

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
FEBRUARY 21, 2012**

**6:00 p.m. Workshop** - Review of proposed draft of the Androscoggin County Charter

**6:30 p.m. Executive Session** - To discuss acquisition of property 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.

Presentation of a Maine State Legislative Sentiment to the L/A CASH Coalition  
Update from the Lewiston Youth Advisory Council

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 4.

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. Resolve Supporting the Concept of a Lewiston-Auburn Bike-Ped Committee.
- \* 2. Adoption of a city policy regarding Property Disposition.
- \* 3. Adoption of a city policy regarding Properties with Matured Tax or Sewer Liens.

REGULAR BUSINESS:

- 4. Public Hearing on a renewal application for a Special Amusement Permit for Live Entertainment for Bernie's Bar & Grill, 1065 Sabattus Street.
- 5. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Carlton Club, Inc., 25 Sabattus Street.
- 6. Public Hearing on the new application for a Special Amusement Permit for Live Entertainment for The GoGo Lounge, 229 Lisbon Street.
- 7. Public Hearing and First Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance to prohibit the use of consumer fireworks within the urbanized areas and to permit the use in rural areas of the City of Lewiston.
- 8. Public Hearing and First Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance to prohibit the use of consumer fireworks within the urbanized areas and to heavily restrict the use in rural areas of the City of Lewiston.
- 9. Public Hearing and First Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance to prohibit the use of consumer fireworks within the City of Lewiston.

10. Public Hearing and First Passage for Land Use Code Amendments concerning In-Law Apartment Standards.
11. Public Hearing and First Passage for Land Use Code Amendments concerning Community Gardens Standards.
12. Receipt of recommendations from the Finance Committee and the Planning Board on the FY2013 Lewiston Capital Improvement Plan budget.
13. Resolve regarding the Adoption of the Fiscal Year 2013 Lewiston Five-Year Capital Improvement Program.
14. Waiver of City Purchasing Policy to allow for the sale of the Auto-Tie Baler System at the Solid Waste Facility.
15. Resolve Approving a Joint Agency Budget Committee.
16. Appointment of City Council representatives to various city committees.
17. Reports and Updates.
18. Any other City Business Councilors or others may have relating to Lewiston City Government.
19. Executive Session to discuss labor negotiations regarding the Maine Association of Police - Patrol Unit and the Lewiston Police Supervisory Command Unit.

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## **ANDROSCOGGIN COUNTY CHARTER**

We, the people of Androscoggin County, Maine, in recognition of the dual role of the County as an agency of the State of Maine and as a unit of local government, and in order to provide for self-determination in county affairs to the full extent permissible under the Constitution and laws of the State, by this Charter, confer upon the County the following power subject to the following restrictions, and prescribe for it the following procedures and governmental structures:

### **ARTICLE 1 AUTHORITY**

#### **1.1 NAME**

The name of the county as it operates under this Charter shall be Androscoggin County.

#### **1.2 NATURE AND LEGAL CAPACITY**

From the time this Charter takes effect, the County shall continue to be an agency of the State and a body politic and corporate and shall be vested with all rights and powers of self-government which are now, or hereafter may be, provided by the Constitution and laws of Maine and this Charter. In addition, it shall be vested with all the rights and programs from the Federal Government that are available either directly or through the State.

#### **1.3 BOUNDARIES**

The boundaries of the County shall be the boundaries now or hereafter prescribed for the County by the laws of the State of Maine.

#### **1.4 COUNTY SEAT**

The seat of government of the County shall continue to be the City of Auburn.

#### **1.5 ELECTED OFFICIALS**

Pursuant to the Constitution and laws of the State of Maine, the county shall have an elected Board of County Commissioners, hereafter referred to as "the Board." If authorized by State law, any and/or all of following elected official positions may be permanently transferred to appointed professional positions by a majority vote of the County electorate.

- Sheriff (listed in state constitution)
- Judge of Probate (listed in state constitution)
- Register of Probate (listed in state constitution)

## **ARTICLE 2 POWERS AND DUTIES**

### **2.1 TRANSFER OF POWERS**

Whenever a municipality, special district or agency shall request the performance or transfer of any power, privilege, authority, or function to the County, the Board has the authority, at its discretion, to exercise that power, privilege, authority, or function, if permitted by law, except that nothing herein shall be construed to allow the County to levy taxes other than as allowed by law.

### **2.2 INTERGOVERNMENTAL COOPERATION**

The Board may, on such terms as it deems to be in the best interest of the County, arrange by contract for one or more functions of the County to be performed in cooperation with one or more other counties, or for one or more functions of the County to be transferred to and performed by one or more municipalities, the State of Maine, federal agencies, special districts, or public and private entities if permitted by state law.

### **2.3 DIVISION OF POWERS**

This Charter establishes the separation between the legislative and administrative functions of county government. The establishment and adoption of policy shall be the responsibility of the Board and the execution of that policy shall be the responsibility of the County Administrator.

### **2.4 CONSTRUCTION OF POWERS**

The powers granted by this Charter shall be construed broadly in favor of the charter form of government and toward the end of enabling the County to implement municipal programs and services on behalf of its municipalities, while avoiding the creation of special districts or other legal or administrative entities to accomplish these purposes.

## **ARTICLE 3 BOARD OF COUNTY COMMISSIONERS**

### **3.1 COMPOSITION**

**3.1.1 Number of County Districts:** There shall be seven (7) districts, with a single commissioner elected from each district.

**3.1.2 Construction of Districts:** Initial districts shall be as described in Appendix A.

**3.1.3 Review of Districts and Decennial Reapportionment:** Within forty five (45) days of receipt of data from each decennial US Census, the Board shall appoint a County Apportionment Commission of 7 members, one from each district, to prepare a description of each of the geographical districts which reflects the new census data to ensure the division of the County into contiguous and nearly equal populated areas. Each apportionment shall start as a new construct within the County's boundaries with each district following existing municipal boundaries insofar as is possible. Each Commissioner shall represent the residents of the Commissioner District in which he or she resides despite any changes in the configuration of the district brought about by the new census data except that the position of any Commissioner who, as a result of the reconfiguration of the boundaries of his or her Commissioner District, no longer resides within the Commissioner District he or she was originally elected to serve shall become vacant. The Board shall declare the Commissioner's position vacant when it accepts the revised geographical description of that Commissioner's District. The vacant Commissioner position shall be filled in the manner prescribed by § 3.4.

## 3.2 TERMS OF THE BOARD

**3.2.1 Initial Terms:** Except as provided in section 3.2.2, each district shall be designated and have specific terms of office for elected Commissioners Commissioners (not to exceed four years), said terms to be set by the Board no later than January 31, 2013, as follows:

~~———— District 1 term commences on January 1, 2014 for four (4) years.~~

~~———— District 2 term commences on January 1, 2014 for two years and beginning on January 1, 2016 for four (4) years.~~

~~———— District 3 term same as District 1~~

~~———— District 4 term same as District 2~~

~~———— District 5 term same as District 1~~

~~———— District 6 term same as District 2~~

~~———— District 7 term same as District 1~~

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Commissioners shall serve until their successors are elected and qualified.

**3.2.2 Incumbent Commissioners:** Commissioners who are in office at the time of the adoption of this Charter shall complete the terms of office for which they were elected and shall continue to serve until their successors are elected and qualified.

**3.2.3 Term Limits:** No Commissioner shall serve for more than three (3) consecutive four (4) year terms.

## 3.3 QUALIFICATIONS

**3.3.1 Residence:** An individual is eligible to be nominated and elected to the office of County Commissioner only if he/she is a resident of the district from which nominated and a registered voter of the County.

**3.3.2 Non-residence:** The office of any member of the Board shall become immediately vacant when the commissioner ceases to be any of the following: a resident of the district from which elected; a registered voter of the County; or any other cause as provided by this Charter or by the Constitution and laws of the State.

**3.3.3 Ineligible:** Upon election, a County Commissioner is immediately ineligible to serve in any other elected or appointed public office as provided by this Charter or by the Constitution and laws of the State, except as follows:

**3.3.3.1 Dual Offices:** No one can hold public appointive or elective office in two entities if money and/or resources are exchanged between them, except where clearly authorized by law or pursuant to an agreement under the Interlocal Cooperation Act.

**3.3.3.2 Time Restriction:** For a trailing period of 18 months, no former Commissioner shall hold any compensated or appointed County position and must obtain written authorization from the County Administrator approved by the Board to be employed by an organization having any business relationship with the County.

### **3.4 VACANCIES**

When a vacancy occurs in a County Commissioner position, members of the same political party who reside in the same district as the vacating member shall caucus and choose an interim replacement within thirty (30) days of the occurrence of the vacancy. The interim appointment shall be for the period until the next general election, at which time the position shall be filled for the remainder of the unexpired term. The name of the person selected shall be submitted to the Board for confirmation that appropriate procedures have been followed in the nomination process. If the Commissioner whose position has become vacant was not enrolled in a political party at the time of the primary election prior to the election at which he or she was elected, the County Administrator shall call for a caucus of un-enrolled voters from that district to choose an interim replacement. In order for the nomination of an interim replacement to be valid, the caucus at which the nomination was made shall be conducted in accordance with the internal rules of the political party involved, or, if no such rules exist, in accordance with accepted parliamentary procedure. In the case of a caucus of unenrolled voters, a minimum of at least 10 qualified voters must attend the caucus in order for the nomination to be valid.

The County Administrator shall give notice of the caucus of unenrolled voters through the media including by publication at least 10 days before the date of the caucus of a notice regarding the time and date of the caucus in a newspaper which has a general circulation within the county.

In the event that a caucus of enrolled or unenrolled voters fails to produce a valid nomination of a County Commissioner to fill the vacancy within the 30 days after notice of the vacancy was

given by the County Administrator, the vacancy shall be filled by a majority vote of the remaining County Commissioners.

### **3.5 EXCLUSION**

After due process of formal charges and a hearing in which the challenged member shall not participate, and upon finding that a commissioner-elect is not entitled to a seat because of a failure to meet the requirements in section 3.3.1 or 3.3.2, or if a commissioner-elect was not "duly elected," the Board, by a majority vote of the remaining members of the Board, may deny the commissioner-elect a seat on the Board.

### **3.6 CENSURE AND EXPULSION**

After due process including formal charges and a hearing, a Commissioner may be involuntarily removed from office before the normal expiration of his or her term. The Board may determine the rules of its proceedings and punish Commissioners by immediate expulsion for cause including non-attendance, disorderly behavior, and moral turpitude with the concurrence of a majority plus one of the full Board.

### **3.7 COMPENSATION**

Salaries and benefits of all County elected officials shall be recommended by the Board and approved by a majority plus one vote of the full Budget Committee. Said salary shall constitute full compensation for all services. Reimbursement for reasonable expenses incurred in performance of the officials' duties may be allowed upon formal review and approval by the Board.

### **3.8 POWERS OF THE BOARD**

The Board shall be the policy-determining body of the County. The Board may exercise all the powers granted to the County from any source.

**3.8.1 Specific Powers:** The Board shall appoint by a majority of a full Board and remove by majority plus one vote of a full Board:

**3.8.1.1** The County Administrator, County Treasurer, Register of Deeds, and any of the other positions listed in Section 1.5 that may later become appointive.

**3.8.1.2 Other Appointments:** The County Administrator shall follow the process prescribed in the Board's Bylaws and may present any appointments to the Board for its confirmation.

**3.8.2 Departmental Structure:** The Board and/or the County Administrator, - with the approval of the Board, may from time to time establish additional administrative departments, combine any two or more administrative departments into a single department, separate departments thus combined, abolish any administrative department and prescribe the duties and functions of any administrative department. A function of the County prescribed by State law, but not allocated to any County office or agency,

shall be allocated to such department or committee of the County as the Board shall determine.

**3.8.3 Finance:** In order to insure transparency, the Board shall require the highest professional standards for its accounting and for the comprehensive annual financial report as prescribed in the Bylaws.

**3.8.4 Revenues:** The Board shall apply for available public and private grants to assist the needs of citizens, to provide required services, and to fund capital improvements. It shall establish and charge reasonable fees and assessments to offset all expenditures. In addition, and pursuant to State law, it shall appropriate funds as necessary to support its budget and pay debt services.

**3.8.5 Audit:** The Board shall cause independent audits by a certified public accountant of all government operations and functions of the County annually and more often if the Board deems necessary.

**3.8.6 Committees:** The Board may create and abolish such committees as it deems necessary to assist in the performance of its duties, may appoint the membership necessary, and may serve as ex officio committee members. A committee shall be a Standing Committee or an Ad Hoc Committee. All committees shall have a clearly written charge and have their budgets approved by the Board. At the annual meeting, the Board shall review and vote to authorize each Ad Hoc committee or by default it shall be abolished.

**3.8.6.1 Standing Committees:** Standing committees are named County committees that may have an ongoing, operating, and capital budget. Their governance shall be described and referenced in the Bylaws.

**3.8.6.2 Ad Hoc Committees:** Ad Hoc Committees are temporary committees developed for the County by its Board or County Administrator that perform limited singular assignments of limited duration, generally less than 18 months. They have neither an ongoing, operating, nor a capital budget and are not covered by the Bylaws.

### **3.9 BOARD ORGANIZATION**

At its initial organizational meeting, and annually thereafter, as determined by the Bylaws, the Board shall elect from among its members a chair and a vice-chair to serve for such terms as the bylaws or, if none, the Board, shall determine. The chair shall preside over the meetings of the Board, have a vote on all questions before it, and have authority to preserve order at all Board meetings. The Procedural Rules of the Board shall be determined in the Bylaws.

**3.9.1 Bylaws:** Within six (6) months of its election the Board shall adopt Bylaws that set forth the County's rules of governance, its procedures, and rules for change. At least decennially, the bylaws shall be formally reviewed by an independent group of the electorate selected by the Commissioners, one per district.

**3.9.1.1 Bylaw Changes:** The adoption, amendment, or repeal of a bylaw shall require a reading at two (2) formal Board meetings and the concurrence of the majority plus one vote of the full Board.

### **3.10 MEETINGS**

**3.10.1 Regular Meetings:** The Board shall meet regularly and publicly in the County at least once each month. The Board shall provide for the manner, time, and place for holding all regular Board meetings.

**3.10.1.1 Quorum:** Four (4) members of the Board shall constitute a quorum. A lesser number or the County Administrator may only adjourn the meeting to another place or time.

**3.10.1.2 Special Meetings:** Special meetings may be held at the call of the chair or three (3) or more members of the Board. Upon call for a special meeting, adequate public notice shall be given of the time, place, and purpose of the meeting in accordance with the procedures established by the Board's Bylaws. The only actions that can be taken at a special meeting are items specified in the notice for that meeting.

**3.10.1.3 Emergency Meetings:** An emergency meeting of the Board may be called at the Chair's, or in the absence of the Chair, the Vice-Chair's discretion. A complete record of the meeting, the Chair's justification for such action, and a roll call vote regarding the same shall be expressed, vetted, and recorded in the minutes of the meeting to be presented and approved at the next formal Board meeting.

**3.10.1.4 Non-meetings:** Chance meetings or planned social gatherings of the Board members, at which no substantive discussion, action, vote, or poll regarding the County's business is taken, do not constitute public meetings.

### **3.11 BONDING**

The Board shall designate which officers and employees shall be bonded and fix the amount and approve the form of the bond.

### **3.12 RECORDS**

The Board shall cause a public record of its proceedings to be kept in accordance with the Bylaws. A written copy of such records shall be maintained by, or under the direction of, the County Administrator and shall be available to the public prior to the next regular meeting of the Board. The individual votes on questions before the Board shall be recorded.

## **ARTICLE 4 ADMINISTRATION**

### **4.1 GENERAL PROVISIONS**

All functions and duties required of the County or County officials by this Charter or by the Constitution and laws of the State of Maine shall be the responsibility of the Board. Duties and functions shall be distributed among such committees, departments, offices, and agencies as the law, the Board, or this charter may establish. All entities, services, and functions are under the direction and the supervision of the County Administrator, subject to the approval and control of the Board. The Board shall use its powers to operate the County in an optimal businesslike manner and to provide services that are in the best interest of the County's citizens.

### **4.2 COUNTY ADMINISTRATOR**

The County Administrator shall be appointed solely on the basis of executive and administrative qualifications.

**4.2.1 Administration:** The County Administrator shall carry out the Board's policies and be delegated with and responsible for the County's entire management functions, including planning, organizing, staffing, direction, and control. In addition, the County Administrator is responsible for the preparation of and enforcement of personnel policies, budgetary documents, control of the budget after its acceptance, administrative codes, purchasing, provision of central services, maintenance of buildings and grounds, and any other functions the Board may prescribe. The County Administrator shall assume responsibility for all County elected or appointed professional positions and their entities, services, and function and may delegate such by agreement of the Board, except as provided by law. In the event that the County Administrator position should become vacant, the Board shall promptly name a replacement although it may appoint an interim successor while it is seeking to fill the position on a permanent basis.

**4.2.2 Appointments:** All administrative officers and employees of the County other than elected administrative officers and those designated in Section 3.8.1.1 shall be appointed by the County Administrator except that the Sheriff shall appoint and supervise the Chief Deputy as provided by law. The qualifications for appointments as administrative officers or employees shall be on a non-partisan and professional basis and may be prescribed by the Board.

**4.2.3 Administrative Code:** The County Administrator shall prepare an administrative code that shall establish the committee and departmental organization of County government, including the nature and scope of each department together with all required rules and procedures for their operation , except as otherwise provided by statute. The administrative code shall be submitted to the Board for adoption, review, amendment, or repeal. It may be formally amended or repealed by a vote of a majority plus one of a full Board. At least decennially the administrative code shall be formally reviewed by an independent group of the electorate selected by the Board, one per District.

**4.2.4 Elected Officials:** The respective offices of Sheriff, District Attorney, Judge of Probate, and Register of Probate shall continue to be under the elected official's supervision and control as provided by law for as long as these positions remain elective, except that all actions relating to personnel, fiscal matters, and general administration of the County shall be accomplished in cooperation with and subject to the review and approval of the County Administrator.

## **ARTICLE 5 FINANCE**

### **5.1 BUDGET**

The Board is responsible for the review of the County Administrator's preliminary budget, its submission to the Budget Committee, and for the preparation and presentation of the final annual operating budget and capital improvement plan to the citizens prior to its adoption. The annual County budget process shall be transparent and as detailed as necessary to ensure a knowledgeable understanding by the electorate of the entire County's expenditures and revenues.

### **5.2 FISCAL YEAR**

The fiscal year of the County shall be the calendar year, initially, but the Board shall have the authority to change said year by an appropriate order following consultation with the Budget Committee.

### **5.3 APPROPRIATION AUTHORITY**

The Board shall have the authority to appropriate money, according to the budget. In the event the budget is not approved before the start of a fiscal year, the county shall, until a budget is finally adopted, operate on an interim budget which shall be no more than 80% of the previous year's budget.

### **5.4 OPERATING BUDGET AND CAPITAL BUDGET PROCESS**

**5.4.1 Departmental Budget Request:** Each county department shall submit to the County Administrator a budget in such detail as may be required for the ensuing year's operation, plus such additional information as may be required by the County Administrator.

**5.4.2** The County Administrator shall review and compile all operational and capital budget requests, including a budget for his or her own office, prepare a preliminary budget, including revenue estimates, and submit the same to the Board for its review and approval. The capital program shall include a five (5) year Capital Improvement Plan.

**5.4.3 Adoption of Preliminary Budget:** Prior to the Board adopting the preliminary budget, it shall hold one or more public hearings in the County on the County Administrator's preliminary budget.

**5.4.4 Preliminary Budget Review:** After said hearing, the Board shall review the preliminary budget as submitted by the County Administrator, together with the County Administrator's recommendations, and shall make such additions, deletions or changes as it deems necessary to insure the proper funding of all operations of county government and shall submit the preliminary budget to the Budget Committee.

## 5.5 BUDGET COMMITTEE

**5.5.1 General Procedures:** The Board shall submit its proposed budget to the Budget Committee in a timely fashion and, in no event, later than 90 days prior to the beginning of the fiscal year. The Board shall provide the Committee with necessary clerical assistance, office expenses, and with meeting space, as well as access to County files and information needed to carry out its functions. Requests for such assistance shall be channeled through the County Administrator.

**5.5.2 First Meeting of the Budget Committee:** On the call of the Board, the Budget Committee shall, after public notice, hold a meeting at the County Building or at such other location as is designated in the call, at least 90 days prior to the commencement of the fiscal year. All meetings of the Budget Committee shall be open to the public except that the Budget Committee may hold executive sessions where permitted by 1 M.R.S.A. § 405 (the Freedom of Access Law). The Committee shall elect a chairperson from its membership and may also appoint such other officers as it may deem necessary. The Budget Committee may create such sub-committees as may be necessary to effectively perform its duties. A majority of the entire membership of the Budget Committee shall constitute a quorum.

The Budget Committee is advisory to the Board except that it shall have the authority to reject or modify any line item in the budget by the affirmative vote of 11 of its members. The Budget Committee's proposed budget shall include proposed salaries and benefits for elected officials.

**5.5.3 Submission of Proposed Budget to Board:** When the Budget Committee has completed its deliberations, it shall hold a public hearing to present its proposed budget not less than 30 days before the beginning of the fiscal year. Notice of the hearing must be given in all newspapers of general circulation within the County at least 10 days before the hearing. Written notice of the hearing and a copy of the proposed budget shall also be sent by regular or electronic mail or delivered in person to each of the municipal clerks in the county who shall be responsible for notifying the municipal officials in their municipalities of the proposed budget as well as the date and time of the budget hearing. After the public hearing, the Budget Committee shall ~~adopt~~approve a final budget and transmit the same to the Board.

**5.5.4 Adoption of Budget; Tax Levy:** The Board shall act on the proposed budget in a timely fashion and, in any event, not later than 15 days prior to the end of the fiscal year. The budget as adopted shall be the final authorization for the assessment of county taxes which shall be apportioned and collected in accordance with 30-A M.R.S.A. § 706. A copy of the final approved budget shall be filed with the State Auditor as provided by law.

**5.5.5 Membership:** There shall be two Budget Committee members from each district whose terms will begin 120 days prior to the beginning of the fiscal year. A Budget Committee vacancy will occur when a representative no longer qualifies for membership.

**5.5.5.1 Nominating Caucus:** The Board shall notify all municipal officers in the County to caucus by County Commissioner District at a specified date, time, and place for the purpose of nominating two (2) residents of the district of voting age as candidates for the County Budget Committee. At least one (1) of the persons nominated must be a municipal official as defined in 30-A M.R.S.A. § 722(2). A County Commissioner shall serve as the nonvoting moderator for his or her district caucus. Nominations shall be received from the floor and require a majority vote of those present to be approved. The names of those duly nominated shall be recorded and forwarded to the Board to be placed on a written ballot.

**5.5.5.2** The Board shall have written ballots printed with the names of those candidates selected in each County Commissioner District. Each Commissioner District shall require a separate ballot and each ballot shall specify each candidate's full name and municipality. The Board shall distribute the appropriate ballots to each municipality within a Commissioner District. The municipal officers shall vote, as a board, for two (2) Budget Committee members from the candidates on the ballot. The municipal officers must vote for at least one (1) candidate who is a municipal official. After voting, the municipal officers shall return the ballot to the Board by a certain date.

**5.5.5.3** The ballots shall be counted at a regular meeting of the Board. Each municipality's vote shall be weighted according to the formula set out in appendix B to this Charter to ensure that each municipality's vote reflects its proportion of

the Commissioner District's total population. The candidate with the highest vote total and who is a municipal official and the candidate with the otherwise highest vote total are elected to membership on the County Budget Committee for each district. The Board shall:

- Notify each municipality, in writing, of the election results;
- Certify the results to the Secretary of State.

**5.5.5.4 Appendices:** The appendices are not part of the Charter itself and shall be amended after each decennial census to reflect any changes in the Commissioner District boundary descriptions or apportionment figures made necessary by changes in population. The multipliers shall be adjusted after each decennial census.

**5.5.5.5 Term of Office:** The term of office for Budget Committee members is three (3) years.

**5.5.5.6 Term Limits:** No member of the Budget Committee shall serve more than three consecutive terms.

**5.5.5.7 Vacancies:** A vacancy occurring on the Budget Committee must be filled by the Committee for the balance of the unexpired term. The person appointed to fill the vacant office must be from the same municipality and district as the person vacating the office.

**5.5.5.8 Expenses:** Members shall serve without compensation, but shall be reimbursed from the county treasury for expenses lawfully incurred by them in the performance of their duties.

## **5.6 EMERGENCY APPROPRIATIONS**

Emergency appropriations shall be made by the Board from the contingency account in accordance with state law.

## **5.7 CAPITAL PROGRAM**

The County Administrator shall be responsible for the preparation and presentation of a five (5) year plan of the capital program to accompany the proposed annual budget when it is presented to the Board. The projections shall be considered as informational and not binding upon the future actions of the County Administrator or the Board.

## **5.8 BORROWING**

**5.8.1 Authorization:** The Board shall have the authority to issue bonds, notes, or other general obligation securities of the County in accordance with state law. The Board may

issue any form of tax, grant, or bond anticipation certificate or note as authorized by the Constitution or general laws of the State.

**5.8.2 Contracting:** The Board may contract with one or more member municipalities for the receipt of funds to accomplish any of the purposes authorized by this Charter and may, except as otherwise provided by law, incur indebtedness in anticipation of the receipt of such funds by issuing negotiable notes of the County payable in not more than one year, which notes may be renewed from time to time by the issuance of other notes, provided that no notes may be issued or renewed in an amount which at the time of issuance or renewal exceeds the amount of funds remaining to be paid under contracts with one or more member municipalities.

## **5.9 TRANSFER OF APPROPRIATIONS**

To the extent permitted by its appropriation and within each fiscal year, on request of the County Administrator, the Board may transfer any unencumbered balance of an appropriation or portion thereof to another account, department, office, or agency of the County in accordance with state law unless such funds were derived from income restricted to the specific purpose for which they were originally appropriated.

## **ARTICLE 6 ELECTIONS**

### **6.1 PARTISAN ELECTIONS**

No provision of this charter or orders adopted under its authority shall alter the partisan nature of the nomination and elections of the Judge of Probate, Sheriff, or Register of Probate, except as those elections are amended by the law of the State. If authorized by State law, any and/or all of the positions listed in the preceding sentence may be permanently transferred to appointed professional positions by a majority vote of the County electorate.

### **6.2 NOMINATION AND ELECTION OF COMMISSIONERS**

No provision of this charter or orders adopted under its authority shall alter the partisan nature of the nomination and election of the County Commissioners, except as it may be amended by the laws of the State.

### **6.3 ELECTIONS ON COUNTY REFERENDA**

Except as this Charter or legislation enacted pursuant to it provide, the manner of conducting an election on referendum questions shall be the manner prescribed by the laws of the State for an election in the County on any proposition.

## **ARTICLE 7 RECALL**

The registered voters of the County shall have the power to recall a County Commissioner, but no recall petition shall be filed within ninety (90) days after the Commissioner takes office or during the last 90 days of a Commissioner's term, nor, in the case of a Commissioner subjected to a recall election and not removed, until at least six months after that recall election.

### **7.1 LETTER OF INTENT REQUIRED**

A letter of "Intent to Initiate Recall" shall be filed by the initiator of the recall with the County Administrator, and the County Commissioner who is the subject of the recall, and it shall contain the following:

- The name, municipality of residence, and the number of the County Commissioner District in which the County Commissioner who is the subject of the recall proceeding is residing;
- The alleged reason for the recall;
- The signature of the initiator, printed name and address, municipality of residence, and telephone number of the initiator who is the signer of the letter;
- A signed and notarized statement by the registrar of voters in the initiator's place of residence that the initiator is a duly registered voter of the municipality within that County Commissioner District.

### **7.2 NOTIFICATION TO THE INITIATOR**

Within 10 days of receipt of the letter of "Intent to Initiate Recall," the County Administrator shall provide notification in writing to the initiator of the letter to confirm that it is in proper form and that the completed petitions must be filed with the County Administrator within 90 days of the date of notification. The last day that signatures can be collected shall also be the date by which completed petitions must be submitted to the County Administrator. The County Administrator shall also provide a copy of the letter to the County Commissioner who is the subject of the recall proceedings.

### **7.3 FORM FOR RECALL PETITION**

Recall petitions shall be on forms provided by the County Administrator in sufficient numbers so that each circulator can have a copy. The petition shall contain the following information:

**7.3.1 Content:** A recall petition must contain the name of only one person to be recalled, place of residence, the office held, and the number of the County Commissioner District in which the person to be recalled is residing at the top of each page.

**7.3.2 Reason for Recall:** Immediately below the foregoing information, the alleged reason or reasons for the recall shall be clearly and concisely stated.

**7.3.3 By Whom Signed:** Each recall petition may be signed only by registered voters of the County Commissioner District in which the recall is to take place. Other signatures are void.

**7.3.4 How Signed:** The voter must personally sign his or her name in such a manner as to reasonably satisfy the registrar of the municipality of residence that the name is recorded as a registered voter. The voter's printed name and address must also be recorded on the same line on the petition by either the voter or the circulator.

**7.3.5 Date:** The voter must indicate the date of signing which shall be noted on the petition after the municipality of residence.

**7.3.6 Number of Signatures Required:** Petitions to recall an elected County Commissioner must be signed by the voters of the County Commissioner District in which the person to be recalled is residing totaling at least 10% of the total number of votes cast for the office in the last election, with signatures from each municipality in the district. In the case of an incumbent County Commissioner who is holding over beyond the date on which this Charter was adopted, a petition for recall shall contain the signatures of at least 5% of the total number of persons residing in the district in which the Commissioner to be recalled resides. The County Administrator shall specify the number of valid signatures needed.

**7.3.7 When signed:** Petitions for recall may be signed only during the period commencing with notification by the County Administrator as provided in section 7.2 and not later than 5:00 p.m. of the day designated in the notification by the County Administrator for filing of the petitions.

## **7.4 REVIEW AND CERTIFICATION OF PETITIONS**

**7.4.1 Certification of Petitions:** The circulator of each copy of the petition shall verify by oath or affirmation before a notary public or other person authorized by law to administer oaths that all of the signatures on that petition were made in the presence of the particular circulator and, to the best of the circulator's knowledge and belief, each signature is the signature of the person whose name it purports to be and each person is a resident of the County Commissioner District named in the petition.

**7.4.2 Certification of Registrar:** The registrar of each municipality concerned shall certify which names on the petition appear on the voting list of the municipality as registered voters and shall strike out and thereby cause to be invalid, the names of any unregistered voters.

**7.4.3 Filed with County Administrator:** After certification by the registrar of each municipality, the initiator shall cause the completed recall petitions to be filed with the County Administrator on or before the date designated in the notification letter sent by the County Administrator to the initiator of the recall petition.

**7.4.4 Invalid Petitions:** A recall petition which does not conform to this article is void. If a circulator fails to comply with this article with respect to signing or printing a voter's

name, address, or date of signing, that voter's name may not be counted, but the entire petition will not be invalid on that account.

**7.4.5 Review of Petitions:**

When presented with completed recall petitions, the County Administrator shall review them and, if the petitions contain the required number of certified names and are properly completed as required by this article, shall accept and file them, and notify the initiator and the County Commissioner who is the subject of the recall.

**7.4.6 Challenge to Petitions:** The Commissioner whose recall is being sought shall have 10 days from the date that he or she received the notice required by § 7.4.4 to challenge the validity of the petitions. The County Administrator shall rule on the challenge within 30 days of receiving it.

**7.5 CALLING THE RECALL ELECTION**

**7.5.1** The Board, upon receipt of the certified petitions, shall within ten days order the municipality or municipalities in the District in which the challenged County Commissioner resides to hold a recall election by secret ballot in the manner in which municipal special elections are conducted. The election shall be held on a Tuesday not later than 90 days after the Board's order was issued. If such an election cannot be coordinated with a state-wide election, then the County shall pay the municipalities' election costs.

**7.5.2** The official against whom a recall petition has been filed shall continue to perform the duties of the office until the result of the recall vote is officially declared.

**7.6 RECALL ELECTION BALLOT**

The form of the question on the recall election ballot shall be: "Shall Androscoggin County Commissioner \_\_\_\_\_ of District \_\_\_\_\_ be recalled from office?"

**7.7 RESULT OF THE ELECTION**

The Board shall meet the day following the recall election to certify the vote. In the event of an affirmative vote for recall, the office of the Commissioner being recalled shall be immediately declared vacant. Any vacancy shall be filled in accordance with procedures outlined in section 3.4.

## **ARTICLE 8 GENERAL PROVISIONS**

### **8.1 BALLOT WORDING**

The form of the question on the referendum ballot to approve or disapprove the adoption of the proposed Charter shall be:

"Shall the county approve the new Charter for Androscoggin County drafted and recommended by the Androscoggin County Charter Commission?"

### **8.2 EFFECTIVE DATE**

This charter shall become law thirty (30) days after the Governor has proclaimed that it was approved by a majority of the legally registered voters in the County.

### **8.3 AMENDMENTS**

This Charter may be amended by a majority of the county voters pursuant to the laws of the State of Maine.

### **8.4 CHARTER REVIEW**

The Charter shall be formally reviewed by a Charter Commission at least every twenty (20) years.

### **8.5 CONTINUATION OF OFFICE**

**8.5.1** The Register of Deeds upon expiration of his or her term, or vacancy in office, shall become an appointed position as set forth herein.

**8.5.2** The County Treasurer in office at the time this Charter becomes effective shall remain in office for the remainder of the terms for which they were elected.

### **8.6 EFFECT ON COUNTY REGULATIONS**

All existing orders, regulations, rules, and resolutions of the County shall remain operative except where inconsistent or in direct conflict with this Charter or repealed until amended by the Board.

### **8.7 EXISTING CONTRACTS AND BONDS**

All rights, actions, proceedings, prosecutions, and contracts of the County or any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent

herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder. All outstanding bonds issued by former governments including the Board of County Commissioners of Androscoggin County and all special districts or authorities abolished or altered under this charter are to remain obligations of County government; however, payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this charter not become effective.

### **8.8 SEVERABILITY**

If any part of this charter is determined by a court of competent jurisdiction to be unconstitutional or invalid, the remainder thereof shall remain in full force and effect.

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 21, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6:30pm**

**SUBJECT:**

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

**INFORMATION:**

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

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

The City Administrator recommends approval of the requested action.

*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 Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**LEWISTON CITY COUNCIL  
MEETING OF FEBRUARY 21, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Resolve - Supporting the Concept of a Lewiston-Auburn Bike-Ped Committee.

**INFORMATION:**

At the February 14 Council workshop, the Council reviewed material proposed by Councilor Saddlemire regarding the creation of a joint committee with the City of Auburn regarding bicycle and pedestrian needs and services. The City Council was supportive of the concept of the Committee during the workshop discussion and directed city staff to structure a Resolve as such. Councilor Saddlemire is planning to make a similar presentation to the Auburn City Council as well and if there are any substantive changes to the committee purpose or structure from Auburn, it will be brought before the Lewiston City Council for review and consideration.

Note - Since this Committee is tentative in nature and the proposal has a sunset provision which will expire September 15, 2015 , it will not be incorporated in the City's Policy Manual.

**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 adopt the Resolve Supporting the Concept of a Lewiston-Auburn Bike-Ped Committee.



**City of Lewiston Maine  
City Council Resolve  
February 21, 2011**



**Resolve,** Supporting the Concept of a Lewiston-Auburn Bike-Ped Committee

Whereas, a significant number of individuals within the Lewiston-Auburn area walk or bike for recreation or business; and

Whereas, the presence of bike and pedestrian infrastructure enhances safety and increases the quality of life of residents; and

Whereas, such infrastructure also supports economic development efforts by making these communities more appealing to those who bike, walk, and run; and

Whereas, the presence of walking and biking amenities also positively affects the value of nearby properties; and

Whereas, while sidewalk and biking infrastructure is available in certain areas, improving and extending such infrastructures requires a long-range plan as well as monitoring of individual infrastructure projects to ensure that they incorporate such a plan; and

Whereas, the goal of developing an appropriate and cost effective bicycle and pedestrian infrastructure can be furthered by the creation of a joint Lewiston-Auburn Bike-Ped Committee;

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

The City Council supports the concept of a joint Lewiston-Auburn Bike-Ped Committee with the mission, purpose, and structure as outlined on the attached Committee description, subject to the approval of the City of Auburn and any additions or modifications that Auburn may recommend that do not require substantive changes. Any recommended substantive change shall be brought to the attention of the City Council for its consideration prior to implementing this Committee.

## **The Lewiston-Auburn Bike-Ped Committee**

### **Mission/Purpose**

The mission of the Lewiston-Auburn Bike-Ped Committee is to

- develop and recommend fiscally responsible policies to the respective governing bodies that take into account and support non-motorized transportation in the Twin Cities;
- advise the respective public works and engineering departments on how non-motorized users can be accommodated in street, highway, and open space projects while taking into account the impact of such recommendations on project affordability;
- participate in the Androscoggin Transportation Resource Committee's update of its regional long-range bicycle-pedestrian plan;
- monitor the implementation of that plan within the Twin Cities; and
- promote bicycle-pedestrian education.

### **Composition**

The committee will be comprised of 7 voting members: 1 councilor and two Auburn residents appointed by the Mayor of Auburn; 1 councilor and two Lewiston residents appointed by the Mayor of Lewiston; and 1 representative from a local business jointly selected by the Mayors. Any vacancy on the committee shall be filled through an appointment made in the same manner as outlined above. The Committee shall annually select a Chair Person. In the event that any member is absent for 3 consecutive meetings without being excused by the Chair of the Committee, that individual shall forfeit committee membership.

### **TERM**

The Committee shall remain in existence until September 1, 2015. At least sixty days prior to this date, the respective Mayors shall consult and shall make a recommendation to the respective City Councils as to the continued existence of the Committee. If the Mayors fail to make a recommendation, the Committee shall continue in existence until one or both Councils take action to either extend its term or discontinue the Committee.

### **STAFF SUPPORT**

The City Manager of Auburn and the City Administrator of Lewiston shall each assign a staff member as a primary point of contact with the respective municipal organizations. The Manager and Administrator shall provide the Committee with access to other members of the municipal staffs as may be required.

### **MEETINGS AND REPORTS**

The Committee shall establish the times and places of its meetings, taking care to meet periodically in each community. Meetings shall be open to the public and notice of such meetings shall be posted by the respective City Clerks. The Committee may invite such others as may be knowledgeable regarding bike and pedestrian issues to provide information

for their consideration. The Committee shall prepare summaries of its meetings and shall make them available to the elected officials of both communities.

**Outcomes/Specific Activities:**

The L-A Bike-Ped Committee would achieve its mission through the following:

- Serving as the primary resource representing Lewiston and Auburn in the update of the ATRC Regional Long-Range Bicycle-Pedestrian Plan;
- Developing and recommending policies and ordinances for passage by the City Councils in support of non-motorized transportation;
- Planning and coordinating educational events with local partners such as schools, bicycle shops, and biking and run/walk events;
- Assessing and commenting on existing transportation projects in regard to bicycle and pedestrian accommodations including ATRC approved projects, municipally initiated projects, and improvements originating from Traffic Movement Permits; and
- Participating with appropriate city departments and committees in planning coordinated multi-modal transportation systems in L-A and the surrounding region to ensure that such systems take into account the needs of pedestrians and bicyclists and that motorized and non-motorized systems are well coordinated.



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0016

Paul R. LePage

GOVERNOR

David Bernhardt

COMMISSIONER

February 14, 2012

**To:** Lewiston City Councilors:

**From:** Dan Stewart, Maine Department of Transportation Bicycle and Pedestrian Program Manager

**Re:** Creation of a local bicycle and pedestrian committee

MaineDOT was asked to pull together a brief memo indicating the benefits of a local bicycle and pedestrian committee. The Maine Department of Transportation Bicycle and Pedestrian Program has worked with communities throughout the state on improving the transportation system for all users, including bicyclists, pedestrians, transit users, and vehicular drivers.

Most communities are working hard to create a transportation system that is safe and inviting. Many communities are working towards an improved pedestrian environment in hopes of creating vibrant communities that attract economic development and improved neighborhoods and downtowns.

In my work, it has become apparent to me that the communities that have the most success in these areas are those that have a dedicated bicycle and pedestrian committee. These committees are usually officially recognized by the city and include city representation typically from planning, public works, etc. Often, the committee membership draws from a wide range of interests, including business, the disabled, transit, school, health, trail organizations, land trusts, recreational interests, police, concerned parents, Metropolitan Planning Organization staff, chambers of commerce, and of course bicycle and pedestrian advocates.

These committees often improve communication between the municipal officials and the general public. They have been shown to be instrumental in helping to ensure that transportation projects are inclusive of the needs all users and often lead to improved projects, including expediency and overall community benefits. They also are of great value in helping to determine priorities for improvements including sidewalks, crossings, and bike lanes.

Please let me know at any time if you have any questions relating to what I have seen as the benefits of such a committee.

Sincerely,



PRINTED ON RECYCLED PAPER

Dan Stewart  
Bicycle, Pedestrian, and Quality Community  
Program Manager

**LEWISTON CITY COUNCIL**  
**MEETING OF FEBRUARY 21, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Adoption of a city policy regarding Property Disposition.

**INFORMATION:**

The City currently has a single policy outlining the procedures for the acquisition, purchase, sale, transfer, or liquidation of land or other real property. Combining all of these topics in a single policy creates complexity and confusion and difficulties in applying the policy to situations as they arise. This action, along with a companion item that will adopt a new policy on properties which liens have foreclosed, will eliminate the current policy and replace it with two separate policies that will provide clearer guidance to staff.

This policy was reviewed by the Council at a recent workshop at which time it appeared the consensus of the Council was to proceed to its adoption.

**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 establish and adopt the attached city policy regarding Property Disposition, as recommended by the City Administrator and Finance Director.

(Note - Full copy of the Policy is attached.)

## **PROPERTY DISPOSITION**

### **1.0 Purpose**

The purpose of this Policy is to provide guidelines for City staff to follow in handling and processing real property in the City's possession which is considered excess to the City's needs.

### **2.0 Policy**

It is the City's policy to periodically review real property in the City's possession to determine whether retention, sale, or lease of such property is in the best interest of the City and to respond in a timely fashion to requests from private parties seeking to purchase or lease such property.

### **3.0 Determination of Willingness to Sell or Lease City-Owned Property**

#### **3.1 City Initiated Sale or Lease.**

**3.1.1** The Planning and Code Department of the City will periodically review real property currently owned by the City but not in active use for municipal purposes to determine whether these properties should be retained or considered for sale or lease. Once properties have been identified for which there is no current City use, the Department will notify the City Administrator.

**3.1.2** The City Administrator will then notify all Department Heads of the property or properties being considered for sale and offer them the opportunity to indicate any potential use or need their department might have for the property, including its potential for land banking against future uses.

**3.1.3** After consideration of the responses of the various Departments, the Administrator will make a determination if the property should be declared surplus or retained for potential future use.

#### **3.2 Private Sector Request to Purchase or Lease**

**3.2.1** All requests from the private sector for the purchase or lease of City property shall be directed to the City Administrator.

- 3.2.2 The Administrator shall notify all Department Heads of the request and provide them with the opportunity to identify any current or potential use which the City may have for the property.
- 3.2.3 After consideration of the responses of the various Departments, the Administrator will make a determination of whether the property should be declared surplus or retained for current or potential future use.
- 3.2.3 Once the Administrator has determined a property to be surplus, the Planning Board will be asked to review and make a recommendation on whether to proceed with its disposition. A recommendation from the Planning Board will remain valid for three years; however, should circumstances change during this period, the Administrator may seek an updated review and recommendation.

#### **4.0 Procedure for Disposition of Surplus Property – Substandard Lots**

- 4.1 Vacant lots that do not meet minimum space and bulk standards for construction may, at the discretion of the City Administrator, be offered for sale or lease to abutting property owners. If one or more of these owners express an interest in the property, the City Administrator shall make a recommendation to the City Council on the disposition of the property.
- 4.2 The following factors will be considered in determining whether the property should be sold:
  - 4.2.1 The proposed sale price or lease rate, if any, as compared to an estimate of the value of the property prepared by the City Assessor;
  - 4.2.2 The proposed use of the property;
  - 4.2.3 The value of any proposed improvements to the property;
  - 4.2.4 The impact of the sale or lease of the property on the assessed value of the adjacent property in the same ownership; and
  - 4.2.5 The extent to which the sale or lease will support overall City policy in the area or neighborhood within which the property is located.

#### **5.0 Procedure for the Disposition of Surplus Property – Potentially Developable**

In instances where surplus property may be redeveloped or developed, that property may be marketed by one of a number of methods based on

the nature and estimated value of the property and any specific plans or policies which development of the property might either further or hinder. The following methods may be used to market the property, including a combination of two or more.

- 5.1 Request for Proposals.** The City may use a Request for Proposals process. This process is generally best suited to significant development parcels for which the City has specific expectations as to the nature, type, and value of the anticipated development.
- 5.2 Real Estate Broker.** The City may contract with a real estate broker to find a buyer. This method may be most applicable to individual properties or groups of properties that the City is seeking to redevelop or develop for a specified purpose such as single family housing and/or multi-family housing renovation.
- 5.3 Formal Bid.** The City may advertise for formal bids. This method may be most applicable in instances where the City believes that multiple parties may be interested in the property and the nature of the development or redevelopment is such that the City does not anticipate placing additional restrictions on what is to happen on the property after its sale.
- 5.4 Self-Brokerage.** The City may employ a sell by owner approach. This would generally be applicable to situations such as the sale of individual lots within a residential or commercial subdivision.
- 5.5 Direct Negotiation.** Where alternative methods have failed to produce an acceptable sale and/or in instances where the City has been directly approached by an individual or organization with a proposal that matches or exceeds the City's expectations for development on the parcel, the City may entertain direct negotiations with a private party who expresses interest in purchasing a property.
- 5.6** The City Administrator shall recommend to the City Council the disposition method or methods to be used at the time the Council is asked to approve disposition of the property.

## **6.0 Council Approval of Disposition**

- 6.1** The final decision to accept a bid, proposal, or offer to purchase City-owned property must be made by the City Council.
- 6.2** The normal process for transferring a city-owned property will be by way of municipal quitclaim deed. Warranty deeds may be approved in instances where such action is recommended by the City Administrator for good and reasonable cause.

**LEWISTON CITY COUNCIL**  
**MEETING OF FEBRUARY 21, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Adoption of a city policy regarding Properties with Matured Tax or Sewer Liens.

**INFORMATION:**

The City currently has a single policy outlining the procedures for the acquisition, purchase, sale, transfer, or liquidation of land or other real property. Combining all of these topics in a single policy creates complexity and confusion and difficulties in applying the policy to situations as they arise. This action, along with a companion item that will adopt a new policy on land disposition, will eliminate the current policy and replace it with two separate policies that will provide clearer guidance to staff.

This policy was reviewed by the Council at a recent workshop at which time it appeared the consensus of the Council was to proceed to its adoption.

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

The City Administrator recommends approval of the requested action.

*EBB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To establish and adopt the attached city policy regarding Properties with Matured Tax or Sewer Liens, as recommended by the City Administrator and Finance Director.

(Note - Full copy of the Policy is attached.)

## **PROPERTIES WITH MATURED TAX OR SEWER LIENS**

### **1.0 Purpose**

The purpose of this Policy is to provide guidelines for City staff to follow in handling and processing properties on which property taxes or sewer liens have or will soon mature and to ensure that such properties are handled in a consistent manner that protects the best interests of the City.

### **2.0 Policy on Properties with Matured Liens**

It is the City's policy to collect, to the greatest extent possible, all real property taxes and sewer charges which are due in a timely fashion and in accordance with applicable state statutes. It is also our policy to work with individual citizens who make a good faith effort to meet their obligations. The City will take possession of properties on which tax or sewer liens have matured only after other alternatives have been exhausted and/or where such action meets the City's community development and revenue collection needs.

### **3.0 Situation Where City May Take Possession of Property**

Under state law, the City becomes the owner of a property at the point where a lien matures. The City does not, however, become liable for the property until sixty days after the City becomes aware that the property has been abandoned or upon asserting possession of the property, an action which indicates that the City will no longer consider allowing the prior owner to redeem the property. The City will consider taking possession of properties with matured tax or sewer liens under the following circumstances.

- 3.1 Vacant and Blighted. Properties which are vacant and considered blighted will generally be taken unless:
  - 3.1.1 The property owner pays all amount due to the City for any and all purposes.
  - 3.1.2 The property owner enters into a legally binding commitment to bring the property into full compliance with the City's codes within a reasonable period of time, such period to generally not exceed 12 months.

3.2 Non-conforming Structures. Properties which do not conform to current land use and zoning policies may be taken by the City. This decision will be based on a consideration of the following factors:

- 3.2.1 The extent of the non-conformity;
- 3.2.2 The effect of the property on surrounding properties and uses;
- 3.2.3 The condition of the property including its overall appearance and the presence or absence of any code violations;
- 3.2.4 The willingness and ability of the property owner to pay all amounts due to the City, to address code issues, and to take steps to mitigate adverse impacts which the non-conforming use may have on surrounding properties.

3.3 Vacant Land. The City may take possession of any vacant parcels on which liens have matured. This decision will be based on the following considerations:

- 3.3.1 The willingness and ability of the property owners to pay all amounts due to the City;
- 3.3.2 The ratio between the amount owed the City and the assessed value of the property;
- 3.3.3 The extent to which the property has a negative impact on surrounding properties and/or has been found to be in violation of City ordinances.

3.4 Owner Occupied Residences. As a general guideline, it is not the City's intent to take possession of owner occupied single family residences unless continued occupancy of the residences poses a direct and immediate threat to the health, safety and welfare of the residents or those of neighboring properties or the City determines that the owner/resident is capable of meeting his or her obligations to the City but refuses to do so.

- 3.4.1 Where it is determined that continued occupancy of the property poses a direct and immediate threat to the residents or those of neighboring properties, the City may take possession of the property. City staff shall work with the residents to locate alternative safe and affordable housing.
- 3.4.2 Where it is determined that the owner/resident is capable of meeting his or her obligations and refuses to do so, the City may take possession of the property. Factors which may be

considered in determining whether a good faith effort is being made to meet these obligations may include:

- 3.4.2.1 Willingness to enter into and meet the requirements of workout agreements;
- 3.4.2.2 Application for the Homestead or other available exemptions;
- 3.4.2.3 Application for the Maine Residents Property Tax Program and agreement to assign all payments from the program toward amounts due to the City;
- 3.4.2.4 Exploration of other options to meet obligations to the City including, but not limited to, applications for a hardship abatement, exploration of a reverse mortgage, or any other proposal or activity that will result in payment to the City and correction of existing code violations.

3.5 Other Circumstances. The City may take possession of properties on which liens have matured under other circumstances not listed above, regardless of the condition of the property, when it is determined that doing so is in the best interests of the City and its residents. Without limitation, such circumstances may include the following:

- 3.5.1 Ownership of the property is required for construction or maintenance of necessary public facilities such as roads, utility facilities, parks, recreational trails, schools, or public buildings.
- 3.5.2 The property is located in a designated Community Development Project area and City ownership is required to facilitate a redevelopment project.
- 3.5.3 Ownership of the property is required for expansion of a City-owned commercial, industrial, or business park.
- 3.5.4 Ownership of the property is required to facilitate an environmental remediation project.
- 3.5.5 The City Council determines that ownership of the property is in the public interest for other identifiable reasons.

#### **4.0 Procedure**

After sewer or tax liens have matured, the responsible City staff will take the necessary steps to ensure that the City's lien interests have been perfected, and that owners are notified of the status of their property and the necessity to make immediate arrangements to meet their obligation. Where called for by this policy, staff will compile the necessary

information to enable the City Council to make the determination of whether to take actual possession of a property.

- 4.1 Lien Perfection. Staff will ensure that all legally required notices have been sent and that all legal requirements have been met, including notification of any institutions or individuals holding a mortgage interest in the property.
- 4.2 Code Compliance. Once staff has determined that the City is legally authorized to foreclose the lien and take possession of the property, the Code Enforcement Officer will be provided with a list of these properties. Code will inspect them to determine their compliance with building, property maintenance, and life safety codes and their conformance with the City's Comprehensive Plan and Land Development Code.
- 4.3 Notification. The property owner will be notified via certified mail that the City has a matured lien on the property in question and that acceptable arrangements must be made within thirty days of the date of the notice to pay all amounts due and, if necessary, commit to the steps to bring the property into compliance with all City Codes.
- 4.4 Where staff determines that the property in question poses a hazard to individuals or surrounding property, or where the property owner has a history of failing to meet his or her obligations to the City and/or to meet the City's Codes, the requirements of 4.2 and 4.3 may be eliminated.
- 4.5 During the 30 day period outlined in section 4.3 above, staff shall endeavor to meet with the property owners in question and attempt to reach an agreement as to payment of amounts due as well as on the steps which the property owner will take, if necessary, to bring the property into compliance with the applicable City Codes.

## **5.0 Policy on Lien Waivers**

Under state law, the City becomes liable for abandoned properties sixty (60) days after liens foreclose. Given this, there are circumstances where the City may wish to waive foreclosure in order to avoid liability or expenditures on a foreclosed property may not be justifiable. Such situations may include but not be limited to structures on leased property where the cost of demolition may not easily be recovered or properties which may expose the City to environmental liabilities. It is the City's policy to avoid, to the greatest extent possible, assuming liabilities for foreclosed properties which exceed the financial or community benefits associated with acquiring them.

## **5.1 Advance Review of Properties Facing Lien Foreclosure**

- 5.1.1** On or about November 15<sup>th</sup> of each year, Finance shall provide Code and Administration with a list of properties on which liens are scheduled to mature and on which the property owner has not agreed to acceptable arrangements to meet his or her responsibilities to the City. This list shall specifically identify structures located on leased land;
- 5.1.2** Code Enforcement shall review these properties to determine whether they are occupied or abandoned and their condition.
- 5.1.3** Code shall also identify any properties that may expose the City to environmental or other liabilities.
- 5.1.4** On or about December 1 of each year, Code shall submit a report to Administration on the result of these investigations.
- 5.1.5** Administration shall review this report and identify properties where it may be prudent for the City to consider waiving foreclosure and provide a recommendation to Council on properties where lien waiver should be considered.
- 5.1.6** Once the Council has waived foreclosure on a property or structure, Finance shall take the necessary steps to ensure that future 45 day foreclosure notices are not issued. These properties shall continue to be reviewed annually by Code and Administration to determine whether the City should continue to forego lien foreclosure or proceed to allow future liens to foreclose. Where the recommendation is for the City to allow foreclosure to proceed by issuing the 45 day notice, this recommendation shall be forwarded to the City Council for its consideration.
- 5.1.7** For mobile homes or other structures on leased property, the City may contact the land owner to determine if the owner is willing to accept the transfer of the ownership of the mobile home or structure and to take the necessary steps to remove or rehabilitate it should the City allow foreclosure to proceed. In such instances, the City Council will be asked to transfer the ownership of the structure once the City takes possession.

## **6.0 Council Action**

City Council approval is required to authorize the City to take possession of a property on which a lien has matured except where automatic possession has taken place due to abandonment of a property. Nothing in

this policy shall limit the discretion of the City Council from taking possession of a specific property based upon the Council's evaluation of that property and its determination as to what action, if any, is in the best interest of the City and its citizens.

## **7.0 Legal Rights**

This policy is not intended to create legal rights on the part of residents or taxpayers. Failure of the City to follow the guidelines or procedures established by this policy shall not constitute a defense or bar to the City's foreclosure of matured tax or sewer liens or to any legal titles derived from such foreclosures. Failure to follow the guidelines or procedures established by this policy shall not constitute a defense or bar to the City's collection of any taxes, sewer charges, or other charges owed.

## **8.0 Staff Responsibilities**

- 8.1 The Finance Director shall have overall responsibility for implementing this policy to include:
  - 8.1.1 Lien perfection;
  - 8.1.2 Property owner notification;
  - 8.1.3 Negotiating payment arrangements with property owners
  - 8.1.4 Providing Code and Administration with a list of potential lien foreclosures on or before November 15<sup>th</sup> of each year;
  - 8.1.5 Providing Code and Administration with a list of properties on which liens have been waived in prior years;
  - 8.1.6 Requesting support from other City staff as necessary.
  
- 8.2 The Planning and Code Enforcement Director shall be responsible for:
  - 8.2.1 Providing property inspection reports to City Administration;
  - 8.2.2 Determining property compliance with the City's Land Development Code;
  - 8.2.3 Negotiating agreements to bring properties into compliance with City Codes.
  
- 8.3 Administration shall be responsible for making recommendations to the City Council as to properties on which lien foreclosure should be waived and those where the City should consider taking possession.

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 21, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Bernie's Bar & Grill, 1065 Sabattus Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Dancing & Entertainment from Bernie's Bar & Grill, 1065 Sabattus 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.

*ERB/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 Bernie's Bar & Grill, 1065 Sabattus Street.

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

Date of Application: 2/02/12 Expiration Date: 3/2/2013 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: BARNIE'S BAR and GRILL Business Phone: 786-3006

Location Address: 1065 SABATHUS ST, LEWISTON, ME 04240

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

Mailing Address: SAME

Contact Person: ROSEANN ROY Home Phone: 576-9627

Owner of Business: BARNIE'S BAR & GRILL, INC Date of Birth: \_\_\_\_\_

Address of Owner: 1065 SABATHUS ST, LEWISTON

Manager of Establishment: ROSEANN ROY Date of Birth: \_\_\_\_\_

Owner of Premises (landlord): VICDOT LLC

Address of Premises Owner: 401 COLLABEST, GREENE, 04236

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): \_\_\_\_\_

BARNIE'S - 1065 SABATHUS ST, LEWISTON

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: BARNIE'S BAR AND GRILL INC.

Corporation Mailing Address: 1065 SABBATHS ST, LEWISTON, ME

Contact Person: ROSEANN ROY Phone: 576-9627

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? 200'

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list Juke Box
- 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: Roseann Roy Title: Treasurer Date: 2/04/12

Printed Name: ROSEANN ROY

\*\*\*\*\*

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: BAWRI'S BAR and GRILL

2. Date of incorporation: 2/06

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: \_\_\_\_\_

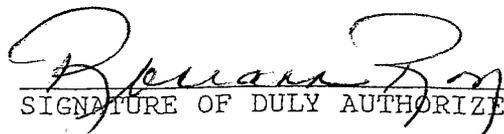
5. List the names, addresses previous 5 years, birth dates, title of all officers, directors, and % of stock owned:

NAME	ADDRESS PREVIOUS 5 YEARS	BIRTH DATE	% OF STOCK	TITLE
Roseann Roy	Lewiston	7/17/59	50	Treasurer
John Conde	Lewiston	03/27/52	50	Pres.

6. What is the amount of authorized stock? 1000 Outstanding stock?   

7. Is any principal officer of the corporation a law enforcement official?  
NO

Dated at Lewiston on 2/02/12  
City or Town Date

  
SIGNATURE OF DULY AUTHORIZED OFFICER

# MAINE DEPT OF PUBLIC SAFETY

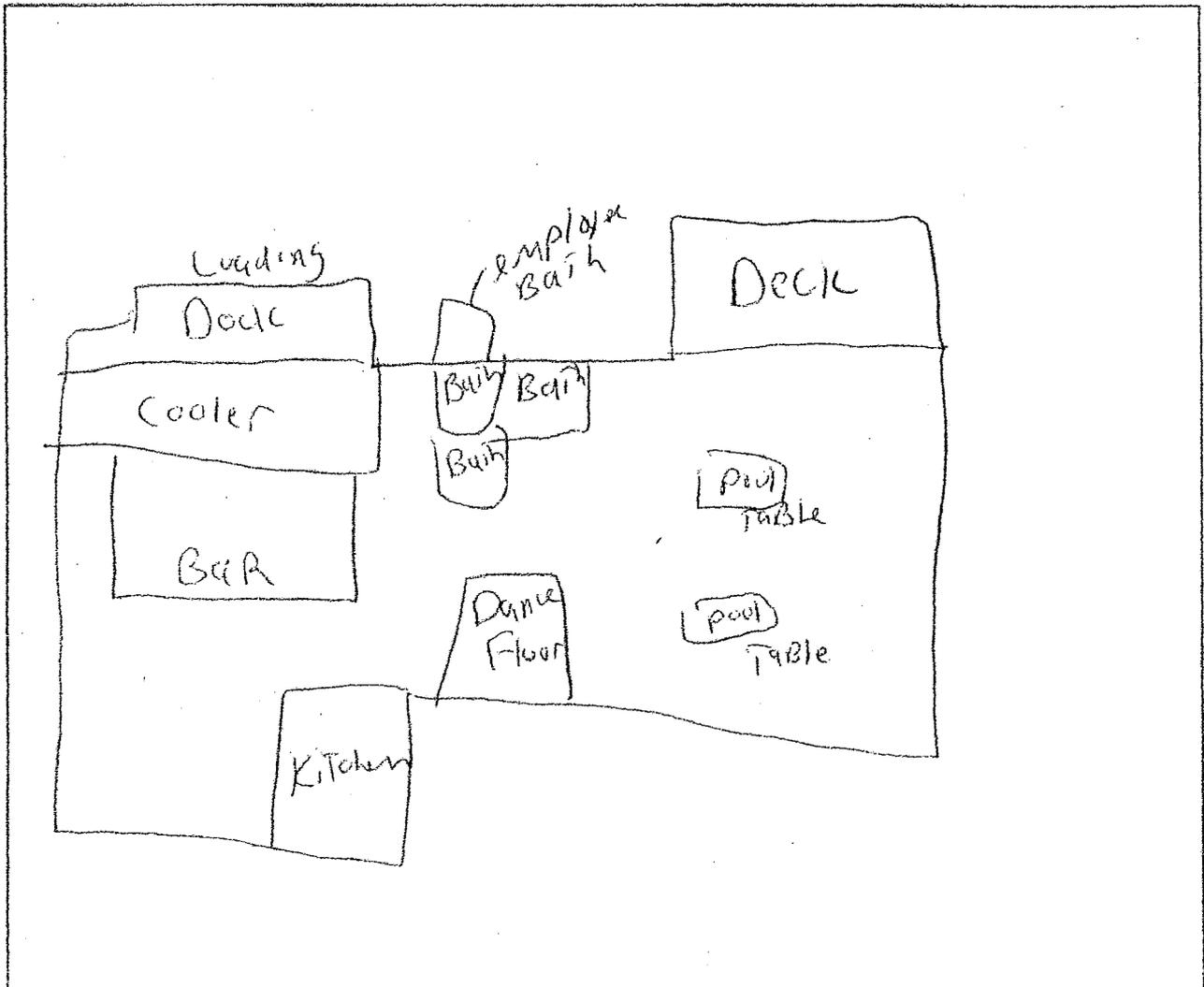
STATE OF MAINE  
*Liquor Licensing & Inspection Division*  
164 State House Station  
Augusta ME 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424

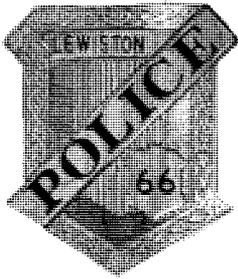


## SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

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

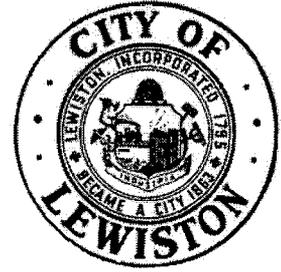
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Department for liquor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





## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 2, 2012

RE: Liquor License/Special Amusement Permit – **Barnie's Bar & Grill**

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

**Barnie's Bar & Grill**  
**1065 Sabattus Street**



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*Integrity*

*Compassion*

*Dedication*

*Pride*

*Dependability*



# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 21, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Public Hearing on a renewal application for a Special Amusement Permit for Live Entertainment for the Carlton Club, Inc., 25 Sabattus Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Carlton Club, Inc., 25 Sabattus 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.

*ETB/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 Carlton Club, Inc., 25 Sabattus Street.

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

Date of Application: 2-7-11 Expiration Date: 3/11/12 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: Carlton Club Inc Business Phone: 207-784-9280

Location Address: 25 Sabattus St Lewiston ME 04240

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

Mailing Address: 25 Sabattus St Lewiston ME 04240

Contact Person: Steve Bernard Home Phone: 207-240-9530

Owner of Business: Steve Bernard Treasurer Date of Birth: 7-10-59

Address of Owner: 70 Terrance Ave Auburn ME 04210

Manager of Establishment: Shanan Mendenhall Date of Birth: 7-21-77

Owner of Premises (landlord): Robert C. Ureghart

Address of Premises Owner: 25 Sabattus St 2<sup>nd</sup> Floor Lewiston ME 04240

and 9017 Blackchestnut Dr. Leland, North Carolina 28451

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):

Carlton Club, Inc. 25 Sabattus St Lewiston ME 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: Carlton Club Inc.

Corporation Mailing Address: 25 Sabbathus St Lewiston ME 04240

Contact Person: Steve Bernard Treasurer Phone: 207-784-9280

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? 12 feet - upstairs apartment

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: [Signature] Title: Treasurer Date 2-7-12

Printed Name: Steve Bernard

\*\*\*\*\*

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

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

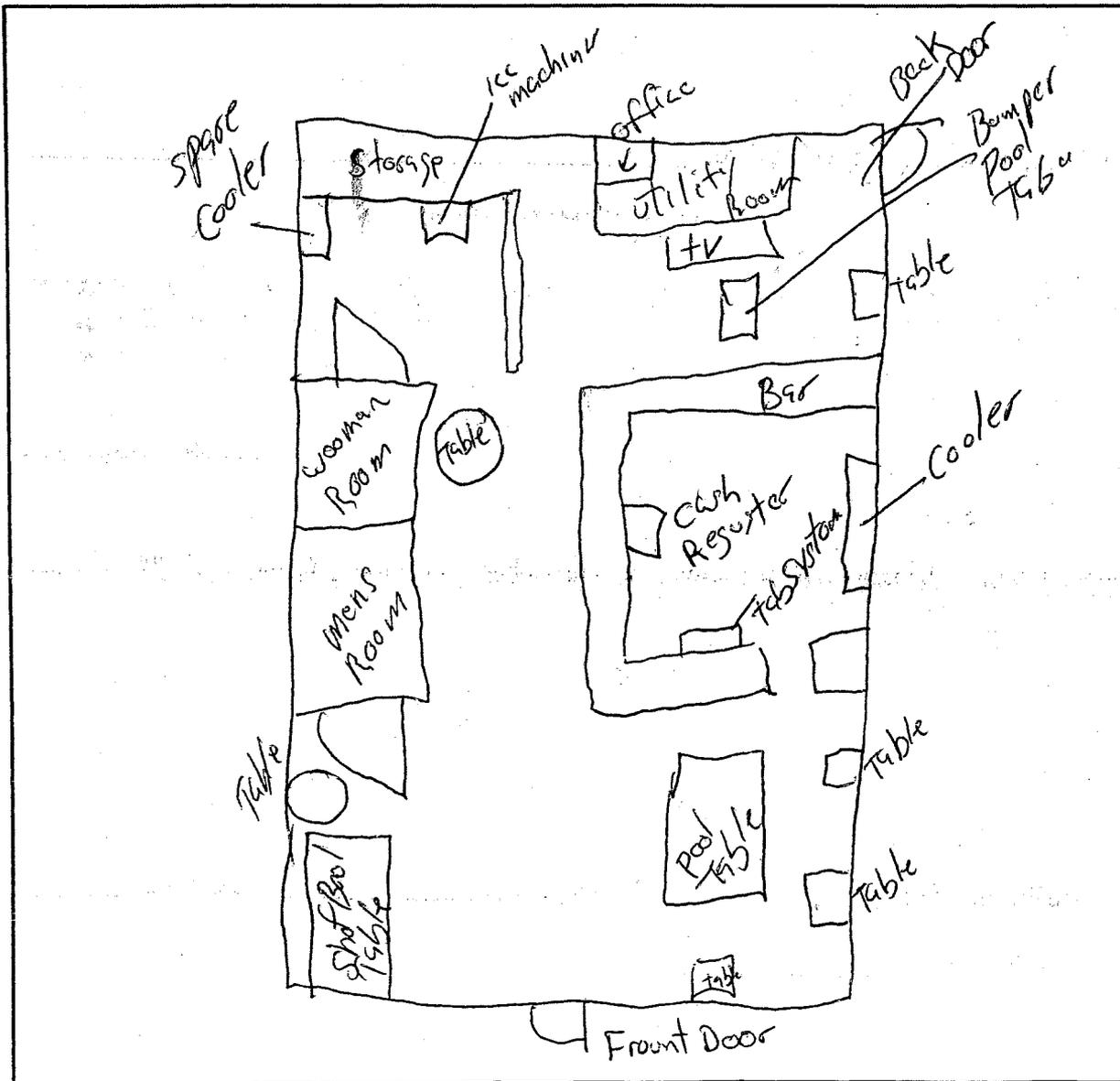
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Hearing Date: \_\_\_\_\_ Approved by Council: \_\_\_\_\_ Vote No: \_\_\_\_\_

**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.



CITY OF LEWISTON, MAINE  
Department of City Clerk

Supplementary Questionnaire for Corporate Applicants

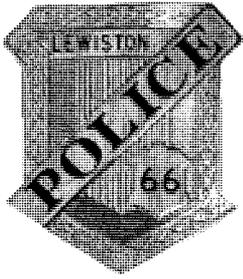
1. Exact corporate name: Carlton Club, Inc.
2. Date of incorporation: 1978
3. State in which you are incorporated: Maine
4. If not a Maine corporation, date corporation was authorized to transact business within the State of Maine: \_\_\_\_\_
5. List the names, addresses previous 5 years, birth dates, title of all officers, directors, and % of stock owned:

NAME	ADDRESS . . . . . PREVIOUS 5 YEARS	BIRTH DATE	% OF . . . . . STOCK	TITLE
Steve Bernard	70 Terrance Ave Auburn	7-10-59	0%	Treasurer
Jamie Lyns	1194 Old Daville Rd Danville	12-24-58	0%	Secretary
Matt Long	60 Elm St. Auburn	10-3-79	0%	President
Dinah Ducharme	32 Sterling Rd Auburn	2-19-65	0%	Vice President
Sheila Michaud	124 Dumont Ave Lewiston	2-3-63	0%	Director
Jimmie Hawkins	52 Lafayette St. Lewiston	2-4-44	0%	Director
Brook Bissonette	87 Allen Ave Auburn	11-1-81	0%	Director

6. What is the amount of authorized stock? 0 Outstanding stock? 0
7. Is any principal officer of the corporation a law enforcement official?  
No

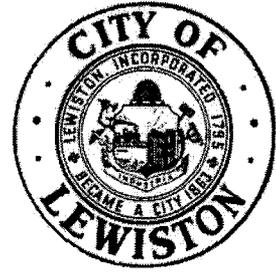
Dated at Lewiston on 2-7-11  
City or Town Date

[Signature] Treasurer  
SIGNATURE OF DULY AUTHORIZED OFFICER



## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 2, 2012

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

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

**Carlton Club**  
**25 Sabattus Street**



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**LEWISTON CITY COUNCIL**  
**MEETING OF FEBRUARY 21, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Public Hearing on a new application for a Special Amusement Permit for Live Entertainment for The GoGo Lounge, 229 Lisbon Street.

**INFORMATION:**

We have received a new application for a Special Amusement Permit for Live Entertainment from The GoGo Lounge, 229 Lisbon Street.

The Police Department has reviewed the application and is recommending denial of the license.

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 reserves comment on the item until the hearing.

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To conduct a public hearing for the issuance of the Special Amusement Permit for Live Entertainment for The GoGo Lounge, 229 Lisbon Street and to make a determination regarding the issuance of this license.

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

Date of Application: 2-8-12 Expiration Date: \_\_\_\_\_ License fee: \$116.00

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

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

\*\*\*\*PLEASE PRINT\*\*\*\*

Business Name: The GOGO Lounge Business Phone: 207-312-7797

Location Address: 229 Lisbon St (Cahoon St Alley entrance)

(If new business, what was formerly in this location: Ma Ma Shukri Plaza)

Mailing Address: 2 Second St Lisbon Falls ME

Contact Person: Mackendy Theron Home Phone: 207-312-7797

Owner of Business: Mackendy Theron Date of Birth: 1-12-86

Address of Owner: 2 Second St Lisbon Falls ME 05242

Manager of Establishment: Mackendy Theron Date of Birth: 1-12-86

Owner of Premises (landlord): Fahmyah Moha Mud

Address of Premises Owner: 229 Lisbon St Lewiston ME

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: Traffic violations

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

Corporation Name: \_\_\_\_\_

Corporation Mailing Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

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

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

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: 2/28/12

\*\*\*\*\*

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: [Signature] Title: owner Date: 2-8-12

Printed Name: MaChendy Theras

\*\*\*\*\*

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

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

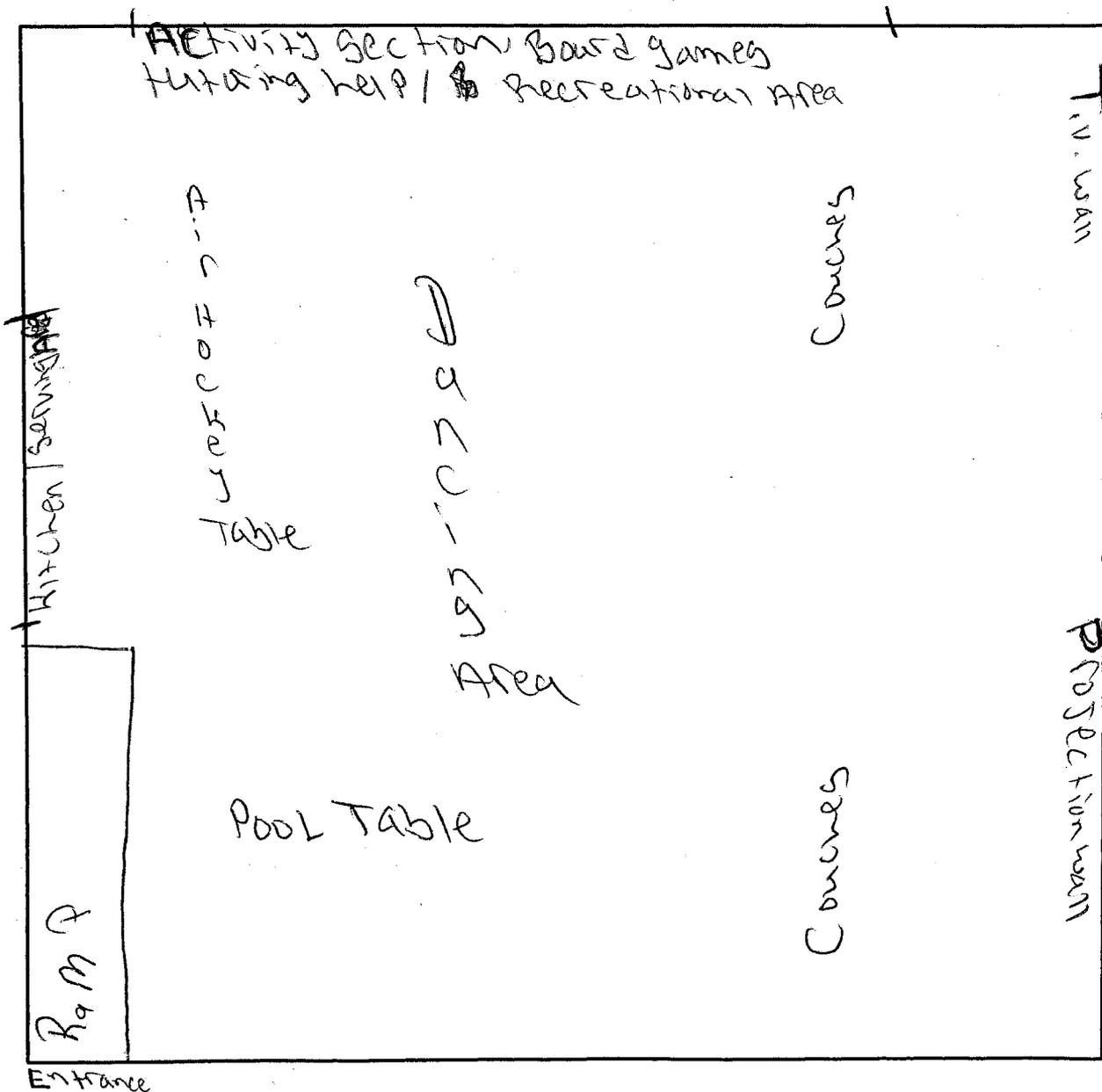
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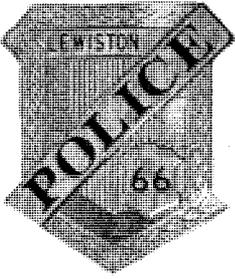
Hearing Date: \_\_\_\_\_ Approved by Council: \_\_\_\_\_ Vote No: \_\_\_\_\_

**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

DT: February 16, 2012

RE: Special Amusement Permit – **The GoGo Lounge**

**The GoGo Lounge**  
**229 Lisbon Street**

We have reviewed the Special Amusement Permit Application and based on the following information will be denying the Special Amusement Permit:

Mackendy Thenor has applied for a permit to open the GoGo Lounge. On his application he lied on the section that asks: Have applicant, partners, associates, or corporate officers ever been arrested, indicted or convicted for any violation of the law? If yes, please explain: Mackendy wrote “traffic violations”

While doing his background check and looking at his police involvements it shows Mackendy was arrested on 11-05-2010 for refusing to submit to arrest/or detention with physical force, and possession of marijuana. Fined \$200.0 & \$350.00 respectively. Mackendy had 7 individually wrapped bags of marijuana and ran from police.

On 03-08-09 Mackendy was arrested for Operating a Vehicle Without a License & Violating Conditional Release.

On 02-15-2009 Mackendy was arrested Violating Conditional Release, Carrying a Concealed Weapon, & Possession of Marijuana. Found Guilty on all 3 charges, Served 2 days in jail, #250.00 fine, & \$350.00 fine respectively. Mackendy was carrying a loaded Glock 9mm hand gun concealed in his pants along with 2 bags of marijuana.



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[www.lewistonpd.org](http://www.lewistonpd.org)



Professionalism

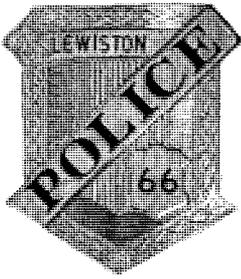
Integrity

Compassion

Dedication

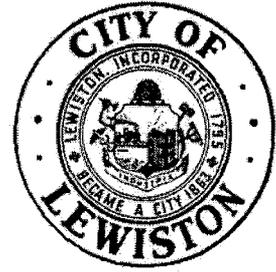
Pride

Dependability



## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



On 10-10-2008 Mackendy was arrested for Burglary (2 counts) Class C, Theft by Unauthorized Taking or Transfer, Trafficking or Furnishing Imitation Schedule Drug. Appears to have been plead down & filed for Criminal Trespass & theft.

On 02-03-2012 a concerned citizen reported The GoGo Lounge had an advertisement on Face Book about their grand opening at 229 Lisbon Street. It was advertising entertainment, food, music, valet parking etc. Officer arrived to find numerous young adults inside setting up. Participants advised that Mackendy Thenor was the manager of the lounge and he goes by the name (Tree Trizzle). One of the participants got Mackendy on the phone and the officer spoke to him and he answered to Tree. Thenor advised he had filed the paperwork but it was not present in the business. Farhiya Mahamud is the owner of the building but is renting it out to Mackendy Thenor. Farhiya thought he was renting it for a super bowl party not a business. (See face book advertisement attached).

On 02-07-2012 Officer arrived to check the GoGo lounge at 229 Lisbon St. Officers found several young adults drinking alcohol (Bacardi Rum & Allens Cofee Brandy) from red solo cups. Officers entered to find 2 males that were in possession of bags of marijuana (both charged) 1 of the males was in possession of scheduled W drug (Suboxone) and was charged with that. A female under 21 years old was found to be drinking alcohol and was given a warning because of her honesty and assistance. All subjects advised that Mackendy Thenor was in charge of the Lounge but he had left temporarily. The officer is still attempting to locate Mackendy to issue him a summons for Providing a Place For Minors to Consume Alcohol.

With all of the above involvements to include drugs, guns, & underage drinking I recommend denying the Special Amusement Permit to Mackendy Thenor.



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[www.lewistonpd.org](http://www.lewistonpd.org)



*Professionalism*

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*Dependability*

Search



Find Friends Home



# The GoGo Lounge

Like

Create a Page

Arts/Entertainment/Nightlife · Lewiston, Maine

## Basic Information

**Location** 229 Canal Street Alley, Lewiston, ME 04240

**Hours** Mon - Sun: 9:00 am-1:00 am

**About** The GoGo Lounge

**Description** GRAND OPENING 2.3.12 (SUPERBOWL WEEKEND)

A Lounge for your\* entertainment with good food, good music, good people, poker tournaments, madden tournaments, fashion shows, open mic, house parties, and valet parking

Come enjoy Lewiston's "The GoGo Lounge" with all your friends, different events every weekend. We want you to feel at home, when you have nowhere to go, the lounge is the perfect\* place ...[See More](#)

**Price Range** \$\$\$ (30-50)

**Parking** Valet

## Sponsored

See All

**Tom Brady is on Top!**  
bradfordexchange.com



Let your love for the Patriots shine with this illuminated Tom Brady sculpture officially licensed by NFL Properties LLC. Shop Now!

**Verizon Deal Central**



Get amazing prices on amazing devices. Choose from tablets, 3G and 4G LTE smartphones, basic phones, and 4G LTE mobile hotspots.

**No Risk Credit Card Offer**  
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Establish or Rebuild Your Poor Credit with an Orchard Bank MasterCard. Even Bankruptcy is ok. Get an offer in just 30 seconds.

**Patriots Profile Pic**



Upload your photo & a Pro editor will enhance it with cool photo styles in time for the Superbowl. Perfect for Your Timeline!

2,803 people like Krome Photos.

**Brightwork Dental Care**  
brightworkdental.com



Dr. Vance Horne's dental practice specializes in exceptional, gentle dental care for adults. Now accepting new patients!

**Spencer Pond Camps**



North Woods Magic \* the way life used to be \* Housekeeping cabins in the Maine North Woods "off the grid"

Like: Michael Morin likes this.

**Patriots Jerseys HOT SALE**  
itbcustomjerseys.com



The 2012 AFC Champions! New England Patriots! Be Fanatics, Shop Hot Sale Patriots Jerseys on 70% Discount plus FREE SHIPPING!

- Wall
- Info
- Friend Activity
- Photos

About  
The GoGo Lounge

111  
like this

15  
talking about this

- Create a Page
- Get Updates via RSS
- Report Page
- Share

Search



Find Friends Home



# The GoGo Lounge

Like

Create a Page

Arts/Entertainment/Nightlife · Lewiston, Maine

Wall

The GoGo Lounge · Everyone (Most Recent)

Sponsored

See All

Share: Post Photo Video

Write something...

- Wall
- Info
- Friend Activity
- Photos

About  
The GoGo Lounge

111  
like this

15  
talking about this

Create a Page  
Get Updates via RSS  
Report Page  
Share



**The GoGo Lounge** commented on 207 Nightlife | Hottie of the month. Kristina Levine x5!



**207 Nightlife | Hottie of the month**

To document and promote venues, bars, nightclubs, restaurants, services, events, photographers, videographers, musicians, dancers, djs, and everything party related in general around the world. We want to connect you with your party!  
Page: 7,872 like this

Like · Comment · Yesterday at 4:22pm



**The GoGo Lounge** apply for memberships today!

Like · Comment · Share · Yesterday at 3:11pm



**Melissa Marlee McDaniel** Where  
Yesterday at 5:53pm · Like

Write a comment...



**The GoGo Lounge** OPENING SOOOON !!!!

Like · Comment · Share · January 30 at 4:51pm

3 people like this.



**Andrea Martin** cant wait  
Tuesday at 10:13am · Like · 1

Write a comment...



**The GoGo Lounge** PINK FRIDAY COMING SOON , TELL YOUR FRIENDS !



Like · Comment · Share · January 27 at 2:19pm

3 people like this.

Write a comment...

### RECENT ACTIVITY

The GoGo Lounge edited their Price Range and Description.



**The GoGo Lounge** For the first month ONLY , enter raffle to win a weekend vacation to MIAMI , CALIFORNIA , NEW YORK , OR LAS VEGAS !

Like · Comment · Share · January 19 at 7:12pm

4 people like this.

Write a comment...

Eastbay



Like · Jerry Ouellette likes this.

**Fish Tail SurvivalStraps!**  
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Tough, unique, & expedition ready. Over 1000 color combinations. Made in America & supports our Troops. Wear it - Unravel it - Survive

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The 2012 AFC Champions! New England Patriots! Be Fanatics, Shop Hot Sale Patriots Jerseys on 70% Discount plus FREE SHIPPING!

**Serious Deer Hunters**  
growingdeer.tv



Like our videos. Watch informative deer hunting and management videos filmed this season at www.GrowingDeer.tv

**Tom Brady Mini Helmet!**



Play MindSports Football to win a mini helmet signed by Tom Brady! Free trivia game, collect player Power Cards, cool prizes. Play Now!

**Georges St-Pierre RUSHFIT**



Georges "RUSH" St-Pierre is known for his explosive style and elite fitness and conditioning. You'll get ripped on GSP RUSHFIT.

62,458 people like GSP RushFit.

**Bob's High-Power Biz Tips**  
youtube.com



See how to project power in the office, show dominance on conference calls, and more. Watch Bob's High-Powered Business Tips.

Chat (Offline)

Search



Find Friends Home



**The GoGo Lounge**

**JOB APPS AVAILABLE NOW, WHO WANTS A JOB ?**

Like · Comment · Share · January 17 at 12:53pm ·

9 people like this.



**Kulmiye Abukar Idris** How much does a Bouncer make a night?

January 17 at 6:07pm · Like



**The GoGo Lounge** we arent hiring bouncers - waitresses/valet

January 18 at 10:50am · Like · 1



**Becky Kristene Berube** Where can I apply?

January 18 at 10:26pm · Like · 2



**Shawna Roaix** Shoot I need a job

January 21 at 2:31pm · Like



**Erika Marie Haines** were r yu guys located,ld like to fill out an app

January 24 at 6:19am · Like · 1



**Monica Durgin** Agreed. (:

Tuesday at 12:00pm · Like



**The GoGo Lounge**

**GRAND OPENING SUPERBOWL WEEKEND , COME PLACE BETS ON YOUR FAVORITE TEAM & WIN CASH !**

Like · Comment · Share · January 13 at 4:03pm ·

2 people like this.



**KiddTech PaperBoi** where this at

January 17 at 10:34am · Like



**The GoGo Lounge** check the info on the page , 229 Canal Street Alley

January 17 at 10:36am · Like

Write a comment...



**The GoGo Lounge**

**NOW HIRING\* WAITRESSES & VALET ... HIT US UP FOR MORE INFO**

Like · Comment · Share · January 13 at 1:22pm ·

16 people like this.

Write a comment...

**RECENT ACTIVITY**

The GoGo Lounge edited their Description, About and Hours.

The GoGo Lounge edited their Phone, Location and Parking.

The GoGo Lounge changed their About.

The GoGo Lounge joined Facebook. · Like · Comment

'Jessica Barry' likes this.

Write a comment...

There are no more posts to show.

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 21, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Public Hearing and First Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance to prohibit the use of consumer fireworks within the urbanized areas and to permit the use in rural areas of the City of Lewiston.

**INFORMATION:**

Last week, the City Council held a workshop to review several different options regarding the regulation of the use of fireworks within the City of Lewiston. Staff was asked to present three options to the Council regarding different ordinance amendments, all for consideration of first passage at this meeting. The Options are:

- 1) Option 2 - Prohibited in Urbanized areas, permitted in Rural
- 2) Option 2A- Prohibited in Urbanized areas, heavily restricted in Rural
- 3) Option 1 - Outright Ban on use of fireworks within city limits

This agenda item is the first Option for consideration which is Option 2 - the least restrictive ordinance.

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

This is a policy decision of the City Council.

*EABIKMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 50 "Offenses and Miscellaneous Provisions", Article VIII. "Sale and Use of Consumer Fireworks", referred to as "Option 2 - Prohibited in Urbanized Areas; Permitted in Rural Areas" which will create a new article regulating the use of fireworks within the city limits, receive first passage by a roll call vote.



## City of Lewiston Executive Department

EDWARD A. BARRETT  
City Administrator

PHIL NADEAU  
Deputy City Administrator



---

February 15, 2012

To: Honorable Mayor and Members of the City Council  
Fr: Ed Barrett  
Su: Fireworks Ordinance

### **Background**

On January 1, 2012, the sale, possession, and use of fireworks became legal in the State of Maine. As the authority having jurisdiction for our community, the Lewiston City Council has the ability to adopt an ordinance limiting or banning the use, sale, and possession of fireworks.

The prior City Council debated this issue at length and looked in detail at three options.

#### Option 1 – Outright Ban

This would prohibit the sale or use of fireworks in the entire City at all times.

#### Option 2 – Prohibit in Urbanized Areas; Permitted in Rural

This would prohibit the use of fireworks in the urbanized portion of the community at all times while allowing them in the rural areas, with urban and rule tied to the City's firearms discharge zones (see attached map). Certain restrictions would apply. They would be prohibited:

- (1) on all public property, including all public parks, public rights of way, and School Department property;
- (2) on any day specified by the Fire Chief as presenting a high fire danger as identified by posting such designation on the City website;
- (3) within 75 feet of any building.

Sale of fireworks could either be permitted city-wide, within the rural area only, or prohibited.

#### Option 2A – Prohibit in Urbanized Areas; Heavily Restrict in Rural

This is a variant of option 2 that was developed by the last Council during discussion. It would completely ban fireworks in the no firearms discharge zone. It would severely restrict use in more rural areas to only specified hours on July 4<sup>th</sup>, New Year's Eve, and New Year's Day. In addition, it would prohibit the sale of fireworks everywhere in Lewiston.

### Option 3 – Restricted Use – Discharge Zones 1 and 2

This would allow the use of consumer fireworks during certain hours on a year round basis in the more rural areas of the community while limiting them to the 4<sup>th</sup> of July, New Year's Eve, and New Year's Day in the more urban areas. Sale and possession would also be permitted.

### **Recent Workshop**

The Council recently discussed these options at a workshop. At that time, possible interest was expressed in options 1, 2, and 2A.

### **Adoption Procedure**

Given the procedural requirement that the entire ordinance adoption process must be restarted should any substantive amendments be made to a proposed ordinance, all three of these options appear on the agenda for first reading.

Procedurally, all ordinances must receive a public hearing and a first and second reading. At first reading for these ordinances, the Council may approve one or more of them. Those that receive such approval will then be placed on a subsequent Council agenda for second reading and final approval. If more than one option remains under consideration at that point, only one can receive final approval.

**OPTION 2 - PROHIBITED IN URBANIZED AREAS;  
PERMITTED IN RURAL**

**Sec. ---. Sale and Use of consumer fireworks.**

**(a) Definitions.** The following definitions shall apply in this section:

- (1) Consumer fireworks shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3<sup>rd</sup>-party testing laboratory as conforming with United States Consumer Product Safety Commission standards in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:
  - a. Missile-type rockets, as defined by the State Fire Marshal by rule;
  - b. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
  - c. Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability, that rise into the air upon ignition, and that may produce a burst of color or sound at or near the height of flight.
- (2) Display means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

**(b) Fireworks Restricted Use.** The use, discharge or ignition of fireworks within the City of Lewiston's restricted fire arms zone, Zone 2 as defined in Chapter 50, Section 107 of this Code, is prohibited. The use, discharge or ignition of fireworks within the City of Lewiston's restricted fire arms zone, Zone 1 as defined in Chapter 50, Section 107 of this Code, is permitted.

- (1) The use, discharge, or ignition of fireworks is prohibited on all public property, including all public parks, public rights of way, and School Department property;
- (2) The use, discharge, or ignition of fireworks is prohibited on any day specified by the Fire Chief as presenting a high fire danger as identified by posting such designation on the City website;
- (3) The use, discharge, or ignition of fireworks shall not be permitted in close proximity to any building in the City of Lewiston by maintaining a distance of no less than 75' from said building;

(c) **Exception.** This section does not apply to a person issued a fireworks display permit by the City of Lewiston and/or the State of Maine pursuant to 8 M.R.S.A. §227-A.

(d) **Violations.**

- (1) Any person who uses consumer fireworks or possesses consumer fireworks with the intent to use in the City of Lewiston in violation of this ordinance shall receive a citation.
- (2) The civil penalty set in accordance with the city's policy manual as approved by the city council shall be imposed for the issuance of citations. The Civil penalties imposed are cumulative.

(e) **Sale of Fireworks.** The sale of fireworks in the City of Lewiston shall be **(permitted city-wide, within the rural area only, or prohibited)** within the City of Lewiston.

(f) **Seizure and disposal of fireworks.** The City may seize consumer fireworks that the City has probable cause to believe are used, possessed, or sold in violation of this section. Seized consumer fireworks shall be forwarded to the State for disposal.

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 21, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 8**

**SUBJECT:**

Public Hearing and First Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance to prohibit the use of consumer fireworks within the urbanized areas and to heavily restrict the use in rural areas of the City of Lewiston.

**INFORMATION:**

Last week, the City Council held a workshop to review several different options regarding the regulation of the use of fireworks within the City of Lewiston. Staff was asked to present three options to the Council regarding different ordinance amendments, all for consideration of first passage at this meeting. The Options are:

- 1) Option 2 - Prohibited in Urbanized areas, permitted in Rural
- 2) Option 2A- Prohibited in Urbanized areas, heavily restricted in Rural
- 3) Option 1 - Outright Ban on use of fireworks within city limits

This agenda item is the second Option for consideration which is Option 2A - the mid-range restrictive ordinance.

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

This is a policy decision of the City Council.

*EAR/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 50 "Offenses and Miscellaneous Provisions", Article VIII. "Sale and Use of Consumer Fireworks", referred to as "Option 2A - Prohibited in Urbanized Areas; Heavily Restricted in Rural Areas" which will create a new article regulating the use of fireworks within the city limits, receive first passage by a roll call vote.

**OPTION 2A - PROHIBITED IN URBANIZED AREAS;  
HEAVILY RESTRICT IN RURAL**

**Sec. ---. Sale and Use of consumer fireworks.**

**(a) Definitions.** The following definitions shall apply in this section:

- (1) Consumer fireworks shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3<sup>rd</sup>-party testing laboratory as conforming with United States Consumer Product Safety Commission standards in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:
  - a. Missile-type rockets, as defined by the State Fire Marshal by rule;
  - b. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
  - c. Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability, that rise into the air upon ignition, and that may produce a burst of color or sound at or near the height of flight.
- (2) Display means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

**(b) Fireworks Restricted Use.** The use, discharge or ignition of fireworks within the City of Lewiston's restricted fire arms zone, Zone 2 as defined in Chapter 50, Section 107 of this Code, is prohibited.

The use, discharge or ignition of fireworks within the City of Lewiston's restricted fire arms zone, Zone 1 as defined in Chapter 50, Section 107 of this Code, is permitted on and only on the dates of December 31, January 1, and July 4 provided, however, that:

- (1) The use, discharge, or ignition of fireworks is prohibited on all public property, including all public parks, public rights of way, and School Department property;
- (2) The use, discharge, or ignition of fireworks is prohibited on any day specified by the Fire Chief as presenting a high fire danger as identified by posting such designation on the City website;

- (3) The use, discharge, or ignition of fireworks shall not be permitted in close proximity to any building in the City of Lewiston by maintaining a distance of no less than 75' from said building;
- (4) No fireworks will be permitted before 10 a.m. and after 10 p.m. on July 4<sup>th</sup>;
- (5) No fireworks will be permitted before 10 a.m. on December 31<sup>st</sup>; and
- (6) No fireworks will be permitted between the hours of 1 a.m. and 10 a.m. or after 10 p.m. on January 1<sup>st</sup>.

**(c) Exception.** This section does not apply to a person issued a fireworks display permit by the City of Lewiston and/or the State of Maine pursuant to 8 M.R.S.A. §227-A.

**(d) Violations.**

- (1) Any person who uses consumer fireworks or possesses consumer fireworks with the intent to use in the City of Lewiston in violation of this ordinance shall receive a citation.
- (2) The civil penalty set in accordance with the city's policy manual as approved by the city council shall be imposed for the issuance of citations. The Civil penalties imposed are cumulative.

**(e) Sale of Fireworks.** The sale of fireworks in the City of Lewiston shall be prohibited within the City of Lewiston.

**(f) Seizure and disposal of fireworks.** The City may seize consumer fireworks that the City has probable cause to believe are used, possessed, or sold in violation of this section. Seized consumer fireworks shall be forwarded to the State for disposal.

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 21, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 9**

**SUBJECT:**

Public Hearing and First Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance to prohibit the use of consumer fireworks within the City of Lewiston.

**INFORMATION:**

Last week, the City Council held a workshop to review several different options regarding the regulation of the use of fireworks within the City of Lewiston. Staff was asked to present three options to the Council regarding different ordinance amendments, all for consideration of first passage at this meeting. The Options are:

- 1) Option 2 - Prohibited in Urbanized areas, permitted in Rural
- 2) Option 2A- Prohibited in Urbanized areas, heavily restricted in Rural
- 3) Option 1 - Outright Ban on use of fireworks within city limits

This agenda item is the third Option for consideration which is Option 1 - the most restrictive ordinance.

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

This is a policy decision of the City Council.

*EMB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 50 "Offenses and Miscellaneous Provisions", Article VIII. "Sale and Use of Consumer Fireworks", referred to as "Option 1 - Outright Ban on the Use of Fireworks" which will create a new article regulating the use of fireworks within the city limits, receive first passage by a roll call vote.

**OPTION 1 - OUTRIGHT BAN**

**Sec.---. Sale and use of consumer fireworks prohibited.**

- (a) **Definitions.** The following definitions shall apply in this section:
- (1) Consumer fireworks shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3<sup>rd</sup>-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:
- a. Missile-type rockets, as defined by the State Fire Marshal by rule;
  - b. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
  - c. Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule. With a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.
- (2) Display means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.
- (b) **Prohibition.** No person shall use, possess with the intent to use, sell, possess with the intent to sell or offer for sale consumer fireworks in the City of Lewiston.
- (c) **Exception.** This section does not apply to a person issued a fireworks display permit by the City of Lewiston and/or the State of Maine pursuant to 8 M.R.S.A. §227-A.
- (d) **Violations.**
- (1) Any person who uses consumer fireworks or possesses consumer fireworks with the intent to use in the City of Lewiston in violation of this ordinance shall receive a citation.

- (2) The civil penalty set in accordance with the city's policy manual as approved by the city council shall be imposed for the issuance of citations. The Civil penalties imposed are cumulative.
  
- (e) **Seizure and disposal of fireworks.** The City may seize consumer fireworks that the City has probable cause to believe are used, possessed or sold in violation of this section and shall forfeit seized consumer fireworks to the State for disposal.

**LEWISTON CITY COUNCIL**  
**MEETING OF FEBRUARY 21, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 10**

**SUBJECT:**

Public Hearing and First Passage for Land Use Code Amendments concerning In-Law Apartment Standards.

**INFORMATION:**

At their February 13 meeting, the Planning Board voted (6-1) to send a favorable recommendation to the City Council for the adoption of the proposed amendment to the Land Use Code regarding In Law Apartment Standards. The recommendation will define the limits of the connection between the resident of the primary structure and the occupant of the apartment, define a joint entrance, set limits on square footage and number of bedrooms and some other recommended changes.

Please see attached information from City Planner David Hediger regarding this request.

**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, Article II "Performance Standards", Section 11, "In Law Apartment Standards", of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting.

## AN ORDINANCE PERTAINING TO IN-LAW APARTMENTS

### THE CITY OF LEWISTON HEREBY ORDAINS:

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

#### APPENDIX A

#### ZONING AND LAND USE CODE

#### Article II. DEFINITIONS

##### Sec. 2 Definitions.

*In-law apartment* means an ~~small~~-accessory apartment contained within or attached to a single-family dwelling which meets the standards of section 11 of Article XII.

#### Article II. Performance Standards

##### Sec. 11 In-law apartment standards

An in-law apartment meeting the following standards shall be considered to be part of a single-family detached dwelling and shall be considered to be a dwelling unit in terms of the space and bulk standards of Article XI. In-law apartments shall be permitted only in those districts where they are allowed uses. Apartments not meeting these requirements shall be considered to be separate dwelling units and shall meet the use and space and bulk requirements of Article XI:

- (1) The in-law apartment shall be accessory to the use of the premises as a single-family detached dwelling, and only one (1) in-law apartment shall be created as part of a single-family dwelling;
- (2) The in-law apartment shall be created within or attached to a single-family detached dwelling;
- (3) The person(s) occupying the in-law apartment must be a first, second, or third degree relative relation (parent, child, stepchild, sibling, aunt, uncle, niece, nephew, or grandparent) of the principal occupant(s) of the single-family dwelling by blood or by marriage, and the burden of proof of this relationship shall be on the homeowner;
- (4) The creation of the in-law apartment unit shall not alter the single-family character of the property. The following standards shall be met in creating the unit:

- a. The in-law apartment must share a joint entrance with the single-family home and the in-law apartment shall not have a separate front entrance from the outside. A joint entrance shall consist of an enclosed structure with access to the in-law apartment and the single-family dwelling. Any second-story side entrance must be contained within the building envelope; and
  - b. Provisions for one (1) additional parking space shall be made in conformance with Article XII, Section 17. However, no additional curb cuts or driveways may be created to facilitate the creation of the in-law apartment, and any new or expanded driveway entrance curb cut on the property must not exceed ~~eighteen (18)~~ twenty-four (24) feet in width.
  - c. The habitable area of the in-law apartment shall not exceed 900 square feet and shall not contain more than two (2) bedrooms.
- (5) One (1) of the units must be owner-occupied.
  - (6) All applicable fire safety and egress laws must be observed in the creation of the in-law apartment.
  - (7) There shall not be separately metered electric or water service for the in-law apartment.
  - (8) In-law apartments on properties with private sewer shall comply with the State of Maine Subsurface Wastewater Disposal Rules for new or expanded systems, as applicable.
  - (9) Evidence of documentation recorded in the Androscoggin Registry of Deeds identifying that the in-law apartment and the use of the in-law apartment must conform to the performance standards of Appendix A, Article XII, Section 11 of the Zoning and Land Use Code. Said evidence must be provided to the City prior to issuance of an occupancy permit for said in-law apartment.

### **REASON FOR PROPOSED AMENDMENT**

Article II, Section 2 of the Zoning and Land Use Code defines an in-law apartment as a “small accessory apartment contained within a single-family dwelling which meets the standards of section 11 of Article XII”. Many years ago there was a restriction that in-law apartments could not exceed 750 square feet; as a result staff received many complaints that the allowed living area was too small, and the square footage limitation was eliminated. With no square footage limitation, staff has historically permitted the creation of in-law apartments as long as the unit was of less square footage than the principle single family dwelling; thereby, being smaller unit. However, as currently used in the definition of in-law apartment, the term “small” is relative to that of the square footage of the single family dwelling. For example, a 2,500 square foot single

family dwelling may have a small accessory in-law apartment of an additional 2,000 square feet attached to that dwelling.

Therefore, in view of the fact that the in-law provisions are not instructive with respect to size, the amendment specifies a maximum square footage allowed. The amendment also provides additional performance standards in effort to maintain the appearance and character of Lewiston's single family neighborhoods while providing additional clarification so that the application of the Code will be clear to both staff and the citizens of Lewiston.

### **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

The proposal is in conformance with the Comprehensive Plan, because it:

1. Encourage and promote safe, affordable, decent housing opportunities for all
2. Lewiston citizens (Housing, Goal #1, p. 69).
3. Continue to allow a wide variety of housing types in all appropriate zones within the City (Policy 1, Strategy H, p. 70).
4. Review permitting and licensing policies and practices to see where they can be streamlined in order to better service the development community (Economy, Policy 1, Strategy C, p 38).
5. Promotes the orderly growth and development of the appropriate areas of the City while making efficient use of public services (Land Use, Goals, #1, p. 122).



# CITY OF LEWISTON

## Department of Planning & Code Enforcement



**TO: City Council  
Mayor**  
**FROM: David Hediger, City Planner**  
**DATE: February 15, 2012**  
**RE: Proposed Zoning and Land Use Code Amendment: In-law apartment standards**

On February 13, 2011, the Planning Board voted 6-1 to send a favorable recommendation for the City Council's consideration of a proposal to amend the in-law apartment standards found in Article II, Definitions, Section 2, and Article XII, Performance Standards, Section 11 of the Zoning and Land Use Code of the City of Lewiston.

Article II, Section 2 of the Zoning and Land Use Code defines an in-law apartment as a "small accessory apartment contained within a single-family dwelling which meets the standards of section 11 of Article XII". Many years ago there was a restriction that in-law apartments could not exceed 750 square feet; as a result, staff received many complaints that the allowed living area was too small, and the square footage limitation was eliminated. With no square footage limitation, staff has historically permitted the creation of in-law apartments as long as the unit was of lesser square footage than the principle single family dwelling; thereby, being a smaller unit. However, as currently used in the definition of in-law apartment, the term "small" is relative to that of the square footage of the single family dwelling. For example, a 2,500 square foot single family dwelling may have a small accessory in-law apartment of an additional 2,000 square feet attached to that dwelling.

Therefore, in view of the fact that the in-law provisions are not instructive with respect to size, the amendment specifies a maximum square footage allowed. The amendment provides additional performance standards in effort to maintain the appearance and character of Lewiston's single family neighborhoods while providing additional clarification so that the application of the Code will be clear to both staff and the citizens of Lewiston. The proposed language also requires evidence of documentation recorded in the Androscoggin Registry of Deeds which makes reference to the in-law apartment's compliance with the performance standards of Appendix A, Article XII, Section 11 of the Zoning and Land Use Code which must be provided to the City prior to issuance of an occupancy permit for said in-law apartment.



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:** February 14, 2012

**Subject:** Planning Board Action

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The Planning Board took the following action at their public meeting held on February 13, 2012 regarding a recommendation to the City Council on a proposed amendment to the in-law apartment standards per Article II, Section 2 and XII, Section 11 of the Zoning and Land Use Code of the City of Lewiston. Said proposed amendment specifies a maximum square footage allowed and provides additional performance standards.

The following motion was made:

**MOTION:** by **Walter Hill** 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 the in-law apartment standards found in Article II, Definitions, Section 2, and Article XII, Performance Standards, Section 11 of the Zoning and Land Use Code of the City of Lewiston. Second by **Paul Robinson**.

**VOTED:** 6-1 (Passed)

c: Ed Barrett, City Administrator  
Planning Board Members

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# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 21, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 11**

**SUBJECT:**

Public Hearing and First Passage for Land Use Code Amendments concerning Community Gardens Standards.

**INFORMATION:**

At their February 13 meeting, the Planning Board voted (6-1) to send a favorable recommendation to the City Council for the adoption of the proposed amendment to the Land Use Code regarding Community Gardens Standards. The recommendation will define allowed zoning districts, size limitations, sale of produce, time of access, condition of property and so forth.

Please see attached information from City Planner David Hediger regarding this request.

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

The City Administrator recommends approval of the requested action.

*ERIK MM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendment to Appendix A, Article XI "District Regulations" and Article XII "Performance Standards", of the City Zoning and Land Use Code, concerning the creation and regulation of community gardens, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting.

**AN ORDINANCE PERTAINING TO COMMUNITY GARDENS**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

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

**APPENDIX A**

**ZONING AND LAND USE CODE**

**Article II. Definitions.**

**Sec. 2. Definitions**

*Community gardens* means the ~~non-commercial~~ use of a lot(s) or a portion thereof for the purpose of growing vegetables, flowers, ~~landscaping~~ and/or other cultivated plants which are intended for consumption and/or use primarily by the surrounding neighborhood as regulated under Article XII, Section 4.

**Article XI. District Regulations**

**Sec. 5. Riverfront (RF).**

(c) *Permitted uses.*

(32) ~~Community gardens~~ Reserved;

**Sec. 9. Downtown residential district (DR).**

(c) *Permitted uses.*

(33) ~~Community gardens~~ Reserved;

**Sec. 13. Centreville district (CV).**

(c) *Permitted uses.*

(38) ~~Community gardens~~ Reserved;

**Sec. 17. Mill district (M).**

(c) *Permitted uses.*

(38) ~~Community gardens~~ Reserved;

**Article XII. Performance Standards**

**Sec. 4. Reserved. Community garden standards.**

The following standards shall apply to the establishment or creation of any community garden in City of Lewiston:

1. A community garden may be located in any zoning district with the exception of the Resource Conservation district.
2. Unless located in the Rural Agricultural district, a community garden may be no larger than 10,000 square feet.
3. Unless permitted by the underlying zoning district, on-site sale of community garden products shall be prohibited.
4. The site shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining on to streets or adjacent properties.
5. Accessory structures including buildings or signs shall comply with requirements of the underlying zoning district.
6. Cultivated areas shall be prevented from encroaching onto adjacent properties.
7. The property shall be maintained free of high grass, weeds, and debris. Dead garden plants shall be removed by no later than November 30<sup>th</sup> of each year. This is not intended to prohibit composting.
8. Use of mechanical equipment shall be limited to that customarily identified as household lawn and garden equipment. Use of said equipment shall be restricted to the hours 7:00 a.m. to 7:00 p.m.
9. The community garden shall be subject to applicable odor provisions contained in Article XII, Section 19(4).
10. It shall be the responsibility of the property owner that uses a lot or a portion thereof as a community garden meets the above referenced performance standards. If leased or used by other individuals or organizations, it shall be the responsibility of the property owner to ensure the above referenced performance standards are met.
11. It shall be the responsibility of any person, including, but not limited to, the property owner, their agent, individuals, organizations, or other person having an interest in establishing a community garden on a lot(s) or a portion thereof for a community garden to obtain a Use Permit from the City prior to commencing said use of land.

### **Reasons for proposed amendment**

Article II, Section 2 of the Zoning and Land Use Code defines *Community gardens* as the non-commercial use of a lot or a portion thereof for the purpose of growing vegetables, flowers, landscaping and/or other cultivated plants which are intended for consumption and/or use primarily by the surrounding neighborhood. Said use of land is limited to four zoning districts: Riverfront (RF), Mill (M), Downtown Residential (DR), and Centreville (CV). Staff has been approached by property owners in the downtown and other parts of the city to establish community gardens.

The proposed amendment allows a community garden to be located in any zoning district with the exception of the Resource Conservation district. Community gardens are means of promoting healthy communities which may provide food and create recreational and therapeutic opportunities for a community. In the downtown portion of Lewiston, community gardens may become part of the open space network on vacant land and lots within neighborhoods and strengthen community bonds. The gardens and those who participate in community gardening contribute to the preservation of open space and can return under used or vacant lots into a

productive and sustainable use of land. They can also promote environmental awareness and provide community education. While allowing community gardens throughout the City, there is a need to regulate such land uses to protect neighborhoods, prevent nuisances, protect property values, protect the environment, and ensure the health and safety of the City.

### **Conformance with Comprehensive Plan**

1. Enhance the aesthetic quality of the Downtown area (Downtown, Goal #5, p. 22).
2. Evaluate both the short term and long term recreational and/or open space potential of all tax acquired properties that the city has at its disposal . . . (Recreation and Open Space, Policy 1, Strategy B7, p 96).
3. Evaluate tax-acquired properties for their potential as preserved open space for recreational or environmental preservation purposes (Recreation and Open Space, Policy 10 Strategy a3, p.111).
4. Implement non-athletic field components of Franklin Pasture Master Plan. Continue to work on trail system and other outdoor areas for nature interpretation, assembly and public gardens (Land Use Issues, #17, p. 124).
5. Explore amending the Zoning and Land Use Codes to provide more incentives for preservation of open space in new development (Long Range Planning, Policy 3, Strategy B, p. 133).



# CITY OF LEWISTON

## Department of Planning & Code Enforcement



**TO: City Council  
Mayor**

**FROM: David Hediger, City Planner**

**DATE: February 14, 2012**

**RE: Proposed Zoning and Land Use Code Amendment: Community Gardens**

On February 13, 2012, the Planning Board voted 6-1 to send a favorable recommendation for the City Council's consideration a proposal to amend Article II, Definitions, Section 2; Article XI, District Regulations, Sections 5, 9, 13, 17; and Article XII, Performance Standards, Section 4 of the Zoning and Land Use Code of the City of Lewiston to allow community gardens to be located in any zoning district with the exception of the Resource Conservation district and to establish performance standards regulating said use.

Article II, Section 2 of the Zoning and Land Use Code defines Community gardens as the non-commercial use of a lot or a portion thereof for the purpose of growing vegetables, flowers, landscaping and/or other cultivated plants which are intended for consumption and/or use primarily by the surrounding neighborhood. Said use of land is currently limited to four zoning districts: Riverfront (RF), Mill (M), Downtown Residential (DR), and Centreville (CV). Staff has been approached by property owners in the downtown and other parts of the city to establish community gardens.

The proposed amendment allows a community garden to be located in any zoning district with the exception of the Resource Conservation district. Community gardens are means of promoting healthy communities which may provide food and create recreational and therapeutic opportunities for a community. In the downtown portion of Lewiston, community gardens may become part of the open space network on vacant land and lots within neighborhoods and strengthen community bonds. The gardens and those who participate in community gardening contribute to the preservation of open space and return under used or vacant lots into a productive and sustainable use of land. They can also promote environmental awareness and provide community education.

While allowing community gardens throughout the City, there remains a need to regulate such land uses to protect neighborhoods, prevent nuisances, protect property values, protect the environment, and ensure the health and safety of the City. The proposed amendment addresses these issues establishing specific performance standards for community gardens.



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:** February 14, 2012

**Subject:** Planning Board Action

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The Planning Board took the following action at their public meeting held on February 13, 2012 regarding Community Gardens:

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 II, Definitions, Section 2; Article XI, District Regulations, Sections 5, 9, 13, 17; and Article XII, Performance Standards, Section 4 of the Zoning and Land Use Code of the City of Lewiston to allow community gardens to be located in any zoning district with the exception of the Resource Conservation district and to establish performance standards regulating said use. Second by **Sandy Marquis**.

**VOTED:** 6-1 (Passed)

c: Ed Barrett, City Administrator  
Planning Board Members

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# LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 21, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 12**

**SUBJECT:**

Receipt of recommendations from the Finance Committee and the Planning Board on the FY2013 Lewiston Capital Improvement Plan budget.

**INFORMATION:**

The Planning Board, at their February 13, 2012 meeting, voted to send a favorable recommendation to the City Council to adopt the FY2013 LCIP. Their comments are attached.

The Finance Committee met on February 6, 2012 to review the proposed LCIP projects and their recommendation is also attached.

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

The City Charter requires a recommendation on the LCIP from both of these committees.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To receive and review the recommendations from the Finance Committee and the Planning Board regarding the FY13 Lewiston Capital Improvement Plan.



## City of Lewiston Finance Department

Norman Beauparlant, Director of Budget/Purchasing



February 13, 2012

The Honorable Robert Macdonald, Mayor  
And Members of the City Council  
City Hall  
Lewiston, Maine 04240

Dear Mayor and Members of City Council:

At a meeting of the Finance Committee held on February 6, 2012 the Committee took the following action relative to recommendation of the FY2013 Capital Improvement Program:

*On motion of Mr. Marcotte, seconded by Mr. Cayer it was*

**VOTED:**

*The Finance Committee has reviewed the Fiscal Year 2013 Lewiston Capital Improvement Program. The Finance Committee recognizes that this document is a long term planning tool utilized by the City Council and Administration, and that all projects are subject to the scrutiny of the budget process. If projects as requested are approved, including the Administrator's recommendation and School Department recommendations, the proposed FY 13 bond authorization amount would exceed the 80% bond issue authorization limitation as established by City Ordinance (Chapter 2, Article II, Section 2-34: Council action on bond authorization).*

*Further, the Committee expresses concern about the level of debt service carried in each of the Enterprise Funds as the rate and fee structures impact the personal budgets of Lewiston residents as much as the General Fund does with its mil rate and tax structure. The Committee therefore recommends that when the City Council is considering the projects listed in the LCIP during the budget review process, serious consideration be given to keeping new bonding within the 80% authorization limit.*

*The Committee also expresses concern about the recommendation for school side borrowing to be carried by the property taxpayers of the City of Lewiston. Therefore, we would recommend that City Ordinance (Chapter 2, Article II, Section 2-34: Council action on bond authorization) be revised to include provisions aimed at reducing debt separately in each category: municipal debt, school debt supported by the property tax, and Enterprise Fund debt.*

*The Committee recommends that the current process of refinancing outstanding debt at lower interest rates be continued. When such debt is refinanced, consideration should be given to using unallocated fund balance, to the extent that this balance is in excess of the amount required by policy, to reduce the outstanding principal amount, thus reducing future years' debt service payments and interest costs.*

*required by policy, to reduce the outstanding principal amount, thus reducing future years' debt service payments and interest costs.*

*The Committee would also like to recognize the City's Management Team for its efforts to reduce (Municipal side) Lewiston City indebtedness over the course of this year's Five Year Capital Improvement Program.*

**VOTE: 4-0**

Sincerely,

*Norman J. Beauparlant*  
Norman J. Beauparlant, Clerk  
Finance Committee





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:** February 15, 2012

**Subject:** Planning Board Action

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The Planning Board took the following action at their public meeting held on February 13, 2012 regarding a recommendation to the City Council on the FY 2013 Lewiston Capital Improvement Program as per Article VII, Section 4(e) of the Zoning and Land Use Code of the City of Lewiston.

The following motion was made:

**MOTION:** by **Sandy Marquis** pursuant to Article VII, Section 4(e) of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration the adoption of the FY 2013 Lewiston Capital Improvement Program, subject to any concerns raised by the Planning Board or staff. Second by **Paul Robinson**.

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

**NOTE:** The Charter and the Zoning and Land Use Code require the Planning Board to review and provide a recommendation on Lewiston's Capital Improvement Plan. Specifically, Section 6.05. of the City Charter states: The planning board shall review the proposed capital program each year, and following public hearing thereon, shall forward its recommendations to the city council at least four and one-half (4 1/2) months prior to the end of the current fiscal year.

Article VII, Section 4(e) of the Zoning and Land Use Code states: The board shall review the annual capital program and report to the city council in accordance with Section 6.05 of the City Charter its findings regarding the needs of the city for the improvement, replacement and alteration of existing facilities and the acquisition or construction of additional facilities and the order in which such projects should be undertaken.

c: Ed Barrett, City Administrator  
Planning Board Members

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 21, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 13**

**SUBJECT:**

Resolve regarding the Adoption of the Fiscal Year 2013 Lewiston Five-Year 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 earlier for review and a workshop and public hearing have also been held on this issue.

The Planning Board and Finance Committee recommendations regarding the LCIP will be reviewed in the previous agenda item.

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

The 2013 program is limited to those projects which are important to the continued maintenance and development of the City. Each project will be reviewed prior to receiving funding.

*EAB/Kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That pursuant to Article VI, Section 6.07(d) of the City Charter, the City Council hereby approves the Resolve adopting the Fiscal Year 2013 Lewiston Five-Year Capital Improvement Program, as prepared by the City Administrator.

(Note - Copy of full Resolve is attached.)



**City of Lewiston Maine  
City Council Resolve  
February 21, 2011**



**Resolve,** Adopting the 2013 City of Lewiston Five-Year Capital Improvement Program

Whereas, the City Charter requires that a capital improvement program be annually prepared for review by the Planning Board, Finance Committee, and City Council and be adopted by the Council at least four months prior to the end of the current fiscal year; and

Whereas, the intent of such a program is to outline a five year plan to address the community's infrastructure and other capital improvement needs and, more specifically, to outline those projects anticipated for the coming year in advance of consideration of the annual budget; and

Whereas, as proposed, the plan calls for \$151.2 million in projects, of which \$67.1 million are supported by City resources including \$22 million in tax supported general obligation bonds for municipal purposes, \$16.8 million in tax supported bonds for school purposes, and \$19.8 million in enterprise supported bonds; and

Whereas, for Fiscal Year 2013, the plan proposes authorizing \$2.9 million in general obligation bonds for municipal purposes, \$8.7 million for schools, and \$6.3 million for our enterprise funds; and

Whereas, as proposed, the \$11.6 million in general obligation bonds for municipal and school purposes exceeds the ordinance limit on the amount of bonds that may be issued in the coming year and, if subsequently approved, will require the affirmative vote of five members of the City Council; and

Whereas, adopting this plan will provide guidance to the Council and staff but does not constitute formal authorization to proceed with the projects included, the funding for which must be separately authorized by the Council;

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

The 2013 City of Lewiston Five-Year Capital Improvement Program is hereby adopted.



## 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	60,000	320,000
<b>TOTAL</b>	<b>\$19,803,670</b>	<b>\$67,118,838</b>

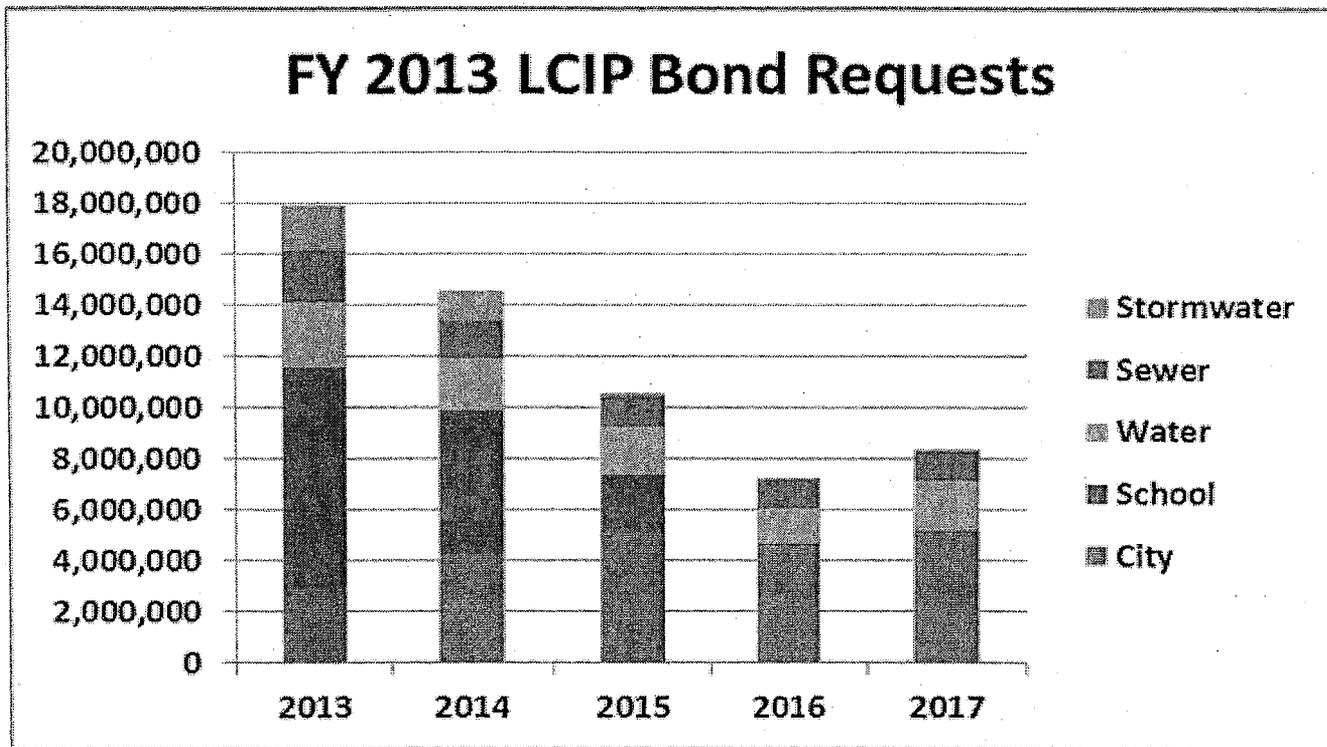
The capital needs for the School Department are the most significant change from prior years. Where the Department made no requests in the last two years, a recently completed facility plan has identified significant upcoming needs driven by estimated enrollment increases of about 100 students per year 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>	17,907,200	14,532,659	10,538,600	7,278,000	8,377,400	58,633,859



#### 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><i>Auburn-Lewiston Airport:</i></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><i>Economic &amp; Community Development:</i></u>		
Property Acquisition/Demolition	250,000	150,000
<u><i>Lewiston-Auburn 9-1-1 Center:</i></u>		
Radio Replacement	38,822	19,411
Server Upgrade	<u>44,818</u>	<u>22,409</u>
	83,640	41,820
<u><i>M.I.S.:</i></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
78	<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>
79											
80	<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>
81	<b>20yr</b>										
82	CBI (City Bond Issue)		749,700		1,178,000		2,490,000		3,050,000		3,235,000
83	SCBI (School Bond Issue)		8,500,000		5,000,000		1,500,000		-		-
84	WBI (Water Bond Issue)		1,770,000		1,884,200		1,710,100		1,171,000		1,758,400
85	SBI (Sewer Bond Issue)		1,550,000		1,000,000		1,000,000		1,000,000		1,000,000
86	SWBI (Storm Water Bond Issue)		1,550,000		1,000,000		-		-		-
87	sub-total		14,119,700		10,062,200		6,700,100		5,221,000		5,993,400
88	<b>15yr</b>										
89	CBI (City Bond Issue)		1,136,500		2,850,459		1,466,500		1,257,000		1,465,000
90	SCBI (School Bond Issue)		-		600,000		150,000		-		-
91	WBI (Water Bond Issue)		530,000		-		-		-		-
92	SBI (Sewer Bond Issue)		525,000		500,000		150,000		150,000		150,000
93	SWBI (Storm Water Bond Issue)		200,000		100,000		100,000		100,000		100,000
94	sub-total		2,391,500		4,050,459		1,866,500		1,507,000		1,715,000
95											
96											
97	<b>10yr</b>										
98	CBI (City Bond Issue)		686,000		160,000		775,000		320,000		219,000
99	SCBI (School Bond Issue)		-		-		375,000		-		-
100	WBI (Water Bond Issue)		-		-		-		-		-
101	SBI (Sewer Bond Issue)		-		-		-		-		-
102	SWBI (Storm Water Bond Issue)		-		-		-		-		-
103	sub-total		686,000		160,000		1,150,000		320,000		219,000
104	<b>5yr</b>										
105	CBI (City Bond Issue)		340,000		25,000		401,000		20,000		215,000
106	SCBI (School Bond Issue)		210,000		75,000		261,000		50,000		75,000
107	WBI (Water Bond Issue)		160,000		160,000		160,000		160,000		160,000
108	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							
		80,000	CBI							
Large Vehicle Wash Facility - Citylink	58	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		1,000,000						
Oak Street Sewer Separation	83	550,000	SBI							
		550,000								
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								
Hart Brook Water Quality Restoration	91	100,000		100,000		100,000		100,000		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					621,000
						69,000
Pleasant Street from Lisbon St. to Ferry Rd. Rehab	66					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
<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
Storm Water Bond Issue		1,750,000	1,100,000	100,000	100,000	100,000
<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>

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 21, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 14**

**SUBJECT:**

Waiver of City Purchasing Policy to allow for the sale of the Auto-Tie Baler System at the Solid Waste Facility.

**INFORMATION:**

The Council is requested to approve a waiver of the Purchasing Policy to allow the City to sell a piece of city owned equipment via a direct sale rather than through a competitive bid process. The City owns an Auto-Tie Baler System which is located at the Solid Waste Facility on River Road. Since the establishment of a single stream recycling program in July 2011, this baler system is no longer needed by the Public Works Department and is declared as surplus property.

The Purchasing Policy requires that any sale of property that is valued over \$5,000 be done through the competitive bid process. However, this is a very specialized piece of equipment and the City has received a proposal from Recycling Mechanical of New England to purchase (including dismantling, transportation and removal) for a price of \$48,000. City staff is requesting authority to sell the equipment directly to the interested party and to waive the Purchasing Policy requirement for a competitive bid process.

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

The City Administrator recommends approval of the requested action .

*EAST/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve a waiver of the City Purchasing Policy to forego the competitive bid process regarding the sale of the Auto-Tie Baler System at the Solid Waste Facility and to allow city staff to conduct a direct sale of the Baler System to Recycling Mechanical of New England .



## Finance Department



Norman J. Beauparlant  
Director of Budget/Purchasing  
[nbeauparlant@lewistonmaine.gov](mailto:nbeauparlant@lewistonmaine.gov)

**TO:** Edward Barrett, City Administrator  
Heather Hunter, Finance Director

**FROM:** Norman J. Beauparlant, Director of Budget/Purchasing 

**SUBJECT:** Sale of Auto-Tie Baler System at the Solid Waste Facility on River Road

**DATE:** February 16, 2012

The City implemented a single stream recycling program in July of 2011. The change to single stream process eliminates the need for the City to bale any materials therefore, rendering the auto tie baler system surplus equipment. The equipment has been declared surplus by the Public Works Department. I have been working with the department to determine the most advantageous way to offer the system for sale. The Solid Waste Superintendent and I have had discussions with Casella Waste with regard to its use by them in the single stream process here in Lewiston and have found that there is no need for it.

The baler system is by industry standards a medium size unit (see attached photo) and while there is a market for used equipment, the market is limited and putting it up for auction and/or bid would require a substantial cost on the part of the City getting it ready for sale. A new unit of this size with conveyor system in place would likely cost approximately \$180,000. Our baler was purchased in 1999 at a cost of \$136,271. It replaced an earlier model and the conveyor system which was purchased in 1991 was attached. The conveyor system was purchased at a cost of \$44,000 in 1991. Both the baler and the conveyor have been fully depreciated.

While investigating sale options, Rob Stalford had been contacted by Recycling Mechanical of New England, a company located in Allenstown NH. The company specializes in the purchase and resale of a variety of mechanical systems. The company has made a proposal to the City to purchase the baler and conveyor system, dismantle and remove the entire system at its cost and to pay \$48,000 to the City. It is estimated that the dismantling and removal cost would be in the range of \$8,000-\$10,000 if done by others. With the investigation done to date on the most cost effective removal and to maximize the price that the City may receive, it is recommended that the City take advantage of the offer being proposed by Recycling Mechanical of New England.

The Purchasing Policy adopted by the Council requires that any sale of real or personal property with a value in excess of \$5,000 be done through the Competitive Bid process. Therefore, in order to take advantage of the proposal, action by the City Council would be needed to waive this section of the Purchasing Policy to allow for direct negotiation with Recycling Mechanical of New England.

I have attached the company's proposal and a photo to assist in presenting the proposal to the City Council.

NJB/syt

# Recycling Mechanical of New England

50 Ferry St. Allenstown, NH 03275

603-268-8028

2/16/2012

To : City of Lewiston, Me.

Re. Purchase of Used Recycling Baler

This letter is to formally offer to purchase the used horizontal recycling baler from the City of Lewiston, ME. Purchaser to be Recycling Mechanical of NE, LLC (RecMech)

RecMech will disconnect the baler and conveyor load onto trucks and transport at our expense.

RecMech will remove conveyor pit plating and fill pit with dirt in preparation for concrete.

RecMech will remove any loose wiring left behind by baler and conveyor.

RecMech will pay the City of Lewiston \$38,000 prior to removing the baler. If approval can be made by Thursday 2/23/2012, RecMech will pay an additional \$10,000 to the City of Lewiston in order to fill an open sales order.

Baler and conveyor Make, Model, and Serial #'s: TBD.

Thank you,



Jason White  
General Manager  
Recycling Mechanical of New England, LLC  
50 Ferry St.  
Allenstown, NH 03275  
office. 603-268-8028  
cell. 603-234-8372  
fax. 603-218-7444  
[Jason@RecMech.com](mailto:Jason@RecMech.com)  
[www.RecMech.com](http://www.RecMech.com)



**DANGER**  
NO ADMITTANCE  
EXCEPT FOR AUTHORIZED  
WORK

FIRE  
EXTINGUISHER

DANGER

DANGER

iscded

**LEWISTON CITY COUNCIL**  
**MEETING OF FEBRUARY 21, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 15**

**SUBJECT:**

Resolve Approving a Joint Agency Budget Committee.

**INFORMATION:**

At the February 14 Council workshop, the Council discussed the idea of the creation of a joint committee with the City of Auburn regarding a review process for the joint agency budgets. The City Council reviewed the concept of the Committee during the workshop discussion and directed city staff to structure a Resolve regarding this issue. This Resolve defines the purpose and work of the new Committee.

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

The City Administrator recommends approval of the requested action .

*ETB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To adopt the Resolve approving a Joint Agency Budget Committee.



**City of Lewiston Maine  
City Council Resolve  
February 21, 2011**



**Resolve, Approving a Joint Agency Budget Committee**

Whereas, the Cities of Lewiston and Auburn jointly fund a number of agencies including the Lewiston-Auburn Growth Council, LA 911, Great Falls TV, the Auburn-Lewiston Airport, LA Arts, and the Lewiston Auburn Transit Committee; and

Whereas, in the past, the communities -have used several alternative methods for reviewing the budgets submitted by these agencies, none of which has been fully satisfactory; and

Whereas, it is essential that these budgets receive detailed review by elected officials and that this review be done in a manner that assists the respective Governing Bodies in coordinating the approval of these budgets; and

Whereas, this joint budget committee is intended to refine the review of interagency budgets, build working relationships between Councilors of both cities, and streamline efforts to review expenditures and work plans for services funded by both Cities;

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

The City Council supports the creation of a Joint Agency Budget Committee to be composed of two Councilors each from Lewiston and Auburn. The purpose of this Committee shall be to undertake the necessary review of budgets and work plans presented by agencies and organizations jointly funded by Lewiston and Auburn and to make a consolidated recommendation to the respective governing bodies. Each City shall provide the necessary staff support to the Committee to allow it to successfully accomplish its purpose. In addition:

- The Committee's meetings shall be held in public and all elected officials shall be provided notice of the time, place and agenda of the meetings;
- All members of the respective governing bodies in attendance at the meetings shall be allowed the privilege of participating in them through asking questions and engaging in discussion, but only the designated members of the Committee shall have a vote on its final recommendations;
- The recommendations of the Committee shall be advisory to the respective governing bodies and each Council shall retain the right to make further budget adjustments and to meet separately with individual agencies to seek additional information regarding their budgets and work plans;
- Subsequent to the completion of this year's budgets, the Committee shall meet to evaluate the effectiveness of this approach to joint agency budgeting and shall make a recommendation to the respective Councils as to whether it should be continued in future years or an alternative approach should be taken;
- One Councilor from the City of Lewiston shall be appointed by the Mayor; the second Councilor shall be appointed by the Mayor upon the recommendation of the City Council.



## City of Lewiston Executive Department

EDWARD A. BARRETT  
City Administrator

PHIL NADEAU  
Deputy City Administrator



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February 9, 2012

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: LA Joint Agency Budget Review Committee

Over the last several years, Lewiston and Auburn have struggled to develop a workable procedure to evaluate and coordinate the process of adopting budgets for a variety of joint agencies including the Lewiston-Auburn Growth Council, LA Arts, LA911, Great Falls TV, the Airport, and the Transit Committee. The communities also jointly fund the Liberty Festival, although it is not considered a joint agency and has not been handled as such.

Two years ago, a joint meeting was held where the various agencies presented their budgets. This format did not lend itself to give and take among and questioning by the Councils given the large number of elected officials involved and the time required to move through the various presentations. While both sets of municipal officers heard the presentations, there was no mechanism to facilitate a coordinated decision making process.

Last year, no joint meeting was held (in part because of frustration on the part of some Auburn Councilors with the prior year's process), and it was difficult to coordinate the budget process with each community acting separately.

This year, the Mayors and Managers have discussed establishing a joint budget committee composed of two Councilors from each community who, with the assistance of the Managers and Finance Directors, would meet with, review, and discuss the various budgets and present a recommendation to each Council for consideration. This recommendation would be advisory and would not prohibit each Council from meeting individually with one or more of the agencies should they wish. The committee's budget work would be in public, and any Councilors who wished to attend its meetings would be welcome to do so.

The intent of this proposal is to increase the level of budgetary scrutiny given to these agencies and to provide a common recommended base from which the cities can begin the decision making process. It should allow for more detailed policy maker review of

the proposed budgets, more in-depth discussion, and provide an opportunity for Councilors from both communities to work closely together and build a working relationship.

This proposal was initially discussed at the end of the last Council meeting. At that time, some concerns were expressed regarding this approach, particularly the limited number of Councilors who would be directly involved in the initial budget reviews and in developing a recommendation for the Councils.

An alternative approach was also mentioned which would delegate to the respective Managers and Finance Directors the initial task of meeting with the agencies to undertake a technical review of their budget submissions and to make a joint recommendation to the Councils. This would allow for some initial scrutiny and budget refinement (for example, analyzing any proposed salary or benefit adjustments) and presenting both Councils with a common starting point.

The City of Auburn has discussed the proposed joint committee approach and designated two of its members to serve. I have informed Auburn of the discussion at the last Council meeting and that we will be having additional discussion at Tuesday's workshop.

As budget season is approaching, the Council should decide how it wishes to proceed in the near future and, to the extent possible, coordinate that approach with the City of Auburn.

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 21, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 16**

**SUBJECT:**

Appointment of City Council representatives to various city committees.

**INFORMATION:**

At the beginning of January, the City Council reviewed the list of city boards and committees which need a City Council representative and most of the seats were filled at that time. However, there were a few committees which still need to have a City Council representative selected:

- 1) Taxi Appeals Board
- 2) Lewiston-Auburn Public Health Committee
- 3) Joint Agency Budget Committee (if approved during a previous agenda item)

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

The Council shall select their representatives to the above listed boards and committees.

*EAB/kmm*

**REQUESTED ACTION:**

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To review and discuss the selection of the City Council representative to the various city boards and committees and to make a determination regarding the Council's representative to the Taxi Appeals Board and Lewiston-Auburn Public Health Committee, and to select their nominee to serve on the Joint Agency Budget Committee, should that Committee be established.

**LEWISTON CITY COUNCIL**  
**MEETING OF FEBRUARY 21, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 19**

**SUBJECT:**

Executive Session to discuss labor negotiations regarding the Maine Association of Police - Patrol Unit and the Lewiston Police Supervisory Command Unit.

**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.

*EARB/EMM*

**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) (D) to discuss Labor Negotiations regarding the Maine Association of Police - Patrol Unit and the Lewiston Police Supervisory Command Unit.