, a debt presentation was made on the City's historical and current capacity, current debt service percentage as a total of the operating budget, and annual future debt service requirements. Additionally, the Council was presented with an analysis of the impact of adjusting the debt limitation cap from its current 97%. Scenarios were provided for reduced levels of 90%, 85% and 80%.

Since this ordinance was initiated by the Finance Committee, as a courtesy I provided the same debt presentation to that committee at their October 17th meeting and discussed lowering the debt limitation percentage with them. At their November 7th meeting, the Finance Committee voted in favor (3-0, Members Mendros & Jean were absent) of reducing the debt limitation percentage to 80%.

I agree with the Finance Committee's endorsement of the reduced rate to 80%. This further bond limitation further emphasizes the need for the City to reduce its debt burden in future years, especially when utilized in concert with debt refundings and increased capital and infrastructure acquisition appropriations through the operation budget. At the same time, if there is a legitimate need to exceed the 80% limitation, the City Council still has the means to waive the provision with a 5 vote affirmation.

LEGAL AD

**PUBLIC HEARING NOTICE
CITY OF LEWISTON
PROPOSED ORDINANCE AMENDMENTS**

Public hearings on the following ordinance amendments, for passage on first reading, will be held in the Council Chambers, City Building, on **Tuesday, December 6, 2011, at 7:00pm**, or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said ordinance adoption.

ADMINISTRATIVE ORDINANCE

This amendment would lower the percentage allowed for the amount of debt to be authorized by the Council for bond issue authorization.

ZONING & LAND USE CODE

One amendment would further define the boundary definitions of the Garcelon Bog wetland area. The other amendment would clarify that a building or use permit shall be required for all activities regulated by the City's Zoning & Land Use Code.

The City of Lewiston is an EOE. For more information, please visit our website at www.lewistonmaine.gov and click on the Non-Discrimination Policy.

Kathleen M. Montejo, MMC
City Clerk

LEGAL AD - SUN JOURNAL - Thursday, Dec. 1, 2011

TO: LSJ Advertising Dept. 784-3062 fax Attn: Venise
FROM: Lewiston City Clerk's Office 784-2959 fax

Thank you.

Please bill the City Clerk's Dept account.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing and First Passage for Land Use Code Amendments concerning the shoreland boundary of the Garcelon Bog.

INFORMATION:

The Planning Board voted unanimously to send a favorable recommendation to the City Council to amend the Land Use Code regarding the Shoreland Area Standards to update the zoning district of Garcelon Bog. Garcelon Bog is a wetland of at least 10 acres and this amendment will better clarify the definitions of boundary area of the Garcelon Bog area.

Please see the attached memorandum from City Planner David Hediger for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to Appendix A, Zoning and Land Use Code, Article II, "Definitions" and Article XII "Performance Standards", Section 2 "Shoreland area standards", of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting.

**AN ORDINANCE PERTAINING TO THE SHORELAND ZONING BOUNDARY OF
GARCELON BOG**

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

APPENDIX A

ZONING AND LAND USE CODE

ARTICLE II. DEFINITIONS

Sec. 2. Definitions.

Upland edge of a wetland means the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20)foot) tall or taller.

ARTICLE XII. PERFORMANCE STANDARDS

Sec. 2. Shoreland area standards.

- (b) *Applicability.* Unless otherwise specified, the standards of this section shall apply to:
- (1) All land areas within 250 feet, horizontal distance, of the normal high watermark of the Androscoggin River, No Name Pond, and to all areas included within the Resource Conservation District, as shown on the "Official Zoning Map of the City of Lewiston, Maine"; all land areas within 75 feet, horizontal distance, of the normal high-water line of No Name Brook, No Name Brook Tributary B, Stetson Brook and Salmon Brook (beginning at the confluence of Moody and Salmon Brook to the Androscoggin River).
 - (2) All land areas within 250 feet, horizontal distance, of the defined upland edge of all ten acre or greater wetlands, located in the City of Lewiston, including Garcelon Bog, and those as shown on the City of Lewiston Fresh-Water Wetland Maps prepared by the Maine Department of Environmental Protection, dated 1989, and identified by the following wetland identification numbers: 567 through 62.
 - (3) Any structure, existing or proposed, built on, over, or abutting a dock, wharf, or pier, or other structures extending beyond the normal high-water line of a water body or within a wetland.
 - (4) All land areas within 25 feet, horizontal distance, of the normal high-water line of Salmon Brook, Moody Brook, No Name Brook Tributary A, Hart Brook and Jepson Brook.
 - (5) The perimeters of the above referenced shoreland areas shall be superimposed over the underlying zoning districts. The provisions of the underlying zoning district shall be adhered to subject to compliance with the provisions of the shoreland area. Where

uncertainty exists as to the exact location of shoreland area boundary lines, the Board of Appeals shall be the final authority as to location.

Reasons for proposed amendment

Since 1974, the Mandatory Shoreland Zoning Act (MSZA) has required all municipalities to establish zoning and land use controls in areas located within 250 feet of the normal high water line of any great pond, river or saltwater body. In 1989, that requirement was expanded to also include areas within 250 feet of the upland edge of freshwater wetlands of 10 or more acres, and within 75 feet of the normal high water line of streams. City of Lewiston has regulated said wetlands by referencing those areas as identified on the Fresh-Water Wetland Maps prepared by the Maine Department of Environmental Protection, dated 1989.

Garcelon Bog is a wetland of at least 10 acres. Over the years, the accuracy of the map has been questioned by staff and property owners with obvious discrepancies between open emergent wetland areas, scrub-shrub wetland vegetation, forested wetland and the location of the “upland edge of a wetland”. Specifically, areas that are forested wetland are not subject to shoreland zoning regulations (however, they may be subject to other DEP natural resource protections regulations).

The City has been provided updated wetland delineation from Jones Associates with respect to the specific shoreland boundary of Garcelon Bog. This delineation was arrived at by walking the boundary of the resource, resulting in more accurate data for purposes of mapping. The City has taken that data and has drafted an updated the shoreland zoning map for Garcelon Bog. The more accurate data has resulted in over 70 properties being removed from areas previously subject to shoreland zoning requirements and no new properties have been added to the shoreland zoning area.

Amending the shoreland zoning district will not result in changes to underlying zoning districts. The underlying districts, Resource Conservations, Neighborhood Conservation “A”, and Suburban Residential will remain in place. However, those properties that were inaccurately mapped in the shoreland zone would now have greater ability to make improvements to their lots.

Conformance with the comprehensive plan

1. Continue to protect the City’s natural resources from inappropriate land use activities (Long Range Planning, Policy 6, p. 135).
2. Continue strict administration of shoreland area performance standards through strict administration of existing City ordinances... (Long Range Planning, Policy 6, Strategies A, p. 135).
3. Continue to protect the City’s wetlands (Natural Resources, Policy 4, p. 78).



CITY OF LEWISTON

Department of Planning & Code Enforcement



**TO: City Council
Mayor**

FROM: David Hediger, City Planner

DATE: November 29, 2011

RE: Proposed amendment to the shoreland zoning district of Garcelon Bog

Since 1974, the Mandatory Shoreland Zoning Act (MSZA) has required all municipalities to establish zoning and land use controls in areas located within 250 feet of the normal high water line of any great pond, river or saltwater body. In 1989, that requirement was expanded to also include areas within 250 feet of the upland edge of freshwater wetlands of 10 or more acres, and within 75 feet of the normal high water line of streams. City of Lewiston has regulated said wetlands by referencing those areas as identified on the Fresh-Water Wetland Maps prepared by the Maine Department of Environmental Protection, dated 1989.

Garcelon Bog is a wetland of at least 10 acres. Over the years, the accuracy of the map has been questioned by staff and property owners with obvious discrepancies between open emergent wetland areas, scrub-shrub wetland vegetation, forested wetland and the location of the "upland edge of a wetland". Specifically, areas that are forested wetland are not subject to shoreland zoning regulations (however, they may be subject to other DEP natural resource protections regulations).

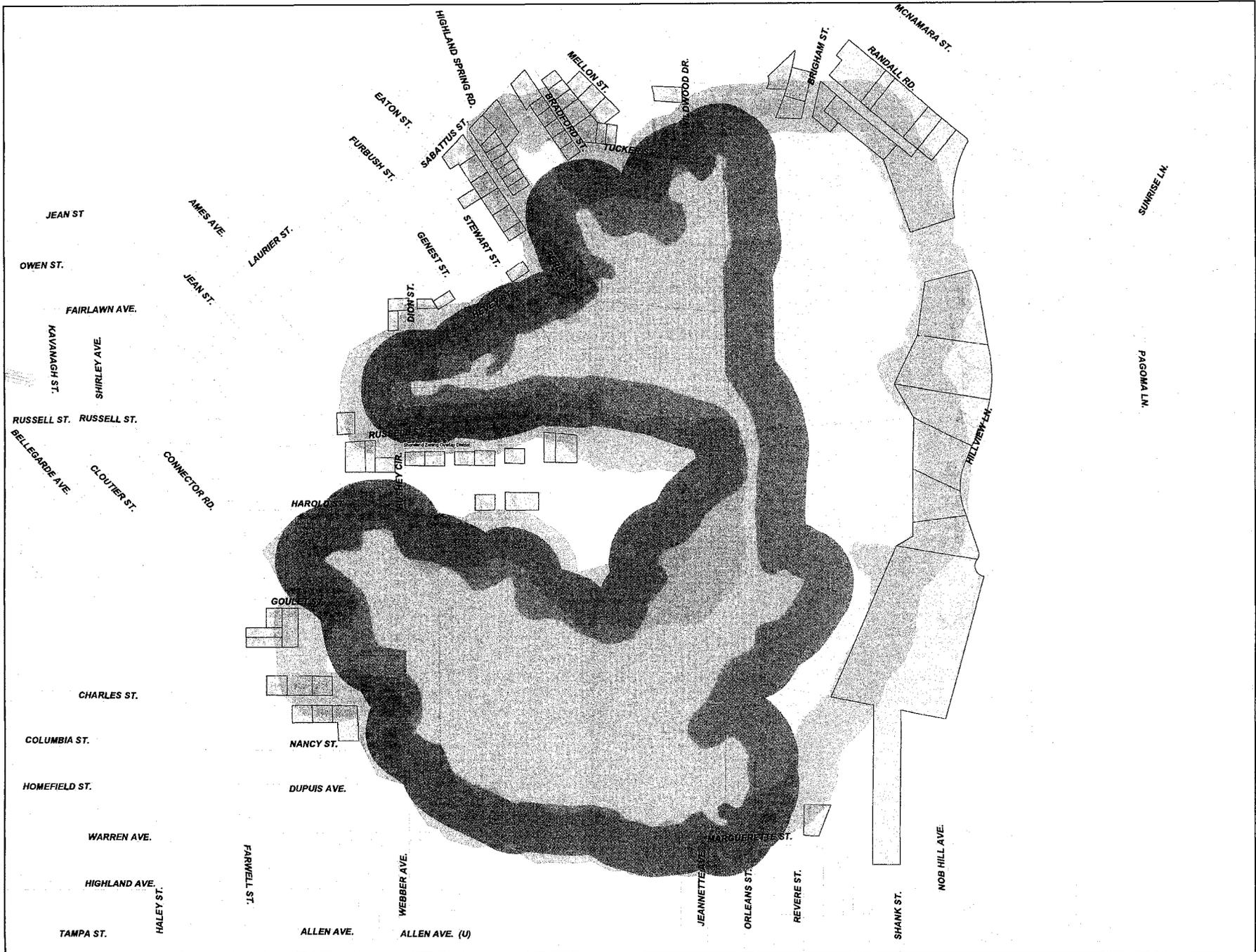
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Amending the shoreland zoning district will not result in changes to underlying zoning districts. The underlying districts, Resource Conservations, Neighborhood Conservation "A", and Suburban Residential will remain in place. However, those properties that were inaccurately mapped in the shoreland zone would now have greater ability to make improvements to their lots.

On November 14, 2011 the Planning Board voted unanimously (7-0) to send a favorable recommendation to the City Council to amend Article II, Section 2, Definitions and Article XII,

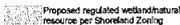
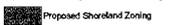
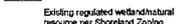
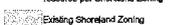
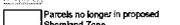
Section 2(b) Shoreland Area Standards of the Zoning and Land Use Code of the City of Lewiston to update the regulated shoreland zoning district of Garcelon Bog.

Planning and Code Enforcement staff recommends adoption of the proposed amendment.



THE DEPICTION OF THE BOUNDARIES OF THE ZONES ON THIS OFFICIAL SHORELAND ZONING MAP IS FOR ILLUSTRATIVE PURPOSES ONLY. FOR PURPOSES OF ADMINISTRATION AND ENFORCEMENT OF THE SHORELAND ZONING ORDINANCE, THE EXACT BOUNDARIES OF THE ZONE SHALL BE DETERMINED BY ON-SITE INSPECTION AND MEASUREMENT FROM THE NORMAL HIGH WATER LINE OR UPLAND EDGE OF A WETLAND.

Legend

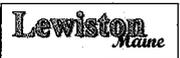
-  Proposed regulated wetland/natural resource per Shoreland Zoning
-  Proposed Shoreland Zoning
-  Existing regulated wetland/natural resource per Shoreland Zoning
-  Existing Shoreland Zoning
-  Parcels no longer in proposed Shoreland Zone

Garcelon Bog

Existing/Proposed Shoreland Zoning Map

October 2011

Scale: 1" = 250'





CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: City Council
Mayor

FROM: David Hediger, City Planner

DATE: November 29, 2011

RE: Proposed Zoning & Land Use Amendment: Update Regulated Shoreland Zoning District of Garcelon Bog

The Planning Board took the following action at their public meeting held on November 14, 2011 regarding a proposal to amend Article II, Section 2, Definitions and Article XII, Section 2(b) Shoreland Area Standards of the Zoning and Land Use Code:

The following motion was made:

MOTION: by **Bruce Damon** pursuant to Article VII, Section 4(c) and Article XVII, Section 5(b)(1)(c) of the Zoning and Land Use Code of the City of Lewiston to send a favorable recommendation to the City Council to amend Article II, Section 2, Definitions and Article XII, Section 2(b) Shoreland Area Standards of the Zoning and Land Use Code of the City of Lewiston to update the regulated shoreland zoning district of Garcelon Bog. Second by **Paul Robinson**.

VOTED: 7-0

c: Ed Barrett, City Administrator
Planning Board Members

LEGAL AD

**PUBLIC HEARING NOTICE
CITY OF LEWISTON
PROPOSED ORDINANCE AMENDMENTS**

Public hearings on the following ordinance amendments, for passage on first reading, will be held in the Council Chambers, City Building, on **Tuesday, December 6, 2011, at 7:00pm**, or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said ordinance adoption.

ADMINISTRATIVE ORDINANCE

This amendment would lower the percentage allowed for the amount of debt to be authorized for issuance in any fiscal year from 97% to 80%.

ZONING & LAND USE CODE

One amendment would further define the boundary definitions of the Garcelon Bog wetland area. The other amendment would clarify that a building or use permit shall be required for all activities regulated by the City's Zoning & Land Use Code.

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Kathleen M. Montejo, MMC
City Clerk

LEGAL AD - SUN JOURNAL - Thursday, Dec. 1, 2011

TO: LSJ Advertising Dept. 784-3062 fax Attn: Venise
FROM: Lewiston City Clerk's Office 784-2959 fax

Thank you.

Please bill the City Clerk's Dept account.

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Public Hearing and First Passage for Land Use Code Amendments regarding clarification that a permit shall be required for all activities regulated by the Zoning and Land Use Code.

INFORMATION:

The Planning Board voted unanimously to send a favorable recommendation to the City Council to amend the Land Use Code to better clarify when a building/use permit shall be required for all activities regulated by the Zoning and Land Use Code.

Please see the attached memorandum from City Planner David Hediger for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ETAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to Appendix A, Zoning and Land Use Code, Article V, "Administration and Enforcement", Sections 5 and 6, of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting.

AN ORDINANCE PERTAINING TO ZONING AND LAND USE PERMITTING

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

APPENDIX A

ZONING AND LAND USE CODE

Article V. Administration and Enforcement

Sec. 5 Administrative procedures

- (a) A building/ use permit shall be required for all activities regulated by this code including, but not limited to the following:
- 1.) The construction, alteration, relocation, demolition, placement, or removal of or the addition to any structure or building or part thereof;
 - 2.) The construction/ installation of a wall or fence 3.5 feet or greater in height in accordance with Article XII, Sec. 7;
 - 3.) The erection/ installation of a sign or the replacement of a sign face regulated in accordance with Article XII, Section 16 of this code;
 - 4.) The construction/ installation of a swimming pool regulated in accordance with Article XII, Section 6 of this code;
 - 5.) The construction of a driveway or parking lot;
 - 6.) The change of use or occupancy of a building, structure, or lot of land
 - 7.) Campgrounds

No permit shall be issued for the construction, addition, alteration, removal, demolition or change of use of any building, structure, or part thereof, or for the use of any premises unless the plans and intended use indicate that the building, structure, or premises is to conform in all respects to this Code and the land use laws of the State of Maine.

Sec. 6 Fees.

- (a) Payment of fees. A permit shall not be valid until the fees prescribed by the Policy Manual of the City of Lewiston have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.
- (b) Belated fees. Any person who commences any work prior to obtaining a permit required by this code shall be subject to a double permit fee.

(c) Refunds. Upon request by the applicant and approval of the director of code enforcement, a permit fee may be refunded within 90 days of issuance of the permit.

Sec. 6 7 Certificate of Occupancy.

Sec. 7 8 Violations.

Sec. 8 9 Violation abatement.

Sec. 9-10 Penalty.

Reason for proposed amendment

The proposed amendment provides clarification a permit shall be required for all activities regulated by the Zoning and Land Use Code. It also clarifies the fee's established by the City Council are applicable to said permitting. This language is consistent with permitting and fee related language found throughout Lewiston's Code of Ordinances, such as the Building and Plumbing Code and Business Licensing.

Conformance with the comprehensive plan

- Review permitting and licensing policies and protocols to see where they can be streamlined in order to better service the development community, (Economy, Policy 1, Strategy C).



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: November 29, 2011
RE: Proposed amendment to Article V of the Zoning and Land Use Code of the City of Lewiston to clarify when a building/use permit shall be required.

It has come to staff's attention that the language in the Zoning and Land Use Code should be more specific with respect to the types of permits and fees required. The City currently requires permits for activities regulated through the Zoning and Land Use Code such as fences, driveways, changes of use, etc. In addition, there are sections of the Code specific to permitting requirements:

- Article XIII references no permits or certificates of occupancy shall be issued until final development review approval is obtained and that fees may be charged for the review.
- Article XIV requires a flood hazard permit be obtained before any activity occurs in a 100-year flood zone.
- Article V requires that no permit shall be issued for the construction, addition, alteration, removal, demolition or change of use of any building, structure, or part thereof, or for the use of any premises unless the plans and intended use indicate that the building, structure, or premises is to conform in all respects to this Code and the land use laws of the State of Maine.

However, there is no specific language in the Code that references the overall requirement for a permit and associated fee with respect activities regulated by the Zoning and Land Use Code.

The proposed amendment clarifies that a permit shall be required for all activities regulated by this Code. It also clarifies the fees established by the City Council are applicable to said permitting. This language is consistent with existing permitting and fee related language found throughout Lewiston's Code of Ordinances.

On November 14, 2011, the Planning Board voted unanimously (7-0) to send a favorable recommendation to the City Council to amend Article V, Administration and Enforcement, Sections 5 and 6 of the Zoning and Land Use Code of the City of Lewiston to clarify when a building/use permit shall be required for all activities regulated by the aforementioned code.

Planning and Code Enforcement staff recommends adoption of the proposed amendment.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: City Council
Mayor
FROM: David Hediger, City Planner
DATE: November 29, 2011
RE: Proposed Zoning and Land Use Code Amendment to clarify when a building/use permit shall be required for all activities regulated by the aforementioned code

The Planning Board took the following action at their public meeting held on November 14, 2011 regarding a proposal to amend Article V, Administration and Enforcement, Sections 5 and 6 of the Zoning and Land Use Code of the City of Lewiston:

The following motion was made:

MOTION: by **Denis Fortier** pursuant to Article VII, Section 4(c) and Article XVII, Section 5(b)(1)(c) of the Zoning and Land Use Code of the City of Lewiston to send a favorable recommendation to the City Council to amend Article V, Administration and Enforcement, Sections 5 and 6 of the Zoning and Land Use Code of the City of Lewiston to clarify when a building/use permit shall be required for all activities regulated by the aforementioned code. Second by **Paul Robinson**.

VOTED: 7-0

c: Ed Barrett, City Administrator
Planning Board Members

LEGAL AD

**PUBLIC HEARING NOTICE
CITY OF LEWISTON
PROPOSED ORDINANCE AMENDMENTS**

Public hearings on the following ordinance amendments, for passage on first reading, will be held in the Council Chambers, City Building, on **Tuesday, December 6, 2011, at 7:00pm**, or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said ordinance adoption.

ADMINISTRATIVE ORDINANCE

This amendment would lower the percentage allowed for the amount of debt to be authorized for issuance in any fiscal year from 97% to 80%.

ZONING & LAND USE CODE

One amendment would further define the boundary definitions of the Garcelon Bog wetland area. The other amendment would clarify that a building or use permit shall be required for all activities regulated by the City's Zoning & Land Use Code.

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Kathleen M. Montejo, MMC
City Clerk

LEGAL AD - SUN JOURNAL - Thursday, Dec. 1, 2011

TO: LSJ Advertising Dept. 784-3062 fax Attn: Venise
FROM: Lewiston City Clerk's Office 784-2959 fax

Thank you.

Please bill the City Clerk's Dept account.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Resolve Waiving Tax Lien Foreclosure on Certain Distressed Properties.

INFORMATION:

The state statutes outline the process for the collection of taxes and the steps a municipality must take if real estate taxes are not paid on a property. A tax lien is placed on the property by the town and tax liens automatically mature 18 months following the filing of the lien. At that point, the municipality assumes technical ownership of the property. Should a municipality not want to obtain ownership of a property due to a variety of reasons (environmental issues, tenancy issues, code conditions, etc.), the municipal officers may vote to waive foreclosure of the property.

The City staff is recommending that the Council vote to waive the foreclosure on five properties: 7 Willow Street, 248 Lincoln Street, 2161 Lisbon Street, 23 Sarah Avenue and 596 Pleasant Avenue.

Additional information is available in the attached material.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve waiving tax lien foreclosure on certain distressed properties.



**City of Lewiston Maine
City Council Order
December 6, 2011**



Resolve, Waiving Tax Lien Foreclosure on Certain Distressed Properties.

WHEREAS, the City has a long and successful history of working with property owners who have difficulty meeting their property tax obligations; and

WHEREAS, tax liens automatically mature on property on which taxes have not been paid eighteen months after the City files liens against them; and

WHEREAS, once liens mature, the City becomes the technical owner of these properties; and

WHEREAS, this process is established by State Law to ensure that the City is paid the taxes owed, at which time the property is normally returned to its prior owner; and

WHEREAS, if a property on which a lien has matured is abandoned by its prior owner for a period of 60 days, the City may become liable for costs associated with the demolition and removal of distressed structures and/or any claims for damages that might arise as a result of the condition of or hazards posed by the property; and

WHEREAS, in certain instances, especially where structures are located on leased land, the City may be unable to recover back taxes and demolition or other costs associated with such properties; and

WHEREAS, in such instances, it may be in the best interest of the City to waive foreclosure while alternatives are sought to address these problem properties, including working with property and leased-land owners; and

WHEREAS, a number of distressed properties located on leased land on which liens may mature on December 16, 2011 have been identified; and

WHEREAS, it is in the best interest of the City that foreclosure on these properties be waived;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

Lien foreclosure is hereby waived on the following distressed properties located on leased land:

1. 7 Willow Street – Structure owner: Deborah Labrie, Acct No. 10A00003788
2. 248 Lincoln Street – Structure owner: M&L Real Estate, Acct No. 10A00006825
3. 2161 Lisbon Street, Lot 27 – Structure owner: Scott Russell, Acct No. 10A90000072
4. 23 Sarah Avenue – Structure owner: John Schnopp, Acct No. 10A90011915
5. 596 Pleasant Avenue, Lot 15 – Structure owner: John Williams, Acct No. 10A90000323

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27 Pine Street Lewiston, Maine 04240 Telephone (207) 513-3017 Fax (207) 784-2959



The Office of
Assistant City Administrator
Phil Nadeau
27 Pine Street • Lewiston, Maine • 04240
Tel. 207-513-3121, Ext. 3201 • Fax 207-795-5069
Email: pnadeau@ci.lewiston.me.us



MEMORANDUM

TO:	Honorable Mayor and City Council
FROM:	Phil Nadeau, Deputy City Administrator
DATE:	December 1, 2011
RE:	Matured Liens and Leased-Land Property

1. BACKGROUND

On November 13, 2009, I prepared a memo to the 2008-2009 Council addressing issues associated with structures located on "leased-land" where tax liens have matured and which, according to a review of state and other case law by our City Attorney, are properties legally owned by the City. Such structures can include trailers and mobile homes as well as permanent structures such as those located in the Lincoln Street area.

Tax liens automatically mature 18 months following the filing of a lien on a property by the City. At that point, the City assumes technical ownership. The matured lien provides the City leverage to recover back taxes, with interest. In the vast majority of cases, amounts owed the City are eventually paid and the property is "quit claimed" back to the owner. In some cases, the City is paid when the property's title must be cleared so it can be sold. In infrequent and unusual cases, the City may take possession and sell the structure (or the property after a structure is removed) to recover amounts owed or to allow for redevelopment. In isolated cases, however, the owner may simply abandon the property and walk away. This generally occurs when the value of the property is less than amounts owed or where significant liabilities are associated with the property, such as the presence of hazardous wastes or materials. Where a matured lien is in place and a property has been abandoned for a period of 60 days or more, the City potentially assumes certain liabilities associated with the property, including those arising from any injuries that might occur on the property. Full City ownership of and liability for such properties can, therefore, arise without the City making a conscious determination that it should do so.

Inadvertent assumption of unrecoverable liabilities is most likely to occur when liens mature on structures located on leased-land where the cost to remove an abandoned, blighted, and/or condemned structure falls on the City with little chance of either recovering the costs associated with demolition or seeing the benefits of redevelopment (since the land on which these structures are located is under separate ownership and generally non-conforming as to our land development code). In these cases, the City may also be exposed to the requirement of paying rental fees to the owner of the land on which the structure is located.

The City may avoid these problems by waiving foreclosure, a process that requires a simple vote by the City Council.

As has been the case for the last several years, staff has reviewed the properties located on leased land which may have liens mature later this month. In those instances where the properties appear to be in poor or worse condition, we are recommending that foreclosure be waived to avoid City assumption of costs and liabilities and where it is unlikely that the City would recover costs associated with securing and/or demolishing these properties.

This year, we are recommending that foreclosure be waived on five properties.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Order authorizing City staff to seek a court order requiring the rehabilitation or demolition of various placarded and hazardous structures - 305 Bates Street, 220 Park Street, 81 Lincoln Street, 10 College Street and 67 Oak Street.

INFORMATION:

In November, staff prepared a report for the City Council on the status of various placarded properties throughout the City. In addition to a city-owned tax acquired structure, Code has recommended that legal proceedings be initiated on five other properties to seek their repair or, more likely, demolition. These properties are located at 305 Bates; 220 Park; 81 Lincoln; 10 College; and 67 Oak. All of these properties are multi-family, totaling 20 units. All of them have been placarded as unfit for habitation by Code and, upon review, it has been determined that they are beyond economic repair and pose a hazard to the public.

Should a court order that they be demolished and should the property owners fail to do so, the City would undertake demolition and place a lien on the property for the associated costs. This lien would either have to be paid in the future or the property would eventually transfer to the City, at which time it could either be sold or used for some other beneficial purpose, potentially providing some offset to the anticipated demolition costs.

Should all of these properties require demolition, we estimate the cost will be between \$88,900 and \$113,900.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City staff to seek a court order requiring the rehabilitation or demolition of various placarded and hazardous structures.



**City of Lewiston Maine
City Council Order
December 6, 2011**



Order, Authorizing the City Staff to Seek a Court Order Requiring the Rehabilitation or Demolition of Various Placarded and Hazardous Structures –305 Bates; 220 Park; 81 Lincoln; 10 College; and 67 Oak.

WHEREAS, Code Enforcement has recently completed a review of the condition of various placarded and uninhabited structures located throughout the City; and

WHEREAS, as a result of this review, Code has recommended that court proceedings be initiated in regard to five properties that cannot be economically rehabilitated, pose a health and safety hazard to the public, and, given these considerations, must be renovated or demolished; and

WHEREAS, should a court order be obtained and the property owners fail to repair or demolish the properties in question, the City will demolish the properties and place a lien on them in an effort to recover associated costs; and

WHEREAS, if these liens are not paid, the City will acquired ownership of the land, providing an opportunity to either sell the land or find other appropriate uses for it, thus receiving some benefit to offset demolition costs; and

WHEREAS, the necessary funding for demolition has been made available through the Community Development Block Grant Program and a General Fund bond issue;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

City Staff is authorized to seek a court order requiring the rehabilitation or demolition of various placarded and hazardous structures located at 305 Bates, 220 Park, 81 Lincoln, 10 College, and 67 Oak.

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Order authorizing the City Administrator to demolish a city owned tax acquired structure located at 233 Blake Street.

INFORMATION:

In November, staff prepared a report for the City Council on the status of various placarded properties throughout the City. One of these properties, which has been recommended for demolition, is located at 233 Blake Street and has been acquired by the City due to tax lien foreclosure. The structure is a single family home and sits on a 24X100 foot lot. Code has closely reviewed the property and has determined that it is beyond economic repair and poses a hazard to the public.

After demolition, the City will retain ownership of the underlying land which can either be sold or used for some other beneficial purpose, potentially providing some offset to the anticipated demolition costs.

We estimate demolition costs of between \$22,700 and \$27,500 for this property due to the presence of materials containing asbestos and the large quantity of garbage in the building that must be removed.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to demolish a certain city-owned tax acquired structure located at 233 Blake Street.



**City of Lewiston Maine
City Council Order
December 6, 2011**



Order, Authorizing the City Administrator to Demolish A City Owned Tax Acquired Structure Located at 233 Blake Street.

WHEREAS, the City has acquired tax title to the property and structure located at 233 Blake Street which has been condemned, cannot be economically rehabilitated, poses a health and safety hazard to the public, and, given these considerations, must be demolished; and

WHEREAS, since the City has acquired ownership of both the structure and the land, there is the opportunity to either sell the land or find other appropriate uses for it, thus receiving some benefit to offset demolition costs; and

WHEREAS, the necessary funding for demolition has been made available through the Community Development Block Grant Program and a General Fund bond issue;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

The City Administrator is authorized to take the necessary steps to demolish the structure located at 233 Blake Street, where both the structure and land are owned by the City as a result of matured tax liens.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Order authorizing the Mayor to Execute Amendment Number One to the Employment Agreement between the City of Lewiston and Edward A. Barrett.

INFORMATION:

The City of Lewiston entered into an agreement to employ Edward A. Barrett as City Administrator on December 1, 2009. The attached Order would authorize the Mayor to execute an amendment to that agreement that would extend its term for an additional two years until June 30, 2014 and provide for a 1% salary increase effective for the pay check issued July 6, 2011. It would also permit the employee to participate in the City's Retirement Health Savings (RHS) program, although at a reduced level from that of other employees, with program contributions limited to no more than five vacation days per year and no allowance for contributing sick days. A copy of the amendment is attached along with a copy of the current employment agreement.

These changes come forward following completion by the City Council of the Administrator's annual evaluation.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the Mayor to execute Amendment Number One to the employment agreement between the City of Lewiston and Edward A. Barrett.



**City of Lewiston Maine
City Council Order
December 6, 2011**



Order, Authorizing the Mayor to Execute the First Amendment to the Employment Agreement between the City and Edward A. Barrett.

Whereas, the City entered into an agreement with Edward A. Barrett on December 1, 2009 under which he assumed the position of City Administrator; and

Whereas, in accordance with that agreement, the City Council has evaluated the performance of the City Administrator; and

Whereas, based upon that evaluation, the City Council wishes to extend the term of the employment agreement for two years from June 30, 2012 to June 30, 2014; and

Whereas, the Council and employee have also agreed to other changes in the agreement;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the Mayor is authorized to execute a first amendment to the employment agreement with Edward A. Barrett, a copy of which is attached hereto.

**FIRST AMENDMENT TO EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF LEWISTON AND EDWARD A. BARRETT**

The employment agreement dated December 1, 2009 made and entered into by and between the CITY OF LEWISTON (Androscoggin County), State of Maine, a municipal corporation, hereinafter sometimes referred to as "City," and Edward A. Barrett of Lewiston, State of Maine, hereinafter sometimes referred to as "Employee," is hereby amended as follows as of this the 6th day of December, 2011.

1. Section 2. Term, Subsection A is replaced in its entirety as follows:

A. This Agreement shall remain in effect beginning January 11, 2010 and ending June 30, 2014, unless otherwise terminated pursuant to the terms of this Agreement. The parties may extend this Agreement by mutual written agreement.

2. Section 3. Compensation, Subsection A is amended as follows:

A. Base Salary: The City agrees to pay the Administrator an annual base salary of one hundred and seventeen thousand one hundred and sixty dollars (\$117,160) effective with the pay check issued July 6, 2011, payable in installments in accordance with the City's usual payroll practices and procedures for management employees.

3. Section 5. Retirement is amended by adding the following provision:

Administrator may also participate in the City's Retirement Health Savings (RHS) Program and shall be permitted to transfer a maximum of five (5) vacation days per year to an RHS account.

IN WITNESS WHEREOF, the City of Lewiston has caused this agreement to be signed and executed in its behalf by its Mayor, and the Employee has signed and executed this agreement, both in duplicate, the day and year first above written.

CITY OF LEWISTON

Witness

By _____
Its Mayor

Witness

By _____
Edward A. Barrett

City Administrator Employment Agreement

This Agreement, made and entered into this 1st day of December, 2009, by and between the City of Lewiston, Maine, a municipal corporation (hereinafter the "City"), and Edward A. Barrett (hereinafter the "Administrator").

WITNESSETH:

WHEREAS, the City Council of the City desires to appoint Administrator to serve as City Administrator of the City of Lewiston, as provided in Section 3.01 of the Charter of the City of Lewiston (the "City Charter");

WHEREAS, it is the desire of the City and the Administrator to specify the terms and conditions of his employment as Administrator;

NOW, THEREFORE, in consideration of the promises and mutual covenants set forth herein, the parties agree as follows:

Section 1. Duties.

The City agrees to hire and employ Administrator as City Administrator of the City. The Administrator accepts such employment and agrees to perform the functions and duties specified in the City Charter, City Ordinances, and the laws of the State of Maine, and to perform such other duties and functions as the City Council shall from time to time assign to the Administrator.

Section 2. Term.

A. This Agreement shall remain in effect beginning January 11, 2010 and ending June 30, 2012, unless otherwise terminated pursuant to the terms of this Agreement. The parties may extend this Agreement by mutual written agreement.

B. This Agreement may be terminated and the Administrator may be removed from office by the City Council for cause in accordance with the procedures set forth in Section 3.04

of the City Charter. In the event the Administrator's employment is terminated for cause, the City's only obligation to the Administrator shall be to pay all compensation and benefits accrued, but unpaid, as of the date of termination.

C. This Agreement may be terminated and the Administrator may be removed from office by the City Council without cause. In the event the City Council terminates the employment of the Administrator without cause during the term of this Agreement, the City agrees (1) to pay the Administrator a lump sum cash payment equal to six (6) calendar months of the Administrator's then current salary, less applicable withholdings and deductions, and (2) for the same period of 6 months following termination to contribute toward the Administrator's health insurance premiums, if any, an amount equivalent to the monthly health insurance premium contribution that the City would have paid toward Administrator's health insurance if he had remained employed. No other benefits or compensation, excluding vacation accrued through the date of termination, shall be due and payable by the City to Administrator in the event of termination without cause. The City and Administrator agree that termination of this Agreement and removal of the Administrator without cause shall not require compliance with the procedures set forth in Section 3.04 of the Charter or 30-A M.R.S.A. §2601, and that in the event of termination of this Agreement without cause the Administrator expressly waives any rights or claims based upon Section 3.04 of the Charter or 30-A M.R.S.A. §2601.

D. The Administrator may terminate this Agreement and resign from employment as City Administrator upon forty-five (45) days written notice to the Council. In the event the Administrator resigns from employment, the City's only obligation to the Administrator shall be to pay all compensation and benefits accrued, but unpaid, as of the date of resignation.

Section 3: Compensation.

A. Base Salary: The City agrees to pay the Administrator an annual base salary of one hundred and ten thousand dollars (\$110,000) payable in installments in accordance with the City's usual payroll practices and procedures for management employees. Administrator's annual base salary shall increase to one hundred and sixteen thousand dollars (\$116,000) six months after beginning employment under this Agreement.

B. The City agrees to evaluate the performance and to review the Administrator's compensation and term of employment annually in December of each year. The City may adjust Administrator's compensation and authorize extension of the term of this Agreement, when approved by the Council in its discretion.

Section 4: Health, Dental, and Income Protection.

The City agrees to provide to Administrator and his dependents the same dental insurance and income protection coverage and benefits afforded to other non-union City employees under City policy. The City agrees to pay toward Administrator's health insurance coverage an amount equal to the health insurance premium contribution that the City pays for other non-union City employees under City policy, whether Administrator participates in the City's health insurance plan or another health plan chosen by Administrator.

Section 5: Retirement.

The City shall contribute an amount equal to nine percent (9%) of Administrator's base salary to a deferred compensation plan selected by Administrator through either the ICMA Retirement Corporation's 457 Deferred Compensation Plan or The Hartford's 457 Deferred Compensation program.

Section 6: Automobile.

During the term in which the Administrator is engaged in the performance of his duties and responsibilities pursuant to this Agreement, the City agrees to provide a four hundred dollar (\$400.00) monthly allowance for automobile expenses in recognition of the requirements of the position. The City is under no obligation to reimburse Administrator for any automobile costs that exceed this amount or for any other automobile costs.

Section 7: Dues and Subscriptions.

The City agrees to budget and pay for the professional dues and subscriptions of the Administrator necessary for his continuation and full participation in the International City Management Association, the Maine Town and City Management Association, and the National League of Cities.

Section 8: Professional Development.

The City agrees to pay, within the budgetary constraints of the Administrator's professional development budget, the necessary expenses of the Administrator to continue his professional development and to adequately pursue official functions of the City, including but not limited to attending and participating in the annual conferences of the ICMA, the Maine Municipal Association, the Maine Town and City Management Association, and such other national, regional and state governmental groups and committees thereof which Administrator serves as a member,

Section 9: General Expenses

A. The City recognizes that certain expenses of a non-personal and job-related nature will be incurred by the Administrator for purposes other than those provided for specifically in this Agreement. The City agrees to reimburse or to pay such reasonable expenses, within the

constraints of the budget approved for such expenses, upon receipt and approval of duly executed expense vouchers, receipts, statements, or personal affidavits from the Administrator.

B. The City will pay thirty dollars (\$30) per month toward the cost of cell phone expenses incurred by Administrator during his employment.

C. The City will reimburse Administrator up to three thousand dollars (\$3,000) for Administrator's expenses in relocating his residence to Lewiston, provided such expenses are incurred within nine (9) months after Administrator's commencement of employment.

D. Recognizing that Administrator will incur additional housing expenses during the transition of his residence to Lewiston, the City will pay Administrator one thousand dollars (\$1,000) per month during the first six (6) months of his employment to defray Administrator's housing expenses.

E. If Administrator submits his resignation from employment with the City within 12 months after commencing employment under this Agreement, Administrator shall reimburse the City for any relocation expenses and housing expenses paid to him under Section 9(C) and 9(D), and the City may deduct such expenses from any compensation due to Administrator.

Section 10: Vacation and Holidays.

A. The Administrator shall accrue twenty (20) work days of paid vacation time on an annual basis. The entire vacation to be accrued during a calendar year shall be available for Administrator's use at the beginning of the calendar year, provided that the amount of accrued vacation paid upon termination of employment shall be pro-rated based on the number of months actually worked by Administrator.

B. The Administrator shall be entitled to the same paid holidays as granted to other non-union City employees in accordance with City policy.

Section 11: Sick Leave.

The Administrator shall accumulate sick leave at the same rate as other non-union City employees in accordance with City policy. Administrator shall receive credit for twelve (12) sick leave days upon commencement of employment under this Agreement.

Section 12: Hours of Work.

The City and the Administrator recognize that the Administrator must devote a great deal of time outside normal office hours on business for the City, and to that end the Administrator shall be allowed to establish an appropriate work schedule.

Section 13: Residency.

The Administrator shall establish his residency within the City of Lewiston within nine (9) months after commencement of employment.

Section 14: Indemnification.

City shall defend, save harmless and indemnify Administrator against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Administrator's duties as City Administrator.

Section 15: Outside Work.

The Administrator shall not participate in any non-City connected business or employment without prior approval of the City Council.

Section 16: Bonding.

The City shall bear the full cost of any fidelity or other bonds required of the Administrator under any law or ordinance. In the event that Administrator shall become

ineligible for continued bonding, such ineligibility shall constitute cause for termination under the terms of this Agreement and the Charter.

Section 17: Other Terms and Conditions.

The City Council, in consultation with Administrator, may fix such other reasonable terms and conditions of employment, as it may determine from time to time, relating to the Administrator, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter, or any other federal or state law.

Section 18: General Provisions.

A. The text of this written Agreement and any amendments approved by the City Council and executed by the City and the Administrator constitute the entire understanding between the parties with respect to the employment of Edward A. Barrett as the City Administrator of the City of Lewiston.

B. This Agreement shall be binding upon the City and the Administrator, and their heirs, successors, and assigns.

C. This Agreement shall become effective upon execution.

Section 19: Severability.

If any provision of this Agreement is found to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable.

Section 20: Notices. Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, first class, certified or registered mail, postage prepaid, addressed as follows:

1) City: City of Lewiston
Attention: Mayor
City Hall
27 Pine Street
Lewiston, Maine 04240

With a copy to: City Clerk
City of Lewiston
City Hall
27 Pine Street
Lewiston, Maine 04240

2) Administrator: Edward A. Barrett
370 Grandview Avenue
Bangor, Maine 04401

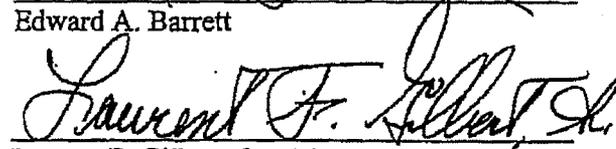
Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice or may be hand-delivered to the recipient. Notice shall be deemed given as of the date of personal service or three (3) days after the date of deposit of such written notice in the course of transmission in the United States Postal Service.

IN WITNESS WHEREOF, the City of Lewiston has caused this Agreement to be signed and executed on its behalf by its Mayor, and the Administrator has signed and executed this Agreement on the date first above written.


WITNESS


WITNESS


Edward A. Barrett


Laurent F. Gilbert, Sr., Mayor
City of Lewiston, Maine
Pursuant to vote of the City Council on
December 1st, 2009

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Resolve authorizing Non-Union Pay Plan Adjustment.

INFORMATION:

The last pay scale adjustment for non-unionized employees was effective in July 2009. Recently, the City Council approved a union contract with employees of our Public Works unit that provided a 1% salary scale adjustment effective July 2011. We anticipate that similar adjustments will be considered at the next Council meeting for several other city bargaining units. This resolve would provide for a 1% salary scale adjustment for the City's non-union employees effective with the pay checks issued July 6, 2011.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve providing for a 1% salary scale adjustment for non-union employees.



**City of Lewiston Maine
City Council Resolve
December 6, 2011**



Resolve, Authorizing a 1% Salary Scale Adjustment for Non-Union Employees

Whereas, the salary scale for non-union employees has not been adjusted since July 2009; and

Whereas, while the City has been financially constrained due to the state of the local and national economy and the reduction in state aid to municipalities, an adjustment to the non-union salary scale reflects a similar change recently approved for a city bargaining unit and recognizes the on-going commitment of these employees to the City of Lewiston during a time when the City has reduced staff and faced challenges to maintain public services;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

There is hereby authorized a one percent (1%) general pay adjustment to the established City Pay Plan for non-unionized employees; and

BE IT FURTHER RESOLVED THAT this adjustment shall be effective for the pay checks issued July 6, 2011.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 6, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT:

Executive Session to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.