

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
FEBRUARY 7, 2012**

**6:00 p.m. Executive Session** - To discuss Real Estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**6:15 p.m. Executive Session** - To discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**7:00 p.m. Regular Meeting**

Pledge of Allegiance to the Flag.  
Moment of Silence.

Acceptance of minutes of the meetings of January 24 & January 31, 2012 .

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 3.

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. Authorization to accept transfer of forfeiture funds.
- \* 2. Appointments to the Board of Assessment Review.

**REGULAR BUSINESS:**

3. Public Hearing on a renewal application for a Special Amusement Permit for Live Entertainment for The Cage, 97-99 Ash Street.
4. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Franco American Heritage Center, 46 Cedar Street.
5. Public Hearing and Final Passage for Land Use Code Amendments concerning permitted signs.
6. Public Hearing for the Fiscal Year 2013 Lewiston Capital Improvement Program.
7. Public Hearing and Adoption of the Community Development Block Grant Program (CDBG) Citizens Participation Plan.
8. Resolve authorizing the sale of 299 Webster Street by a Public Bid Offering.
9. Reports and Updates.
10. Any other City Business Councilors or others may have relating to Lewiston City Government.
11. Executive Session to discuss Real Estate negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 7, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6:00pm**

**SUBJECT:**

Executive Session to discuss Real Estate negotiations 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.

*EAB/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 Real Estate negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 7, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6:15pm**

**SUBJECT:**

Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue 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:**

State statutes define the purposes for entering into an executive session.

*EAB/amm*

**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) (c) to discuss an economic development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**LEWISTON CITY COUNCIL**  
**MEETING OF FEBRUARY 7, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**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:**

1	2	3	4	5	6	7	M
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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 \$6,720.00, or any portion thereof, in the case of the State of Maine vs. Daniel McKeigue, CR-11-1174 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-11-1174

State of Maine	}	
	}	
v.	}	Municipality of Lewiston
	}	Approval of Transfer
Daniel McKeigue	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Defendant;	}	
	}	
And	}	
	}	
\$6,720.00 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,(\$3,360.00) 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 FEBRUARY 7, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Appointments to the Board of Assessment Review.

**INFORMATION:**

The City Administrator is nominating Gary Savard and William Healey, Jr. to serve as members of the Board of Assessment Review. This will be a re-appointment for both gentlemen to this position. This is a three year term and will expire December 2014. The City Council makes the formal appointment, after receiving a nomination from the Administrator.

**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 accept the City Administrator's nominations of Gary Savard of 1241 Sabattus Street and William Healey Jr. of 1 Ridge Road and to appoint Mr. Savard and Mr. Healey as members of the Board of Assessment Review, each for a three year term, said terms to expire December 17, 2014.

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 7, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Public Hearing on a renewal application for a Special Amusement Permit for Live Entertainment for The Cage, 97-99 Ash Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from The Cage, 97-99 Ash 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.

*EMB/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 Cage, 97-99 Ash Street.

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 1-30-2012 Expiration Date: 2-16-2013 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: The Cage Business Phone: 207-783-0668

Location Address: 97-99 Ash St. Lewiston, Maine 04240

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

Mailing Address: 97 Ash St. Lewiston, Maine 04240

Contact Person: Randall Collins Home Phone: 207-576-3668

Owner of Business: The Cage Inc. Date of Birth: \_\_\_\_\_

Address of Owner: 97 Ash St. Lewiston, Maine 04240

Manager of Establishment: Randall Collins Date of Birth: 2-24-52

Owner of Premises (landlord): ROP Inc. Randall Collins Mgr.

Address of Premises Owner: 97 Ash St. Lewiston, Maine 04240

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): The Cage  
97 Ash St. Lewiston, Maine 04240

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: The Cage Inc.

Corporation Mailing Address: 97 Ash St. Lewiston, Maine 04240

Contact Person: Randall Collins Phone: 207-576-3668

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: Randall J. Collins Title: President Date: 1-30-12

Printed Name: Randall Collins

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Sent to Code Enforcement: \_\_\_\_\_ Need reply by: \_\_\_\_\_ Approved: \_\_\_\_\_

Sent to Police & Fire: \_\_\_\_\_

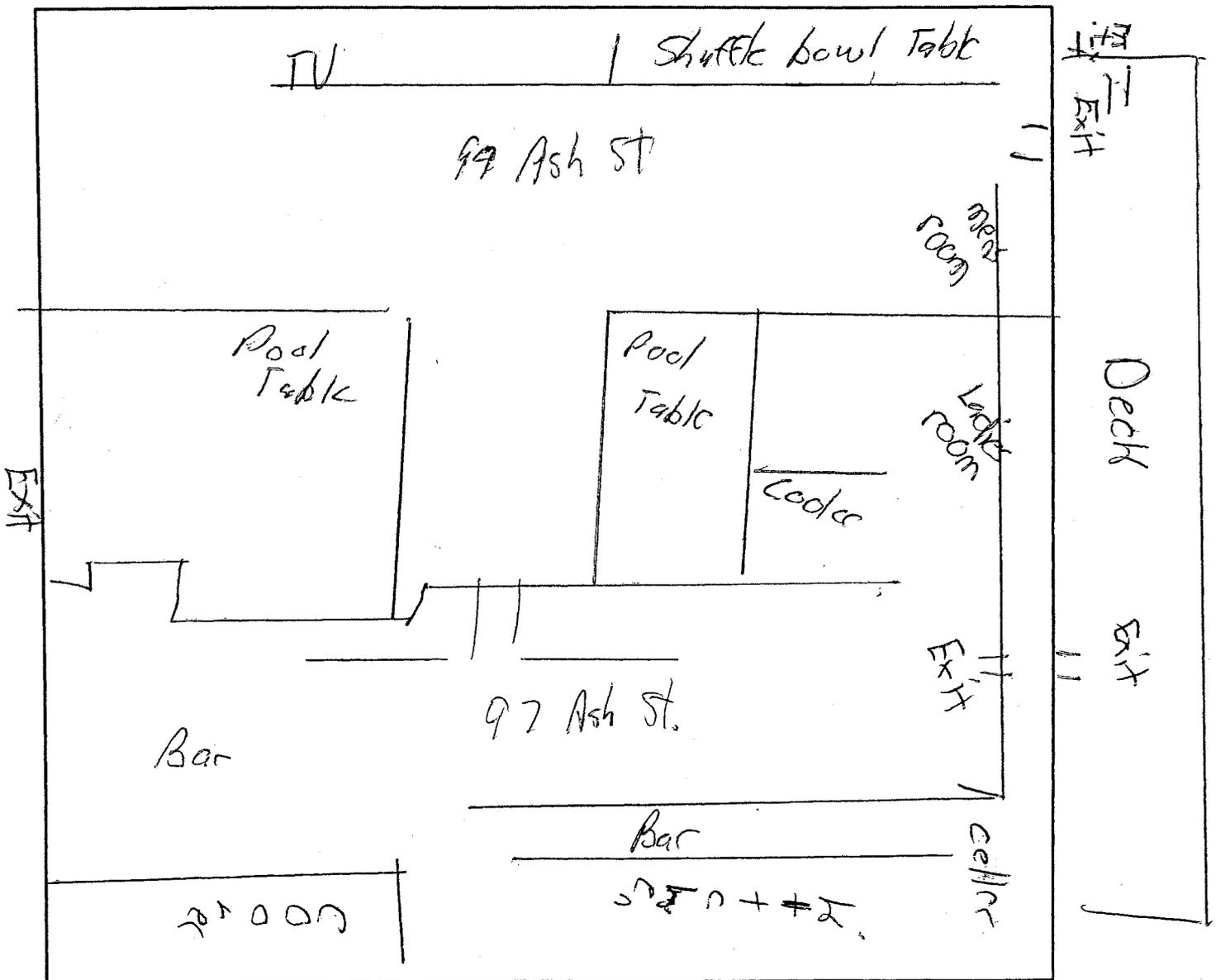
\*\*\*\*\*

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. Adam D. Higgins, Support Services *ADH*

DT: December 16, 2011

RE: Liquor License/Special Amusement Permit – **The Cage**

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

**The Cage**  
**97-99 Ash St.**





# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 7, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Franco American Heritage Center, 46 Cedar Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Dancing & Entertainment from the Franco American Heritage Center, 46 Cedar Street.

The Police Department has reviewed and approved the application. A copy of the Police Department log for this establishment, for the past year, is attached.

There was no reference to the 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.

*EMB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Dancing & Entertainment to the Franco American Heritage Center, 46 Cedar Street.

**CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 01/24/12 Expiration Date: 02/17/12 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: FRANCO AMERICAN HERITAGE CLR Business Phone: 207-783-1585

Location Address: 46 CEDAR ST. LEWISTON, ME 04210

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

Mailing Address: 46 CEDAR ST. LEWISTON ME 04210

Contact Person: EDMOND GAY Home Phone: 783-6942

Owner of Business: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

Manager of Establishment: EDMOND L GAY Date of Birth: 05.24.1942

Owner of Premises (landlord): \_\_\_\_\_

Address of Premises Owner: \_\_\_\_\_

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: \_\_\_\_\_

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

Corporation Name: FRANCO AMERICAN HERITAGE OF ST MARY'S

Corporation Mailing Address: 46 CEDAR ST LEWISTON, ME 04240

Contact Person: Ms. RITA DUBE EXECUTIVE DIRECTOR Phone: 783-1585

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 ORCHESTRA
- 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: Rita Dube Title: Executive Director Date: 1-23-12

Printed Name: RITA DUBE

\*\*\*\*\*

Sent to Code Enforcement: \_\_\_\_\_ Need reply by: \_\_\_\_\_ Approved: \_\_\_\_\_

Sent to Police & Fire: \_\_\_\_\_

\*\*\*\*\*

Hearing Date: \_\_\_\_\_ Approved by Council: \_\_\_\_\_ Vote No: \_\_\_\_\_

CITY OF LEWISTON, MAINE  
Department of City Clerk

Supplementary Questionnaire for Corporate Applicants

1. Exact corporate name: FRANCO AMERICAN HERITAGE CENTER AT ST MARYS
2. Date of incorporation: \_\_\_\_\_
3. State in which you are incorporated: Maine
4. If not a Maine corporation, date corporation was authorized to transact business within the State of Maine: —
5. List the names, addresses previous 5 years, birth dates, title of all officers, directors, and % of stock owned:

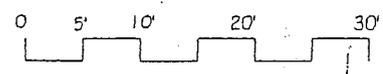
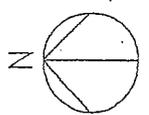
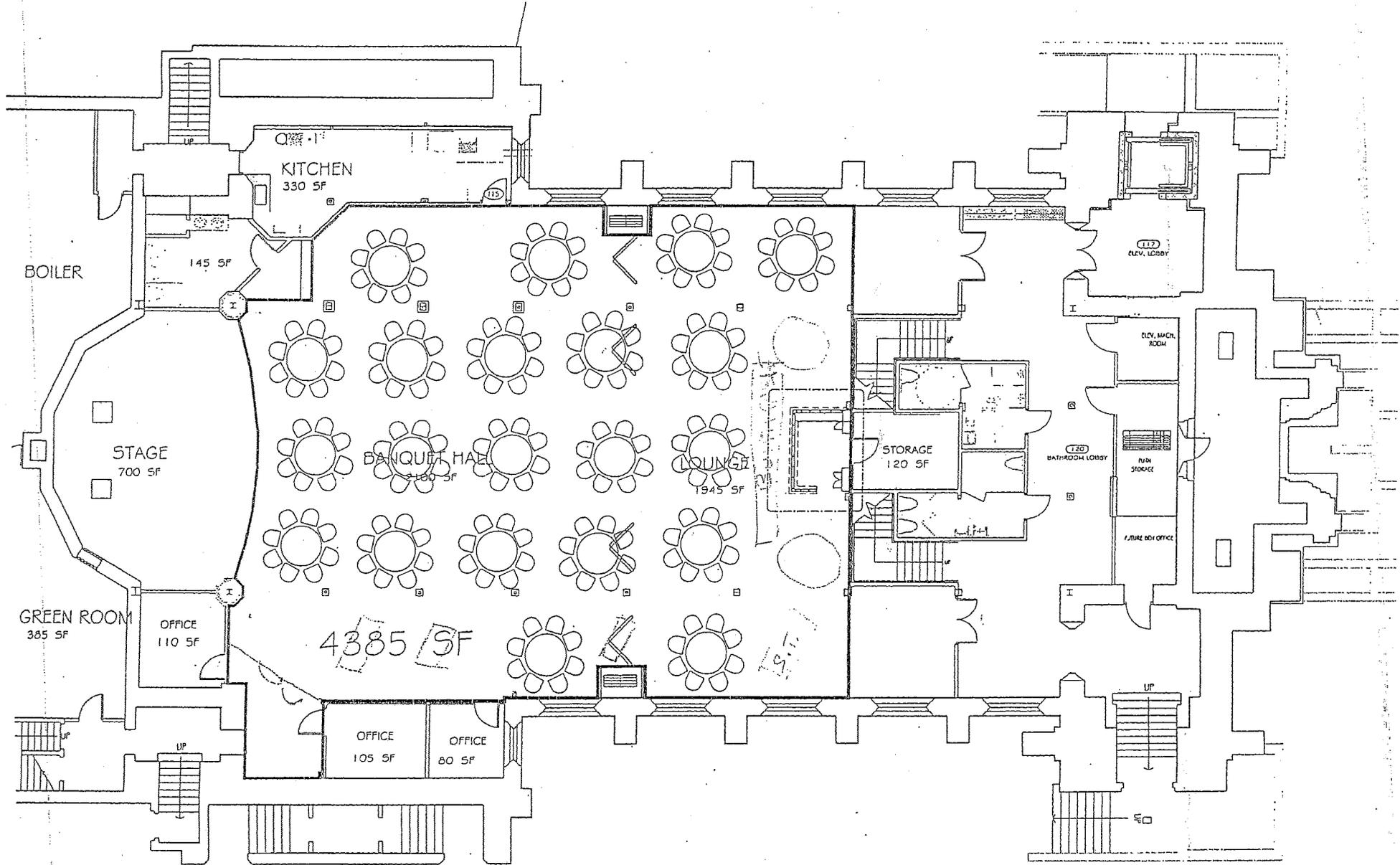
NAME	ADDRESS.. PREVIOUS 5 YEARS	BIRTH DATE	% OF STOCK	TITLE
RAYMOND LAGUEUX	7 MACADAMIA LANE	6/25/45	N/A	President
LAURENT F. GILBERT	39 COLE ST. LEW.	6/7/45	N/A	VP
PAUL VALLEE	62 SHERBROOKE LEW.	4/29/39	N/A	TREASURER.
Mike Countherne	4 HEATHWOOD LEW.	3/16/68	N/A	SECRETARY

6. What is the amount of authorized stock? N/A Outstanding stock? N/A
7. Is any principal officer of the corporation a law enforcement official?

Dated at Lewiston on 1-23-10  
City or Town Date

Gita Dubi  
SIGNATURE OF DULY AUTHORIZED OFFICER

9173-108-



*Handwritten notes:*  
 11/11/73  
 11/11/73



## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services *ADH*

DT: December 16, 2011

RE: Liquor License/Special Amusement Permit – **Franco American Heritage Center**

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

**Franco American Heritage Center**  
**46 Cedar St.**



**LEWISTON CITY COUNCIL**  
**MEETING OF FEBRUARY 7, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Public Hearing and Final Passage for Land Use Code Amendments concerning permitted signs.

**INFORMATION:**

On January 9, 2012, the Planning Board voted unanimously (7-0) to send a favorable recommendation to the City Council for the adoption of the proposed amendment to the Land Use Code.

The amendment would allow wall and projecting signs to extend above the roofs of vestibules, canopies, porticos, loading docks and similar single-story attached structures, and to clarify that ground signs may extend above the level of a principle building's roof.

**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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That the proposed amendment to Appendix A, Zoning and Land Use Code, Article XII "Performance Standards", Section 16, "Signs", of the City Zoning and Land Use Code, concerning requirements for signs, receive final passage by a roll call vote.

January 5, 2012

**AN ORDINANCE PERTAINING TO ROOF, WALL, AND PROJECTING  
SIGNS**

**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 XII. Performance Standards**

**Sec. 16. Signs**

*(c) Permitted Signs*

*(2) Nonresidential districts.*

*(c) Special requirements.* For the purposes of this section, the following special requirement applies:

2. Roof signs are not permitted, and no part of any wall or projecting sign may extend above the level of a flat roof or the eaves of any other type of roof, with the following exceptions:

(i) Wall signs may project no more than five feet above the level of a flat roof or the eaves of any other type of roof as long as that portion of the sign does not exceed 20 percent of the signs total area. Wall signs on mansard roofs, the lower portion of gambrel roofs, false fronts, facades, parapets or other significant architectural features may not exceed the height of the architectural feature.

(ii) ~~Wall signs on mansard roofs, the lower portion of gambrel roofs, false fronts, facades, parapets or other significant architectural features may not exceed the height of the architectural feature.~~

(ii) Roof signs not exceeding 54 square feet and wall and projecting signs may be located on or above the roofs of vestibules, canopies, porticos, loading docks, and similar single-story, attached structures, provided that the proposed sign is in compliance with Article XII, Section 16 (c)(2)(c)(2)(i) of this ordinance with regard to the roof of the principal building.

### **Reasons of proposed amendment**

The language in the Article XII, Section 16 (c)(2)(c)(2) of the Zoning and Land Use Code needs clarification as to when regulated signs may be erected above the level of a flat roof or the eaves of any other type of roof. As currently written, the ordinance may be interpreted that wall, projecting, or roof sign may be in violation if said sign extends above the level of a flat roof or the eaves of any other type of roof. This would imply that a ground sign with a maximum permitted height of 25 feet would be in violation if the roof of the related business is less than 25 feet in height. Wall and projecting signs on multi-storied structures attached to single storied roof entrances, vestibules, canopies, drive-thru' s and similar single-story, attached structures would also be in violation. Staff believes this was not the intention of the ordinance and an over sight in how the language was adopted.

The proposed amendment clarifies that wall and projecting signs may extend above the roofs of vestibules, canopies, porticos, loading docks, and similar single-story, attached structures provided said sign extends no more than five feet above the level of a flat roof or the eaves of the principle building. Since roof signs on principle buildings shall remain prohibited, signs on said referenced lower roofed structures shall be limited to 54 square feet (27 square feet per side) in effort to remain accessory to other permitted signs on the building and property.

The ordinance also clarifies that only wall and projecting signs are prohibited from extended above the level of a flat roof or the eaves of any other type of roof; grounds signs may extend above the level of a roof, not to exceed 25 feet in height.

### **Conformance with Comprehensive Plan**

Review permitting and licensing policies and practices to see where they can be streamlined in order to better service the development community. . . (see Economy, Policy 1, Strategy C, p 39).



## CITY OF LEWISTON

### Department of Planning & Code Enforcement



**TO: City Council  
Mayor**  
**FROM: David Hediger, City Planner**  
**DATE: January 17, 2012**  
**RE: Proposed Sign Amendment**

On January 9, 2012 the Planning Board voted unanimously (7-0) to send a favorable recommendation for the City Council's consideration an amendment to Article XII, Performance Standards, Section 16 (c)(2)(c)(2) of the Zoning and Land Use Code of the City of Lewiston to allow wall and projecting signs to extend above the roofs of vestibules, canopies, porticos, loading docks, and similar single-story attached structures and to clarify that ground signs may extend above the level of a principle building's roof.

The language in the Article XII, Section 16 (c)(2)(c)(2) of the Zoning and Land Use Code needs clarification as to when regulated signs may be erected above the level of a flat roof or the eaves of any other type of roof. As currently written, the ordinance may be interpreted that wall, projecting, or roof sign may be in violation if said sign extends above the level of a flat roof or the eaves of any other type of roof. This would imply that a ground sign with a maximum permitted height of 25 feet would be in violation if the roof of the related business is less than 25 feet in height. Wall and projecting signs on multi-storied structures attached to single storied roof entrances, vestibules, canopies, drive-thru's and similar single-story, attached structures would also be in violation. Staff believes this was not the intention of the ordinance and an over sight in how the language was crafted.

The proposed amendment clarifies that wall and projecting signs may extend above the roofs of vestibules, canopies, porticos, loading docks, and similar single-story, attached structures provided said sign extends no more than five feet above the level of a flat roof or the eaves of the principle building. Since roof signs on principle buildings shall remain prohibited, signs on said referenced lower roofed structures shall be limited to 54 square feet (27 square feet per side) in effort to remain accessory to other permitted signs on the building and property.

The ordinance also clarifies that only wall and projecting signs are prohibited from extended above the level of a flat roof or the eaves of any other type of roof; grounds signs may extend above the level of a roof, not to exceed 25 feet in height



City of Lewiston  
Planning & Code Enforcement  
Gil Arsenault, Director



## MEMORANDUM

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**To:** City Clerk's Office  
City Council Members

**From:** David Hediger

**Date:** January 17, 2012

**Subject:** Planning Board Action

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The Planning Board took the following action at their public meeting held on January 9, 2012 regarding proposed amendment to the sign ordinance per Article XII, Section 16 (c)(2)(c)(2) of the Zoning and Land Use Code:

The following motion was made:

**MOTION:** by **Bruce Damon** pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration a proposal to amend Article XII, Performance Standards, Section 16 (c)(2)(c)(2) of the Zoning and Land Use Code of the City of Lewiston to allow wall and projecting signs to extend above the roofs of vestibules, canopies, porticos, loading docks, and similar single-story attached structures and to clarify that ground signs may extend above the level of a principle building's roof. Second by **Kevin Morissette**.

**VOTED:** 7-0 (Passed)

c: Ed Barrett, City Administrator  
Planning Board Members

The City of Lewiston is an EOE. For more information, please visit our website at [www.ci.lewiston.me.us](http://www.ci.lewiston.me.us) and click on the Non-Discrimination Policy.

**LEGAL AD**

**PUBLIC HEARING NOTICE  
CITY OF LEWISTON  
LAND USE CODE AMENDMENT**

A public hearing on the following Land Use Code amendment, for passage on first reading, will be held in the Council Chambers, City Building, Lewiston, on **Tuesday, January 24, 2012, 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:

**Sign Ordinance Amendment**

This amendment will clarify when signs may be located above the roofs of vestibules, canopies, porticos, loading docks and similar single-story attached structures.

Copies of this proposal are available for review at the City Clerk's Office and Public Library during regular business hours. FMI, please visit our [www.lewistonmaine.gov](http://www.lewistonmaine.gov) and click on the Non-Discrimination Policy.

Kathleen M. Montejo, City Clerk

**LEGAL AD - SUN JOURNAL - Thursday, January 19, 2012**

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# LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 7, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Public Hearing for the Fiscal Year 2013 Lewiston Capital Improvement Program.

**INFORMATION:**

The Lewiston Capital Improvement Program (LCIP) is required by State Law and the City Charter. The LCIP is an important and necessary planning tool for the City's consideration in financial and development issues. It is a working document, and adoption does not constitute approval and/or funding of the various projects within the program. Each project will require funding approval from the City Council at a later date. The complete LCIP booklet was distributed to Council around January 15 for review.

This agenda item is for a Public Hearing to receive citizen input and comment regarding the contents of the Plan. Adoption of the LCIP is scheduled for the February 21 City Council meeting.

The Planning Board and Finance Committee will be reviewing the LCIP and making recommendations at the next City Council meeting.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

Receiving input from the residents is an important part of the LCIP process.

*EAR/kmm*

**REQUESTED ACTION:**

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To conduct a public hearing to receive citizen input and comment regarding the Fiscal Year 2013 Capital Improvement Program.

(No action or vote is required by the City Council.)



## City of Lewiston Executive Department

EDWARD A. BARRETT  
City Administrator

PHIL NADEAU  
Deputy City Administrator



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January 4, 2012

Honorable Mayor Robert E. Macdonald  
Lewiston City Council Members  
City Building  
Lewiston, Maine 04240

RE: Proposed FY2013 Capital Improvement Program

Dear Mayor and Councilors:

The proposed FY2013 Lewiston Capital Improvement Program (LCIP) is hereby submitted for your review in accordance with the provisions of the City Charter.

The purpose of developing and annually updating a five-year capital plan is to ensure that policy makers are aware of both the current and future capital needs of the community and can take these into account during the annual budget process. It assists policy makers in setting priorities for addressing the City's infrastructure needs and in planning for and managing the City's overall debt.

At the same time, a capital plan is not and cannot be carved in stone. It must be a living and flexible document that, while informing judgments, does not predetermine them. While the plan serves as a guide to decision making, other factors also must be weighed and balanced. These include: the overall economic and fiscal climate; the City's debt position; the availability of non-city funding sources; unexpected emergencies or development opportunities; public requests or expectations; and the ability of the City's operating budget to directly fund projects through normal City revenues.

Under our charter and procedures, this plan is also submitted to the Planning Board and the Finance Committee for their review, comments, and recommendations. The Council is required to hold a public hearing on this plan and to adopt it as it may be changed or modified at least four months prior to the end of the current fiscal year.

In addition to various summaries, each project is described and justified in the attached project detail sheets. Potential sources of funding are also suggested such as federal or state grants, our operating budget, or tax or revenue supported general obligation bonds.

While a five-year time frame is appropriate for planning purposes, the focus of immediate attention will be on those projects scheduled for the coming fiscal year and, more specifically, those requiring either operating support or debt authorization. A summary of such projects can be found below.

## OVERALL SUMMARY

The five-year capital plan calls for approximately \$151.2 million in projects of which \$67.1 million are supported by City resources including our various operating budgets and the issuance of general obligation or enterprise revenue supported bonds. The following chart summarizes the proposed use of local resources for the first year of the plan (FY2013) and the total over the full five year period:

<u>AREA</u>	<u>FY2013</u>	<u>FY2013-FY2017</u>
City Bond Issue	\$2,912,200	\$22,039,159
City Operating Budget	1,311,470	6,306,979
School Bond Issue	8,710,000	16,796,000
School Operating Budget	210,000	260,000
Sewer Bond Issue	2,075,000	7,025,000
Sewer Operating Budget	95,000	415,000
Sewer Impact Fees	50,000	250,000
Water Bond Issue	2,460,000	9,623,700
Water Operating Budget	170,000	933,000
Stormwater Bond Issue	1,750,000	3,150,000
Stormwater Operating Budget	<u>60,000</u>	<u>320,000</u>
<b>TOTAL</b>	<b>\$19,803,670</b>	<b>\$67,118,838</b>

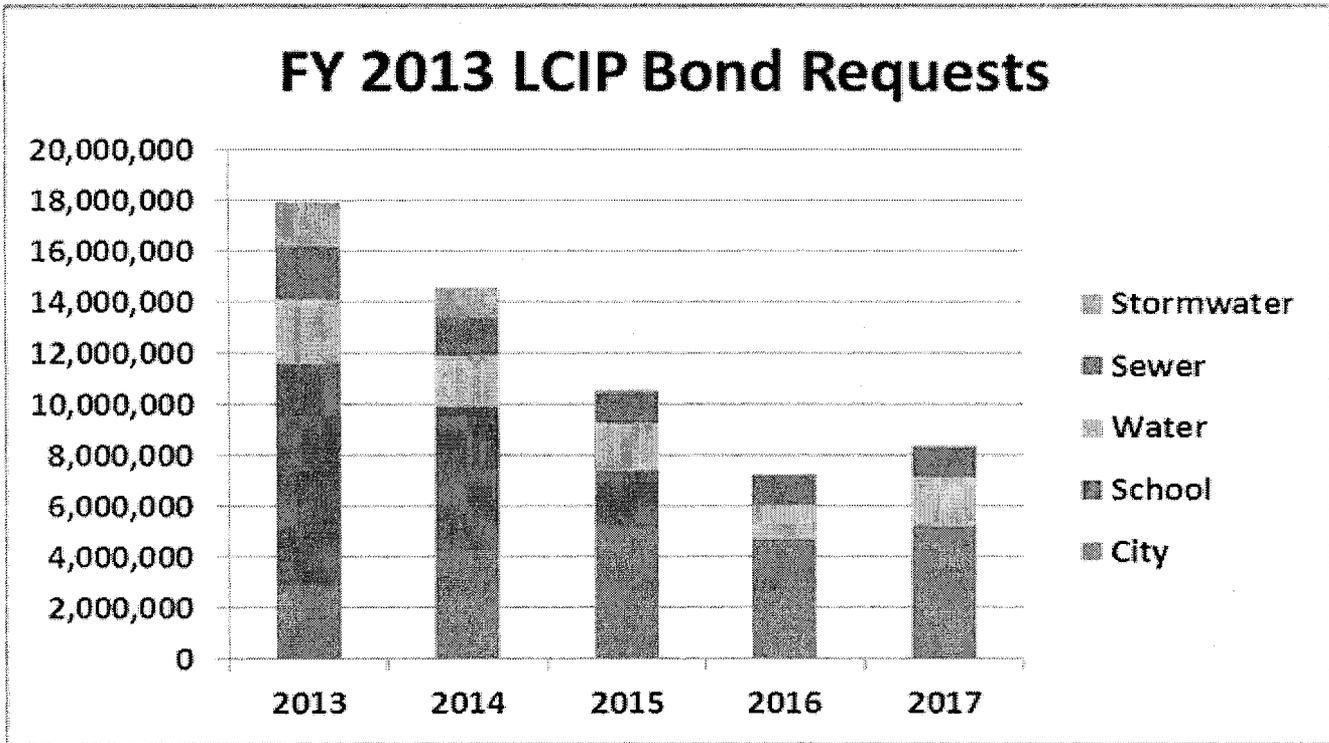
The capital needs for the School Department are the most significant change from prior years. Where the Department made no requests in the last two years, a recently completed facility plan has identified significant upcoming needs driven by estimated enrollment increases of about 100 students per year for the next ten years. Further, with the exception of the anticipated new elementary school, the majority of these projects must be funded totally from local resources.

Without the School Department, the requested amounts required from City resources during Fiscal Year 2013 and over the full five year planning period would have been slightly below those of the prior LCIP.

## PROPOSED BOND ISSUES

The following chart and accompanying graph summarizes the amount of bonded debt proposed for the City's General Fund and each of its Enterprise Funds over the next five years.

<u>Fund</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>Total</u>
City	2,912,200	4,213,459	5,132,500	4,647,000	5,134,000	22,039,159
School	8,710,000	5,675,000	2,286,000	50,000	75,000	16,796,000
Water	2,460,000	2,044,200	1,870,100	1,331,000	1,918,400	9,623,700
Sewer	2,075,000	1,500,000	1,150,000	1,150,000	1,150,000	7,025,000
Stormwater	<u>1,750,000</u>	<u>1,100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>3,150,000</u>
<b>TOTAL</b>	<b>17,907,200</b>	<b>14,532,659</b>	<b>10,538,600</b>	<b>7,278,000</b>	<b>8,377,400</b>	<b>58,633,859</b>



**OVERALL FISCAL AND ECONOMIC CLIMATE**

Reacting to the recent recession, capital funding financed by the City’s operating budget has declined for the last several years. Many essential projects that normally would be financed through the annual budget, such as equipment replacement and certain street overlay projects, have either been deferred or funded through bond issues.

While the recession has ended, its effects continue in the government sector which tends to recover more slowly than the overall economy. As a result, significant pressure remains on the City’s operating budget and will likely continue to do so over the next several budget cycles. This will restrict the City’s ability to finance capital projects from its operating budget. Over the last several years, the City has eliminated its reliance on the use of undesignated fund balance and other one-time sources of revenue for operating purposes. Going forward, we hope to redirect the use of such funds toward our capital needs, reducing our reliance on debt.

In spite of these concerns and restrictions, there is a positive note - the historically low interest rates we have seen, when coupled with an extremely competitive construction climate, have held down both total project costs and annual interest payments on bonds.

**DEBT POSTURE**

At the present time, the City’s outstanding issued and authorized debt for all funds and purposes is \$161,208,675. The following chart provides greater detail by fund and purpose:

**Outstanding Debt Issued & Authorized as of 12/31/11**

City	61,154,073
Pension	9,600,000
School	37,444,865
Water	18,614,048
Sewer	9,314,409
Stormwater	9,406,585
Special Revenue	3,473,695
Authorized and Unissued	<u>12,201,000</u>
<b>TOTAL</b>	<b>161,208,675</b>

While considered manageable by bond rating agencies, we should continue to work toward reducing tax supported debt. The current year's debt service budget of approximately \$8,902,007 represents slightly more than 20% of the City's operating budget exclusive of schools. The City Council has recently reaffirmed our goal to reduce this percentage over time to a more sustainable level. This will be a major challenge given the significant capital needs of the School Department, continuing economic constraints on our operating budget, and reductions in state and federal funding.

While significant strategic investments have been required to address major changes occurring in the local economy in recent decades, it is clear that these investments have come at a cost and that we must carefully manage our debt position moving forward. Our current approach to debt management involves a four part strategy. First, we must begin to move certain capital expenditures back into our operating budget. Generally, those projects that are on-going or fairly predictable from year to year should be supported by annual revenues. This includes such items as street overlay and fleet replacement. Second, we must continue to closely monitor capital markets and refinance outstanding bonds at lower interest rates whenever possible. Third, the City has eliminated its past budgetary practice of using one-time revenues and fund balance to support our operating budget and has adopted a fund balance policy. Under that policy, once certain targets are met, preference is given to using amounts over the target for capital expenditures, relieving the need to borrow. Finally, the Council recently lowered the amount of debt that can be authorized in any one year from 97% of the average amount of principal retired over the last three years to 80%. To exceed this amount, an affirmative vote of 5 Councilors is required. Over time, these approaches should allow the city to gradually reduce its outstanding debt and the percentage of the operating budget devoted to debt service.

For the coming year, the authorization limit is approximately \$5.8 million. Given the projected bonding needs of the School Department, it is unlikely that we will be able to stay below this limit.

Unfortunately, reducing our outstanding debt will not significantly reduce the City's debt service payment schedule over the forecast period. Much of the City's current debt is structured on an equal annual payment basis, much as most home mortgages are. The alternative approach of structuring debt to make equal annual principal payments results in a declining payment schedule over time since principal is more quickly paid off. This approach, however, results in higher payments in the early years after debt is issued.

The City's General Fund debt service requirements over the next five fiscal years, exclusive of authorized but as yet unissued debt, are:

<u>FISCAL YEAR</u>	<u>PRINCIPAL AND INTEREST PAYMENT</u>
FY13	\$8,391,886
FY14	8,342,872
FY15	8,179,569
FY16	7,955,440
FY17	7,292,433

Given these required payments and the additional borrowing that will occur over this time period, annual debt service is likely to continue to increase throughout this period.

### **ENTERPRISE FUNDS**

The majority of the projects in our water, sewer, and stormwater funds are directly related to either addressing old and deteriorating infrastructure or responding to state and federal mandates related to clean water. In all of these utilities, debt service costs are a major factor driving future rate increases. In order to better plan for and manage such increases, we continue to develop multi-year revenue and expense projections to ensure that policy makers are aware of the impact of capital projects on the financial stability and rates of these utilities.

### **PROPOSED FY 2013 CAPITAL IMPROVEMENT PROGRAM**

Recognizing that one of the major purposes of a capital plan is to inform the City's annual budget process, this section briefly summarizes the projects identified for potential funding through local resources (our operating budgets or by issuing bonds) during FY2013.

<u>Project</u>	<u>Total Cost</u>	<u>City Resources</u>
<u>Auburn-Lewiston Airport:</u>		
Environmental Permitting – Safety Area Improvements	\$200,000	5,000
Mitigation for Runway Improvements	775,000	10,000
Snow Removal Equipment	<u>150,000</u>	<u>3,750</u>
	\$1,125,000	\$18,750
<u>Economic &amp; Community Development:</u>		
Property Acquisition/Demolition	250,000	150,000
<u>Lewiston-Auburn 9-1-1 Center:</u>		
Radio Replacement	38,822	19,411
Server Upgrade	<u>44,818</u>	<u>22,409</u>
	83,640	41,820
<u>M.I.S.:</u>		
Replace City Enterprise Resource Planning Software	413,500	413,500
Hardware to Support New ERP System	<u>91,500</u>	<u>91,500</u>
	505,000	505,000

Parks and Recreation

Marcotte Park Playground 100,000 25,000

Code and Planning:

Comprehensive Plan 185,000 185,000

Transit (AVCOG)

Purchase 2 Replacement Buses 800,000 80,000  
Large Vehicle Wash Facility 625,000 62,500  
1,425,000 142,500

Public Works:

Library Exterior Walls and Step Rehab. 60,000 60,000  
Police Department Sidewalk 50,000 50,000  
Public Works Training/Emergency Ops. Center 50,000 23,000  
Street Light Wiring Replacement – Lisbon Street 65,000 65,000  
Update Aerial Maps 75,000 75,000  
Road Rehabilitation 607,000 607,000  
Road Maintenance 1,088,000 1,088,000  
Lincoln Street Alley Bridge Removal 25,000 25,000  
Franklin Pasture Tennis Courts 24,900 24,900  
Lisbon Street Overlay 2,663,489 142,700  
Russell Street Overlay 710,000 71,000  
Fleet Replacement 924,000 924,000  
6,342,389 3,155,600

Lake Auburn Watershed Protection Commission:

Land Acquisition Program 140,000 70,000

Water Utility:

Water Treatment Upgrades/Improvements 530,000 530,000  
Distribution Main Replacement/Rehabilitation 1,770,000 1,770,000  
Meter Replacement Program 160,000 160,000  
Equipment Replacement 100,000 100,000  
2,560,000 2,560,000

Sewer Utility:

Sanitary Line Rehabilitation 325,000 325,000  
Equipment Replacement 55,000 55,000  
Interceptor Inspection and Rehabilitation 200,000 200,000  
Inflow/Infiltration Removal Program 50,000 50,000  
Pump Station Upgrades 40,000 40,000  
Oak Street Sewer Separation (Sewer Portion) 550,000 550,000  
Jepson Brook Separation (Sewer Portion) 1,000,000 1,000,000  
2,220,000 2,220,000

Stormwater Utility:

NPDES Phase II Permit 60,000 60,000  
Oak Street Sewer Separation (Stormwater Portion) 550,000 550,000  
Hart Brook Water Quality Restoration 100,000 100,000

Jepson Brook Separation (Stormwater Portion)	1,000,000	1,000,000
Jepson Brook Drainage Channel Study	<u>100,000</u>	<u>100,000</u>
	1,810,000	1,810,000
<i>School Department:</i>		
McMahon Addition	5,500,000	5,500,000
Middle School Improvements	3,000,000	3,000,000
Martel Portable Classrooms	50,000	50,000
Montello Improvements	160,000	160,000
Longley Improvements	50,000	50,000
Montello Portable Classrooms	<u>160,000</u>	<u>160,000</u>
	8,920,000	8,920,000
<b>GRAND TOTAL</b>	<b>25,666,029</b>	<b>19,803,670</b>

## CONCLUSION

The LCIP is an important planning tool to assist policy makers as they consider financial and development issues. However, the LCIP is only a "tool," not a funded budget.

The City Council has the final authority over which projects are funded and which are not. I have attempted to limit the FY 2013 Program to those projects which are required, address critical needs, or are important to the continued revitalization of the City. In these economic times and given the City's overall debt and fiscal posture, it may be difficult to either afford or fully fund all of the scheduled projects designated for the General Fund operating budget. These are issues that will be fully discussed and evaluated during the upcoming budget process.

I would like to express my thanks to the members of City staff who contributed to developing this plan, especially our department directors, our Finance Director, Heather Hunter, and Norm Beauparlant, our Director of Budget and Purchasing. Without their efforts, this document could not have been produced in a timely fashion.

I look forward to the opportunity of reviewing this plan with you, the Planning Board, and the Finance Committee over the coming months.

Sincerely yours

Edward A. Barrett  
City Administrator

	A	B	C	D	E	F	G	H	I	J	K
1											
2	<b>FY 2013 Lewiston Capital Imp. Project Summary</b>										
3	<b>by Department /Agency</b>										
4											
5	<b>PROJECT</b>	<b>PAGE</b>	<b>FY2013</b>		<b>FY2014</b>		<b>FY2015</b>		<b>FY2016</b>		<b>FY2017</b>
162	<b>TOTALS</b>		<b>36,840,473</b>		<b>32,692,937</b>		<b>50,573,100</b>		<b>13,367,000</b>		<b>17,715,400</b>
163											
164	<b>City Bond Issue</b>	<b>CBI</b>	2,912,200		4,213,459		5,132,500		4,647,000		5,134,000
165	City Operating Budget	<b>COB</b>	1,311,470		1,074,509		1,233,000		1,246,000		1,442,000
166	Community Dev. Block Grant	<b>CD</b>	580,000		100,000		205,000		630,000		600,000
167	Federal/State Funding	<b>F/S</b>	16,108,733		13,563,769		38,073,500		3,760,000		6,811,000
168	Other Agency/Municipality	<b>Other</b>	348,070		2,960,000		110,000		110,000		110,000
169	School Operating Budget	<b>SCHOB</b>	210,000		50,000		-		-		-
170	<b>School Bond Issue</b>	<b>SCHBI</b>	8,710,000		5,675,000		2,286,000		50,000		75,000
171	<b>Water Bond Issue</b>	<b>WBI</b>	2,460,000		2,044,200		1,870,100		1,331,000		1,918,400
172	Water Operating Budget	<b>WOB</b>	170,000		212,000		213,000		153,000		185,000
173	Sewer Operating Budget	<b>SOB</b>	95,000		85,000		85,000		75,000		75,000
174	<b>Sewer Bond Issue</b>	<b>SBI</b>	2,075,000		1,500,000		1,150,000		1,150,000		1,150,000
175	Sewer Impact Fees	<b>SIF</b>	50,000		50,000		50,000		50,000		50,000
176	Storm Water Operating Budget	<b>SWOB</b>	60,000		65,000		65,000		65,000		65,000
177	<b>Storm Water Bond Issue</b>		1,750,000		1,100,000		100,000		100,000		100,000
178	<b>TOTALS</b>		<b>36,840,473</b>		<b>32,692,937</b>		<b>50,573,100</b>		<b>13,367,000</b>		<b>17,715,400</b>
179											
180	<b>Bond Issues</b>		<b>17,907,200</b>		<b>14,532,659</b>		<b>10,538,600</b>		<b>7,278,000</b>		<b>8,377,400</b>
181	<b>20yr</b>										
182	CBI (City Bond Issue)		749,700		1,178,000		2,490,000		3,050,000		3,235,000
183	SCBI (School Bond Issue)		8,500,000		5,000,000		1,500,000		-		-
184	WBI (Water Bond Issue)		1,770,000		1,884,200		1,710,100		1,171,000		1,758,400
185	SBI (Sewer Bond Issue)		1,550,000		1,000,000		1,000,000		1,000,000		1,000,000
186	SWBI (Storm Water Bond Issue)		1,550,000		1,000,000		-		-		-
187	sub-total		14,119,700		10,062,200		6,700,100		5,221,000		5,993,400
188	<b>15yr</b>										
189	CBI (City Bond Issue)		1,136,500		2,850,459		1,466,500		1,257,000		1,465,000
190	SCBI (School Bond Issue)		-		600,000		150,000		-		-
191	WBI (Water Bond Issue)		530,000		-		-		-		-
192	SBI (Sewer Bond Issue)		525,000		500,000		150,000		150,000		150,000
193	SWBI (Storm Water Bond Issue)		200,000		100,000		100,000		100,000		100,000
194	sub-total		2,391,500		4,050,459		1,866,500		1,507,000		1,715,000
195											
196											
197	<b>10yr</b>										
198	CBI (City Bond Issue)		686,000		160,000		775,000		320,000		219,000
199	SCBI (School Bond Issue)		-		-		375,000		-		-
200	WBI (Water Bond Issue)		-		-		-		-		-
201	SBI (Sewer Bond Issue)		-		-		-		-		-
202	SWBI (Storm Water Bond Issue)		-		-		-		-		-
203	sub-total		686,000		160,000		1,150,000		320,000		219,000
204	<b>5yr</b>										
205	CBI (City Bond Issue)		340,000		25,000		401,000		20,000		215,000
206	SCBI (School Bond Issue)		210,000		75,000		261,000		50,000		75,000
207	WBI (Water Bond Issue)		160,000		160,000		160,000		160,000		160,000
208	SBI (Sewer Bond Issue)		-		-		-		-		-



## FY 2013 Lewiston Capital Imp. Project Summary

by Fiscal Year (FY)

PROJECT	PAGE	FY2013		FY2014		FY2015		FY2016		FY2017
Environmental Permitting for Runway 4-22 Safety Area Imp	17	190,000	F/S							
		5,000	Other							
		5,000	COB							
Mitigation for DEP Permits for Runway 4-22 Imp	18	755,000	F/S							
		10,000	Other							
		10,000	COB							
Airport Snow Removal Equipment	19	142,500	F/S							
		3,750	Other							
		3,750	COB							
Acquisition / Demolition Fund	20	100,000	CD	100,000	CD	100,000	CD	100,000	CD	100,000
		150,000	CBI	150,000	CBI	150,000	CBI	150,000	CBI	150,000
Replace Radios for State & Nation-Wide Communications	24	19,411	Other							
		19,411	COB							
Phase II Server Upgrade	26	22,409	Other							
		22,409	COB							
Software Replacement	31	413,500	CBI							
Hardware Replacement for new software	38	91,500	CBI							
Recreation Facilities: Marcotte Park Playground	43	75,000	Other							
		25,000	COB							
Comprehensive Plan	44	185,000	CBI							
McMahon Addition: Gym, 8 classrooms,3 group room and Conference Room	45	5,500,000	SCHBI							
LMS Improvements: windows, entrance and lighting	46	3,000,000	SCHBI	5,000,000	SCHBI					
Martel School: site work to add 2 portable classrooms	47	50,000	SCHBI							
Montello School Improvements: security cameras, lockers, whiteboards	48	160,000	SCHOB							
Longley School Imp.: perimeter fence, access doors and security cameras	49	50,000	SCHOB							
Montello School: site work to add 2 portable classrooms	51	160,000	SCHBI							
Purchase Two (2) replacement bus for the Fixed Route Bus System	57	640,000	F/S							
		80,000	Other							
Large Vehicle Wash Facility - Citylink	58	80,000	CBI							
		500,000	F/S							
		62,500	Other							
		62,500	CBI							
Library Building Exterior Wall and Steps Rehab. And Window Replacement (lower level) BLDG 1	67	60,000	CBI							
Police Department Sidewalk Replacement Project BLDG 2	68	50,000	CBI							
P W Training and Emergency Operation Center BLDG 4	69	27,000	F/S							
		23,000	COB							
Jepson Brook Drainage Area	81	1,000,000	SBI	1,000,000	SBI					
		1,000,000	SWB	1,000,000	SWB					
Oak Street Sewer Separation	83	550,000	SBI							
		550,000	SWB							
City of Lewiston GIS Photogrammetric Update	85	75,000	CBI							
NPDES PH II Permit	86	60,000	SWOB	65,000	SWOB	65,000	SWOB	65,000	SWOB	65,000
Jepson Brook Drainage Area Channel Study	89	100,000	SWB							
Hart Brook Water Quality Restoration	91	100,000	SWB	100,000	SWB	100,000	SWB	100,000	SWB	100,000
LAWPC Land Acquisition Program	93	70,000	WOB	110,000	WOB	110,000	WOB	110,000	WOB	110,000

## FY 2013 Lewiston Capital Imp. Project Summary

### by Fiscal Year (FY)

PROJECT	PAGE	FY2013		FY2014		FY2015		FY2016		FY2017	
( Lake Auburn Watershed Protection Commission)		70,000	Other	110,000	Other	110,000	Other	110,000	Other	110,000	Other
Lewiston-Auburn Water Treatment Program	94	530,000	WBI								
Distribution Water Main Replacement/ Rehabilitation	96	1,770,000	WBI	1,884,200	WBI	1,710,100	WBI	1,171,000	WBI	1,758,400	WBI
Meter Replacement/Testing Program	101	160,000	WBI								
Equipment Replacement Program	103	100,000	WOB	102,000	WOB	103,000	WOB	43,000	WOB	75,000	WOB
Rehab. Of old sanitary sewer mains	105	325,000	SBI	350,000	SBI	1,000,000	SBI	1,000,000	SBI	1,000,000	SBI
Equipment Replacement	109	55,000	SOB	45,000	SOB	45,000	SOB	35,000	SOB	35,000	SOB
Interceptor Inspection & Rehabilitation	111	200,000	SBI	150,000	SBI	150,000	SBI	150,000	SBI	150,000	SBI
Inflow/Infiltration Removal Program	114	50,000	SIF								
Pump Station Equip. and Power systems Replacement	116	40,000	SOB								
Street Light Wiring Replacement	118	65,000	COB								
Road Rehabilitation Program (Non-CDBG Eligible)	120	607,000	CBI	648,000	CBI	1,020,000	CBI	1,050,000	CBI	760,000	CBI
Street Maintenance Program	122	1,088,000	COB	1,037,000	COB	1,203,000	COB	1,216,000	COB	1,412,000	COB
Walnut Street Project	129	480,000	CD					240,000	CD		
Lincoln Street Alley Bridge Removal	130	25,000	COB								
Franklin Pasture Tennis Courts	135	24,900	COB								
Exit 80 Turnpike Interchange Improvements	136	9,200,000	F/S	9,200,000	F/S	6,700,000	F/S	2,500,000	F/S	2,500,000	F/S
Sabattus St. Traffic Signal Hazard Elimination Project	137	578,500	F/S								
Main St. Traffic Management Imp. Project	140	736,340	F/S	739,292	F/S						
				163,959	CBI						
Lisbon St (Rte. 196) Pavement Preservation Projects	143	2,520,789	F/S								
		142,700	CBI								
Sidewalk and Handicap Ramp Improvements	144	179,604	F/S	112,977	F/S						
				7,509	COB						
Russell Street Pavement Overlay	146	639,000	F/S								
		71,000	CBI								
Equipment Replacement (Municipal Garage)	148	924,000	CBI	835,000	CBI	705,000	CBI	857,000	CBI	975,000	CBI
Main Street Fire Station Expansion & Rehab. BLDG 6	77			50,000	CBI	600,000	CBI				
Montello School: roof replacement	50			600,000	SCHBI						
LHS Improvements: ada ramp, phase I waterproofing and 15 security cameras	52			75,000	SCHBI			50,000	SCHBI		
Improvements at Farwell & Geiger	53			50,000	SCHOB						
Replace Mercury Street Lighting	117	-		30,000	COB	30,000	COB	30,000	COB	30,000	COB
Hydro-Electric Generation-Rehab Unit #2 Turbine and Related Gates and Hydraulic Positioners at the Upper A Hydro Facility	119			400,000	CBI						
Bartlett Street Rehabilitation	127			530,000	CBI	370,000	CBI				
Rte. 126 Sabattus St.(Laurier to Old Green Road)	138			1,831,500	F/S						
				203,500	CBI						
Lewiston Riverside Greenway	141			1,680,000	F/S						
MTA Old Lisbon Bridge Rehab.	147			2,800,000	Other						
City Hall Building Second Floor Interior and Exterior	71			120,000	CBI	100,000	CBI				
Way Finding Signage	21			25,000	CBI						
				50,000	Other						
Acquisition of Lewiston Steam Substation (CMP)	22			253,000	CBI						
Apparatus Replacement Engine # 4 (2002 E-One Pumper)	29			500,000	CBI						
Athletic Fields: Outdoor Lighting - Upper Franklin	41			110,000	CBI						

## FY 2013 Lewiston Capital Imp. Project Summary

by Fiscal Year (FY)

PROJECT	PAGE	FY2013	FY2014	FY2015	FY2016	FY2017
Recreation Facilities: Kennedy Park Master Plan Implementation	42		225,000	CBI	250,000	CBI
Downtown/Riverfront Bicycle And Pedestrian Imp.	59			120,000	F/S	
				30,000	CBI	
Bikeway/Pedestrian Path Gully Brook to Boat Ramp	60			400,000	F/S	
				100,000	CBI	
Police Department Building Expansion BLDG 7	72			500,000	CBI	2,000,000
City Buildings Security System BLDG 8	73			50,000	CBI	
Armory/Rec. Building Window Replacement BLDG 9	74			60,000	CBI	
City Hall Building Window Replacement BLDG 10	75			400,000	CBI	
Montello School: renovate 4 restroom c-wing	54			150,000	SCHBI	
Site Work to add 4 classrooms (location TBD)	55			100,000	SCHBI	
New School-Project State Funded	56			28,500,000	F/S	
				1,500,000	SCHBI	
Street Rehab CDBG Area	125			105,000	CD	290,000
Field -Artificial Turf	132			375,000	CBI	
				375,000	SCHBI	
Field - Track Resurfacing	133			161,000	CBI	
				161,000	SCHBI	
East Ave. Reconstruction (Campus Ave. to Fairlawn St.)	139			2,353,500	F/S	
				261,500	CBI	
South Avenue from Lincoln Street to Lisbon Street Rehabilitation Project	62				180,000	F/S
					20,000	CBI
River Road Rehabilitation Project (South Avenue to A.A. Plourde Parkway)	63				1,080,000	F/S
					120,000	CBI
Rec. Dept. Administrative Office Renovations BLDG 12	76				100,000	CBI
Sabattus St. Fire Sub- Station Relocate or Rehab BLDG 11	78				100,000	CBI
Lisbon St Pavement Preservation and Sidewalk Improvements (Chestnut to Main)	65					1,000,000
						621,000
Pleasant Street from Lisbon St. to Ferry Rd. Rehab	66					69,000
						540,000
						60,000
Lisbon St. Fire Sub Station Expansion & Rehab BLDG 13	79					550,000
Central Fire Station Roof Replacement BLDG 14	80					140,000
Birch Street Road and Sidewalk Rehabilitation	131					925,000
Franklin Pasture Restrooms	134					75,000
						75,000
Fleet Tracking System (GPS System)	152					80,000
						CBI
<b>TOTALS</b>		<b>36,840,473</b>	<b>32,692,937</b>	<b>50,573,100</b>	<b>13,367,000</b>	<b>17,715,400</b>
<b>City Bond Issue</b>	<b>CBI</b>	2,912,200	4,213,459	5,132,500	4,647,000	5,134,000
City Operating Budget	<b>COB</b>	1,311,470	1,074,509	1,233,000	1,246,000	1,442,000
Community Dev. Block Grant	<b>CD</b>	580,000	100,000	205,000	630,000	600,000
Federal/State Funding	<b>F/S</b>	16,108,733	13,563,769	38,073,500	3,760,000	6,811,000
Other Agency/Municipality	<b>Other</b>	348,070	2,960,000	110,000	110,000	110,000
School Operating Budget	<b>SCHOB</b>	210,000	50,000	-	-	-
<b>School Bond Issue</b>	<b>SCHBI</b>	8,710,000	5,675,000	2,286,000	50,000	75,000
<b>Water Bond Issue</b>	<b>WBI</b>	2,460,000	2,044,200	1,870,100	1,331,000	1,918,400
Water Operating Budget	<b>WOB</b>	170,000	212,000	213,000	153,000	185,000
Sewer Operating Budget	<b>SOB</b>	95,000	85,000	85,000	75,000	75,000

## FY 2013 Lewiston Capital Imp. Project Summary

by Fiscal Year (FY)

PROJECT	PAGE	FY2013	FY2014	FY2015	FY2016	FY2017
Sewer Bond Issue	SBI	2,075,000	1,500,000	1,150,000	1,150,000	1,150,000
Sewer Impact Fees	SIF	50,000	50,000	50,000	50,000	50,000
Storm Water Operating Budget	SWOB	60,000	65,000	65,000	65,000	65,000
<b>Storm Water Bond Issue</b>		<b>1,750,000</b>	<b>1,100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>
<b>TOTALS</b>		<b>36,840,473</b>	<b>32,692,937</b>	<b>50,573,100</b>	<b>13,367,000</b>	<b>17,715,400</b>
<b>Bond Issues</b>		<b>17,907,200</b>	<b>14,532,659</b>	<b>10,538,600</b>	<b>7,278,000</b>	<b>8,377,400</b>
<b>20yr</b>						
CBI (City Bond Issue)		749,700	1,178,000	2,490,000	3,050,000	3,235,000
SCBI (School Bond Issue)		8,500,000	5,000,000	1,500,000		
WBI (Water Bond Issue)		1,770,000	1,884,200	1,710,100	1,171,000	1,758,400
SBI (Sewer Bond Issue)		1,550,000	1,000,000	1,000,000	1,000,000	1,000,000
SWBI (Storm Water Bond Issue)		1,550,000	1,000,000			
sub-total		14,119,700	10,062,200	6,700,100	5,221,000	5,993,400
<b>15yr</b>						
CBI (City Bond Issue)		1,136,500	2,850,459	1,466,500	1,257,000	1,465,000
SCBI (School Bond Issue)		-	600,000	150,000	-	
WBI (Water Bond Issue)		530,000	-	-	-	
SBI (Sewer Bond Issue)		525,000	500,000	150,000	150,000	150,000
SWBI (Storm Water Bond Issue)		200,000	100,000	100,000	100,000	100,000
sub-total		2,391,500	4,050,459	1,866,500	1,507,000	1,715,000
<b>10yr</b>						
CBI (City Bond Issue)		686,000	160,000	775,000	320,000	219,000
SCBI (School Bond Issue)		-	-	375,000		
WBI (Water Bond Issue)		-	-			
SBI (Sewer Bond Issue)		-	-			
SWBI (Storm Water Bond Issue)		-	-			
sub-total		686,000	160,000	1,150,000	320,000	219,000
<b>5yr</b>						
CBI (City Bond Issue)		340,000	25,000	401,000	20,000	215,000
SCBI (School Bond Issue)		210,000	75,000	261,000	50,000	75,000
WBI (Water Bond Issue)		160,000	160,000	160,000	160,000	160,000
SBI (Sewer Bond Issue)		-	-			
SWBI (Storm Water Bond Issue)		-	-			
sub-total		710,000	260,000	822,000	230,000	450,000
<b>Total</b>		<b>17,907,200</b>	<b>14,532,659</b>	<b>10,538,600</b>	<b>7,278,000</b>	<b>8,377,400</b>

**DISPLAY AD**

**CITY OF LEWISTON, MAINE  
FISCAL YEAR 2013  
CAPITAL PROGRAM PUBLIC HEARING**

Notice is hereby given in accordance with Article VI, Section 6.07 of the City Charter of a Public Hearing before the City Council to be held on the Capital Program. Any interested citizen may appear and will be heard before final action on said program.

**HEARING DATE: TUESDAY, FEBRUARY 7, 2012  
TIME: 7:00PM  
PLACE: COUNCIL ROOM – CITY HALL**

The following are the proposed Local Funding amounts:

FY2013	\$20,383,670	FY2014	\$16,169,168
FY2015	\$12,389,600	FY2016	\$9,497,000
	FY2017		\$10,794,400

NOTE: Detailed explanation of the Capital Improvement Program is available for inspection at the City Clerk's Office and Lewiston Public Library during working hours as well as available on the city's website. The City of Lewiston is an EOE. For more information, please visit our website at [www.lewistonmaine.gov](http://www.lewistonmaine.gov) and search for the Non-Discrimination Policy.

Kathleen M. Montejo, City Clerk

-END-

**DISPLAY AD - SUN JOURNAL –TUESDAY, JANUARY 31, 2012**

**2 columns wide by 4 or 4 ½ inches high**

**PROOF REQUESTED - 777-4621 Fax**

TO: Attn: Venise, Advertising Dept. 784-3062 fax  
FROM: Lewiston City Clerk's Office 777-4621 fax

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

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 7, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Public Hearing and Adoption of the Community Development Block Grant Program (CDBG) Citizens Participation Plan.

**INFORMATION:**

The Citizen Participation Plan outlines the process for developing the annual CDBG Action Plan. As the lead agency, the City seeks to engage citizens and local organizations in the development of the plan through public meetings and comment periods. The local organizations with which the City has established long term relationships help to identify the needs of the community in areas of affordable housing, public improvement and economic opportunities for its citizens. A strategic plan is developed based upon the comments and concerns of active participants.

**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 Citizens Participation Plan for the Community Development Program, City Policy Manual Number 13, as recommended by the City Administrator and the Interim Economic and Community Development Director



**Executive Department**  
Lincoln Jeffers  
Assistant to the Administrator



**To:** Honorable Mayor and Members of the City Council  
**From:** Lincoln Jeffers  
**RE:** Community Development Block Grant Citizen Participation Plan  
**Date:** February 2, 2012

**Background**

The Community Development Block Grant (CDBG) program is a federal program established in 1974 to provide federal assistance to states and communities to help combat poverty. Since the program was established, Lewiston has been designated as a CDBG Entitlement Community. Entitlement Communities annually receive a funding allocation directly from HUD. Other communities in Maine designated as Entitlement Communities are Portland, Bangor, Auburn, Biddeford, and Cumberland County. The state of Maine also receives a funding allocation, which is distributed by the state to other non-entitlement communities on a competitive, per project basis each year.

Over the last decade, Lewiston's allocation has diminished from approximately \$1.3 million to approximately \$948,000 in the current fiscal year. The early projection for next year's CDBG allocation is \$762,517.

As a CDBG Entitlement Community, Lewiston is governed by a host of federal regulations and reporting requirements. HUD requires that the citizenry be involved in helping determine how each year's funding allocation is spent. A plan must be developed and approved by the City Council detailing how the public can become involved in the program's discussion and decision making process.

Historically, Lewiston has adopted a Citizen Participation Plan each year. The changes from year to year were minor, largely consisting of date changes. With an eye to making the best use of staff and Council time going forward, this year's Citizen Participation Plan has been revised so as to eliminate the need for an annual update and revision.

**Citizen Participation Plan Summary**

The plan covers how the public can participate in developing the 5-year Consolidated Plan and any substantial amendments to it, the annual Action Plan including the allocation of annual funding, and the development and submission

of the program's required performance reports. Specific elements of the plan are:

- A CDBG Citizens Advisory Committee to advise on the Consolidated Plan, the annual Action Plan, and the Consolidated Annual Performance and Evaluation Report.
- Procedures to allow for and encourage public participation in developing the Consolidate Plan, including making information available to the public, publishing and seeking comment on a proposed plan, and publicizing and holding at least one public hearing on it.
- Requirements to accept, document, and to respond to comments from the public on the Consolidated Plan;
- Requiring a public participation process in regard to any substantive amendments to the Plan (including a change in the priorities or methods used to distribute funds, adding new activities, or changing the purpose, scope, location, or beneficiaries of a funded program), including reasonable notice and the opportunity to comment and participate at a public hearing;
- Requiring public notice of any minor amendments to the Consolidated Plan as well as notice of the date, time, and location of the Council meeting where the amendments will be acted on.
- Providing the public with reasonable notice and an opportunity to comment on performance reports and considering the comments received;
- Making the Consolidated Plan, any substantial amendments to it, and associated performance reports available to the public.
- Responding in writing to every written public complaint related to the Consolidated Plan, substantive amendments to it, and associated performance reports.

We recommend your approval of the proposed Community Development Block Grant Program Citizen Participation Plan.

# **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN**

## **I. Introduction**

The City of Lewiston was designated a Community Development Block Grant Entitlement Community in 1974. Every year since then, the City has received a formula based allocation of CDBG funds. These funds are used for programs including housing rehabilitation and economic development loans, public facilities and infrastructure improvements, and financial assistance to social services agencies,

The Department of Housing and Urban Development (HUD) requires recipients of these grant funds to prepare a formal plan known as the Citizen Participation Plan as a condition of receiving those funds. What follows is the City of Lewiston's Citizen Participation Plan in accordance with Section 104(a)(3) of the Housing and Community Development Act of 1974, (42 U.S.C.5304(A) (3)), and 24 CFR Part 91 Sections 91.105 and 91.200

## **II. CDBG Citizens Advisory Committee (CAC)**

This Citizen Participation Plan (CPP) encourages participation from Lewiston residents in developing the 5-Year Consolidated Plan, any substantial amendments to the Consolidated Plan, and developing the annual action plans and performance reports. The City especially encourages participation by residents of Census Tracts 201, 202, 203 and 204, which constitute the CDBG target area and which is defined as a low and moderate income area. The City also encourages participation by low and moderate income persons, the homeless, persons with disabilities, and of organizations representing these groups.

To ensure that all constituents are provided with an opportunity to be included in this important planning and implementation process, the City appoints and convenes a CDBG Citizens Advisory Committee (CAC) to assist in developing the specific goals and objectives of the Consolidated Plan, the annual Action Plan, and the Consolidated Annual Performance and Evaluation Report (CAPER). Committee members are appointed by the Mayor to two year terms coinciding with the City's fiscal year (July 1- June 30). This seven-person Committee includes one Lewiston City Councilor, one representative from the Lewiston Planning Board, and one voting City Administration staff member. Of the 4 remaining members, at least two must be citizens from the City's CDBG Target Area (Census Tracts 201-204) with the remainder from the community at large. The Committee is staffed by the Economic and Community Development Department.

The role of the CAC is to provide citizen input into the CDBG budget process to ensure that the goals and objectives of the 5 year Consolidated Plan are reflected in the annual Action Plan and

# **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN**

reviewed for progress and evaluated for appropriateness in the City's CAPER. During its first meeting, the CAC will appoint a Chairperson from among its members to serve as a meeting facilitator, a spokesperson for the committee, and a liaison to the Economic and Community Development Department staff. The CDBG CAC will meet during the CDBG budget process to review and evaluate requests for CDBG funding. The CAC's important role in this process includes reviewing funding applications for appropriateness and compliance with the national objectives of the CDBG program, verifying that the goals and objectives described in the funding request address the goals and objectives in the current consolidated plan, and recommending to the Lewiston City Council the appropriate activities and funding levels for projects to be included in the next annual Action Plan.

The meetings of the CDBG Citizens Advisory Committee are open to the public with meeting times and dates published in advance in a publication of general circulation and on the City's website. Each year the Lewiston City Council will act to accept the Action Plan according to the City's Budget timeline, with final City Council approval no later than May 1<sup>st</sup>. Final approval will take place at a City Council Meeting following a public hearing. Notice of the City Council meeting and public hearing on the Consolidated Plan and Action Plan will be provided in the local newspaper approximately 10 days before the hearing is to take place.

### **III. Consolidated Plan Development:**

The Consolidated Plan is a planning document that outlines and guides CDBG expenditures for a five-year period. It is designed to be a collaborative process through which Lewiston establishes a unified vision for community development actions and strategies. It creates the opportunity for strategic planning and citizen participation to take place in a comprehensive context. The Consolidated Plan identifies specific courses of actions for the CDBG funding the City receives. It builds on local assets and responds to the needs of the community and sets forth program goals, specific objectives, annual goals, and benchmarks for measuring progress.

During development of the Consolidated Plan the City of Lewiston shall:

- A.) Make available to citizens, public agencies, and other interested parties information that includes the amount of assistance that the City expects to receive from the Community Development Block Grant (CDBG) program and the range of activities that may be undertaken using these funds, including the estimated amount that will benefit persons of low and moderate income and plans to minimize displacement of persons and to assist any persons displaced. This information will be made available before the adoption of the Consolidated Plan.

## **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN**

- B.) Publish the proposed Consolidated Plan in a manner that affords citizens, public agencies, and other interested parties a reasonable opportunity to examine its contents and to submit comments. This information will be summarized and published in a local newspaper of general circulation in the Lewiston area. The summary will include a description of the contents and purposes of the proposed Consolidated Plan and will be available for review in its entirety at the City's Economic and Community Development Department. An electronic copy will be placed on the City's website.
- C.) Copies will be available at the City of Lewiston's Economic and Community Development Department offices and at the Lewiston Public Library, Lewiston, ME,
- D.) Hold at least one public hearing on housing and community development needs before the proposed Consolidated Plan is published for comment.
  - 1.) The City shall give adequate advance notice of the hearing to citizens by publishing notices in newspapers of general circulation in Lewiston which include information on the purpose, time, and location of the hearing; and posting on the City's website
  - 2.) The City shall hold a public hearing in City Hall, 27 Pine Street, Lewiston, ME at a time and date intended to maximize the participation of interested citizens.
  - 3.) Where a significant number of non-English speaking residents can be reasonably expected to participate, the City will provide a qualified interpreter at the public hearing to accommodate the needs of these residents.
- E.) The City will accept public comments on the proposed Consolidated Plan for a period of not less than thirty (30) days from the date the public notice is placed in the newspaper of general circulation.
- F.) In developing the final Consolidated Plan, the feedback received verbally or in writing during the comment period and at the public hearing will be considered. A summary of the feedback received, including comments received but not incorporated into the final Consolidated Plan, will be included as an attachment to the document. For comments not incorporated, the attachment will explain the reasoning for the exclusion.

#### **IV. Amendments to the Consolidated Plan:**

There are two types of amendments to the Consolidated Plan: substantial amendments and minor amendments. The following subsections identify what constitutes an amendment and the threshold for determining what constitutes a substantial amendment, including the public notification and approval process.

- A.) If any one of the following actions is proposed, it will constitute an amendment to the plan:

## **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN**

- 1.) A change in the City's allocation priorities or change in the method of distribution of funds covered by the Consolidated Plan;
- 2.) Implementation of an activity using funds from any program covered by the Consolidated Plan (including program income) not previously described in the action plan; or,
- 3.) A change in the purpose, scope, location, or beneficiaries of a program funded by the Community Development Block Grant (CDBG) programs as listed in the Action Plan section of the adopted Consolidated Plan.

Any one of the actions listed in Section IV (A) (1-3) shall constitute an amendment to the Consolidated Plan.

### **B.) Minor Amendment to the Consolidated Plan, Public Notification and Meeting Requirements:**

A minor amendment is defined as a change that does not exceed 10% of the amount of the CDBG Program budget (which includes the annual allocation, reprogrammed funds, and program income) for the year in which the amendment is being considered.

A minor amendment will require a 7 day notice of public meeting posted at City Hall and on the City's website providing the date and time of the City Council meeting at which the minor amendment will be presented and voted upon. Any comments received at or in advance of the public meeting will be recorded and filed with the City Council meeting minutes.

### **C.) Substantial Amendment to the Consolidated Plan, Public Notification and Meeting Requirements:**

A substantial amendment to the plan shall be any change that exceeds 10% of the amount of the CDBG Program budget (as defined in above) for the year in which the amendment is being considered.

To provide citizens with reasonable notice and an opportunity to comment on substantial amendments to the Consolidated Plan, reasonable notice must include a summary of the proposed change and its potential effect on households of low and moderate income. The summary must be published in a newspaper of general circulation and include an opportunity for written comment by interested citizens and groups for a period of not less than thirty (30) days prior to implementing the amendment. The published summary must state that written comments must be submitted to the City by a specified date.

Any comments or views of citizens and units of general local government received in writing or orally during the comment period or at public hearings must be considered in adopting a substantial amendment to the Consolidated Plan. The City shall attach a summary of these comments or views to the substantial amendment as finally approved.

## **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN**

### **V. Performance Reports Associated With the Consolidated Plan:**

When preparing performance reports associated with the Consolidated Plan, the City shall:

- A.) Provide citizens with reasonable notice and an opportunity to comment on performance reports associated with the Consolidated Plan. Reasonable notice must include a summary of what has been accomplished and its effect on households of low and moderate income. The summary must be published in a newspaper of general circulation in Lewiston and notify interested citizens and groups that they have the opportunity to provide comments for a period of not less than fifteen (15) days before the performance report is submitted to HUD. The published summary must indicate that written comments must be submitted by a specified date to the City.
- B.) Consider any comments or views of citizens received in writing or orally at public hearings, if held, in preparing the performance report. The City shall attach a summary of these comments or views to the performance report.

### **VI. Availability of the Consolidated Plan and Related Documents to the Public:**

- A.) The City shall make available to the public free of charge and upon request the final Consolidated Plan as adopted, any substantial amendments, and any associated performance reports. Upon request, the City will make these documents available in a form accessible to persons with disabilities.
- B.) Written Comments should be mailed to: Economic and Community Development, City Hall, 27 Pine Street, Lewiston, Maine 04240. All comments submitted in writing to the Economic and Community Development Department will be filed. Prior to filing, appropriate responses will be submitted by the Economic and Community Development Director or his/her designee.

### **VII. Complaints Associated with the Consolidated Plan and Related Documents:**

The City will provide a substantive written response to every written citizen complaint related to the Consolidated Plan, substantive amendments, and associated performance reports within fifteen (15) working days.

### **VIII. Accessibility to Those with Disabilities or Language Barriers**

The City of Lewiston does not discriminate against or exclude individuals from its municipal facilities and/or in the delivery of its programs, activities, and services based on an individual's ethnic origin, color, religion, gender, sexual orientation, age, physical or mental disability,

## **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN**

veteran status, or inability to speak English.

With proper notice, the City will endeavor to accommodate the needs of those unable to participate in the process as designed. This policy includes but is not limited to providing translation services.

For more information about this policy, contact or call Compliance Officer at 207-513-3000 (TTY) 207-513-3007.

### **IX. Effective Date**

This Citizen Participation Plan was adopted by the Lewiston City Council during a public hearing dated \_\_\_\_\_ and will be in effect until amended.

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 7, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 8**

**SUBJECT:**

Resolve Authorizing the Sale of 299 Webster Street by a Public Bid Offering.

**INFORMATION:**

Staff is seeking authorization from the Council to dispose of the tax-acquired property at 299 Webster Street by offering it for public sale. A 2009 tax lien on this property has matured and the owner has abandoned the property. Taxes have not been paid since 2006 and over \$20,000 is due. The City Attorney has been working to gain clear title to the property.

The City Administrator is recommending the City seek public bid offerings for the sale of the property at 299 Webster Street.

Please reference the attached staff memorandums for additional information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EATB/kmm*

**REQUESTED ACTION:**

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To approve the Resolve authorizing the sale of 299 Webster Street by a public bid offering.



**City of Lewiston Maine  
City Council Order  
February 7, 2012**

**RESOLVE,** Authorizing the Sale of 299 Webster Street by a Public Bid Offering.

**WHEREAS,** a 2009 tax lien has matured on the property located at 299 Webster Street, and the City is owed a total of \$21,191.45 in past taxes from fiscal year 2006 forward; and

**WHEREAS,** the City is also owed delinquent stormwater fees of \$440.76; and

**WHEREAS,** the City has incurred approximately \$6,000 in expenses to remove debris from the property and secure the building; and

**WHEREAS,** the City has and continues to incur legal fees associated with the property; and

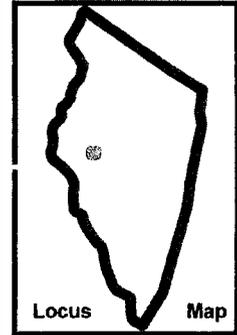
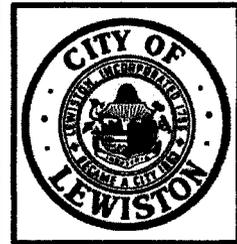
**WHEREAS,** the City wishes to dispose of this tax acquired property and return it to the tax rolls;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISTON,** that

The Budgeting and Purchasing Director is hereby authorized to seek public bid offerings for the sale of 299 Webster Street with an established minimum bid of \$30,000 and a bid security deposit requirement of \$1,000;

**Be It Furthered Ordered** that the Budgeting and Purchasing Director award the sale to the highest bidder that has secured financing and meeting the bid requirements;

**Be It Furthered Ordered** that the City Administrator is authorized to execute the necessary purchase and sale agreement and all closing documents required to conclude the sale.



**299 Webster Street**  
1/19/2012

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## Finance Department

Heather Hunter  
Director of Finance/Treasurer  
[hhunter@ci.lewiston.me.us](mailto:hhunter@ci.lewiston.me.us)



**TO:** Mayor Robert E. Macdonald  
And Members of the City Council

**FROM:** Heather Hunter, Finance Director

**SUBJECT:** **299 Webster Street**

**DATE:** February 1, 2012

A 2009 tax lien has matured on 299 Webster Street, a vacant single family home. Due to the complexity and extenuating circumstances associated with the property, the City has requested our City Attorney to provide proper public and specific notification in order for us to offer clean title upon sale of the property. Please review the attached memo from the City's Tax Collector regarding the property's history.

It has been the City's goal not to serve as a property manager for tax acquired property and to offer it for sale in accordance with the prescribed policy, preferably with a closing date on or before April 1, 2012. Please reference the Director of Budgeting & Purchasing's memo outlining the policy and sale options afforded to the City Council, as he will be executing the sale process.

We are requesting Council approve of an order allowing staff to sell 299 Webster Street using a public offering bid process with a minimum bid requirement of \$30,000 to cover the City's outstanding taxes, stormwater fees, costs incurred for clean-up, and legal fees.



## Finance Department

Norman J. Beuparlant  
Director of Budget/Purchasing  
[nbeau@ci.lewiston.me.us](mailto:nbeau@ci.lewiston.me.us)



**TO:** Heather Hunter, Finance Director  
**FROM:** Norman J. Beuparlant, Director of Budget/Purchasing  
**SUBJECT:** Sale of 299 Webster Street  
**DATE:** January 31, 2012

Our current policy for the disposition of tax acquired property provides for the use of a variety of methods to market and sell property.

The Tax Collector has been working and continues to work with the City Attorney to reach a point where the City would be able to provide a clean title to the property located at 299 Webster Street. A clean and clear title would make the property more marketable and would increase the amount that the City is likely to realize through its sale.

Our current policy allows the City Administrator to select one of a number of methods:

- Public Auction
- Real Estate Broker contract
- Public offering/Bid
- Request for Proposal

I would recommend that we initially offer this property for sale through a public offering/bid, including setting a minimum offer that would be considered and requiring interested parties to submit with their bid appropriate bid security in order to be considered.

If selected as the disposition method, an ad would be placed in the Sun Journal, direct mailing would be sent to abutters, bid notification posted on City website, and advertisement sent to our list of people that have expressed interest in such sales.

Part of the bid process would include a site walk to allow interested parties an opportunity to view the inside of the building.

NJB/syt



City of Lewiston  
Finance Department

Nancy I. Mennealy, Tax Collector



# MEMO

**TO: Heather Hunter**

**FR: Nancy Mennealy**

**DT: January 31, 2012**

**RE: 299 Webster Street**

The owner of 299 Webster St was Raymond A. Samson. He has been incarcerated in the Maine State Prison since 2005. The 2009 tax lien for this property matured on 2/4/2011. There is an IRS tax lien in the amount of \$77,589, dated 9/17/07, recorded against the property as well as writ of execution for \$943,365. The writ of execution results from a Superior Court judgment against Mr. Samson dated 11/20/08 for a civil suit brought against him. However, Mr. Samson's ownership interest was extinguished on 2/4/11 as a result of the matured 2009 tax lien. Additionally, the civil suit has also been eliminated by virtue of the foreclosure on the 2009 tax lien.

The only obstacle left to the City taking possession of the property and disposing of it was the IRS lien. In order to extinguish this lien, the City provided the IRS with a 120 day notice. During this notice period, the IRS had the option of stepping in and taking possession. The original notice period expired on June 4, 2011. At about that time, we identified a technical error in the foreclosure notices provided to various parties with an interest in the property. As a result, new notices were sent to Mr. Samson, his lawyer, and the IRS last July. The new notices established a December 20, 2011 deadline for the IRS' lien to expire and an automatic foreclosure date for the 2009 tax lien of 8/22/11.

Since then, I have been in communication with Anne Torregrossa from Brann & Isaacson. She is working on obtaining a clear title to allow us to move forward in selling this property. All parties involved have been served with notice of this effort to clear title and we are waiting for the response period to expire.

The total taxes due on this property from 2006 forward is \$21,191.45. The stormwater fees still due are \$440.76. There will also be legal fees associated with the effort to clear title.

On 1/24/2012, the Planning Board unanimously approved a favorable recommendation to the City Council for the disposition of 299 Webster St.

Let me know if you have any questions.



City of Lewiston  
Planning & Code Enforcement  
Gil Arsenault, Director



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## MEMORANDUM

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**To:** City Clerk's Office  
City Council Members

**From:** David Hediger

**Date:** January 24, 2012

**Subject:** Planning Board Action

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The Planning Board took the following action at their public meeting held on January 23, 2012 regarding the disposition of 299 Webster Street:

The following motion was made:

**MOTION:** by **Sandra Marquis** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of 299 Webster Street. Second by **Trinh Burpee**.

**VOTED:** 7-0 (Passed)

c: Ed Barrett, City Administrator  
Planning Board Members

The City of Lewiston is an EOE. For more information, please visit our website at [www.ci.lewiston.me.us](http://www.ci.lewiston.me.us) and click on the Non-Discrimination Policy.

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 7, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 11**

**SUBJECT:**

Executive Session to discuss Real Estate negotiations 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.

*EAB/kmm*

**REQUESTED ACTION:**

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To enter into Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.