

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
MARCH 6, 2012**

**6:00 p.m. Workshop** - Meeting with the State Legislative Delegation

**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 CA\$H Coalition.

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 5.

REGULAR BUSINESS:

1. Public Hearing on a renewal application for a Special Amusement Permit for Live Entertainment for Fuel, Inc., 49 Lisbon Street.
2. Public Hearing and Final 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.
3. Public Hearing and Final Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance to prohibit the use of consumer fireworks within the City of Lewiston.
4. Public Hearing and Final Passage for Land Use Code Amendments concerning In-Law Apartment Standards.
5. Public Hearing and Final Passage for Land Use Code Amendments concerning Community Gardens Standards.
6. Public Hearing and First Passage for Land Use Code Amendment concerning the placement of political campaign signs and referral of issue to the Planning Board.
7. Authorization to approve the expenditure of funds for design work for the Kennedy Park Bandstand Restoration Project.
8. Order Authorizing the City Administrator to Execute the Joint City-School Human Resource Services Agreement.
9. Order Authorizing the Lewiston-Auburn Transit Committee (LATC) to obligate up to \$90,000 as Lewiston's local share of funding to support a "State of Good Repair" Federal Transportation Administration Application for a Bus-Truck Wash Facility.
10. Reports and Updates.
11. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
MEETING WITH STATE LEGISLATIVE DELEGATION  
MARCH 6, 2012  
6:00 P.M.

1. Update on Human Services and Supplemental State Budgets

The Legislative Delegation will update the Council on the supplemental budget for the Department of Health and Human Services for the remainder of this year; what might be considered for DHHS budget adjustments for next year; and any available information on likely proposals to be included in the Governor's full supplemental budget.

2. Municipal Issues (See Attached Memo)

- a. General Assistance – Eligibility Issues and Reimbursements
- b. Supplemental Budget – Municipal Impacts
- c. Bond Issue
- d. Revenue Sharing II
- e. Waiver of Local Required Contribution to K-12 Education
- f. Medicaid Reimbursement for Local School Systems

3. Other Items of Interest to Council or Delegation.



## City of Lewiston Executive Department

EDWARD A. BARRETT  
City Administrator

PHIL NADEAU  
Deputy City Administrator



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March 1, 2012

To: Members of the Lewiston Legislative Delegation  
Fr: Edward A. Barrett  
Su: Pending Legislative Issues

### EFFECT OF STATE BENEFIT CHANGES ON GENERAL ASSISTANCE

#### TANF 60 Month Time Limit

As of June 1, 2012, 337 Lewiston and 109 Auburn residents have been notified that they may no longer be eligible for assistance through the Temporary Aid to Eligible Families program. While some of these individuals may be eligible for continued benefits under an exception or an extension, it is likely that many of them will not. Those who lose their TANF eligibility will, however, remain eligible for General Assistance. This has the potential to significantly increase the City's General Assistance budget, both in administrative costs associated with a larger caseload and in terms of benefits provided. Note that the State reimburses General Assistance benefit payments at between 50 and 90%, unlike the TANF program which is primarily paid for by the federal government. To our knowledge, the State has not undertaken a cost/benefit analysis of the effect of this change.

At this point, we are seeking information from the Maine Department of Health and Human Services to assist us in developing a projection as to the number of clients likely to transfer to GA and the likely cost. It is apparent, however, that the Department has not previously analyzed this change and it is unclear when information might become available. Based on what we know to date, we believe the cost will be significant, both for Lewiston and the State.

This continues a pattern of changes in state safety net programs that are not mirrored in the General Assistance program, effectively transferring costs from the state/federal government to state/local government. Recent examples include eliminating eligibility for TANF for asylum seekers with INS receipts at the beginning of this year. This will transfer additional demands onto General Assistance.

Similarly, reductions in MaineCare will likely also affect the GA budget, particularly in regard to the cost of prescription medications.

At the same time, we are also seeing an increase in General Assistance requests from owners and renters given the increasing cost of home heating oil and reductions in the LIHEAP program.

## GA REIMBURSEMENT

In addition to the potentially significant increases associated with the factors mentioned above, we continue to hear suggestions that the 90% GA reimbursement level will be proposed for reduction to 75 or 50%, perhaps in conjunction with a total cap on the amount the state will spend. This will constitute a direct transfer of the costs of a state mandated program onto the property tax payer. In addition, in many instances, communities that receive 90% already have a property tax rate significantly above those or more suburban or rural communities. Reducing the reimbursement rate or capping total state expenditures will have a disproportionate impact on Lewiston.

## SUPPLEMENTAL BUDGET

Over the last several years, municipal programs, most specifically Revenue Sharing, have taken a disproportionate cut. At a minimum, these cuts have reduced the amount of revenue sharing that the City has received by \$1.5 to \$2 million in each of the last two years. Over that same period, the City has reduced its expenditure budget by over \$1 million while increasing the property tax rate by 89 cents, a property tax revenue increase of about \$1.6 million. IF REVENUE SHARING HAD NOT BEEN REDUCED, PROPERTY TAXES WOULD NOT HAVE GONE UP. We urge you to work to prevent any further reductions to state support to municipalities.

At the same time, we also would request that you oppose any other actions at the state level that would transfer costs/programs/mandates to the local level.

## BOND ISSUE

Consideration should be given to approving a bond issue focused on economic development. This could include road, bridge, and rail projects, both to improve our transportation infrastructure and to support construction jobs. Other elements could include downtown/riverfront development and low interested loans to small, locally owned or anchored businesses. Some of the largest cities in the state are working together to develop a bond proposal focused on investments the state can make to improve our economy. Greater detail will be forthcoming soon.

## REVENUE SHARING II

The Legislative Council has approved introduction of a bill that would increase the local property tax rate necessary to qualify for revenue sharing II from 10 to 12 mills. This program was initially intended to provide additional assistance to high mill rate

communities, many of which are service centers such as Lewiston. Over time, the vast majority of communities' mill rates have exceeded 10. This will marginally refocus this program to those communities with the greatest need. We request your support.

#### SCHOOL FUNDING LOCAL SHARE WAIVER

We understand that the Governor's supplemental budget will extend the waiver provision on the required local contribution to K-12 education. This waiver is exceptionally important to Lewiston given that local appropriations are currently below the EPS required level. The City is simply not in a financial position to increase the local appropriation for education by well over \$1 million.

#### MEDICAID REIMBURSEMENT FOR SCHOOL SYSTEMS – LD 1003

The repeal of the School Based Rehabilitative Services and Day Treatment Programs has dramatically reduced the amount of Medicaid reimbursement to Maine school systems from more than \$30 million per year to just under \$7 million last year. While there may have been rate setting issues with these repealed programs, we understand that the services covered by those programs are still allowable under federal regulations and that other states' school systems are successfully billing for them. LD 1003 would reinstate a school-based Medicaid program. The State should adopt a short and long term strategy to maximize efforts to gain federal reimbursement for any and all legally acceptable services. The current situation significantly shifts the cost of providing special education services away from the federal government and back to local school districts and taxpayers. We respectfully request your support for LD 103 to re-establish a school based Medicaid program in Maine.

**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 6, 2012**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Fuel, Inc., 49 Lisbon Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Fuel, Inc., 49 Lisbon 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.

*EAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Fuel, Inc., 49 Lisbon Street.

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

Date of Application: 2/14/2012 Expiration Date: 3/16/2012 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\*\*\*\*

DIVORCE - ONE OWNER  
WAS REMOVED.

Business Name: FUEL Inc. Business Phone: 207-333-3835

Location Address: 49 LISBON ST.

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

Mailing Address: 49 LISBON ST.

Contact Person: ERIC AUBEN Home Phone: 207-333-2347

Owner of Business: ERIC AUBEN Date of Birth: 2/10/1970

Address of Owner: 49 LISBON ST.

Manager of Establishment: ERIC AUBEN Date of Birth: 2/10/1970

Owner of Premises (landlord): ERIC AUBEN

Address of Premises Owner: 49 LISBON ST

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): FUEL, Inc.

MARCHE RESTAURANT.

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: Fuel, Inc.

Corporation Mailing Address: 49 USBN ST

Contact Person: ERIC ABLEN 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? 30 FT

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: \_\_\_\_\_

\*\*\*\*\*

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: PRESIDENT Date: 2/14/2012

Printed Name: ERIC ABLEN

\*\*\*\*\*

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

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

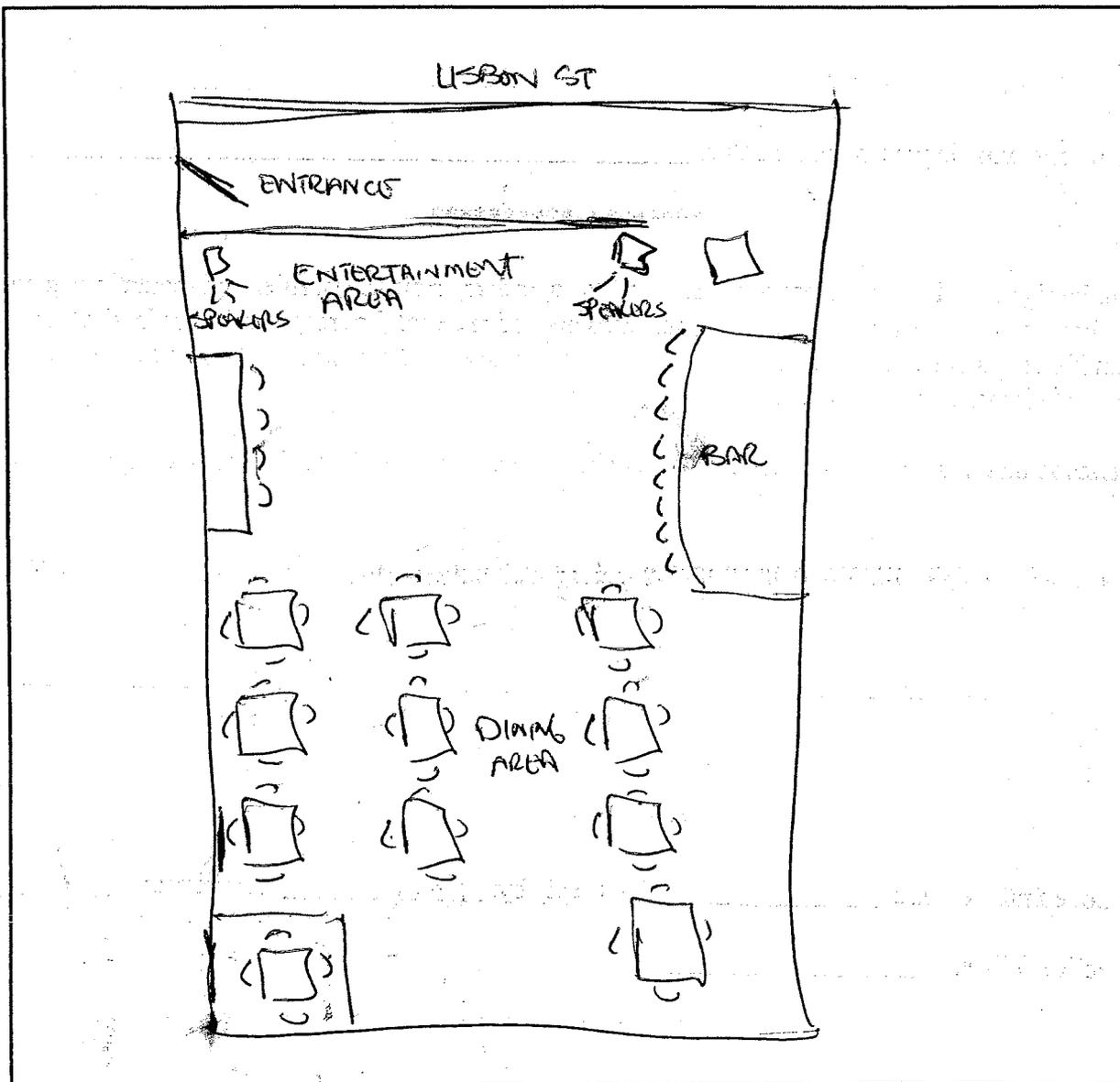
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Hearing Date: \_\_\_\_\_ Approved by Council: \_\_\_\_\_ Vote No: \_\_\_\_\_

**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

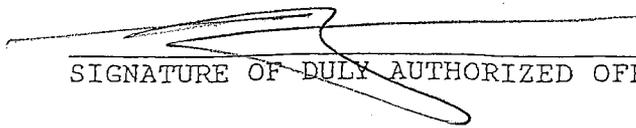
Supplementary Questionnaire for Corporate Applicants

1. Exact corporate name: Fuel, Inc.
2. Date of incorporation: JUNE 2000
3. State in which you are incorporated: ME
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
ERIC ABREN	49 USBOW STREET	2/18/70	100	PRESIDENT

6. What is the amount of authorized stock? 100 Outstanding stock? 100
7. Is any principal officer of the corporation a law enforcement official?  
No

Dated at LEWISTON, ME on 2/14/2012  
City or Town Date

  
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 – **Fuel**

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

**Fuel**  
**49 Lisbon Street**



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007  
[www.lewistonpd.org](http://www.lewistonpd.org)



*Professionalism*

*Integrity*

*Compassion*

*Dedication*

*Pride*

*Dependability*

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 6, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Public Hearing and Final 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:**

Recently, 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 at the February 21 meeting regarding different ordinance amendments. The Options were:

- 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

Option 2 did not receive enough votes at the February 21 meeting to receive first passage, but Options 2A and 1 did receive enough votes and both received first passage. Both are now presented at the March 6 Council meeting for final passage. Only one Option can be adopted for final passage (otherwise the ordinance language would conflict with itself).

**This agenda item is Option 2A - the mid-range restrictive ordinance.**

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

This is a policy decision of the City Council.

*EAB/amm*

**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 final 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 MARCH 6, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

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

**INFORMATION:**

Recently, 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 at the February 21 meeting regarding different ordinance amendments. The Options were:

- 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

Option 2 did not receive enough votes at the February 21 meeting to receive first passage, but Options 2A and 1 did receive enough votes and both received first passage. Both are now presented at the March 6 Council meeting for final passage. Only one Option can be adopted for final passage (otherwise the ordinance language would conflict with itself).

**This agenda item is Option 1 - the most restrictive ordinance.**

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

This is a policy decision of the City Council.

*EAB/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 final 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 MARCH 6, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Public Hearing and Final 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 final passage by a roll call vote.

## 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 ~~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 MARCH 6, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Public Hearing and Final 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.

During the February 21 City Council meeting, the Council approved two amendments to the ordinance language - 1) changing the size limit of the gardens from 10,000 sq ft to 20,000 sq ft and adding an allowance for winter cover crop during the non-growing months. Both of these items have been added to this attached ordinance language.

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 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 final passage by a roll call vote.

**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 20,000 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 or soil enhancing cover crops.
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



## 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 MARCH 6, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Public Hearing and First Passage for Land Use Code Amendments concerning the placement of political campaign signs and referral of issue to the Planning Board.

**INFORMATION:**

During a recent City Council workshop, the Council discussed the issue of placement of political signs in the right-of-ways (traffic islands and so forth) during the six weeks leading up to an election day. Resident Elaine Makas brought her concern to the Council noting the city is very unsightly during this time and so many signs could create a visibility problem for drivers or pedestrians and create a safety concern.

Gil Arsenault, the City's Director of Planning and Code Enforcement, has created two different ordinance proposals - 1) authorizes city staff to remove illegally placed political signs and 2) prohibits the placement of political signs within the public right-of-way and authorized staff to remove illegally placed political signs.

Council can review both proposals and approve First Passage for one of the proposals if interested. Council is also asked to vote to send this issue to the Planning Board for their review and recommendation.

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

This is a policy decision of the City Council.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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1) That the proposed amendment to Appendix A, Article XII "Performance Standards", Section 16, "Signs", of the City Zoning and Land Use Code, concerning authorization for city staff to remove illegally placed political signs (Option A), receive first passage by a roll call vote and that the matter be referred to the Planning Board for their review and recommendation.

2) That the proposed amendment to Appendix A, Article XII "Performance Standards", Section 16, "Signs", of the City Zoning and Land Use Code, to prohibit the placement of political signs within the public right-of-way and authorization for city staff to remove illegally placed political signs (Option B), receive first passage by a roll call vote and that the matter be referred to the Planning Board for their review and recommendation.

# MEMORANDUM

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

FR: Gildace J. Arsenault, Director of Planning and Code Enforcement

RE: Political Signs

DT: February 29, 2012

Attached please find the following documents:

- Option A Proposed amendment to Zoning and Land Use Code, Article XII, Section 16(b) (1), Political Signs, to authorize staff to remove illegal political signs.
- Option B Proposed amendment to Zoning and Land Use Code, Article XII, Section 16(b) (1), Political Signs, to prohibit the placement of political signs within the public right-of-way and to authorize staff to remove removal illegal political signs.

On February 14, 2012, the City Council conducted a workshop to discuss political signs. Specifically, the discussion focused on whether or not political signs should continue to be permitted in the public right-of-way of any street or highway; be subject to size restrictions, and should the ordinance be amended to authorize staff to remove illegal political signs. In view of this discussion, I have prepared two proposed amendments as referenced above.

The power to amend the Zoning and Land Use Code rests in the City Council, and past practice has been that the Council would vote to initiate an amendment and would refer the matter to the Planning Board for a recommendation pursuant to Article XVII, Sec. 5(b) of the Zoning and Land Use code. In this instance, the two proposed amendments will be on your March 6<sup>th</sup> agenda for first reading. In the event that the Council moves to approve one or both of the proposed amendments, the Council would then move to forward the proposed amendment(s) to the Planning Board for their recommendation. Once the Planning Board has conducted a public hearing and made their recommendation, the matter will be returned to the Council for a second reading/public hearing.

I plan to attend your March 6, 2012 meeting to provide any assistance that you may require.

**AN ORDINANCE PERTAINING TO ZONING AND LAND USE PERFORMANCE STANDARDS RELATIVE TO POLITICAL SIGNS**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

**APPENDIX A**

**ZONING AND LAND USE CODE**

**ARTICLE XII.**

**PERFORMANCE STANDARDS**

**Sec. 16. Signs.**

(b) *Signs permitted in all districts.*

(1) The following types of signs may be erected in all zoning districts without obtaining a permit from the code enforcement official:

c. *Temporary signs.* Temporary signs listed below shall not be placed in a position that will impair vision, obstruct traffic, or in any manner create a hazard or nuisance to the general public.

5. *Political signs.* Signs of a temporary nature bearing political messages relating to an election, primary or referendum may be placed within or outside the public right-of-way of any street or highway in accordance with the timelines established in M.R.S.A. Title 23, §1913-A, Section 1(H). Political signs located within or outside the public right-of-way of any street or highway are prohibited on or in front of City owned property including schools, parks, cemeteries, and municipally owned buildings. Notwithstanding Article V. Sec. 7, the code enforcement official may remove any political signs erected contrary to this section.

**REASON FOR PROPOSED AMENDMENT**

The Zoning and Land Use Code does not contain a provision that authorizes the code enforcement official to remove illegal political signs; however, M.R.S.A. Title 23, §1917 Section 5, provides for immediate removal of illegal signs located with the public right-of-way, by the Commissioner of the Maine Department of Transportation (MDOT) and it is the position of the MDOT that municipalities may remove illegal political signs located within the public right-of-way. Illegal signs are deemed to be signs that create public safety issues and/or are located within the interstate system. Consistent with MDOT's position on the removal of illegal political signs, the code enforcement official removes such signs along with signs erected contrary to the Zoning and Land Use Code. This amendment will specifically provide for such authorization.

## **CONFORMANCE WITH COMPREHENSIVE PLAN**

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

**AN ORDINANCE PERTAINING TO ZONING AND LAND USE PERFORMANCE STANDARDS RELATIVE TO POLITICAL SIGNS**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

**APPENDIX A**

**ZONING AND LAND USE CODE**

**ARTICLE XII.**

**PERFORMANCE STANDARDS**

**Sec. 16. Signs.**

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5. *Political signs.* Signs of a temporary nature bearing political messages relating to an election, primary or referendum may be placed ~~within or~~ outside the public right-of way of any street or highway in accordance with the timelines established in M.R.S.A. Title 23, §1913-A, Section 1(H). Political signs ~~located within or outside the right-of-way~~ are prohibited on ~~or in front of~~ City owned property including schools, parks, cemeteries, ~~and municipally owned buildings and within the~~ public right-of-way of any street or highway. Notwithstanding Article V, Sec. 7, the code enforcement official may remove any political signs erected contrary to this section.

(g) *Prohibited signs.* The following signs are prohibited in all areas of the city, except as otherwise provided in these regulations:

(3) *Signs in street right-of-way.* No sign except ~~political signs~~, traffic and similar public safety signs, erected in accordance with the Code of Ordinances, official business directional signs erected in accordance with subsection (e) of these regulations, and publicly erected information kiosks, special intracommunity service signs, or sign boards and signs approved by the city council advertising civic events and function shall be located in the public right-of-way of any street or highway.

## **REASON FOR PROPOSED AMENDMENT**

The Zoning and Land Use Code currently allows for the placement of political signs within the public right-of-way of any street or highway; however, prior to May 5, 2008 political signs were not allowed to be placed within the public right-of-way of any street or highway. In view of the significant numbers of political signs that clutter median strips and the sides of streets this proposed amendment prohibits the placement of political signs within the public right-of-way of any street or highway.

The Zoning and Land Use Code does not contain a provision that authorizes the code enforcement official to remove illegal political signs; however, M.R.S.A. Title 23, §1917 Section 5, provides for immediate removal of illegal signs located with the public right-of-way, by the Commissioner of the Maine Department of Transportation (MDOT) and it is the position of the MDOT that municipalities may remove illegal political signs located within the public right-of-way. Illegal signs are deemed to be signs that create public safety issues and/or are located within the interstate system. Consistent with MDOT's position on the removal of illegal political signs, the code enforcement official removes such signs along with signs erected contrary to the Zoning and Land Use Code. This amendment will specifically provide for such authorization.

## **CONFORMANCE WITH COMPREHENSIVE PLAN**

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

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 6, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Authorization to approve the expenditure of funds for design work for the Kennedy Park Bandstand Restoration Project.

**INFORMATION:**

The Kennedy Park Bandstand Restoration Committee has been charged with undertaking the fundraising effort to collect donations to restore and refurbish the bandstand structure. The City Council has designated up to \$75,000 in CDBG funds that have been earmarked for Kennedy Park improvements.

The Committee finds it necessary to engage the services of an architect to undertake design work and to develop a cost estimate for the restoration of the bandstand. The Committee is seeking permission to expend \$4,000 of the designated \$75,000 to have this work completed.

Please see attached memorandum from Gil Arsenault, Director of Planning and Code Enforcement.

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

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

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To authorize the expenditure of up to \$4,000 of Community Development Block Grant funds from the Kennedy Park Improvements project, for design work with cost estimate for the Kennedy Park Bandstand Restoration project.

# MEMORANDUM

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

FR: Gildace J. Arsenault, Director of Planning and Code Enforcement

RE: Kennedy Park Bandstand

DT: February 27, 2012

Attached please find the following documents:

City Council Resolve dated November 1, 2011 establishing the Kennedy Park Bandstand Restoration Committee

Kennedy Park Committee Meeting Action

On November 1, 2011, the City Council established the Kennedy Park Bandstand Restoration Committee which has been authorized to undertake fund raising efforts to accept donations, on behalf of the City, toward the restoration of the Kennedy Park Bandstand. The Council designated up to \$75,000 in Community Development Block Grant Funds that have been appropriated for Kennedy Park improvements to be used to match donations received by the City for the restoration. The City will contribute \$1 for every \$2 received in cash or documented in-kind donations from private individuals and organizations.

The Kennedy Park Bandstand Committee has determined it necessary to engage the services of an architect to undertake design activities and to develop a cost estimate for the restoration of the Bandstand. The Committee finds that it must first have basic design elements identified and a cost estimate in order to solicit funds from private individuals and organizations; therefore, on February 15, 2011, the Kennedy Park Bandstand Committee voted to request the City Council to release \$4,000 of the designated \$75,000 to attain the services of an architect to create a design plan with a cost estimate.

I plan to attend your workshop on February 14, 2012 to provide any assistance that you may require.



**City of Lewiston Maine  
City Council Resolve  
November 1, 2011**



**Resolve,** Establishing Kennedy Park Bandstand Restoration Committee

Whereas, the bandstand in Kennedy Park is a historic structure closely tied to the history of this community; and

Whereas, in addition to numerous community events and celebrations, the bandstand was the site of speeches by John F. Kennedy on the eve of his election as President and of President Lyndon B. Johnson; and

Whereas, in recent years, the bandstand has suffered from age and deferred maintenance resulting in its closure in 2010; and

Whereas, after considering various options and hearing from members of the public, the City Council has determined that renovation or restoration of the bandstand is both appropriate and desired by the community; and

Whereas, given current financial realities, it is clear that such a project will require the combined resources of the City and of private individuals and organizations;

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

There is hereby established a Kennedy Park Bandstand Restoration Committee.

1. Purpose. The Committee is authorized to undertake fund raising efforts and to accept, on behalf of the City, donations toward the renovation/restoration of the Kennedy Park Bandstand. The Committee shall also make recommendations to the City Council on the scope of restoration/repair work to be undertaken and its estimated cost.
2. Composition. The Committee shall be appointed by the Mayor and shall be composed of representatives of the Historic Preservation Commission and others who have indicated support for this effort. The Mayor shall designate one of its members to serve as Chair. The Committee shall be comprised of seven members.

3. Term. The Committee shall submit a report to the City Council on or before July 31, 2012 summarizing the status of its fund raising efforts and, if available, the proposed scope of work and its estimated cost. The Committee shall be officially dissolved on September 30, 2012 unless its term is formally extended by the City Council after a finding that sufficient fund raising progress has been made to justify extending the Committee's term to allow it to complete the project.
4. Staff Support. The Planning and Code Enforcement Department shall provide logistical support to the Committee. Other members of the City Management Team shall cooperate with the Committee as required.
5. Fund Raising Protocol. All donations made for the purpose of renovating/restoring the Kennedy Park Bandstand shall be made to the City of Lewiston. The Finance Director or her designee shall establish the necessary and appropriate procedures and policies to govern the solicitation of funds and to provide assurance to donors that their contributions will be used for the stated purposes. In addition, the Finance Director shall take steps to put in place the necessary financial controls, including issuing receipts acknowledging all contributions, to ensure full accountability for donated funds accepted by the City for this purpose. In the event that sufficient funds are not raised to allow the project to be undertaken, contributed funds shall be returned to the donor. If funds are received from anonymous sources and cannot be refunded, these donations shall be used for other projects designed to repair or improve historic properties located in the City of Lewiston.
6. Meetings and Reports. The Committee shall meet as necessary at a time convenient to its members. Minutes of these meetings shall be kept and provided to the City Council.

**Be it Further Resolved,** that the City Council hereby designates up to \$75,000 in Community Development Block Grant Funds currently appropriated for Kennedy Park improvements to be used to match donations received by the City for this restoration project. The City will contribute \$1 for every \$2 received in cash or documented in-kind donations from private individuals and organizations.



City of Lewiston  
Planning & Code Enforcement  
Gil Arsenault, Director



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## MEMORANDUM

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

**From:** Gil Arsenault

**Date:** February 27, 2012

**Subject:** Kennedy Park Bandstand Committee Meeting Action

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The Kennedy Park Bandstand Committee took the following action at their meeting held on February 15, 2012 regarding the release of \$4,000 of the \$75,000 earmarked for the restoration of the Bandstand to engage the services of an architect to develop a design plan with a cost estimate for said restoration.

The Following Motion was made:

**MOTION:** by **Linda Scott** to present to the City Council a request for the release of \$4,000 to attain the services of an architect to create a design plan and a cost estimate for the Bandstand restoration.  
Second by **Mike Paradis**.

**VOTED:** 6-0 (Passed).

c: Ed Barrett, City Administrator  
Kennedy Park Bandstand Members

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# LEWISTON CITY COUNCIL

## MEETING OF MARCH 6, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 8**

**SUBJECT:**

Order Authorizing the City Administrator to Execute the Joint City-School Human Resource Services Agreement.

**INFORMATION:**

The City and the School Department have been working closely for the past six months to integrate the Human Resources Departments of both entities. The City and School Department are proposing to merge staffs, systems and programs to provide a more comprehensive level of service given the increasing complexities of the human resources field. The proposal would allow for the School's Human Resources Manager to become the City's HR Director as well, while the Deputy City Administrator would still be responsible for labor relations (negotiations, grievances, etc.).

Please see the attached memorandum from Deputy City Administrator Phil Nadeau for additional information.

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

The City Administrator recommends approval of the requested action.

*ERAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to execute the Joint City-School Human Resource Services Agreement.



**City of Lewiston Maine  
City Council Resolve  
March 6, 2012**



**Order,** Authorizing the City Administrator to Execute the Joint City-School Human Resource Services Agreement.

Whereas, the City has pursued and supported a number of joint-service efforts to provide programming to residents and employees of the city; and

Whereas, the City and School Department have worked collaboratively on an informal basis for several decades; and

Whereas, city and school human resources needs and programs will continue to be confronted with an increasing level of regulation and complexity; and

Whereas, both the City and School Department Human Resources offices have spent the last six months assessing all aspects of the respective human resources operations and have determined that a preliminary agreement would allow for the first step in merging staffs, systems, and programs while providing sufficient time to work through the details of fully integrating and merging the Human Resource offices of both organizations; and

Whereas, the proposed Agreement will allow the City and School Department to begin the process of fully merging both offices with a target date of July 1, 2013 without binding either organization to a specific long-term commitment at this time;

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

the City Administrator is hereby authorized to sign the attached joint Human Resource Services Agreement with the Lewiston School Department and to approve any non-substantive amendments to the Agreement as needed.

## HUMAN RESOURCE SERVICES AGREEMENT

THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_ 2012, by and between the CITY OF LEWISTON, a municipal corporation organized and existing under the laws of the State of Maine, and located in the County of Androscoggin, State of Maine (hereinafter "City"), and LEWISTON PUBLIC SCHOOLS, a separate entity of the City and a school administrative unit organized and existing under the laws of the State of Maine located in Lewiston, Maine (hereinafter "School").

### RECITALS

WHEREAS, the City of Lewiston has a variety of human resource needs with regard to certain City functions and services; and

WHEREAS, Lewiston Public Schools has a variety of human resource needs with regard to certain School functions and services; and

WHEREAS, the City and School have agreed to share human resource services for the mutual benefit of both parties; and

WHEREAS, 30-A M.R.S.A. §2201-§2207, as amended to date, provides for public agencies to enter into interlocal cooperation agreements, including inter alia agreements to share certain functions and services:

NOW, THEREFORE, the parties agree as follows:

For the term of this Agreement, the School and City will join human resource staff to support the human resource needs of both the School and City.

1. The services of the HR Director, Safety Manager, HR Assistant, HR Administrative Assistant, HR Secretary and HR Clerk will be shared among both the City and School as determined by the HR Director except as directed by the City Administrator and Superintendent.
2. The HR Director is supervised by the School's Assistant Superintendent. The job description and performance of the HR Director will be maintained and reviewed by the Assistant Superintendent with input from the Deputy City Administrator.
3. The Safety Manager is supervised by the Deputy City Administrator. The job description and performance of the Safety Manager will be maintained and reviewed by the Deputy City Administrator with input from the Assistant Superintendent.
4. The HR Assistant, HR Administrative Assistant, HR Secretary and HR Clerk will be under the supervision of the HR Director.
5. The term of this Agreement shall be from July 1, 2012 through June 30, 2013, and shall automatically renew annually, subject to Superintendent and City Administrator review by April 1 each year. This agreement may be terminated earlier either by mutual agreement or by either party giving the other 90 days advance written notice.
6. The City and School shall maintain records pertaining to services provided pursuant to this Agreement, which shall be available to the other party for review and copying at all convenient times without charge. Any data or documents used or generated by the City or School and/or its employees shall be considered public information unless otherwise provided by law. The parties shall work together

cooperatively to identify any information used or generated by City or School employees that is not public information so that confidential information shall not be publicly disseminated.

During the period of July 1, 2012 through June 30, 2013, the following terms shall apply:

1. The HR Director, HR Administrative Assistant and HR Clerk will remain employees of the School and the School will bear the entire employer cost for withholding and benefits.
2. The Safety Manager, HR Assistant and HR Secretary will remain employees of the City and the City will bear the entire employer cost for withholding and benefits.
3. The HR Assistant and HR Secretary will be physically relocated to the School's central office at 36 Oak Street, Lewiston, Maine on or about July 1, 2012.
4. The Safety Manager will allocate an average of one day per week for School safety management, risk assessment and workers' compensation.
5. The City agrees to pay the School the sum of \$6,000 annually for services of the HR Director.
6. The specific human resource department functions are outlined by the parties. (See appendix for the list of human resource department functions.)
7. Professional development costs for the HR Director, Safety Manager, HR Assistant, HR Administrative Assistant, HR Secretary, and HR Clerk will generally be the responsibility of the employer to whom the training best relates, unless otherwise agreed upon by the parties.
8. Necessary equipment costs for the HR Director, Safety Manager, HR Assistant, HR Administrative Assistant, HR Secretary and HR Clerk will generally be the responsibility of the employee's employer, unless otherwise agreed upon by the parties.
9. The City agrees to cover HR-related expenditures for general office supplies, postage and miscellaneous expenses in accordance with FY2013 budgeted HR department funds.
10. In the event of an employee's separation from employment for any reason, expenses related to leave time and other benefit payouts shall be borne entirely by the employee's employer unless otherwise agreed upon by the parties.

For the period of July 1, 2013 and beyond, the following terms shall apply:

1. It is understood that subject to unforeseen and exigent circumstances, the HR Secretary and HR Assistant will become employees of the School effective July 1, 2013.
2. It is further understood that the Safety Manager will remain an employee of the City, unless otherwise agreed upon by the parties.
3. The shared financial impact and human resource department responsibilities are subject to review and revision on an annual basis, or as deemed appropriate and necessary by the parties. Items for consideration include, but are not limited to wages, benefits, retirement expenses, professional development, equipment, supplies, postage and appropriate allocation of work responsibilities.

Furthermore,

1. Notices under this Agreement shall be sufficient if sent by first class mail or hand delivered as follows:

TO CITY: Edward Barrett  
City Administrator  
City of Lewiston  
27 Pine Street  
Lewiston, Maine 04240

TO SCHOOL: William Webster, Jr.  
Superintendent  
Lewiston Public Schools  
36 Oak Street  
Lewiston, Maine 04240

2. This agreement represents the entire integrated agreement between the City and School and supersedes all prior negotiations representations or agreements either written or oral. This Agreement may be amended only by written instruments signed by both the City and School.
3. Nothing in this agreement is intended to alter, shift or expand any legal liabilities that the City and School each may have as legal entities and separate employers. The City and the School shall each bear responsibility for their own acts and omissions and those of their employees, subject to all available defenses against claims by third parties. By entering into this Agreement, neither party assumes any legal obligations of any nature to the employees or contractors of the other party. The City and the School shall each bear sole responsibility for defending and, if necessary, the payment of claims brought by its employees under common law, collective bargaining agreements, and all local, state and federal employment, discrimination and civil rights laws. The City and the School have and shall continue to maintain appropriate insurance for general liability and errors and omissions.
4. This Agreement shall be administered jointly by the City Administrator and Superintendent of Schools or their respective designees.
5. This Agreement is subject to approval by the Commissioner of Education pursuant to 30-A M.R.S.A. § 2205.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written.

By: \_\_\_\_\_  
Edward Barrett, City Administrator

By: \_\_\_\_\_  
William Webster Jr., Superintendent of Schools

Approved Pursuant to 30-A M.R.S.A. § 2205

By: \_\_\_\_\_  
Stephen Bowen, Commissioner of Education



## City of Lewiston Executive Department

EDWARD A. BARRETT  
City Administrator

PHIL NADEAU  
Deputy City Administrator



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March 1, 2012

To: Honorable Mayor and Members of the City Council  
Fr: Phil Nadeau  
Su: Joint City-School Human Resource Services Agreement

The City and the School Department have been working on a pilot project which provides for needed administrative collaboration between our human resources offices and allows for Jackie Little (School Human Resources Director) and Don Mailhot (City Safety Coordinator) to assess whether merging City/School HR and safety services was feasible.

After almost 6 months of analysis, it is clear to both the City and School administrations that we should proceed with a process that will eventually fully integrate Human Resources and Safety to produce an HR model that will raise the quality of HR services for employees in both organizations.

On February 27<sup>th</sup>, the School Committee approved a proposed agreement that will begin the process of merging the School and City Human Resources offices. While they will remain City employees, the proposal will move our two HR staff to the Dingley Building and place them directly under the supervision of the school HR office sometime around July 1<sup>st</sup>. Our Safety Officer will remain under the supervision of the City Administrator's Office and will stay in his current office.

The proposal will allow us to:

- Fully integrate our HR and Finance technology over the next several years
- Evaluate all current HR positions so that individual employee skill sets are properly utilized with the goal of delivering better service
- Reassess all existing HR services, procedures, and systems
- Reassess how some HR services and programs are purchased
- Work out the logistics to service city personnel through the Dingley Building
- Use the next fiscal year to develop contractual language establishing how HR services will be delivered to city employees

In the face of increasing HR workloads and the never-ending and growing list of new state/federal laws, court decisions, and new employee benefit offerings affecting

everything from health benefits (health care reform impacts are still being assessed), labor law, safety requirements, and whether or not we begin offering pet health insurance (to name just a few), the demands associated with maintaining a high-level of HR administration and service delivery means that we must figure out how to do more with what we currently have.

Jackie Little, who will direct and manage this new HR model and who is considered one of the state's top HR professionals, is best suited to move our HR operations to the next level. Jackie's academic background (Master in HR) and tenure as Assistant HR Director has prepared her for this challenge. She will bring the kind of professional expertise and supervision that will elevate our HR services to greater heights.

While Jackie and her new staff are crafting an HR model for our two organizations, I will continue to handle the many duties of the Deputy City Administrator's Office including overseeing labor-relations (lead negotiator, grievance hearing officer, misc. labor-relations matters) and supervising workers compensation/safety administration for the city. I will also work with our HR staff and Jackie over the next year to assist with the transition.

This is another big step toward delivering the best possible service to our city employees at a time when our elected officials are doing the best they can to deal with an economy that is simply stuck in neutral.

We do not endorse this proposal solely on the merits of "cost savings." Both administrations see it as an opportunity to enhance our HR and safety services. Our commitment is to do what is best for our organizations based on what we see as the most effective and efficient outcome, not solely by what is best for the budget. We believe that this passes all these tests and will produce a quality HR service model that will meet the increasing demands of our ever changing workforce.

We request your approval of this Joint City-School Human Resource Services Agreement. If approved, we will continue to share information on the HR merger with you in the weeks and months to come.

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 6, 2012

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 9**

**SUBJECT:**

Order Authorizing the Lewiston-Auburn Transit Committee (LATC) to obligate up to \$90,000 as Lewiston's local share of funding to support a "State of Good Repair" Federal Transportation Administration Application for a Bus-Truck Wash Facility.

**INFORMATION:**

The Cities of Lewiston and Auburn , as well as the Lewiston-Auburn Transit Committee which oversees the operations of the CityLink bus system, have been in discussion regarding a Large Vehicle Wash Facility in order to adequately clean the larger vehicles to prevent corrosion and deterioration from road salt and other elements. The entities would like to establish such a Wash Facility and federal grant funding is available to cover up to 80% of the cost of such a facility. The City's local share of such a project would be up to \$90,000. This agenda item is seeking a commitment for the expenditure of these funds.

Please see the attached memorandum from Deputy City Administrator Phil Nadeau for additional information.

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

The City Administrator recommends approval of the requested action.

*EATB/kmm*

**REQUESTED ACTION:**

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To approve the Order authorizing the Lewiston-Auburn Transit Committee (LATC) to obligate up to \$90,000 as Lewiston's local share of funding to support a "State of Good Repair" Federal Transportation Administration Application for a Bus-Truck Wash Facility.



**City of Lewiston Maine  
City Council Order  
March 6, 2012**



**Order,** To Authorize the Lewiston-Auburn Transit Committee (LATC) to Obligate Up to \$90,000 as Lewiston's Local Share of Funding to Support a "State of Good Repair" Federal Transportation Administration Application for a Bus-Truck Wash Facility.

Whereas, given the recent recommendation by the Gillig bus company to frequently wash busses in order to preserve their structural integrity; and

Whereas, both cities have discussed the need to invest in a truck washing system to preserve the condition of its rolling stock which have faced increasing exposures to more corrosive road salts and other pollutants that are visibly impacting the structural integrity of an increasingly expensive truck fleet in both cities; and

Whereas, the Federal Transportation Administration and the Maine Department of Transportation support the use of "State of Good Repair" funds to fund a truck-bus wash facility that may be used for all CityLink city busses, city vehicles and, if both cities so desire, by the private sector; and

Whereas, the Maine Department of Transportation has advised the LATC that it is their understanding that the "State of Good Repair" funding application must be submitted no later than March 9, 2012 and, if awarded, must begin funding draw-downs no later than September 2013; and

Whereas, the "State of Good Repair" grant will provide up to 80% of the costs associated with the entire project;

**Now, Therefore, be it Ordered by the City Council of the City of Lewiston**

That the Lewiston-Auburn Transit Committee (LATC) is authorized to obligate the City of Lewiston for up to \$90,000 as the city's local share of Federal Transportation Administration "State of Good Repair" funds to support the LATC truck-bus wash facility project application.



The Office of  
Deputy City Administrator  
Phil Nadeau

27 Pine Street • Lewiston, Maine • 04240  
Tel. 207-513-3121, Ext. 3201 • Fax 207-795-5069  
Email: pnadeau@lewistonmaine.gov



## MEMORANDUM

<b>TO:</b>	<b>Mayor and City Council</b>
<b>FROM:</b>	Phil Nadeau, Deputy City Administrator
<b>DATE:</b>	March 2, 2012
<b>RE:</b>	<b>Truck/Bus Wash Facility</b>

### 1. BACKGROUND

The FY2013 LCIP contains an estimate for a provision for a "Large Vehicle Wash Facility – CityLink" with an estimated value of \$625,000.

Several things remained in question at the time it was submitted to the Council:

- Would this project be approved by both cities as a joint venture
- When would the federal 80/20 "State of Good Repair" funding become available
- What kind of facility would be built and where would it be located
- The cost of the facility based on the variables listed above

Though this project was part of a broader discussion involving a bus-only wash facility through ATRC (Androscoggin Transportation Resource Center) last fall, those discussions never reached a level of detail that allowed the LATC to know precisely what it was that would be acceptable as a final federal funding submittal.

Though both cities have been discussing a truck wash for our municipal vehicles for years, the value of a truck/bus wash was recently the focus of a Gillig bus company notice sent to the LATC back in January 2012 which spoke to the importance of a bus wash given our exposures to calcium chloride use on our roads in the winter. This notice stated the following: "\$6.45 billion is spent on corrosion-related repairs and maintenance in the transportation industry. As an industry, suppliers and transit systems are trying a number of approaches to address corrosion-related problems. One method to control corrosion caused by road salts is to integrate the proper wash systems and detergent technology into routine cleaning of busses."

Over the course of the past week, I have had multiple discussions with the City of Auburn, MDOT, the USDOT, AVCOG staff and one truck wash company. More importantly, we only confirmed this week that the available federal "State of Good Repair" funding will accept applications for more than just "equipment" and can include all building, site and design costs. Additionally, there are no restrictions as to what vehicles can use the facility (our busses, municipal trucks and private firms can be part of the equation).

I believe that the information on the facility that has been collected as of today reflects that the cost of the facility will exceed the estimate of \$500,000 that was discussed in the earlier discussions with both city staffs and the \$625,000 that was listed in the city's LCIP in January 2012. The information still requires additional analysis, but these are the estimated costs that we have collected over the past several days:

- A. Structure (building, concrete floor, interior utilities):  $85 \times 30 = 2550$  s.f.  $\times$  \$125 s.f. = \$320,000.  
NOTE: the dimensions of the building reflect a design to accommodate tractor trailers and a "drive-thru" wash system as opposed to a moving system that requires the vehicle to remain in place. Tractor trailer accommodation opens the possibility of having private companies move units "up to" this size through facility.
- B. Wash Equipment: Drive-thru system estimates will run between \$175,000 and \$250,000 (variables will include water pressure/volume control; detergent/decontamination chemicals; brush versus brushless systems; dryer versus non-dryer systems; etc.)
- C. Wash Equipment Installation: \$175,000 - \$250,000. Installation costs may be roughly equivalent to the equipment purchased.
- D. Sewer/Water utilities & Site Work: depending on the site, these costs could be in the \$50,000 vicinity.

TOTAL ESTIMATED COST RANGE: \$725,000 - \$870,000

Given the estimated range of the project, and the very-preliminary nature of the cost estimates, Gillig's emphasis on bus washing as part of recommended maintenance on these \$400,000 vehicles that should last us 10 years or more (if they are maintained properly) and how that is clearly applicable to the truck fleets of both cities, it appears that there is an urgent need not to miss this opportunity with a federal funding process that has been struggling to maintain any kind of predictability (Congress has yet to approve a final transportation funding reauthorization bill that has been working under 8 different continuing resolutions for over two years now).

The Maine Department of Transportation has stated that it needs the L-A Transit Committee's application for the bus/truck wash facility in hand by the end of business on March 9, 2012. I will be presenting this information to both councils on March 5<sup>th</sup> and 6<sup>th</sup>.

As a final comment, one truck wash facility that has installed multiple facilities in the Buffalo, NY area stated that the stand-alone facility we are proposing would come in at about \$1,000,000 in that market with operational costs (chemicals, water, maintenance, electricity) for 100 vehicles a day at approximately \$2 per vehicle.

It is my intention to continue to collect information right through the end of business on March 5<sup>th</sup>. I will update both councils with any new information that becomes available.

## **2. RECOMMENDED ACTION**

To approve an authorization for the LA Transit Committee to obligate up to \$90,000 from each city for the purpose of building a bus/truck wash facility to be located in Lewiston or Auburn.