

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
JULY 16, 2013**

6:00 p.m. Workshop - Please note: The time segments added to each workshop item are to serve as guidelines only and the Council may take up an item earlier than indicated or an item might run later than indicated.

- A. Healthy Androscoggin Presentation on Lead Poisoning and Prevention (30 minutes)
- B. Request to Consider Ordinance Amendments to Allow Chickens in Additional Areas(30 minutes)

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Presentation of Legislative Sentiment honoring City Departments for their work with the downtown fires
Lewiston Youth Advisory Council Presentation - Introduction of New Members

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 1.

REGULAR BUSINESS:

1. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for She Doesn't Like Gutheries, 115 Middle Street.
2. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Androscoggin Bank Colisee, 190 Birch Street.
3. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Irish Twins Pub, 743 Main Street.
4. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Acme Social Club, Inc., 255 Park Street.
5. Public Hearing on an application from ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway for an Automobile Graveyard/Junkyard permit.
6. Public Hearing for approval of an Outdoor Entertainment Permit for the Twenty-First Annual Great Falls Balloon Festival.
7. Public Hearing & Final Passage for Land Use Code amendments regarding nonconforming uses of single-family and two-dwelling units.
8. Request from L & A Veterans Council for a waiver of fees and use of city equipment regarding their Korean War 60th Anniversary Ceremony event.
9. Amendments to the General Assistance Policy.
10. Order authorizing the City Administrator to execute First Amendment to Materials Processing Facility Lease with Casella Recycling, LLC.
11. Order authorizing the City Administrator to execute a First Amendment to Joint Development Agreement with Argo Marketing Group, Inc.

12. Resolve approving the Supplement De-authorization of Expenditures and Adjustment to Revenues for the Fiscal Year 2014 Municipal Budget.
13. Consideration of request from the African Immigrant Association for City Co-Sponsorship of a Diversity Celebration planned for September.
14. Order authorizing the sale of three parcels of tax acquired land.
15. To approve the Order authorizing the City Administrator to execute an Agreement with CGI Communications, Inc. for the provisions of a Community Video Program.
16. Reports and Updates.
17. Any other City Business Councilors or others may have relating to Lewiston City Government.

July 16, 2013, City Council Agenda

July 2013 – July 2014 Lewiston Youth Advisory Council Membership Appointment

TO: Mayor & City Council
FR: Dottie Perham-Whittier, Community Relations Coordinator/LYAC Co-Advisor
RE: **Appointment of 2013-2014 Youth Council Membership**
DT: July 8, 2013

The fifteen (15) young people listed below were recently selected to serve as the **2013-2014** membership for the Lewiston Youth Advisory Council (LYAC). They submitted applications for membership and were interviewed by Mayor Robert Macdonald, Council Liaison John Butler, Director of Recreation/LYAC Co-Advisor Maggie Chisholm, and myself. A total of 22 youth were interviewed. The new membership represents **six returning youth & nine new youth**.

Sabin Lavorgna - LHS	Nairus Abdullahi - LHS
Megan Pare - LHS	Sheon James - LHS
Matt Chasse – St. Dom’s	Eric Hall - LHS
Hana Hassan - LHS	Hana Elabe - LHS
Margaruette Seguin - LHS	Deni Federico - LHS
Sumaya Sheikh - LHS	Kalgaal Issa - LHS
Aida Vassell - LHS	Jazlyn Dumas - LHS
Fadumo Musse - LHS	

The Mayor will officially announce the new membership at the **July 16, 2013**, City Council meeting. In addition, please know that during the interview process, applicants brainstormed about ideas they might like to pursue during their tenure if selected; those ideas are below:

The following topics are areas of interest the 22 applicants expressed during their interviews.

Community Beautification; Trash Pick-up
Recycling Awareness

Advocate Against the Perception of **“The Dirty Lew”** – Perhaps a Positive Jingle
Raise Resident Awareness of the Many Things that are Available in Lewiston
Bullying . . . Cyberbullying; Emotional Bullying – Perhaps a Bullying Q & A Event

Encourage Healthy Living: Healthy Eating, No to Drugs/Alcohol
Promote Nature, the Environment, Biking, Planting . . . Thorncrag
Domestic Violence Awareness

Enhanced Understanding of Cultural Diversity – Perhaps an Ethnic Food Event
Encourage Youth to Become Engaged in Their Community
Encourage Youth to Think About Their Future

Encouraging Youth to Believe in Themselves & Develop Leadership Skills
Get Out the Vote

Undertake a 2nd Youth Summit
Be Role Models for Other Youth; Listen to Youth
Follow-up on Status of Paradis Park

Fundraiser for MS
Provide Low-Cost Places for Youth to Exercise
Reach Out to Mentally and Physically Challenged Youth
More Homework Help in the Community

Encourage a Neighbor-to-Neighbor Connection
Help with College Applications
Volunteer at the Lewiston Library

Help Fire Victims . . . Capture their **“Stories”**
Encourage People to Learn the French Language

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LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, JULY 16, 2013
6:00 P.M.

1. Healthy Androscoggin Presentation on Lead Poisoning and Prevention (30 minutes)

Healthy Androscoggin along with the Lead Subcommittee of L/A Public Health has requested the opportunity to give a presentation on lead poisoning and prevention to the Lewiston City Council.

2. Request to Consider Ordinance Amendment to Allow Chickens in Additional Zones (30 minutes)

A resident has requested that the Council consider amending our zoning ordinance to allow for chickens in additional zones. Councilor D'Auteuil has agreed to ask the Council to review this issue. This was last reviewed in 2009 at which time the Council decided not to make the change. Attached you will find some background on the current request as well as the information that was developed during the 2009 discussion of this issue.



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



June 10, 2013

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Request to Consider Ordinance Amendment to Allow Chickens in Additional Areas

Under our current zoning ordinance, chickens and other farm animals can only be kept in the Rural Residence and Agriculture Zone.

Several years ago, the City Council considered expanding the allowable districts within the City where chickens could be kept. This included requesting the Planning Board to provide the Council with a recommendation on this issue. Planning staff and the Planning Board worked to develop an ordinance that would expand the areas in which chickens could be kept while establishing a set of regulatory standards that must be met including a limit on the number; a prohibition on roosters; and various other housing and maintenance requirements.

The Planning Board eventually recommended against the proposed change based on public health issues, the burden that would be placed on code enforcement, the animal control officer, and the Lewiston Police Department, and the ambiguities to enforcement of the ordinance. The Council accepted this recommendation.

A variety of background material relating to the discussion in 2009 is attached, including a draft of the then proposed ordinance.

More recently, the City Attorney and I have been in conversation with a resident regarding this issue. This resident's child suffers from a number of medical conditions and is extremely sensitive to chemicals. The parent has frequently found ticks on the child after he has been playing in the yard. While a number of non-chemical tick control steps have been taken, the problem remains, and the resident is looking to keep several chickens in her fenced yard. Chickens are known to eat bugs, including ticks, and the resident hopes that this will help reduce the number in the yard.

The resident originally sought a reasonable accommodation under the Americans with Disabilities Act which would have waived the ordinance restriction due to her child's circumstances. This request was reviewed by the City Attorney who determined that the situation did not merit such an accommodation given the overall circumstances and the clear prohibition against chickens being kept in the zone in which the residence is located.

The resident then requested that the Council amend the City's zoning ordinance to allow chickens in her area.

I subsequently discussed this with Councilor D'Auteuil, her ward Councilor, who agreed that this should be reviewed by the City Council.

Given that the Council rejected such a change in 2009, we would suggest that if the Council is interested in revisiting the issue, the Planning Board be asked to consider an amendment to our Code to allow chickens in additional areas of the City and to provide Council with its recommendation.

MEMORANDUM

TO: Mayor Laurent F. Gilbert
Members of the City Council

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

RE: Keeping of chickens

DT: June 10, 2009

At your meeting of May 19th, you discussed the appropriateness of allowing a limited number of chickens to be kept at residential properties throughout the City of Lewiston. Currently, the keeping of chickens is limited to the rural-agricultural district on lots with a minimum lot area of 120,000 square feet. In order to allow a limited number of chickens to be kept on residential properties, the following code amendments would be required:

The Zoning and Land Use Code would need to be amended. The council could take an action to refer this matter to the planning board for a recommendation. Upon such action, the Planning Board would investigate the merits of an amendment to the Zoning and Land Use Code to allow the keeping of a limited number of chickens on residential properties. The Board would likely work with staff to draft a proposed amendment, conduct a public hearing, and make a recommendation to the City Council.

An amendment providing specific regulations for the keeping of chickens could be contained in Chapter 14, Animals of the Revised Code of Ordinances.

A license could be required for the keeping of chickens, and this would require an amendment to Chapter 22, Businesses of the Revised Code of Ordinances. (The Revised Code of Ordinances does not require the City Council to obtain recommendations from the Planning Board in order to amend Chapters 14 and 22; however, given the nature of this matter, I expect that the Planning Board would provide recommendations regarding Chapters 18 and 22.)

At your May 19th meeting, you also discussed the human health implications associated with the keeping of chickens. I have started to do some research, and it appears that there are no greater risks associated with the keeping of chickens than there are in keeping pets such as dogs and cats; however, in the event that the Council is inclined to allow the keeping of chickens on residential properties (i.e. properties developed with single family dwellings) there should be specific language that speaks to inoculations, isolating chickens from wild birds, etc. I should note that the isolation of chickens from wild birds

is important, as many wild bird species, especially waterfowl, carry low path avian influenza virus, and any bird can contract the virus. Avian viruses in the United States have been classified as low pathogenicity; however, the highly pathogenic virus (H5N1, aka "bird flu") has been a problem in Africa and Asia and has now spread to Europe as well.

I plan to attend your meeting of June 16th and would be please to assist you in any way possible to help you make a decision on this matter.



**City of Lewiston
Planning & Code Enforcement**

TO: Planning Board
FROM: David Hediger, City Planner
DATE: August 21, 2009
RE: August 24, 2009 Planning Board Agenda Item IV(C)

Agenda Item IV(C)

To consider a proposed amendment to Article V, Section 3 of the Zoning and Land Use Code to allow the keeping of up to six chickens in all zoning districts on lots developed with single family homes.

In the City of Lewiston, the keeping of chickens is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. Within the last year, there appears to have been a growing interest by citizens to keep domesticated chickens in zoning districts other than the RA. On June 16, 2009 the City Council voted for the Planning Board to prepare an amendment to allow the keeping of chickens in residential areas and provide a recommendation for the City Council's consideration pursuant to Article XVII, Section 5(b)(1)(a) of the Zoning and Land Use Code.

The proposed amendment to Article V, Section 3(X) of the Zoning and Land Use Code allows for the keeping of up to six chickens in all zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the proposed provisions contained in Chapter 14, Article XIII, Sec 14-45 thru 14-57 and Chapter 22, Section 22-28. Said provisions are located in the Code of Ordinances are technically outside the purview of the Planning Board's authority. Should Article V, Section 3(X) be adopted, the provisions contained in Chapter 14, Article XIII, Sec 14-45 thru 14-57 and Chapter 22, Section 22-28 shall be considered for adoption by the City Council. Said provisions are to be administered by the Animal Control Officer. Reference should be made to Gil Arsenault's memo date June 10, 2009.

While the Board's authority is limited to the proposed amended language of Article V, Section 3(x) of the Zoning and Land Use Code, staff recommends the Board consider reviewing and provide a recommendation on the proposed language found in Chapter 14, Article XIII, Sec 14-45 thru 14-57 of the Code of Ordinances and provide a recommendation for the City Council's consideration. Much of the language provided has been modeled from Portland's ordinance adopted earlier this year.

Please note, a citizen's petition has been provided to staff requesting the City Council to defeat any and all proposals that come before the Council dealing with the raising of chickens in residential areas.

ACTIONS NECESSARY:
Zoning and Land Use Amendment

1. Make a motion to consider an amendment to Article V, Section 3 of the Zoning and Land Use Code to allow the keeping of up to six chickens in all zoning districts on lots developed with single family homes.
2. Obtain input on the petition;
3. Make a motion pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to allow the keeping of up to six chickens in all zoning districts on lots developed with single family homes.

Code of Ordinances Amendment

1. Make a motion to consider an amendment to Chapter 14, Article XIII, and Sec 14-45 thru 14-57 of the Code of Ordinances to allow the keeping of chickens on lots developed with single family detached dwellings including mobile homes on individual lots.
2. Obtain input on the petition;
3. Make a motion pursuant to send a favorable recommendation for the City Council's consideration an amendment to Chapter 14, Article XIII, Sec 14-45 thru 14-57 of the Code of Ordinances to allow the keeping of chickens on lots developed with single family detached dwellings including mobile homes on individual lots.

**AN ORDINANCE PERTAINING TO THE ZONING AND LAND USE CODE
THE CITY OF LEWISTON HEREBY ORDAINS:**

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

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE V. ADMINISTRATION AND ENFORCEMENT**

Sec. 3. General provisions.

(x) Notwithstanding the provisions under Article XI, section 1 through 14, district regulations, with respect to permitted and conditional uses, the keeping of up to six chickens is permitted in all zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained in Chapter 14, Article XIII, Sec 14-45 thru 14-57 and Chapter 22, Section 22-28.

REASONS FOR THE PROPOSED AMENDMENT

In the City of Lewiston, the keeping of chicken is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. Within the last year, there has been an interest by citizens to keep domesticated chickens in zoning districts other than the RA. On June 16, 2009 the City Council voted for the Planning Board to prepare an amendment to allow the keeping of chickens in residential areas and provide a recommendation for the City Council's consideration.

The proposed amendment to Article V, Section 3(X) of the Zoning and Land Use Code allows for the keeping of up to six chickens is permitted in all zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained below in Chapter 14, Article XIII, Sec 14-45 thru 14-57 and Chapter 22, Section 22-28.

**AN ORDINANCE PERTAINING TO THE KEEPING OF CHICKENS IN THE
CITY OF LEWISTON HEREBY ORDAINS:**

Chapter 14 Animals

Article I. In General

Sec.14-1. Definitions

Setback, front means the distance from the front line of the property or the side line of the street.

Setback, rear means the distance from the rear line of the lot.

Setback, side means the distance from the side property line of the lot. Any lot line not a back lot line or a front lot line shall be deemed a side lot line.

Article VII. Keeping of Non-Domestic Animals

DIVISION 3. OTHER ANIMALS

Sec. 14-31. Keeping of fowl, rabbits and guinea pigs.

Fowl, rabbits and guinea pigs shall only be kept on lots or tracts of land where allowed pursuant to Appendix A, Article XI of the Zoning and Land Use Code. Fowl, rabbits and guinea pigs must be kept indoors, or if outdoors, in a secure pen or enclosure. Litter and droppings from these animals must be collected and disposed of in accordance with the provisions of section 14-41, disposal of excrement in general, shall specifically apply to the disposal of excrement of fowl, rabbits, and guinea pigs. Provided, however, that the provisions of this section and section 14-41 shall not apply to ducks or other waterfowl inhabiting natural or manmade water courses or bodies of water.

Article XIII. Keeping of Chickens on Lots Developed with Single Family Detached Dwellings Including Mobile Homes on Individual Lots.

Sec. 14-45. Purpose

The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

Sec. 14-46. License required.

(a) An annual license is required for the keeping of any domesticated chickens. The annual license is personal to the licensee and may not be assigned.

(b) The fee for an annual license to keep chickens shall be paid by the licensee in accordance with the fee established by the City council.

(c) An applicant for a license to keep chickens must demonstrate compliance with the criteria and standards in this Article in order to obtain a license.

Sec. 14-47. Number and type of chickens allowed.

(a) The maximum number of chickens allowed is six (6) per lot developed with a single family dwelling.

(b) Only female chickens are allowed. There is no restriction on chicken species.

(c) Chickens must be purchased from an approved source such as the National Poultry Improvement Plan (i.e. hatcheries that participate in the National Poultry Improvement Plan).

Sec. 14-48. Non-commercial use only.

Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

Sec. 14-49. Enclosures.

(a) Chickens must be kept in an enclosure or fenced area (chicken pen) at all times during daylight hours. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. The chicken pen must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing of not greater than one quarter inch openings and buried at least 12" in the ground. The pen must be covered with wire fencing of not greater than one quarter inch openings, aviary netting, or solid roofing.

(b) Chickens shall be secured within a henhouse during non-daylight hours.

(1) Any henhouse shall be at least twenty-five (25) feet from any dwelling unit. The henhouse shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of not greater than one quarter inch openings. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse must be well-maintained.

(2) Chicken enclosures and henhouses shall have a minimum front setback of forty (40) feet and a minimum side and rear setback of at least twenty-five (25) feet. Henhouses are not allowed to be attached or located in any part of a dwelling unit.

Sec. 14-50. Odor and noise impacts.

(a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

(b) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

Sec. 14-51. Lighting.

Only motion-activated lighting may be used to light the exterior of the henhouse. Henhouses may be lit by electric lighting.

Sec. 14-52. Predators, rodents, insects, and parasites.

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by the City, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

Sec. 14-53. Feed and water.

Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators. Chicken feed must be stored in water tight covered metal containers.

Sec. 14-54. Waste storage and removal.

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed container. No more than one, five gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Sec. 14-55. Revocation of license.

A license to keep chickens may be revoked where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable ordinance or law.

Sec. 14-56. Removal of chickens.

In addition to the penalty stated in Article I, Sec. 14-2, any violation of the provisions of this article shall be grounds for an order from the city to remove the chickens and the chicken-related structures. The health officer or animal control officer may order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner such as placing it in a

7/9/2013

sealed heavy gauge 3 mil plastic bag and then placing the bag in a water tight covered metal container prior to removal to an approved solid waste facility.

Sec. 14-57. Separability.

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.



**CITY OF LEWISTON
PLANNING & CODE ENFORCEMENT**

Gildace J. Arsenault

Director

MEMORANDUM

TO: City Clerk's Office
City Council Members
FROM: David Hediger, City Planner
SUBJECT: Planning Board Action of August 24, 2009
DATE: August 26, 2009

The Planning Board took the following action at the Public Hearing held on August 24, 2009, regarding an amendment to Article V, Section 3 of the Zoning and Land Use Code, and Chapter 14, Article XIII, Section 14-45 thru 14-57 of the Code of Ordinances to allow the keeping of chickens on lots developed with single family detached dwellings including mobile homes on individual lots.

MOTION: *by David Vincent that the Planning Board, send a recommendation to the City Council for their consideration to not amend Article V, Section 3 of the Zoning and Land Use Code and Chapter 14, Article XIII, and Section 14-45 thru 14-57 of the Code of Ordinances to allow the keeping of chickens on lots developed with single family detached dwellings including mobile homes on individual lots for the following reasons, but not limited to: public health issues, the burden on code enforcement, the animal control officer, and Lewiston Police Department, and the ambiguities to enforcement of the ordinance. Second by Paul Robinson.*

VOTED: 7-0 (Passed).

pc: Phil Nadeau, Acting City Administrator
Lincoln Jeffers, Assistant to the City Administrator
Planning Board Members

JCB:jcb\C:\MyDocuments\chickenDeleReview.doc

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



**City of Lewiston
Planning & Code Enforcement**

TO: City Council, Mayor, Acting City Administrator
FROM: David Hediger, City Planner
DATE: August 26, 2009
RE: Proposed amendment to allow the keeping of chickens

In the City of Lewiston, the keeping of chickens is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. Within the last year, there appears to have been a growing interest by citizens to keep domesticated chickens in zoning districts other than the RA. On June 16, 2009 the City Council voted for the Planning Board to prepare an amendment to allow the keeping of chickens in residential areas and provide a recommendation for the City Council's consideration pursuant to Article XVII, Section 5(b)(1)(a) of the Zoning and Land Use Code.

The proposed amendment to Article V, Section 3(X) of the Zoning and Land Use Code allows for the keeping of up to six chickens in all zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the proposed provisions contained in Chapter 14, Article XIII, Sec 14-45 thru 14-57 and Chapter 22, Section 22-28. Much of the language provided has been modeled from Portland's ordinance adopted earlier this year.

On August 24, 2009 the Planning voted unanimously to send a recommendation to the City Council for their consideration to not amend Article V, Section 3(X) of the Zoning and Land Use and Chapter 14, Article XIII, and Section 14-45 thru 14-57 of the Code of Ordinances to allow the keeping of chickens on lots developed with single family detached dwellings including mobile homes on individual lots for the following reasons, but not limited to: public health issues, the burden on code enforcement, the animal control officer, and Lewiston Police Department, and the ambiguities to enforcement of the ordinance

Please note, a citizen's petition has been provided to staff requesting the City Council to defeat any and all proposals that come before the Council dealing with the raising of chickens in residential areas.

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for She Doesn't Like Gutheries, 115 Middle Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from She Doesn't Like Gutheries, 115 Middle Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to She Doesn't Like Gutheries, 115 Middle Street.

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

Date of Application: 7/4/13 Expiration Date: 7/24/14 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: SHE DOESN'T LIKE GUTHRIES Business Phone: 207-376-3344

Location Address: 115 MIDDLE ST, LEWISTON MAINE

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

Mailing Address: SAME ↑

Contact Person: RANDY LETOURNEAU Home Phone: 207-786-4747

Owner of Business: SAME ↑ Date of Birth: 8-29-1977

Address of Owner: 5 TAYLOR HILL RD LEWISTON MAINE

Manager of Establishment: SAME ↑ Date of Birth: 8-29-1977

Owner of Premises (landlord): 22 PARK ST LLC / COASTAL ENTERPRISE

Address of Premises Owner: PO BOX 268 WILCASSET ME 04578

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): _____

JUST THIS LOCATION FOR PAST 6 YEARS

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: OUT (10 + YEARS AGO)

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

Corporation Name: SHE DOESNT LIKE GUTHRIES

Corporation Mailing Address: 115 MIDDLE ST

Contact Person: RANDY LETOURNEAU Phone: 207-786-4747

Do you permit dancing on premises? ___ Yes X 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? THIRD FLOOR OF BUILDING

Please describe the type of proposed entertainment:

- dancing
- stand up comedian
- piano player
- music by DJ
- karaoke
- other, please list _____
- live band/singers
- magician
- 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:  Title: OWNER Date: 7/4/13

Printed Name: RANDY LETOURNEAU

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

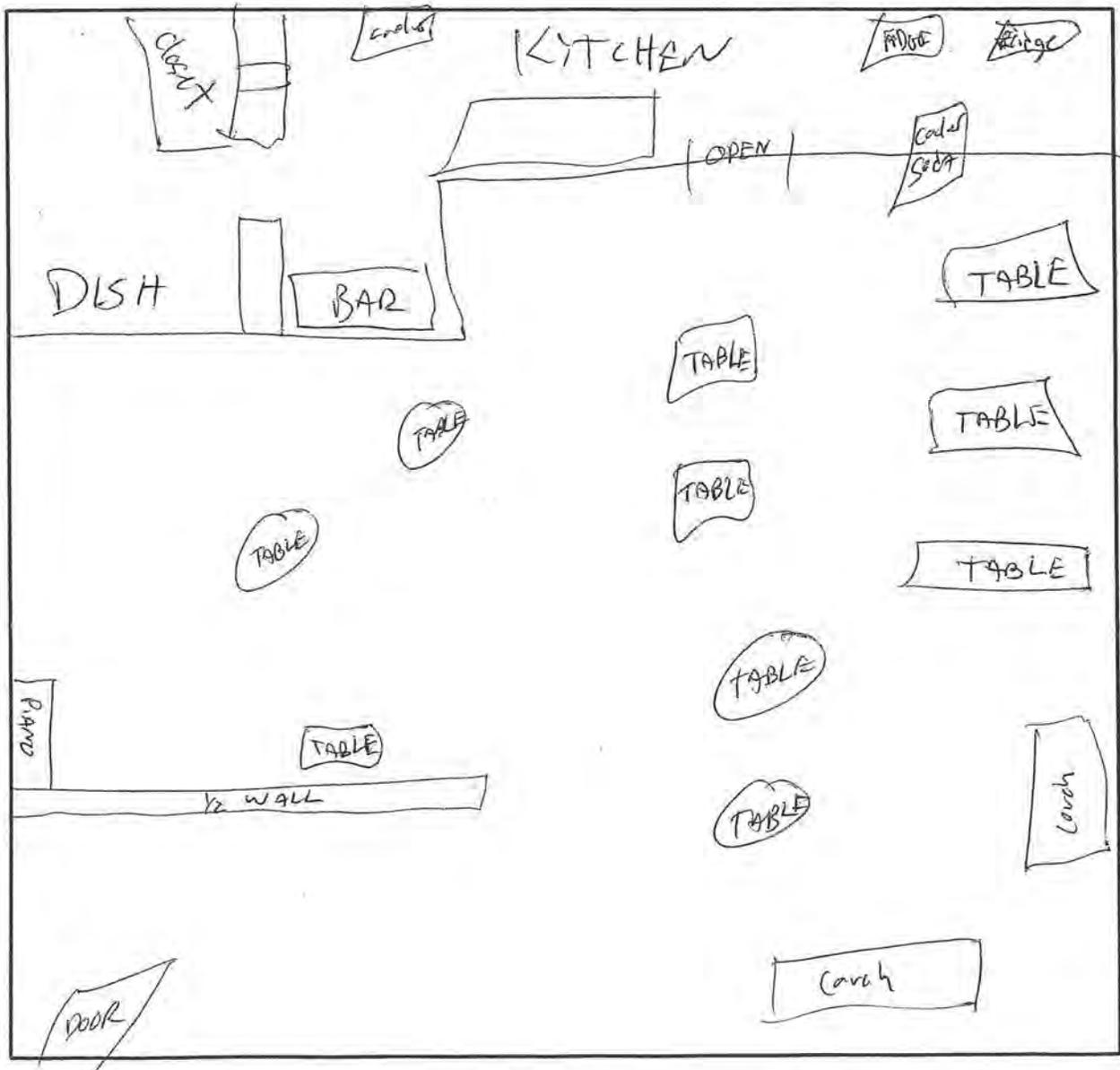
Sent to Police & Fire: _____

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

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

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

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





POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: June 11, 2013

RE: Liquor License/Special Amusement Permit – **Guthries**

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

She Doesn't Like Guthries
115 Middle St.



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
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LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Androscoggin Bank Colisee, 190 Birch Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment for the Androscoggin Bank Colisee, 190 Birch 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 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.

EPB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment for the Androscoggin Bank Colisee, 190 Birch Street.

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

Date of Application: 7-5-13 Expiration Date: 7-31-2014 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: Androscooggin Bank Colisee Business Phone: 207 7832009

Location Address: 190 Birch St - Lewiston ME 04240

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

Mailing Address: Sams

Contact Person: James - Crow Home Phone: 630 222 6643

Owner of Business: Furland Management Date of Birth: 01 18 58

Address of Owner: 190 Birch St - Lewiston

Manager of Establishment: Michael Crow Date of Birth: 05 03 75

Owner of Premises (landlord): _____

Address of Premises Owner: _____

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

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

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

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

Corporation Name: Firland Management

Corporation Mailing Address: 190 Birch st - Leurstow ME

Contact Person: James / Mike Cain Phone: 207 783 2009

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? 320'

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: owner Date: June 19/13

Printed Name: James Cain

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

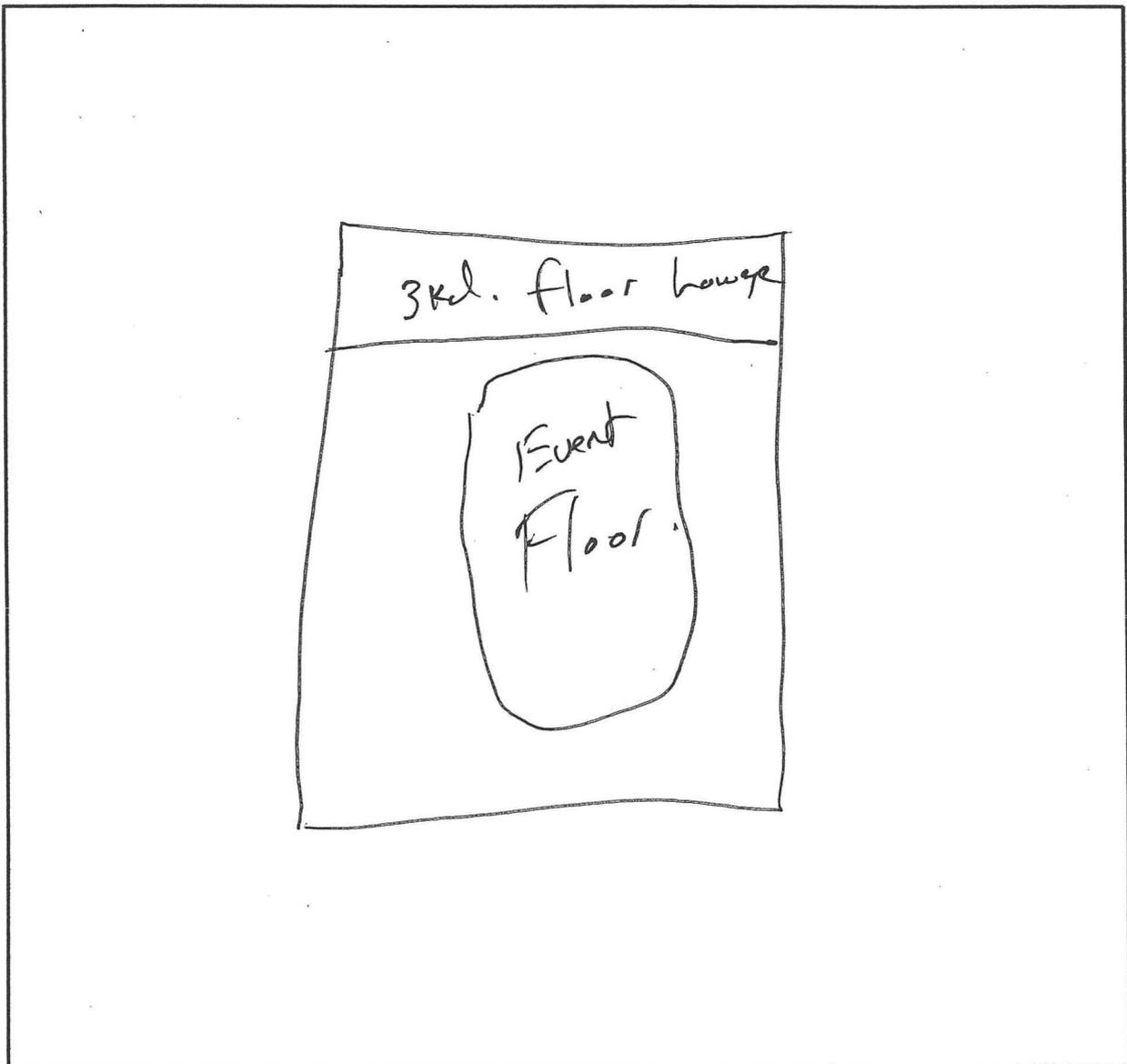
Sent to Police & Fire: _____

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

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

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

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





POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: June 11, 2013

RE: Liquor License/Special Amusement Permit – **Colisee**

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

Colisee
190 Birch St.



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LEWISTON CITY COUNCIL
MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Irish Twins Pub, 743 Main Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Irish Twins Pub, 743 Main 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 owners have 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 Irish Twins Pub, 743 Main Street.

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

Date of Application: 6/10/13 Expiration Date: 6-24-2014 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: Irish Twins Pub Business Phone: 376 3088

Location Address: 743 Main St

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

Mailing Address: 743 Main St

Contact Person: Debbie Martel Home Phone: 576-2603

Owner of Business: Debbie Martel Date of Birth: 1/24/67

Address of Owner: ~~743 Main St~~ 743 Main St

Manager of Establishment: DeB Martel Date of Birth: 1/24/67

Owner of Premises (landlord): Lewiston Milling

Address of Premises Owner: 741 Main 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): _____

Current licenses/licenses for B+T Pallet Recycling

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: Irish Twins Pub, LLC

Corporation Mailing Address: 743 Main St

Contact Person: Debbie Martel Phone: 576 2603
376 3088

Do you permit dancing on premises? ___ Yes X 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? 1/2 mile

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: Deborah Martel Title: owner Date: 4/10/13

Printed Name: Deborah Martel

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

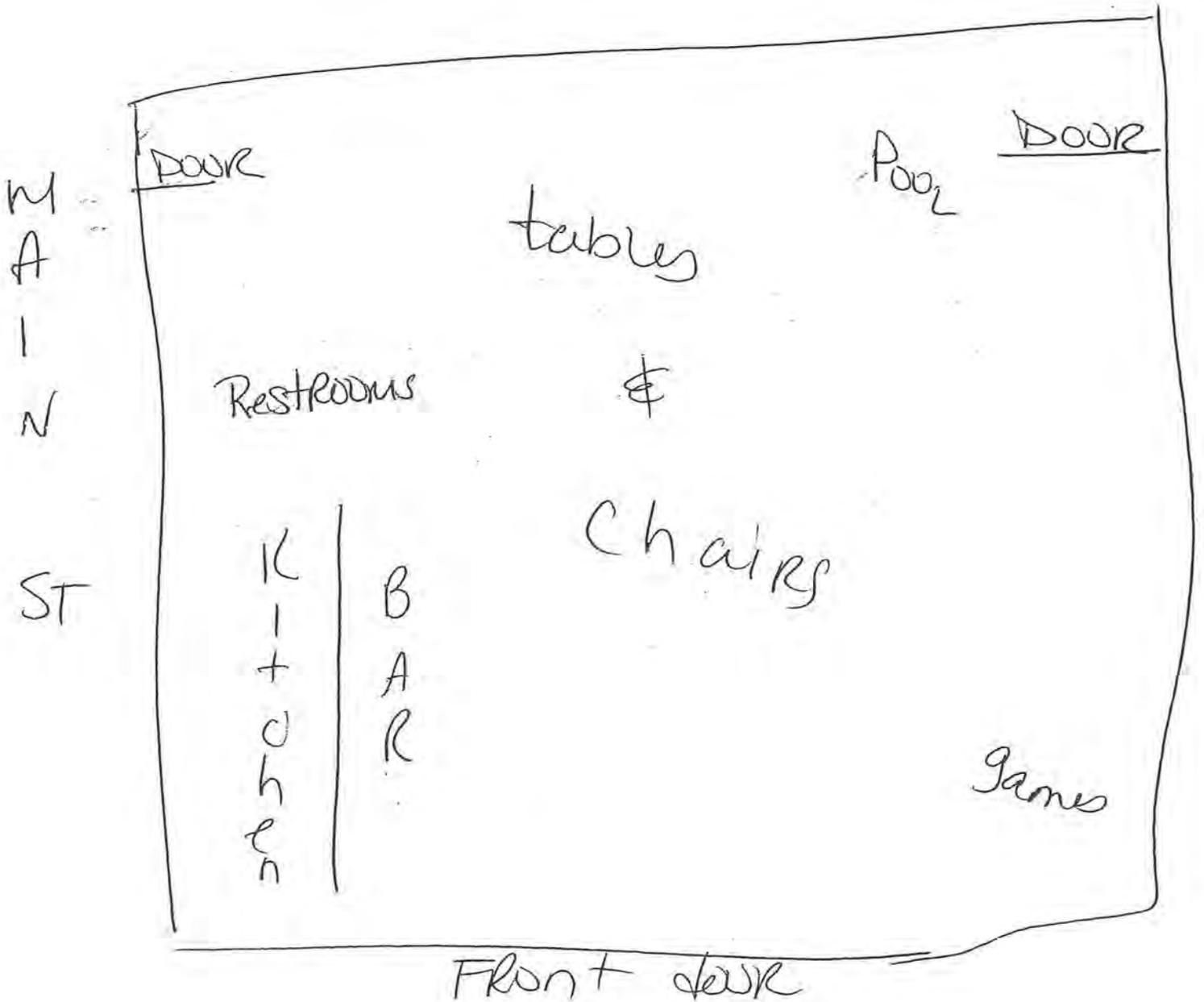
Sent to Police & Fire: _____

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

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

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

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



CITY OF LEWISTON, MAINE
Department of City Clerk

Supplementary Questionnaire for Corporate Applicants

1. Exact corporate name: Irish Twins Pub, LLC
2. Date of incorporation: June 08
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
Deborah Mardel	700 Lower Street Turner	4/24/67	50	owner manager
Ronald Tierney	700 Lower St Turner	11/18/67	50	partner

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

Dated at Lewiston on 6/16/13
City or Town Date

Deborah Mardel
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: March 21, 2013

RE: Liquor License/Special Amusement Permit – **Irish Twins Pub**

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

Irish Twins Pub
743 Main Street



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LEWISTON CITY COUNCIL
MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Acme Social Club, Inc., 255 Park Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Acme Social Club, Inc., 255 Park 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 owners have 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.

EATB/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 Acme Social Club, Inc., 255 Park Street.

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

Date of Application: 6/19/13 Expiration Date: 7/3/14 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: Acme Social Club, Inc. **Business Phone:** 207-782-9309

Location Address: 255 Park St. Lewiston, ME 04240

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

Mailing Address: 255 Park St. Lewiston, ME 04240

Contact Person: Marc Lee Mason **Home Phone:** 207-576-4657

Owner of Business: Member Owned Social Club **Date of Birth:** _____

Address of Owner: _____

Manager of Establishment: Marc Lee Mason **Date of Birth:** 02-09-1951

Owner of Premises (landlord): Marc Lee Mason

Address of Premises Owner: 60 Lafayette St. Lewiston ME 04240

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

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): Acme Social Club, Inc. 255 Park 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: Acme Social Club, Inc.

Corporation Mailing Address: 255 Park St. Lewiston, ME 04240

Contact Person: Marc Lee Mason Phone: 207-782-9309

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

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

Please describe the type of proposed entertainment:

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

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

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

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

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

Signature: Marc Lee Mason Title: Treasurer Date 6-19-13

Printed Name: Marc Lee Mason

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

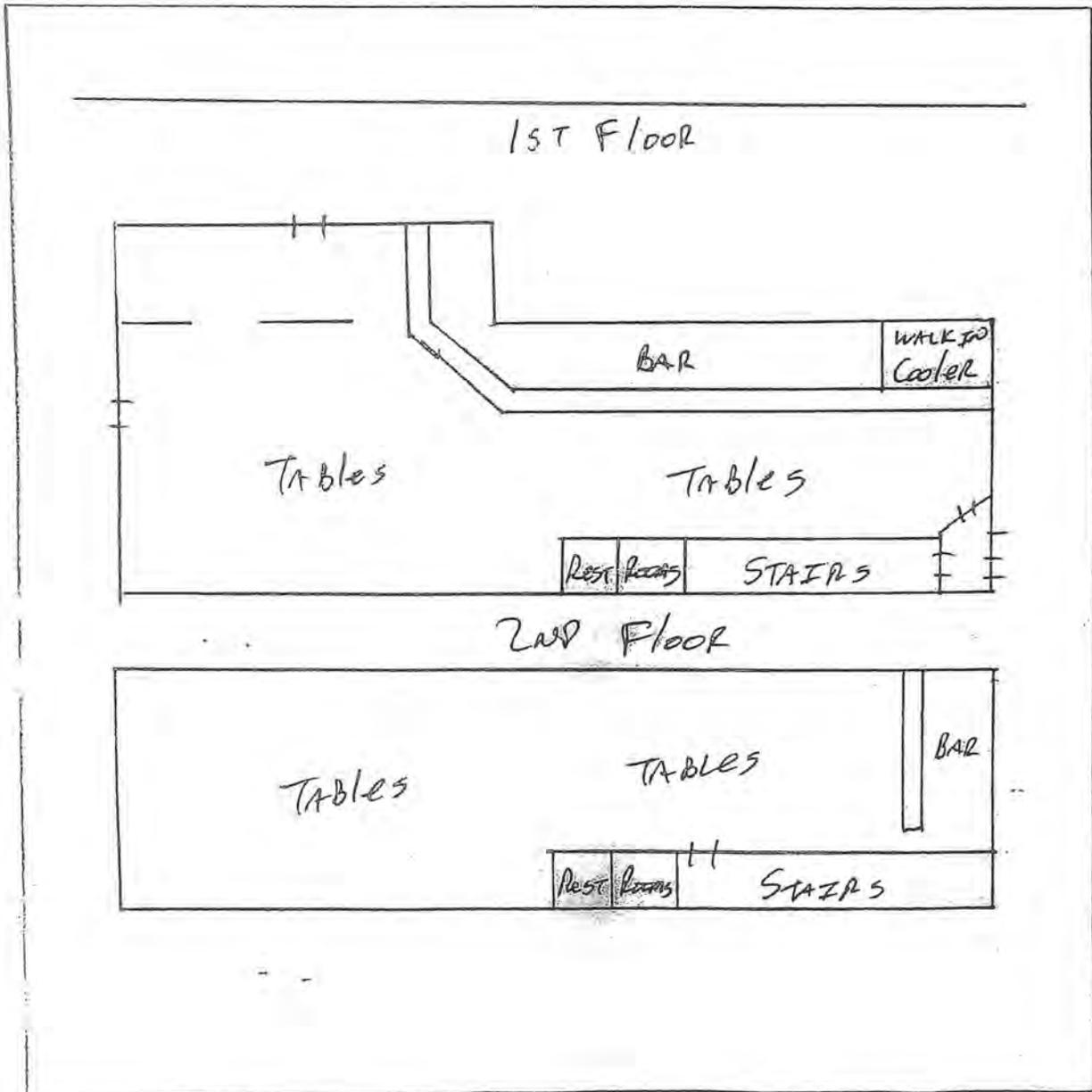
Sent to Police & Fire: _____

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

SPECIAL AMUSEMENT PERMIT
SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM

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

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



CITY OF LEWISTON, MAINE
Department of City Clerk

Supplementary Questionnaire for Corporate Applicants

1. Exact corporate name: Acme Social Club, Inc.
2. Date of incorporation: 1937
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
Cary Gibson	14 Bejane Ave	1-6-73	0	PRES
Marc Lee Mason	60 Lafayette St.	2-9-51	0	Treas
Belinda Allen	20 Highland Ave	2-2-50	0	Sec

6. What is the amount of authorized stock? ^{1 Per} Member Outstanding stock? 1238
7. Is any principal officer of the corporation a law enforcement official?
NO

Dated at Lewiston on _____
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: June 11, 2013

RE: Liquor License/Special Amusement Permit – **Acme**

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

Acme
255 Park St.



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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2012 12 16 0105	POL-FIGHT-DISTURBANCE	Arrest(s) Made	12-108712 N
2012 12 08 0035	POL-DISTURBANCE - DISORDERLY	Report Taken	12-106454 N
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2012 12 01 0031	POL-DISTURBANCE - DISORDERLY	Cleared	12-104681 N
2012 11 25 0037	POL-DISTURBANCE - DISORDERLY	Field Interview	12-103083 N
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2012 11 24 0100	POL-DISTURBANCE - DISORDERLY	Verbal Warning	12-102853 N
2012 11 17 0041	POL-DISTURBANCE - DISORDERLY	Arrest(s) Made	12-101085 N
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2012 11 11 0044	POL-DISTURBANCE - DISORDERLY	Arrest(s) Made	12-99429 N
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2012 11 10 0016	POL-DISTURBANCE - DISORDERLY	Arrest(s) Made	12-99141 N
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2012 11 03 2336	POL-DISTURBANCE - DISORDERLY	Restored to Peace	12-97500 N
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2012 10 21 0006	POL-DISTURBANCE - DISORDERLY	Arrest(s) Made	12-93189 N
2012 10 19 2224	POL-DISTURBANCE - DISORDERLY	Field Interview	12-92836 N
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2012 10 05 2338	POL-DISTURBANCE - DISORDERLY	Arrest(s) Made	12-88948 N
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2012 09 02 2034	POL-FIGHT-DISTURBANCE	Report Taken	12-78477 N
2012 09 01 0121	POL-DISTURBANCE - DISORDERLY	Field Interview	12-77944 N
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2012 08 18 0045	POL-DISTURBANCE - DISORDERLY	Arrest(s) Made	12-73328 N
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

LEWISTON CITY COUNCIL
MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing on an application from ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway for an Automobile Graveyard/Junkyard permit.

INFORMATION:

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway is requesting an Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the renewal application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

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 Automobile Graveyard/Junkyard permit to ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway, subject to the attached conditions.

ReEnergy Lewiston, LLC:

1. Permit is granted for storage of construction and demolition debris (CDD), wood waste (includes demolition debris) and oversized bulky waste (OBW). CDD and OBW will consist of wood waste, sheetrock, insulation, metal, wire, aggregate products, dirt, sand, furniture, rugs, plastics, roofing materials, cardboard and any other large burnable household goods. Unacceptable materials are units containing CFC's, universal waste, municipal solid waste (MSW), hazardous materials, asbestos, and medical waste.
2. All wood waste and OBW which is to be placed in storage shall be piled no higher than 30'.
3. The width and length of the piles will be sized as indicated on the plan view of the back yard, but shall be no wider than 90' and no longer than 150'.
4. There shall be no more than nine (9) piles of wood waste and OBW at any time. OBW will not exceed two (2) piles.
5. Access rows or fire lanes shall be maintained between piles with a minimum distance of 30' between piles.
6. The main entrance roadway must be kept at a minimum of 24' of travel way at all times.
7. An additional access road or fire lane shall be maintained from Alfred A. Plourde Parkway at a minimum width of 20' to the storage area at all times..
8. All roads and fire lanes on the facility shall be of all weather surface adequately constructed to support fire apparatus likely to be operated on site at all times.
9. All storage pile locations shall be properly identified by the placement of a pole at the corner of the pile. A mark shall be placed at a height of 30' on the pole.
10. The site shall be designated no smoking throughout except office areas and control room. A no smoking sign shall be placed at the entrance to the facility.
11. Training of employees shall be provided on the use of fire protection equipment and fire reporting procedures on an annual basis.
12. KTI shall conduct a self-inspection of their activities and inspections shall be conducted on a weekly basis. Records of inspections shall be kept on site for Fire Prevention Bureau review when requested.
13. Pine trees shall be planted along the perimeter to provide a buffer and dead and/or missing trees shall be replaced promptly.
14. That the processing of pressure treated wood be done in full compliance with the EPA & DEP regulations.

**CITY OF LEWISTON
RENEWAL APPLICATION
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: ~~31 May 2013~~ July 1, 2013

PUBLICATION FEE: \$125.00 LICENSE FEE: \$25.00

LICENSE EXPIRES: September 30, 2013

PUBLIC HEARING DATE: ~~JUNE 18, 2013~~ JULY 16, 2013

NAME OF BUSINESS RE ENERGY LEWISTON, LLC

BUSINESS ADDRESS 38 ALFRED PLOURDE PARKWAY

CITY/STATE LEWISTON, ME 04240

BUSINESS TELEPHONE 917.559.1366 (INTERIM) - (NOTE: NEW PHONE SYSTEM

NAME OF OWNER(S) RE ENERGY LEWISTON, LLC TO BE INSTALLED)

CONTACT PERSON/GENERAL MANAGER RICHARD GLESSER

HOME ADDRESS P.O. Box 736

CITY/STATE SALEM, NH 03079

HOME TELEPHONE 917-559.1366

CITY & STATE REGULATIONS

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard _____

38 ALFRED PLOURDE PARKWAY
(Street address)

How is yard "screened" - Fence? (Type) Wood Height? 15'

Trees? (Type) WHITE PINE Embankment? EARTHEN BERM

Gully? _____ Hill? _____ Other? _____

How far is edge of "yard" from center of highway? 300' ±

Can junk be seen from any part of highway? Yes X No _____

Was junkyard law, requirements and fees explained to you?

Yes X No _____

When was last permit issued? OCTOBER 1, 2012

To whom? KTI Bio-Fuels, INC.

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

APPLICANT IS A CONSTRUCTION AND DEMOLITION (C&D) AND WOODWASTE PROCESSING/RECYCLING COMPANY AND DOES NOT SOLICIT NOR ACCEPT THE MATERIALS LISTED ABOVE. IT IS THE APPLICANT'S INTENT TO CONTINUE TO OPERATE THE FACILITY IN A MANNER CONSISTENT WITH THE CURRENT APPLICANT. (NOTE: REENERGY LOUISIANA

HAS READ THE CONDITIONS INCLUDED IN THE EXISTING KTI Bio-Fuels PERMIT AND AGREES TO COMPLY WITH SUCH CONDITIONS
The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY [Signature]

FOR REENERGY LOUISIANA, LLC
(Name of Company, corporation, partnership or individual)

PUBLIC NOTICE

CITY OF LEWISTON

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following application for Automobile Graveyard/Junkyard Permit. The public hearing will be held on ***Tuesday, July 16, 2013***, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said application.

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine

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

PUBLISH ON: Monday, July 8, 2013



POLICE DEPARTMENT

Michael Bussiere
Chief of Police



TO: Kelly J. Mercier, Deputy City Clerk
FROM: Lt. Adam D. Higgins, Lewiston PD
REF: Automobile Graveyard/Junkyard Permits (Renewals)
DATED: July 3, 2013

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

Re-Energy Lewiston LLC. 38 Alfred A. Plourde Pkwy

Lewiston Fire Department



Paul M. LeClair
Fire Chief

Bruce McKay
Assistant Chief



July 5, 2013

Kelly Mercier
Deputy City Clerk
City Clerk's Office
27 Pine St.
Lewiston, ME 04240

RE: Re Energy Lewiston, LLC - 38 Alfred Plourde Parkway Auto Graveyard / Junkyard 2013 Permit

Dear Kelly,

I have no issues or concerns regarding Re Energy Lewiston, LLC located at 38 Alfred Plourde Parkway at this time that prohibits the issuance of their city license.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul Ouellette".

Paul Ouellette
Fire Inspector / Certified Fire Investigator
Lewiston Fire Prevention Bureau

Paul / General Files / 2013 Letters / Re Energy Lewiston, LLC / Junkyard 2013 Letter / Msw



CITY OF LEWISTON

Planning & Code Enforcement



TO: City Clerks
FROM: David Hediger, City Planner
SUBJECT: Automobile Graveyard/Junkyard Permits
DATE: July 9, 2013

Planning and Code Enforcement staff recommends the license be granted to **ReEngery Lewiston, LLC** – 38 Alfred A Plourde Parkway with the same conditions in place for that of KTI Biofuels operation of the facility.

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for the Twenty-First Annual Great Falls Balloon Festival .

INFORMATION:

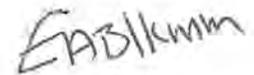
The Great Falls Balloon Festival, Inc., an independent non-profit organization, is planning to hold its twenty-first annual festival on August 16, 17, and 18, 2013.

The focus of the festival is to provide a family oriented celebration, promote community pride, and provide an attraction for summer tourists and regional visitors to the Lewiston-Auburn area.

The Festival organizers are planning to hold outdoor music concerts as part of the Festival and are seeking permission for an Outdoor Entertainment permit.

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 conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Simard-Payne Memorial Park on August 16-18, 2013, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

CITY OF LEWISTON
Special Event Application

Applications must be submitted at least 14 days prior to the event, unless an * appears next to the permit type. *Application must be turned in 30 days prior to the event due to public hearing requirement.

Application Date 2/28/13

SPONSOR INFORMATION

Name of Sponsoring Organization: Great Falls Balloon Festival

Name of Contact Person for Event: Mell Hamlyn

Title of Contact Person: Treasurer

Mailing Address: PO Box 304 Auburn, ME

Daytime Telephone: 2072405931 Cell Phone: 2072405931

Email Address: Hamlyn3@aol.com

Contact Name and Cell Phone Number DURING the Event: Mell Hamlyn 2405931

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: 01-0480485

EVENT INFORMATION

Name of Event: Great Falls Balloon Festival

Type of Event (walk, festival, concert, etc.): festival

Date of Event: 8/16, 17, 18 Rain Date: none

Times of Event: Start Time including set-up: 8/11 Ending time including clean up: 8/19
Actual Event Start Time: _____ Actual Event End Time: _____

Estimated Attendance: 100,000

Location of Event: Simard Payne Park

If location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved? Yes No Pending

Date request submitted to the Recreation Department: _____

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Separate fee and permit possible	FOOD – Will food or beverages be sold or given away? If yes, list what types of food or beverages: <i>See Attached list - Exc</i> <small>Note - A food service license may be required.</small>	✓		
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, cds, etc.)? If yes, list what items: <i>Shirts, hats, sweatshirts, Souvenirs.</i> <small>Note- A peddling permit may be required.</small>	✓		
\$11	*LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe:	✓		
\$16/day	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?	✓		
Separate fee and permit required	ALCOHOLIC BEVERAGES – Will alcoholic beverages be served?		✓	
Separate fee and permit required	*CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.	✓		
Separate fee and permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required.		✓	
N/A	PARADE – Will there be a parade? If yes, describe route: <i>Court St. Auburn to Lincoln St, Lew</i> <small>Note – A permit from the Police Department is required.</small>	✓		
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc? If yes, describe route:		✓	
Separate permit required	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity: <small>Note - A permit from the Fire Department is required.</small>		✓	
N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes: <i>5 Varying Sizes 10x20 - 40x40</i>	✓		
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list: <i>Cross St. Oxford St to Chestnut St., Beech St.</i>	✓		
N/A	MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, etc.? This is a mandatory requirement for this application and must be included with the application form. <i>EX. D.</i>	✓		

N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan? Various parking lots to be run by non-profits- Donations accepted.			
N/A	TOILETS – Please list amount at event and/or nearest location: 30+ @ park			
N/A	WASTE DISPOSAL – Please list process and location: Dumpsters on grounds			
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location: Single Sinks & sanistands			
N/A	POTABLE WATER – Please list amount at event and location: Organizations must bring their own			
N/A	FIRST AID FACILITIES – Please list location at event: United Ambulance present			
\$	TOTAL FEE AMOUNT INCLUDED – Checks payable to “City of Lewiston”			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc. the City requires insurance coverage – general liability. The City of Lewiston needs to be named as additionally insured in regards to the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received before the event permits can be issued. Please have “City of Lewiston” listed as additionally insured on the Certificate of Insurance (minimum coverage \$1,000,000) and have your insurance company fax a copy to: City Clerk 207-777-4621

DESCRIPTION OF EVENT – Please describe what will occur during your event

Hot Air Balloons - Craft & trade vendors -
Nonprofit orgs selling food - music & entertainment

Signature of Applicant:

Mell Hamlyn

Printed Name:

Mell Hamlyn

Date Submitted:

2/28/13

Please note that you will be contacted by City Staff if you require additional permitting.

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing & Final Passage for Land Use Code amendments regarding nonconforming uses of single-family and two-dwelling units.

INFORMATION:

The Planning Board voted 6-1 at their meeting of June 10 to make a recommendation to the City Council to amend the Land Use Code regarding nonconforming uses and abandonment.

They are recommending an amendment to the LUC which would exempt single-family detached dwellings on individual lots and two-family dwellings on individual lots from becoming nonconforming uses upon abandonment.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to Appendix A, Article VI "Nonconformance", Section 4, "Nonconforming Uses", Subsection C "Abandonment", of the City Zoning and Land Use Code, regarding exemptions for single family and two-family dwellings, receive final passage by a roll call vote.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Mayor Robert Macdonald
Members of the City Council
FROM: David Hediger, City Planner
DATE: June 11, 2013
RE: Proposed Zoning and Land Use Amendment: Nonconforming uses.

Pursuant to Article VII, Section 4(c) and Article XVII, Section 5(b)(1)(c) of the Zoning and Land Use Code staff has prepared an amendment to Article VI, Section 4(c) of the Zoning and Land Use Code regarding the abandonment of nonconforming uses. The Planning Board initiated said amendment at staff's request at their April 22, 2013 meeting and voted 6-1 to send a favorable recommendation to adopt said amendment at their June 10, 2013 meeting. The proposed amendment will exempt single-family detached dwellings on individual lots and two-family dwellings on individual lots from the abandonment provisions contained in Article VI, Section 4(c) of the aforementioned code.

Single-family detached dwellings on individual lots and two-family dwellings on individual lots are currently nonconforming uses if located in a zoning district where said uses are not permitted. A nonconforming use means a use of a premise, parcel of land or structure which, at the effective date of the adoption or amendment of this Code, was in lawful existence, but which does not comply with the applicable use regulations of the zoning district in which it is located. Currently, any nonconforming use of a building, structure or land is discontinued for a period of 12 consecutive months or more, abandonment is conclusively presumed and such use shall not be resumed, and only a use conforming to the provisions of the district in which the property is located shall be made of such building, structure or land. Nonconforming uses presumed abandoned may be reestablished during the 12-month period immediately following the date of presumed abandonment as long as a completed application for a conditional use permit is submitted to the office of the director of code enforcement within this period, and the permit is subsequently granted by the board of appeals.

Typically, the goal of regulating nonconforming uses is to restrict rather than to increase any nonconforming uses and to secure their gradual elimination. This makes a good deal of sense where you may have a district designated residential and nonresidential uses have been deemed detrimental or unsuitable for that area. However, with respect to single-family detached dwellings and two-family dwellings on individual lots, the right to continue with these nonconforming uses is not likely to be deemed damaging or harmful to abutting properties in nonresidential districts. Landowners in nonresidential districts are often aware they are surrounded by or the potential of nonresidential uses.

It is often not the intent of the landowner to give up their legal right to continue the existing nonconforming use. A residential home may be deemed abandoned if a landowner placed a vacant single-family or two-family detached dwellings on the market for more than 12 months, if a landowner were to vacate the structure for some reasons for more than 12 months, or if a landowner were unable to find a tenant for more than 12 months. The mere non-use of a property is generally not sufficient to show abandonment or discontinuance of a use. The Maine Superior Court has ruled that although non-occupancy can be taken as some evidence of intent, it is not alone enough to establish intent to abandon. (Henner v. Town of Glenburn, Me. Super. Ct. Pen. Cty., CV-89-452, October 24, 1990.)

The word "abandoned" generally is interpreted by the courts on the basis of whether the intent of the landowner was to give up their legal right to continue the existing nonconforming use. While this proposed amendment does not define abandoned, it does provide clarity and provides more flexibility and opportunities for nonconforming single-family detached dwellings on individual lots and two-family dwellings on individual lots.

As previously noted, the Planning Board voted 6-1 to send a favorable recommendation to adopt said amendment. The one opposing vote questioned whether the code should allow single-family detached dwellings on individual lots and two-family dwellings on individual lots in all zoning districts since the amendment will continue to allow said nonconforming uses to exist. Staff does not believe nonresidential districts should allow as a permitted use the development of new single family and two family dwellings. Nonresidential districts have been identified specifically for uses that may not be compatible with residential uses due to possible adverse impacts. The proposed amendment simply allows for the continued use of existing single family and two family dwellings, not the development of new dwellings. The Board also requested of staff for future discussion to clarify the term "abandonment" as it may relate to any uses permitted in the Zoning and Use Code.

**AN ORDINANCE PERTAINING TO ZONING AND LAND USE:
NONCONFORMING USES**

THE CITY OF LEWISTON HEREBY ORDAINS:

**APPENDIX A – ZONING AND LAND USE CODE
ARTICLE VI. NONCONFORMANCE**

Sec. 4. Nonconforming uses.

(a) *Continuance.* The use of land, buildings, structures, lawful at the time of adoption or subsequent amendment of this Code, may continue, although such use does not conform to the provisions of this Code. This shall include the replacement of mobile homes in a nonconforming mobile home park, provided all other provisions of article XII, section 14 are met, as well as the replacement of mobile homes on individual lots, provided all other provisions of article XII, sections 2, 4, and section 13, subsections (2) through (6) are met and the new mobile home must meet the suggested safety standards as proposed in appendix A of "Maine's New Mobile Home Park Law - A Guidebook for Local Officials," dated September, 1989. Permitted uses that were made conditional uses as a result of the adoption or amendment of this Code shall be treated as conditional uses for which a permit was duly issued, and any expansion of such structure or use shall occur only after the issuance of a conditional use permit in accordance with article X.

(b) *Resumption.* Whenever a nonconforming use of land and/or a structure is superseded by an allowed use, such structure and/or land shall thereafter conform to the provisions of this Code and the nonconforming use may not be resumed, except as provided below in section 4(c)(2).

(c) *Abandonment.*

(1) Except for single-family detached dwellings on individual lots and two-family dwellings on individual lots, if any nonconforming use of a building, structure or land is discontinued for a period of 12 consecutive months or more, abandonment, except as provided below, is conclusively presumed and such use shall not be resumed, and only a use conforming with the provisions of the district in which the property is located shall be made of such building, structure or land. Abandonment of a seasonable nonconformity is conclusively presumed when the building, structure or use is idle, unopened or otherwise not in actual use during any part of any two consecutive calendar years. Nonconforming uses presumed abandoned may be reestablished during the 12-month period immediately following the date of presumed abandonment as long as a completed application for the conditional use permit is submitted to the office of the director of code enforcement within this period, and the permit is subsequently granted by the board of appeals. In addition to applying the standards for conditional use permits (article X, sections 3 and 4), the board of appeals shall grant a permit only when it finds that the following additional standards have been met: (a) Good cause has been shown for the discontinuance of the use; and (b) The proposed use will not inhibit or discourage the creation, development or use of permitted uses in the neighborhood.

(2) For those historic buildings and structures identified in Appendix A, Article XV, Sections 6 through 10 of this Code located in the Centreville district, a nonconforming use may be reestablished to its original use in an effort to retain and preserve the original purpose of said building or structure as long as a completed application for the conditional use permit is submitted to the office of the director of planning and code enforcement and the permit is subsequently granted by the board of appeals. In addition to applying the standards for conditional use permits (article X, sections 3 and 4), the board of appeals shall grant a permit only when it finds that the following additional standards have been met:

- a. Documentation has been shown demonstrating what the original use of the building or structure was;
- b. Good cause has been shown for the discontinuance of the use;
- c. That the proposed use will not inhibit or discourage the creation, development or use of permitted uses in the Centreville district;
- d. That the proposed use will not create a traffic hazard, nor increase an existing traffic hazard;
- e. That the amount of parking required to meet the minimum code requirements for the proposed use exists on the site or will be otherwise provided in accordance with article XII, Section 17 of the Code;
- f. That the amount of noise, odors, vibrations, smoke, dust and air discharges of the proposed use shall be equal to or less than the present use;
- g. That the rate of surface water runoff from the site will not be increased;
- h. That the hours of operation of the proposed use will be compatible with the existing, surrounding land uses;
- i. That the proposed use will not increase the adverse impact on surrounding properties.

Reason for proposed amendment

This proposed ordinance will exempt single-family detached dwellings on individual lots and two-family dwellings on individual lots from the abandonment provisions contained in Article VI, Section 4(c) of the Zoning and Land Use Code.

Single-family detached dwellings on individual lots and two-family dwellings on individual lots are currently nonconforming uses if located in a zoning district where said uses are not permitted. A nonconforming use means a use of a premise, parcel of land or structure which, at the effective date of the adoption or amendment of this Code, was in lawful existence, but which does not comply with the applicable use regulations of the zoning district in which it is located. Currently, any nonconforming use of a building, structure or land is discontinued for a period of 12 consecutive months or more, abandonment is conclusively presumed and such use shall not be resumed, and only a use conforming with the provisions of the district in which the property is located shall be made of such building, structure or land. Nonconforming uses presumed abandoned may be reestablished during the 12-month period immediately following the date of presumed abandonment as long as a completed application for a conditional use permit is submitted to the office of the director of code enforcement within this period, and the permit is subsequently granted by the board of appeals.

Typically, the goal of regulating nonconforming uses is to restrict rather than to increase any nonconforming uses and to secure their gradual elimination. This makes a good deal of sense where you may have a district designated residential and nonresidential uses have been deemed detrimental or unsuitable for that area. However, with respect to single-family detached dwellings and two-family dwellings on individual lots, the right to continue with these nonconforming uses is not likely to be deemed damaging or harmful to abutting properties in nonresidential districts. Landowners in nonresidential districts are often aware they are surrounded by or the potential of nonresidential uses.

It is often not the intent of the landowner to give up their legal right to continue the existing nonconforming use. A residential home may be deemed abandoned if a landowner placed a vacant single-family or two-family detached dwellings on the market for more than 12 months, if landowner were to vacate the structure for some reasons for more than 12 months, or if a landowner were unable to find a tenant for more than 12 months. The mere non-use of a property is generally not sufficient to show abandonment or discontinuance of a use. The Maine Superior Court has ruled that although non-occupancy can be taken as some evidence of intent, it is not alone enough to establish intent to abandon. (*Henner v. Town of Glenburn, Me. Super. Ct. Pen. Cty.*, CV-89-452, October 24, 1990.)

The word "abandoned" generally is interpreted by the courts on the basis of whether the intent of the landowner was to give up their legal right to continue the existing nonconforming use. While this proposed amendment does not define abandoned, it does provide clarity and provides more flexibility and opportunities for nonconforming single-family detached dwellings on individual lots and two-family dwellings on individual lots.

Conformance with the Comprehensive Plan

1. Continue to allow a wide range of housing types in the Zoning and Land Use Code, and explore the need and feasibility of expanding the opportunity for the creation of single family and two family homes...through code amendments and rezonings (Housing, Policy 1, Strategy H(1), p. 70).
2. 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).
3. 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).
4. Continue to allow a wide range of housing types in the zoning (Long Range Planning, Policy 5, Strategy A, p. 135).



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director
MEMORANDUM



To: City Council Members
From: David Hediger
Date: June 12, 2013
Subject: Planning Board Action: Zoning and Land Use Amendment:
Nonconforming Uses

The Planning Board took the following action at their meeting held on June 10, 2013 regarding a proposed amendment to Appendix A, of the Zoning and Land Use Code, Article VI, Section 4(c) Nonconforming uses, Abandonment:

The following motion was made:

MOTION: by **Paul Robinson** pursuant to Article VII, Section 4(c) and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to adopt the proposed amendment to Appendix A, of the Zoning and Land Use Code, Article VI, Section 4(c) Nonconforming uses, Abandonment, which would exempt single-family detached dwellings on individual lots and two-family dwellings on individual lots from becoming nonconforming uses upon abandonment.
Second by **Walter Hill**.

VOTED: **6-1 (Passed)**
Michael Marcotte - Opposed

c: Ed Barrett, City Administrator
Planning Board Members

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

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Request from the L & A Veterans Council for a waiver of fees and use of city equipment regarding their Korean War 60th Anniversary Ceremony event.

INFORMATION:

The L & A Veteran's Council is holding an event on Saturday, July 27 at 10am in Veteran's Memorial Park. The event is a ceremony recognizing and honoring the 60th anniversary of the Korean War. They are asking for permission from the Council to waive the \$16 permitting fee for their sound amplification, any applicable overtime fees for the Recreation, Police and Public Works Departments, as well as a wavier of any other permit fees needed.

They are also seeking permission to borrow city-owned tables, chairs, speaker stand, cones and barricades for their event as well.

They are hoping to have 150-200 people in attendance, noting most will possibility be elderly folks.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.

EAB/kmm

REQUESTED ACTION:

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To review the request submitted by the L & A Veterans Council for a waiver of fees and use of city owned equipment for the July 27th Korean War 60th Anniversary Ceremony event and to determine a course of action.

TO: City Administrator

4/8/13

FR: L & A Veterans Council

We are requesting that all fees be waved for this special event, called 60th Anniversary of the Korean War Ceremony.

Sound system permit, overtime for the P & R Dept, P.W. Dept & Police Dept if needed and any other permits.

We are asking the P & R Dept for chairs and two tables, speaker stand, and the possibility of using the Armory in case of rain.

We have invited the five representatives of the military services, our two Senators and our Representative, also our Governor and our two Mayors.

P.W. Dept for cones and barricade, for the Park Parking lot. Police Dept, prior to the ceremony, because of crossing the street and also after the ceremony for the cars who will be parking in the Park parking lot for mostly handicap

We hope to get 150 – 200 people, because all Korean Veterans if they turn in their applications in time, would be presented the ROF Korean medal

**Bertrand A Dutil, Advisor
23 Spofford St, Apt 454, Lewiston, Me 04240
Phone: 786-2305**

July 27, Saturday, 10am Ceremony
Veteran's Park

City Clerks Office

CITY OF LEWISTON

Special Event Application

Applications must be submitted at least 14 days prior to the event, unless an * appears next to the permit type. *Application must be turned in 30 days prior to the event due to public hearing requirement.

Application Date 4/10/13

SPONSOR INFORMATION

Name of Sponsoring Organization: L & A VETERANS COUNCIL

Name of Contact Person for Event: BERT DUTIL

Title of Contact Person: ADVISOR

Mailing Address: 23 SPOFFORD ST, APT 454

Daytime Telephone: 786-2305 Cell Phone:

Email Address:

Contact Name and Cell Phone Number DURING the Event:

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: _____

EVENT INFORMATION

Name of Event: 60th ANNIVERSARY KOREAN WAR

Type of Event (walk, festival, concert, etc.): CEREMONY

Date of Event: 7/27/13 Rain Date: SAME

Times of Event: Start Time including set-up: 8 AM Ending time including clean up: NOON? 3 PM
Actual Event Start Time: 10 AM Actual Event End Time: ?

Estimated Attendance: MAYBE 150?

Location of Event: VETERAN'S MEMORIAL PARK

If location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved? Yes No Pending

Date request submitted to the Recreation Department: 4/4/13

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Separate fee and permit possible	FOOD – Will food or beverages be sold or given away? If yes, list what types of food or beverages: Note - A food service license may be required.		✓	
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, cds, etc.)? If yes, list what items: Note- A peddling permit may be required.		✓	
\$11	*LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe:		✓	
\$16/day	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?		- WAVE ?	
Separate fee and permit required	ALCOHOLIC BEVERAGES – Will alcoholic beverages be served?		✓	
Separate fee and permit required	*CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.		✓	
Separate fee and permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required.		✓	
N/A	PARADE – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.		✓	
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc? If yes, describe route:		✓	
Separate permit required	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity: Note - A permit from the Fire Department is required.		✓	
N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes:		✓	
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list:		✓	
N/A	MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, etc.? This is a mandatory requirement for this application and must be included with the application form.			✓

N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan? <i>PARK & PARKING GARAGE</i>	✓		
N/A	TOILETS – Please list amount at event and/or nearest location:	✓		
N/A	WASTE DISPOSAL – Please list process and location:		✓	
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location:		✓	
N/A	POTABLE WATER – Please list amount at event and location:		✓	
N/A	FIRST AID FACILITIES – Please list location at event: <i>HAVE REQUESTED AN AMBULANCE</i>			✓
\$	TOTAL FEE AMOUNT INCLUDED – Checks payable to “City of Lewiston”			

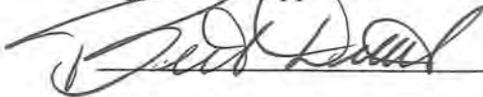
EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc. the City requires insurance coverage – general liability. The City of Lewiston needs to be named as additionally insured in regards to the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received before the event permits can be issued. Please have “City of Lewiston” listed as additionally insured on the Certificate of Insurance (minimum coverage \$1,000,000) and have your insurance company fax a copy to: City Clerk 207-777-4621

DESCRIPTION OF EVENT – Please describe what will occur during your event

A CEREMONY WITH HIGH OFFICIAL & PRESENTATION OF KOREAN MEDALS, PLUS SPEECHES, & SHORT MEMORIAL SERVICE

Signature of Applicant:



Printed Name:

BERT DUTIL

Date Submitted:

Please note that you will be contacted by City Staff if you require additional permitting.

We are also asking the city for a donation of \$450.00 for 3 sound system for our 3 courts. + possibly do the walkway from the parking area up to meeting the other patchway.

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Amendments to the General Assistance Policy.

INFORMATION:

Each year, the City is required to review, amend if necessary, and adopt the maximum amounts of assistance issued by the City for residents in need. The City Council is required to adjust the maximums allowed for general assistance as well as the maximum amounts allowed for food and housing. These amounts are set by the Department of Housing and Urban Development guidelines and the current Thrifty Food Plan. Passage is recommended.

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 overall maximum amounts allowed for general assistance and the maximum amounts allowed for housing and utilities/electricity in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended and adopted in accordance with HUD guidelines.

(NOTE: New items in the attached Policy are underlined, deleted items have ~~strikeouts~~. Also note some sections become effective July 1, 2013 and other sections become effective October 1, 2013)



Social Services Department
Sue Charron
Social Services Director



MEMORANDUM

TO: Mayor Macdonald and Members of the City Council

FR: Sue Charron, Social Services Director

RE: G.A. Maximums

DT: July 16, 2013

Enclosed is information regarding the modifications to the General Assistance Overall Maximums and other recent legislative changes. Also enclosed are the appendices reflecting the adjustments to the overall maximums (Lewiston/Auburn MSA- Appendix A); the housing maximums (Lewiston/Auburn MSA- Appendix C); and the utility maximums (Appendix D).

Please note that the overall maximums are effective beginning July 1, 2013 through June 30, 2014, and the housing and utility maximums are effective beginning October 1, 2013 through September 30, 2014. The other legislative changes require revisions to the ordinance and those will be on the council agenda for the first hearing on August 13, and the final hearing will be on the council agenda for September 3, 2013.

The GA overall maximums (A) are established by Maine General Assistance law (22MRSA (4305(3-B) and **cannot** be altered by action of the municipal officers.

The categorical food maximums; heating fuel maximums and personal care maximums have not changed, and will continue at the current maximum amounts through September 30, 2014.

It is important to note that any assistance that is authorized for categorical maximums, including housing, cannot exceed the overall maximums, unless there is an emergency situation.

Each year, DHHS requires verification that the municipality has adopted the maximums.

*City Hall • 27 Pine Street • Lewiston, Maine • 04240 • Voice Tel. 207-513-3130 • Fax 207-376-3229
• TTY/TDD 207 784-5999 • Email: scharron@ci.lewiston.me.us*

The City of Lewiston does not discriminate against or exclude individuals from its municipal facilities, and/or in the delivery of its programs, activities and services based on an individual person's race, ancestry, color, religion, gender, age, physical or mental disability, veteran status, or limited English speaking ability. For more information about this policy, contact or call Compliance Officer Mike Paradis at (V) 207-513-3140, (TTY) 207-784-5999, or email mparadis@ci.lewiston.me.us.

GENERAL ASSISTANCE POLICY

As provided by Chapter 46 of the Code of Ordinances, the City Council hereby establishes the following allowed maximum amounts for food, housing, personal/household supplies, utilities, heating fuel, clothing, burial, cremation, and transportation expenses for persons eligible to receive assistance in accordance with the standards of eligibility.

MAXIMUM AMOUNTS

The total maximums allowed for general assistance, which are 110% of HUD guidelines, (reduced by 10% from 7/1/2012 13 - 6/30/2013 14), are:

No. in Household	Weekly	Monthly	
1	110.00	471.00	<u>529.00</u>
2	137.00	590.00	<u>626.00</u>
3	167.00	720.00	<u>818.00</u>
4	212.00	912.00	<u>1,031.00</u>
5	235.00	1010.00	<u>1,094.00</u>
6	251.00	1078.00	<u>1,162.00</u>

Additional persons in the household will be budgeted at \$68.00 per person per month.

FOOD

The maximum amounts allowed for food are:

No. in Household	Weekly	Monthly
1	46.51	200.00
2	85.35	367.00
3	122.33	526.00
4	155.35	668.00
5	184.42	793.00
6	221.40	952.00
7	244.65	1052.00
8	279.53	1202.00

Additional persons in the household will be budgeted at \$150.00 per month. The administrator will exceed the above maximums when necessary for households having members with special dietary needs. The administrator may require a doctor's statement.

GENERAL ASSISTANCE POLICY

HOUSING (Effective 10/012013 – 09/30/2014)

The maximum amounts allowed for housing are:

Unheated	Weekly	Monthly		
Efficiency	89.00	381.00		
1 Bedroom	103.00	445.00		
2 Bedroom	139.00	597.00		
3 Bedroom	178.00	766.00		
4 Bedroom	180.00	774.00		
Heated w/hot water	Weekly	Monthly		
Room	90.00	387.00		
Efficiency	104.00	<u>111.00</u>	448.00	<u>476.00</u>
1 Bedroom	123.00	<u>132.00</u>	530.00	<u>566.00</u>
2 Bedroom	164.00	<u>174.00</u>	704.00	<u>750.00</u>
3 Bedroom	209.00	<u>221.00</u>	899.00	<u>952.00</u>
4 Bedroom	217.00	<u>233.00</u>	933.00	<u>1,003.00</u>

Housing rates apply to rooms, efficiencies, apartments, shelters and mortgage payments. Room should include everything except kitchen and bathroom facilities. Efficiency should include kitchen and bathroom facilities.

Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

PERSONAL/HOUSEHOLD SUPPLIES

Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items, up to the maximums below.

No. in Household	Weekly	Monthly
1-2	\$ 10.50	\$ 45.00
3-4	11.60	50.00
5-6	12.80	55.00
7-8	14.00	60.00

Additional persons will be budgeted at \$5.00 per month.

GENERAL ASSISTANCE POLICY

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 6 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

No. of Children	Weekly	Monthly
1	\$ 12.80	\$ 55.00
2	17.40	75.00
3	23.30	100.00
4	27.90	120.00

UTILITIES - ELECTRIC(Effective 10/01/2013 – 09/30/2014)

The maximum amounts allowed for utilities are:

without hot water No. In Household	Weekly	Monthly
1	\$14.00	\$60.00
2	15.70	67.50
3	17.45	75.00
4	19.20	82.50 <u>86.00</u>
5	21.00	90.00 <u>99.00</u>
6	22.70	97.50 <u>107.00</u>

Additional persons will be budgeted at \$7.50 per month

with hot water No. In Household	Weekly	Monthly
1	\$16.30	\$70.00 <u>82.00</u>
2	18.60	80.00 <u>102.00</u>
3	21.00	90.00 <u>119.00</u>
4	23.30	100.00 <u>139.00</u>
5	25.60	110.00 <u>160.00</u>
6	27.90	120.00 <u>176.00</u>

Additional persons will be budgeted at \$10.00 per month

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Order Authorizing the City Administrator to execute First Amendment to Materials Processing Facility Lease with Casella Recycling, LLC.

INFORMATION:

The City Council is asked to consider approval of an amendment to the Lease Agreement with Casella Recycling, LLC for the construction and operation of a Processing Facility at the City's Solid Waste complex on River Road. In February 2013, the Council approved the Lease Agreement for the project. Since then, a few minor changes the Agreement have been identified by staff and Casella and these are outlined in the Amendment document.

The Solid Waste facility is currently underutilized and this agreement would generate additional revenues for the City. The total estimated positive impact to the City's bottom line is in excess of \$250,000, an amount that will increase over time. This proposal will also guarantee the City the best commercial rates for accepting and processing recyclables and will support efforts to increase recycling in the community. Please see the attached materials for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to execute First Amendment to Materials Processing Facility Lease with Casella Recycling, LLC.



**City of Lewiston Maine
City Council Order
July 16, 2013**



Order, Authorizing the City Administrator to Execute First Amendment to Materials Processing Facility Lease with Casella Recycling, LLC.

Whereas, on February 25, 2013, the City of Lewiston (hereafter "CITY") and Casella Recycling, LLC (hereafter "CASELLA") entered into a lease agreement (the "Lease") to lease certain property (the "Premises") to allow CASELLA to establish a Materials Processing Facility ("MRF") on the Premises; and

Whereas, both parties have met the obligations of the lease to date, and CASELLA continues to make progress toward establishing the proposed MRF; and

Whereas, as planning for the facility has progressed, CASELLA has proposed certain changes to the anticipated site plan which the City has determined to be beneficial; and

Whereas, these changes require certain modification to the lease

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

The City Administrator is hereby authorized to execute the First Amendment to Materials Processing Facility Lease with Casella Recycling, LLC, a copy of which is attached hereto.



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



July 11, 2013

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Amendment to Lease with Casella for Materials Processing Facility

The City and Casella continue to work together toward establishing a materials processing facility on land Casella leases from the City at our Solid Waste Facility on River Road.

As planning for the facility has advanced, Casella has recommended several changes to the initially proposed site plan. These include:

- Relocating the City's Office Building from its current location between River Road and the old bailer building that they will be leasing to a site near the gatehouse/entry road into the facility;
- Constructing a separate City Waste Storage Building which would eliminate the need to provide the City with space within Casella's Materials Recycling Facility.
- Separating the stormwater management system of the Casella leased property from the remainder of the site controlled by the City.

This plan, which is attached to the accompanying lease amendment, is preferable to the original design in that it clearly separates the property leased by Casella from the remainder of the property controlled by the City while providing a more convenient center of operations for our personnel by clustering the City's gatehouse, offices, waste storage building, and recycling area at contiguous locations.

The revised site plan has been reviewed by our Engineering Division and personnel of our solid waste operation, all of whom agree that this is a better arrangement.

Should you have any questions or need any further information, please let me know.

FIRST AMENDMENT TO
MATERIALS PROCESSING FACILITY LEASE
BETWEEN THE CITY OF LEWISTON AND CASELLA RECYCLING, LLC

Whereas, on February 25, 2013, the City of Lewiston (hereafter "CITY") and Casella Recycling, LLC (hereafter "CASELLA") entered into a lease agreement (the "Lease") to lease certain property (the "Premises") to allow CASELLA to establish a Materials Processing Facility ("MRF") on the Premises; and

Whereas, both parties have met the obligations of the lease to date, and CASELLA continues to make progress toward establishing the proposed MRF; and

Whereas, as planning for the facility has progressed, CASELLA has proposed certain changes to the anticipated site plan which the City has determined to be beneficial; and

Whereas, these changes require certain modification to the lease;

NOW, THEREFORE, in consideration of the mutual promises herein contained and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to this First Amendment to the Materials Processing Facility Lease.

1. All capitalized terms not defined herein shall have the same meaning as set forth in the Lease
2. Attachment A to the Lease is hereby replaced by a new Attachment A, dated July 16, 2013. All references in the lease to Attachment A shall refer to this new Attachment A.
3. ARTICLE 4: Subsection D. Space Provided to CITY. This subsection, as well as the sublease between the parties found in Attachment C to the lease, shall be deleted upon acceptance by the CITY of the new Waste Storage Facility referenced in item 5 below.
4. Article 11: Passage and Easement is hereby amended as shown below with the deleted language struck through:

ARTICLE 11: PASSAGE AND EASEMENT

The parties acknowledge that the Premises is used by CASELLA and other parties and that, in order to accommodate various uses, the CITY in this Lease reserves certain rights and uses related to the Premises to itself and its successors and assigns. The CITY hereby reserves for itself, its residents, and its customers the right to pass through the Premises during the hours in which the City accepts materials at its recycling area or landfill for purposes of accessing other CITY property and operations located in or adjacent to the Premises to include the CITY's sanitary landfill; and

adjacent CITY-owned property, and the office building used by the CITY and located near the River Road frontage of the Premises. In addition, the CITY's authorized employees shall have this right and easement at all times, whether during or outside of CASELLA's operating hours. These rights shall also extend to those authorized by the CITY to access the CITY's sanitary landfill, the household hazardous waste facility located adjacent to the premises, and other adjacent CITY owned property.

The parties also acknowledge that CASELLA and its authorized agents require access to adjacent portions of CITY-owned and controlled property for purposes of access to the Premises and to fulfill various requirements of this Lease. Therefore, the CITY grants to CASELLA, its agents, and its customers the right to pass through these areas as shown on Attachment A, attached hereto, for these purposes. This right shall not extend to access to the CITY's adjacent sanitary landfill.

5. A new ARTICLE 5: COVENANTS OF CASELLA Subsection H. Replacement Facilities is hereby added as follows:

H. CASELLA shall, at its own expense, move the CITY office building located near the River Road frontage of the property to a new location as shown on Attachment A. Relocation shall include moving the existing structure and providing all necessary utility connections for its safe and sanitary operation. In addition, CASELLA shall construct six (6) parking spaces adjacent to the relocated office as shown on Attachment A, such parking to be constructed to CITY standards and specifications. CASELLA shall also construct a new Waste Storage Building at the location shown on Attachment A, such building to be of a size and constructed in accordance with plans and specifications approved by CITY.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed in their respective names and on their respective behalves by their duly authorized officers this _____ day of _____, A.D., 2013, at Lewiston, Maine.

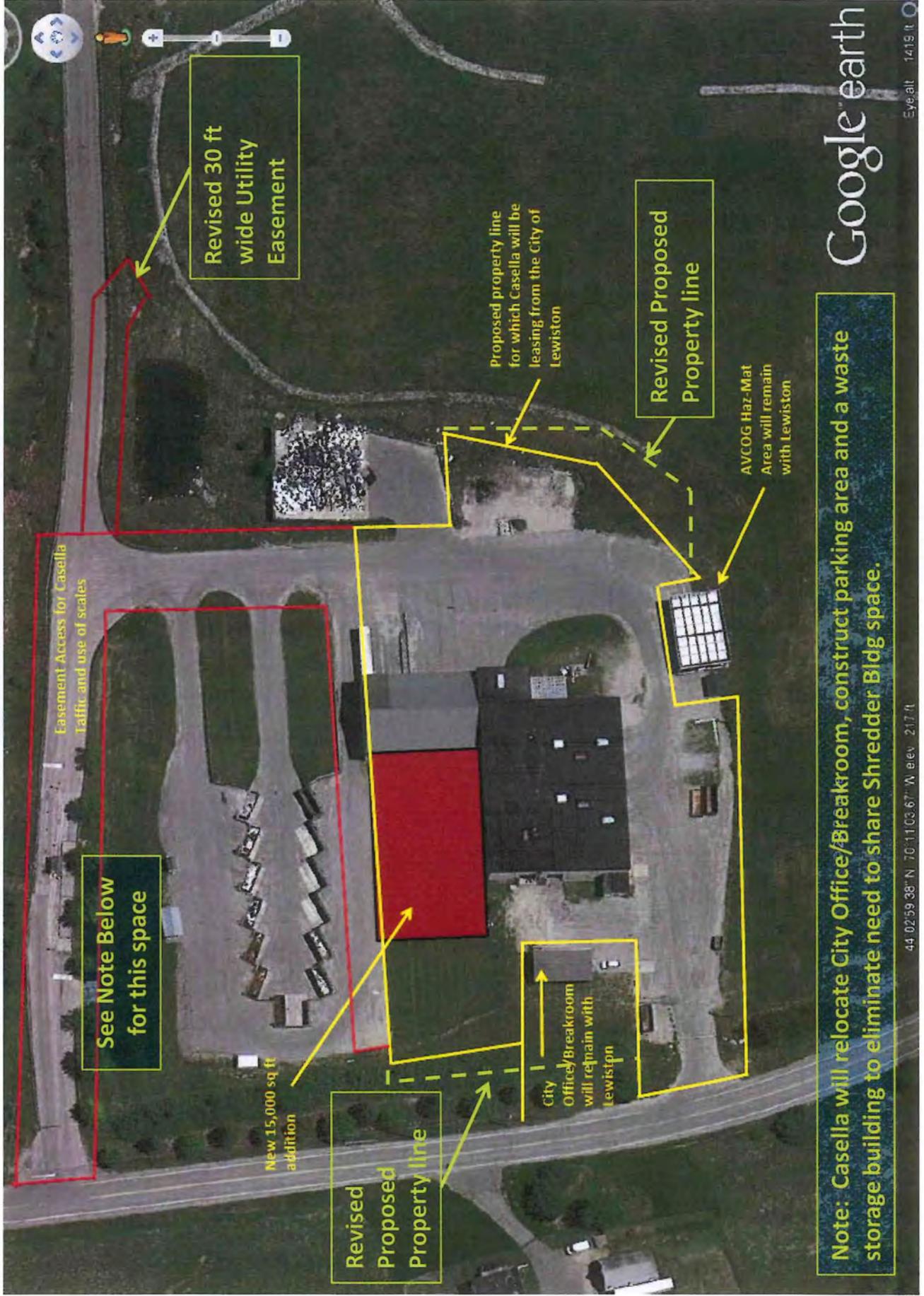
LESSOR, CITY OF LEWISTON.

BY: _____

LESSEE, CASELLA RECYCLING, LLC

BY: _____

Attachment A – July 16, 2013



Easement Access for Casella
Traffic and use of scales

See Note Below
for this space

New 15,000 sq ft
addition

Revised
Proposed
Property line

City
Office/Breakroom
will remain with
Lewiston

Proposed property line
for which Casella will be
leasing from the City of
Lewiston

Revised Proposed
Property line

AVCOG Haz-Mat
Area will remain
with Lewiston

Revised 30 ft
wide Utility
Easement

Note: Casella will relocate City Office/Breakroom, construct parking area and a waste storage building to eliminate need to share Shredder Bldg space.

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Order authorizing the City Administrator to execute a First Amendment to Joint Development Agreement with Argo Marketing Group, Inc.

INFORMATION:

This item is to approve an amendment to the Joint Development Agreement between Argo Marketing, Inc. and the City regarding the development of the old McCroy's building at 64 Lisbon Street. The developer has asked for a 16 day extension on the scheduled closing date to allow time for additional paperwork and documents to be processed.

Please see the attached memorandum from Lincoln Jeffers, Director of Economic and Community Development, outlining the details of the project.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/ksmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to execute a First Amendment to Joint Development Agreement with Argo Marketing, Inc.



**City of Lewiston Maine
City Council Order
July 16, 2013**



Order, Authorizing the City Administrator to Execute a *First Amendment to Joint Development Agreement* with Argo Marketing Group, Inc.

Whereas, Argo Marketing has expressed an interest in expanding its presence in downtown Lewiston by purchasing and rehabilitating 64 Lisbon Street at an estimated overall project cost of at least \$2.2 million; and

Whereas, Argo has agreed to employ at least 150 people at this location within twelve months of its tenancy of the building; and

Whereas, this project will both renovate a long vacant building in the heart of downtown and provide significant employment opportunities for area residents; and

Whereas, this project would not be economically viable without financial assistance from the City; and

Whereas, the City Council approved a Joint Development Agreement with Argo at its May 7th meeting which provided, in part, a total of up to \$250,000 in City grant and loan funds with 50% of the funds to be provided as grant and 50% as a 0% interest 10 year loan; and

Whereas, those funds were to be invested in façade and life safety improvements; and

Whereas, the City now wishes to allow those funds to be invested in acquisition, architectural, closing, and general conditions costs; and

Whereas, because of delays brought about by working through due diligence on the property, the closing date for acquisition on the property has been extended from August 1, 2013 to August 16, 2013,

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

The City Administrator is hereby authorized to execute a *First Amendment to Joint Development Agreement* with Argo Marketing Group, Inc. in a form substantially as attached hereto.

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

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

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Amendment to Argo Marketing Joint Development Agreement
Date: July 10, 2013

At its May 7th meeting, the City Council approved a Joint Development Agreement (JDA) and the creation of a TIF District with Argo Marketing to support the redevelopment of the McCrory Building located at 64 Lisbon Street. The project is estimated to cost \$2.2 million.

As due diligence has moved forward on the project, a need has arisen to amend some of the details in the JDA regarding city support for the project.

In the approved JDA, the City agreed to provide up to \$150,000 in Façade Grant/Loan funding and up to \$100,000 in Life Safety Grant/Loan funding. Under both programs, 50% of the city money was to be provided as a grant; the other 50% was to be provided as a 0% interest loan for a term of 10 years. The city funding was to be matched through equity or other funds provided by Argo on a 1:1 basis.

Under the proposed amendment to the JDA, the city would provide the same level of support to the project under the same loan and grant terms; however, rather than requiring these funds to be spent on façade and life safety improvements, city support will be used to assist with acquisition, architectural, closing, and general conditions costs of the project. The overall investment in the project not funded with city dollars will count as the match.

When the JDA was first approved, the deal structure was developed around existing city programs. The proposed amendment stays within the same grant/loan structure, but broadens eligible areas within which city funds can be invested so as to be better able to respond to the demands and constraints of the market place.

Also, the original JDA required closing on the property by August 1st. Despite Argo's aggressive movement through financing, environmental mitigation, and due diligence, closing on the real estate will not occur until mid-August. The date for closing in the amendment has been adjusted to August 16th.

FIRST AMENDMENT TO JOINT DEVELOPMENT AGREEMENT

This First Amendment to Joint Development Agreement is dated as of July __, 2013, among ARGO MARKETING GROUP, INC., a Maine corporation ("Argo"), and the CITY OF LEWISTON, MAINE (the "City"). Argo and the City are referred to individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, the Parties have executed a Joint Development Agreement dated May 23, 2013 (the "JDA"), which is hereby restated and reaffirmed, except as set forth below;

WHEREAS the JDA sets forth certain responsibilities of the Parties with respect to the acquisition and redevelopment of property located at 64 Lisbon Street within the City (the "Building");

WHEREAS Argo has engaged contractors and obtained cost estimates as part of Argo's obligations under the JDA;

WHEREAS in light of the initial cost estimates provided to Argo by its contractors, the City and Argo desire to amend the JDA;

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereby amend Section 2.2.1 and Section 2.3 of the JDA to read as follows:

ARTICLE II RESPONSIBILITIES OF THE PARTIES

2.2.1. Argo shall purchase the Building by August 16, 2013.

2.3. Obligations of the City. Subject to Argo's satisfaction of its obligations under this Agreement, the City shall have the obligation to undertake commercially reasonable efforts to perform the following:

2.3.1 To assist Argo in financing the total estimated project cost of \$2,200,000.00, the City agrees to provide up to \$250,000.00 in funding to Argo on the condition that such funds be applied to the acquisition, architectural, closing costs, and general conditions of Argo's obligations under the JDA (the "City Funds"). The City Funds shall be provided to Argo as follows: 50% of the City Funds shall be in the form of a grant to Argo (the "Grant"), and 50% of the City Funds shall be in the form of a loan from the City, which loan shall be repayable by Argo at the rate of 0 % per annum, pursuant to a 10-year term note (the "City Loan"). The City Loan shall be secured by a mortgage on the Building with the City in third position, which position shall only be subordinate to Argo's loan from a commercial lender and federal governmental loans or federal government guarantees.

2.3.2 Members of the staffs of the various departments of the City shall render assistance to Argo with all aspects of completing its obligations hereunder, including without limitation, assisting with obtaining all necessary permits and approvals for construction of the Office Building, provided that this provision shall not relieve Argo of any of its obligations to comply with the City's land use and planning ordinances or regulations.

2.3.3 The City shall assist and support efforts by Argo to obtain state or federal financing, including grants, loans or appropriations to be used in connection with Argo's obligations under this Agreement.

2.3.4 The parties acknowledge that City will cooperate with Argo, as applicable, to identify financing sources, including the designation of the Building as the beneficiary of a tax increment financing agreement.

2.3.5 The City shall negotiate in good faith in order to provide Argo with parking spaces located in the Oak Street Parking Garage on terms and conditions mutually agreeable to the parties. This shall include permitting Argo to purchase employee parking passes at the rate of \$35 per month per space during the initial 6 months after Argo has moved its call center and headquarters to the Building. Thereafter, Argo will be permitted to purchase parking passes for employees at the rates then applicable to other businesses with a comparable number of employees, in accordance with the Major Employer Parking Fee Discount Program as set forth in the City's Municipal Parking Facilities fee structure. Presently, that rate is \$35 per month per space for a business with a minimum of 150 spaces, which rate is to be paid on an annual basis in the following installments, as described in the Major Employer Parking Fee Discount Program. Argo acknowledges that the terms of the Major Employer Parking Fee Discount Program may be subject to change by the City, and that Argo is not entitled to any further discounts after the initial 6 months after Argo has moved its call center and headquarters to the Building.

2.3.6 The City shall cooperate and encourage the South Park Development Corporation to loan Argo an additional \$200,000.00 for renovations to the Building under such terms as Argo and the South Park Development Corporation may separately negotiate, which

terms may include a 10 year term with no payments required for the initial 5 years (the "South Park Loan"). By entering this Agreement, Argo recognizes that the City's role will be limited to encouraging the South Park Loan, and that the City makes no other promises, representations, warranties, or guarantees in connection with the South Park Loan.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized officers as of the day and year first above written.

ARGO MARKETING, INC.

Witness

By: Jason Levesque
Its: President

CITY OF LEWISTON, MAINE

Witness

By: Edward Barrett
Its: City Administrator

LEWISTON CITY COUNCIL
MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Resolve approving the Supplement De-authorization of Expenditures and Adjustments to Revenues for the Fiscal Year 2014 Municipal Budget.

INFORMATION:

Due to the recent passage of the state budget and the impact it will have on the municipal budget, the Council is asked to adopt a supplement to the municipal budget that was originally adopted on May 7, 2013. The Council has held two budget workshops recently to determine adjustments to the budget to address this impact. The Council is asked to de-authorize some budget expenditures previously approved and to adopt some adjustments to the revenues in the city budget.

Please see the attached material for additional background information on this agenda item.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the Resolve approving the Supplement De-authorization of Expenditures and Adjustments to Revenues for the Fiscal Year 2014 Municipal Budget.



**City of Lewiston Maine
City Council Resolve
July 16, 2013**

RESOLVE, Approving the Supplement De-authorization of Expenditures and Adjustments to Revenues for the Fiscal Year 2014 Municipal Budget

Whereas, subsequent to the City Council adopting the FY2014 budget in May, the State approved its biennial budget which further raided the municipal revenue sharing received by the City; and

Whereas, the City Council has met on several occasions to review the various options to address the \$1,133,321 shortfall created by this raid; and

Whereas, throughout this review process, the City Council has shown support for certain changes and adjustments affecting both the revenue and expenditure budgets; and

Whereas, the overall goals of this effort were to maintain essential public services while reducing the impact of the state created budget shortfall on the taxpayers of the City of Lewiston; and

Whereas, the following summary represents the results of this effort;

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

the following Supplemental de-appropriation of expenditures and adjustments to revenues for Fiscal Year 2014 Budget, is hereby approved:

Adopted FY14 Non-tax Revenues	12,351,738
1 41510 3352000 State Revenue Sharing	(1,133,321)
2 44250 3342000 General Assistance Reimb.	12,255
3 48110 3381000 Tax Sharing - Airpark	12,175
4 41410 3631000 Franchise Fees	36,000
Adjusted FY14 Municipal Non-tax Revenue Total	11,278,847
 Adopted FY14 City Expenses	 43,012,358
5 41590 4027000 Repairs to Equipment	(725)
6 48130 4043000 911 Donations	(6,048)
7 49310 4044003 City Pensioners	(54,625)

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8	43510	4011000	Salaries	(6,138)
9	41610	4011000	Vacant Position 10/1 start time	(6,828)
10	49210	4046004	Fringe	(2,595)
11	41600	4011000	Vacant Position 10/1 start time	(16,044)
12	49210	4046004	Fringe	(5,738)
13	45520	4011000	Vacant Position 10/1 start time	(6,685)
14	49210	4046004	Fringe	(2,170)
15	45530	4011000	Vacant Position 10/1 start time	(9,301)
16	49210	4046004	Fringe	(2,869)
17	49710	4011000	Salary Reserve	(147,825)
18	48110	4049000	Airport Fixed Charges	(27,500)
19	49610	4049000	Tax Sharing - Monty Hydro	2,410
20	42130	4011000	Vacant Position 1/1 start time	(16,995)
21	42130	4012000	Overtime - Vacant Position	(1,380)
22	49210	4046004	Fringe	(10,090)
23	43310	4011000	Vacant Position 9/1 start time	(5,375)
24	43510	4011000	2 Vacant Pos. 9/1 start time	(10,750)
25	49210	4046004	Fringe	(6,734)
Adjusted FY14 City Expenses				42,668,353

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

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



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



July 11, 2013

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: FY14 Budget Amendment

The budget adopted by the City Council in May of this year recognized that the level of state aid received in recent years could potentially change in light of the Governor's proposal to suspend revenue sharing for two years. As a result, that budget, which was predicated upon the level of state aid received in recent years, was adopted in a manner that allowed the Council to revisit and amend the budget once the state budget was finalized and adopted.

The adopted budget called for a tax rate of \$26.05, roughly 26 cents higher (1.0%) than last year, an increase that supports a 48 cent addition to the school tax rate offset by reductions in the City and County rates.

The state budget's has now been adopted and revenue sharing has not been suspended but will be significantly reduced. According to the most recent estimates from Maine Municipal, we will see a loss of \$1,426,154 next year. Based on our adopted budget, this loss will be lower since we used a conservative estimate. With this adjustment, our loss is reduced to \$1,133,321, or 61 cents on the property tax rate. If this full reduction was replaced with property tax revenue, the City's tax rate would increase to \$26.65, an 86 cent increase (3.3%) over last year.

On June 27th, the City Council held a workshop to review various municipal spending reductions to offset the revenue sharing loss. At that meeting, Councilors were informally polled on a long list of alternatives, and staff indicated that we would analyze these responses and return with several options for the Council to consider.

Subsequently, two options were presented and discussed at a Council workshop of July 10th. At that time, Council indicated support for Option A as described below.

Option A

Option A would reduce City expenses by \$404,435 through a variety of reductions, some of which can be made based on more recent information. Such adjustments include:

- General Assistance Reimbursement increasing from 85% to 90% after required spend down in the final adopted state budget (\$12,255)
- Recognizing the revenue that LA911 will receive for PSAP services to Poland (\$6,048)
- Reduced expenses associated with the old City pension plan (\$54,625)

- Tax sharing agreement with Auburn (\$12,175)
- Personnel savings from holding currently vacant position for a three to six month period and other adjustments relating to personnel turnover/costs (\$257,517)
- Flat Funding the Airport (\$27,500)
- Reducing the Cable Franchise Fee payment to Great Falls by 50% (\$36,000)

Implementing this option would result in a tax rate of \$26.44, 21 cents lower than the rate required if the full revenue loss was filled by property taxes. This rate represents a 65 cent increase of last year's rate, a 2.5% increase.

The following chart compares Option A with the budget as originally adopted and what it would be if the full revenue sharing reduction was passed on to our taxpayers. It presents the percentage change in the City's operating budget and non-tax revenues along with the required tax rate and the dollar and percent increase in that rate.

COMPARISON OF ADOPTED OPERATING BUDGET AND OPTION A AMENDMENT

OPTION	OPERATING				
	BUDGET CHANGE	REVENUE CHANGE	TAX RATE	DOLLAR INCREASE	PERCENT INCREASE
Original FY 14	-2.18%	-6.67%	\$26.05	\$0.26	1.01%
Rev. Share to Taxes	-2.18%	-15.23%	\$26.65	\$0.86	3.33%
Option A	-3.23%	-14.78%	\$26.44	\$0.65	2.53%

The following charts show the impact of the various options on single family owner occupied homes valued at \$100,000 and \$150,000 respectively.

TAX IMPACTS AT \$100,000

OPTION	RATE	RATE INCREASE	PERCENTAGE INCREASE	TAX FOR 100,000 HOME	DOLLAR INCREASE	PERCENTAGE INCREASE
FY13 - Current	25.79			\$2,352.05		
FY14 Adopted	26.05	0.26	1.0%	\$2,367.95	\$15.90	0.7%
Rev Share to Taxes	26.65	0.86	3.3%	\$2,422.49	\$70.44	3.0%
Option A	26.44	0.65	2.5%	\$2,403.40	\$51.35	2.2%

TAX IMPACTS AT \$150,000

OPTION	RATE	RATE INCREASE	PERCENTAGE INCREASE	TAX FOR 150,000 HOME	DOLLAR INCREASE	PERCENTAGE INCREASE
FY13 - Current	25.79			\$3,641.55		
FY14 Adopted	26.05	0.26	1.0%	\$3,670.45	\$28.90	0.8%
Rev Share to Taxes	26.64	0.85	3.3%	\$3,753.58	\$112.03	3.1%
Option A	26.44	0.65	2.5%	\$3,725.40	\$83.85	2.3%

Recommendation and Discussion

While there is some logic to simply passing through the revenue sharing cuts to the tax rate, I recognize and share the Council's concern regarding impact on our taxpayers. Option A mitigates this impact while preserving the City's current level of services. A number of the changes in this option simply recognize additional information that is now available to us. Some cuts do, however, have implications. The savings anticipated from holding positions open for three to six months will impact the FY15 budget when full year costs will require funding. Funding the airport at last year's level may slow our ability to move its operations in new directions that could eventually enhance airport revenues and reduce dependence on municipal support. The 50% reduction in franchise fees to Great Falls TV is a one year adjustment that is not sustainable going forward.

It should also be recognized that the Council approved substantial operating budget reductions prior to its initial adoption of the budget in May. These cuts were approved in an effort to mitigate the proposed school tax increase of 48 cents and allowed the original tax rate to increase only 26 cents, or about 1%. In recent years, the City has consistently tightened its operating budget in response to economic conditions and reductions in state aid to municipalities. The budget has now reached the point where there is very little margin for error to address unexpected price increases or emergency expenditures. While the budget proposed by Option A is doable, it continues this tightening trend.

Given the overall situation, staff recommends approval of the attached budget amendment based on Option A as described above.

**Estimated General Fund
Municipal Property Tax Rate Calculation
2013 and 2014**

	FY 2013	FY 2014	\$ Change	% Change
City Expenses				
Operating Expenses	32,830,919	31,769,884	(1,061,035)	-3.23%
County	2,315,399	2,281,176	(34,223)	-1.48%
Debt Service	8,601,468	8,617,293	15,825	0.18%
Total City Expenses	43,747,786	42,668,353	(1,079,433)	-2.47%
School Expenses				
Operating Expenses	50,255,394	53,037,339	2,781,945	5.54%
Debt Service	4,259,370	5,403,556	1,144,186	26.86%
Total School Expenses	54,514,764	58,440,895	3,926,131	7.20%
Total Expenses	98,262,550	101,109,248	2,846,698	2.90%
Less: Non- Tax Revenues				
City	13,234,469	11,278,847	(1,955,622)	-14.78%
Use of Fund Balance	-	-	-	
School	36,994,581	39,112,222	2,117,641	5.72%
Use of Fund Balance	1,179,417	1,810,734	631,317	53.53%
Total Non-Tax Revenues	51,408,467	52,201,803	793,336	1.54%
Proposed Tax Levy				
City	28,197,918	29,108,330	910,412	3.23%
School	16,340,766	17,517,939	1,177,173	7.20%
County	2,315,399	2,281,176	(34,223)	-1.48%
Overlay	420,000	420,000	-	0.00%
Total Tax Levy	47,274,083	49,327,445	2,053,362	4.34%
Total Assessed Value (000's)	1,832,772	1,865,928	33,156	1.81%
Proposed Tax Rate				
City (Including Overlay)	15.62	15.83	0.21	1.35%
School	8.91	9.39	0.48	5.41%
County	1.26	1.22	(0.04)	-3.23%
Total Tax Rate	25.79	26.44	0.65	2.53%
Total				
Total	1,844,190,927	1,889,359,945		
TIF Valuation Needed	69,190,927	81,222,091		
	<u>1,775,000,000</u>	<u>1,808,137,854</u>		
Homestead	29,040,000	28,426,530		
BETE Reimbursement	28,732,066	29,364,141		
	<u>1,832,772,066</u>	<u>1,865,928,525</u>		

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Consideration of request from the African Immigrant Association for City Co-Sponsorship of a Diversity Celebration planned for September.

INFORMATION:

At the previous City Council meeting, the Council postponed action on this item to allow time for additional information to be obtained about this request from city staff and the event organizers. Information will be presented to the Council during the Tuesday night meeting regarding this item.

Background:

The African Immigrant Association is planning a Diversity Celebration with the objective of strengthening and enhancing diversity in our community, increasing popular acceptance of difference, and reducing racism and discrimination. The planned event will include music, dance, food, cultural displays, and short speeches. See attached letter.

The Association has requested that the City consider co-sponsoring the event and Councilor Saddlemire has asked that the Council consider this request.

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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To consider the request to co-sponsor a Diversity Celebration with the African Immigrant Association and to determine a course of action.

LEWISTON CITY COUNCIL
MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Order authorizing the sale of three parcels of tax acquired land.

INFORMATION:

At a previous City Council meeting, the Council granted permission for city staff to seek bids on three parcels of city-owned, tax acquired property. The parcels are 6 Galina Lane, 8 Galina Lane and 6 Marie Circle Rear.

Bids were submitted and the city staff is recommending the sale and disposal of all three parcels.

Please see the attached material for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the sale of three parcels of tax acquired land, respectively located at 6 Galina Lane, 8 Galina Lane and 6 Marie Circle Rear.



City of Lewiston, Maine
City Council Resolve
July 16, 2013



Order, Authorizing the sale of three (3) parcels of tax acquired land.

Whereas, the City Council at its meeting of June 4, 2013 authorized the taking of six (6) parcels of land; and

Whereas, the City Council authorized the sale of these parcels through the formal sealed bid process; and

Whereas, bids were solicited and accepted until 4:00 p.m. on July 9, 2013; and

Whereas, two (2) bid proposals were received: one for 6 and 8 Galina Lane and one for 6 Marie Circle Rear; and

Whereas, the proposals for Galina Lane met all requirements of the bid specifications with regard to bid security; and

Whereas, the proposal for 6 Marie Circle Rear failed to meet the bid security requirement of a certified check, cashier's check or bid bond for 10% where only a personal check was provided;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the bid offered by Mr. Joshua M. Laliberte in the amount of \$28,570 for 6 and 8 Galina Lane be accepted and to authorize the City Administrator to execute a Purchase & Sale Agreement and Municipal Release Deed for these parcels.

Be it Further Ordered, that the bid security requirement for the bid made on 6 Marie Circle is hereby waived, the sale of 6 Marie Circle Rear to Mr. Paul O. Baril at the bid amount of \$1,000 is accepted, and the City Administrator is authorized to execute a Purchase & Sale Agreement and Municipal Release Deed for 6 Marie Circle Rear.



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



July 10, 2013

To: Honorable Council Chair and Members of the City Council
Fr: Edward A. Barrett
Su: Sale of Tax Acquired Property

On June 4th, the City Council authorized staff to take possession of six vacant lots where tax liens had matured and to offer 5 of them for sale through formal sealed bids.

At the time of bid opening, the City received bids for three of the five parcels, with each parcel receiving only one bid.

Josh LaLiberte submitted bids of \$12,785 for 6 Galina and \$15,785 for 8 Galina Avenue. These parcels are currently assessed for \$22,000 each. These bids have been reviewed by the Purchasing Agent and City Assessor, both of whom recommend they be accepted, as do I.

Paul Baril, an abutting property owner, bid \$1,000 for 6 Marie Circle Rear. This property is currently assessed for \$3,480; however, it appears to be landlocked and only accessible by way of an adjacent property, such as Mr. Baril's. Although Mr. Baril did not meet all of the technical requirements of the bid (he provided bid security in the form of a personal check rather than a certified check, cashier's check or bond), staff would recommend that this minor irregularity be waived and the property be sold to Mr. Baril given the limited market for this lot due to its location and circumstances.

Staff will return to the Council in the near future with a proposal on how to proceed with the two properties on which bids were not received – 48 River Street and 1 Acorn Lane.

At this time, we would recommend that the bids of Josh LaLiberte and Paul Baril be accepted and that staff be authorized to transfer the respective properties to them.

Sale of Various City Parcels

Bid: 2013-038						
07/09/13						
	1 Acorn Lane	6 Galina Lane	8 Galina Lane	6 Marie Circle Rear	48 River Street	Total
Joshua M. Laliberte	\$ -	\$ 12,785	\$ 15,785	\$ -	\$ -	\$ 28,570
Paul O. Baril	\$ -	\$ -	\$ -	\$ 1,000 *	\$ -	\$ 1,000
* bid security does not meet bid specifications						

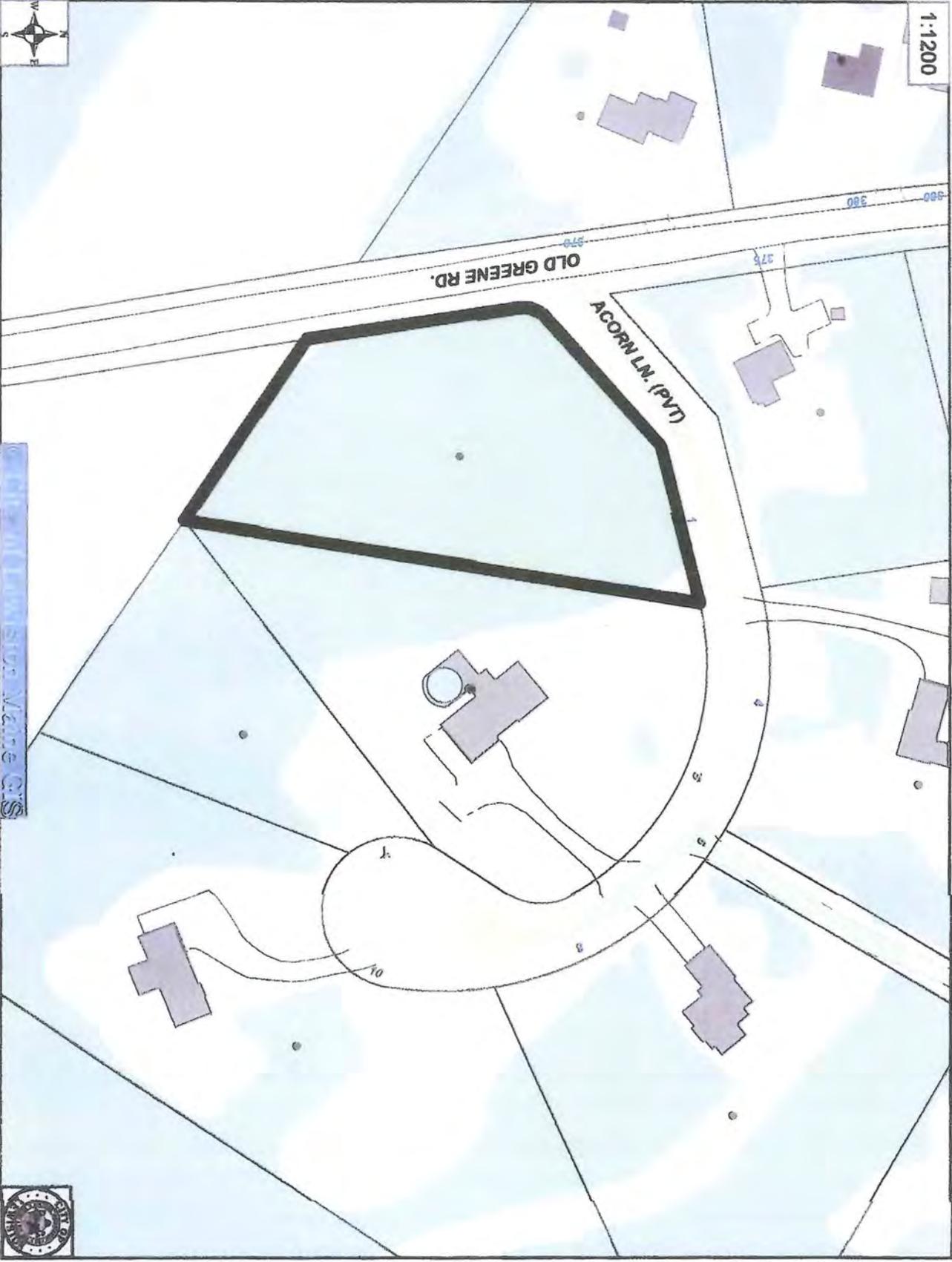
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OLD GREENE RD.

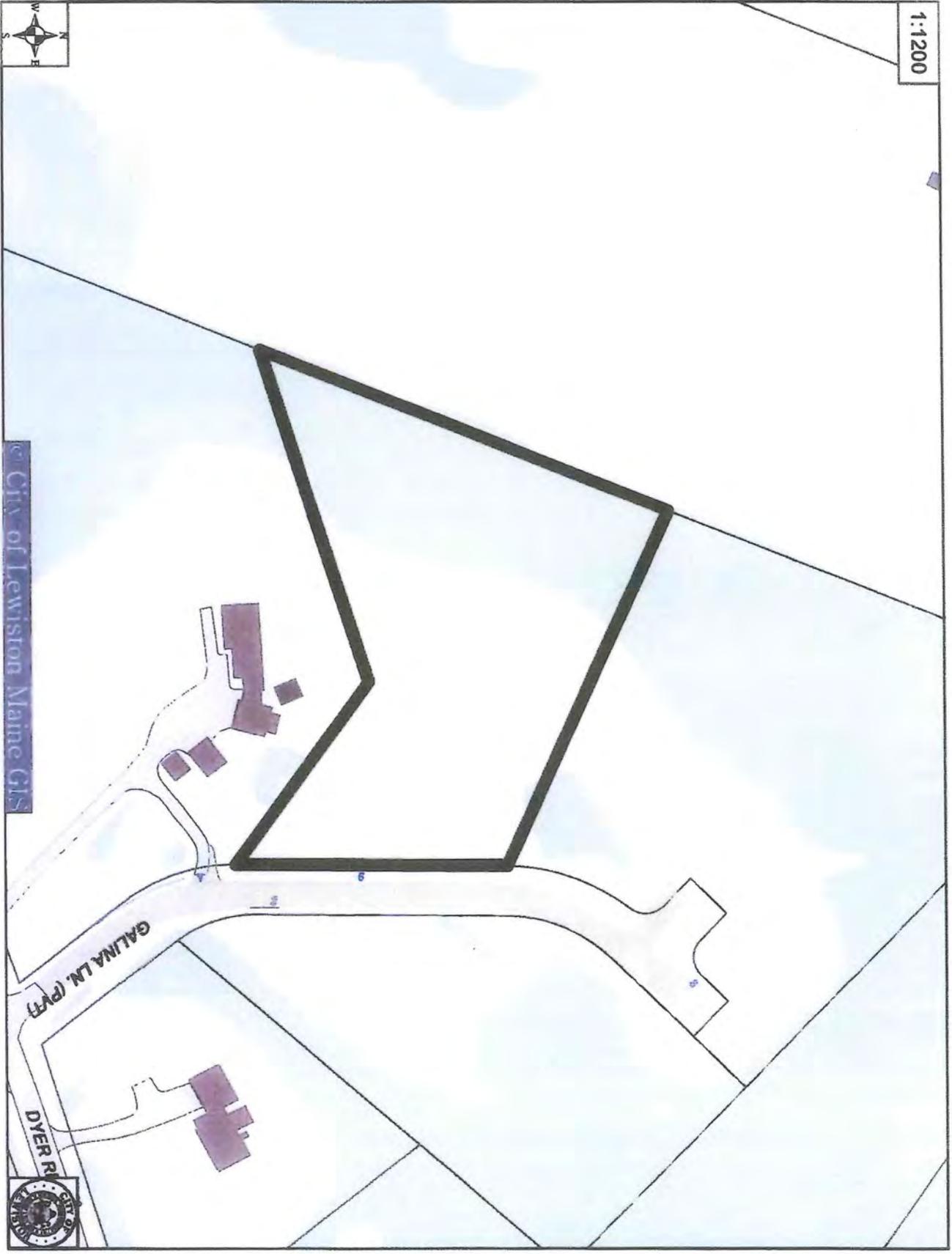
ACORN LN. (PVT)



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© City of Lewiston Maine GIS



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City of Lewiston, Maine GIS

GALINA LN. (PVT)



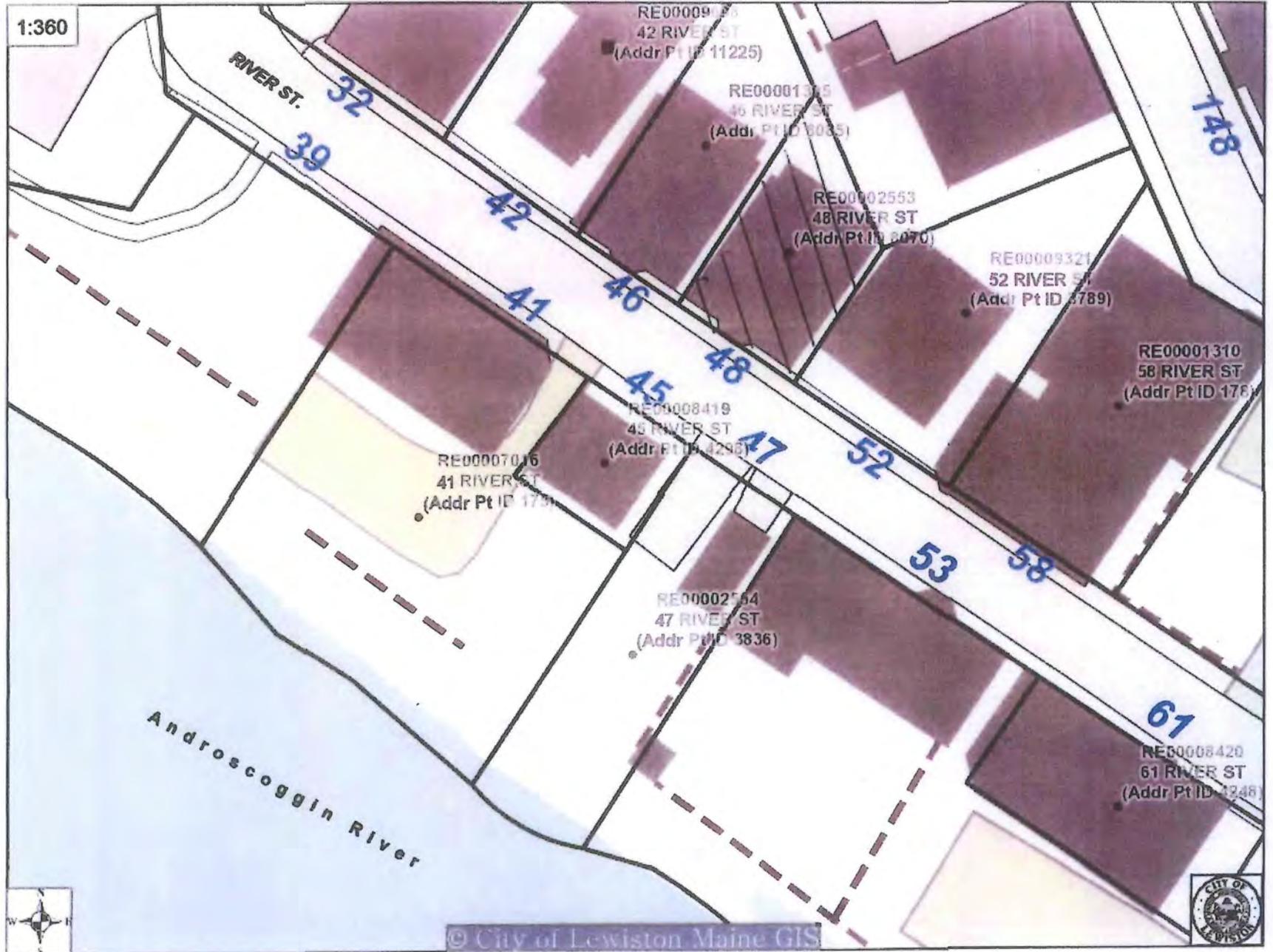
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CITY OF LEWISTON MAINE GIS



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Finance Department

Heather Hunter
Director of Finance/Treasurer
hhunter@lewistonmaine.gov



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

FROM: Heather Hunter, Finance Director

SUBJECT: **Tax Acquired Parcels**

DATE: May 29, 2013

Recently, Administration and the Finance Department reviewed the matured tax lien list to determine how we would proceed with each of the four matured tax lien categories: vacant land, commercial/business property, vacant multi-family buildings, and occupied residences. Dealing with each category individually, we began with the vacant land parcels.

The City has six parcels of vacant land where tax liens have matured. After numerous attempts to contact the owner through the normal collection and tax lien process, in accordance with City Policy #92, *Properties with Matured Tax or Sewer Liens*, the Tax Collector sent a 30-day matured lien demand letter to the property owners on March 29, 2013. The City received no response back from the owners with the exception of one parcel (1 Acorn Drive), where the owner indicated he has no intention of paying the back taxes and is aware of the City's plan to acquire the land.

The specific detail of each parcel is noted in the following table:

Address	Owner	Assessed Value	Total Due	Matured Tax Liens	Last Pymt. Date
1 Acorn Lane	R Leblanc	\$24,840	\$3,042.40	FY2010-2011	5/10/2010
6 Galina Ave.	G & C Nye	\$22,000	\$1,632.01	FY2011	9/9/2010
8 Galina Ave.	G & C Nye	\$22,000	\$1,632.01	FY2011	9/9/2010
6 Marie Circle Rear	P Walton	\$3,480	\$454.91	FY2010-2011	5/10/2012
47 River Street	K & P Ouellette	\$6,960	\$967.17	FY2010-2011	6/30/2009
48 River Street	K & P Ouellette	\$7,000	\$2,216.71	FY2010-2011	9/11/2009

The Acorn Lane parcel is 1.38 acres. Both Galina Avenue parcels are housing lots, one at 1.79 acres and the other is 2.38 acres. 6 Marie Circle is the largest lot at 2.78 acres; however, it may be landlocked and undevelopable due to lack of road frontage, steep grades, and wetlands. The River Street parcels are smaller in size at about 33 x 65, with one parcel on the residential side and the other parcel on the river side.

It has been the City's goal not to serve as a property manager for tax acquired property and to offer these parcels for sale in accordance with the prescribed *Property Disposition Policy* (Policy #38). The requested City Council action is to approve an order allowing staff to take possession of all six parcels outlined above and to sell 1 Acorn Lane, 6 & 8 Galina Ave., 6 Marie Circle Rear, and 48 River St. using a formal bid process. The City would hold 47 River Street and land-bank that parcel.

Once Council action is taken on June 4th, the Planning Board will take action on June 10th. If affirmative votes are received by both boards, the Director of Budget and Purchasing will advertise the parcels for sale through a sealed formal bid process beginning on June 24th. Advertisements will be placed in the local paper, and real estate brokers and abutting property owners will be notified. Bids will be due July 9th. The City Administrator will bring the bid results back to you at your July 16th meeting for award.

Please feel free to contact me if you have additional questions or comments.



**City of Lewiston Maine
City Council Resolve
June 4, 2013**



Order, Taking Possession of Tax Acquired Properties at 1 Acorn Lane, 6 Galina Avenue, 8 Galina Avenue, 6 Marie Circle Rear, 47 River Street, and 48 River Street.

Whereas, staff has recently undertaken a review of properties on which tax liens have matured; and

Whereas, among such properties are six vacant parcels of land; and

Whereas, after numerous attempts to contact the owners through the normal collection and tax lien process and in accordance with City Policy #92, Properties with Matured Tax or Sewer Liens, a thirty-day matured lien demand letter was sent to property owners on March 29, 2013 in which they were informed that if amounts due the City were not paid, the City Council would consider taking possession of the property at its meeting of June 4, 2013; and

Whereas, in spite of these additional efforts, the amounts due to the City have not been paid; and

Whereas, as a result, it is appropriate for the City Council to act to take possession of these properties and consider their future use and/or disposition;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that, based on matured tax liens, the City take formal possession of the following properties: 1 Acorn Lane, 6 Galina Avenue, 8 Galina Avenue, 6 Marie Circle Rear, 47 River Street, and 48 River Street; and

Be it Further Ordered, that

Subject to a positive recommendation from the Planning Board, the following properties be offered for sale through a formal sealed bid process: 1 Acorn Lane, 6 Galina Avenue, 8 Galina Avenue, 6 Marie Circle Rear, and 48 River Street.

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT:

To approve the Order authorizing the City Administrator to execute an Agreement with CGI Communications, Inc. for the provisions of a Community Video Program.

INFORMATION:

The city staff will be working with CGI Communications to update the community information video currently on the city's website. The current video is outdated and needs to be brought up to date. This company works with the US Conference of Mayors and the National League of Cities to produce videos at no-costs to municipalities all around the country. The video costs are off-set by ads and sponsorships of area businesses and organizations.

The Council is asked to authorize city staff to enter into this agreement.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to execute an Agreement with CGI Communications, Inc. for the provisions of a Community Video Program.



**City of Lewiston Maine
City Council Order
July 16, 2013**



Order, Authorizing the City Administrator to Execute an Agreement with CGI Communications, Inc. for the Provision of a Community Video Program.

Whereas, a number of years ago, CGI Communications developed a number of community videos for the use of the City for marketing purposes; and

Whereas, these videos remain available on the City's web site homepage; and

Whereas, these videos have become dated and include material that is no longer up to date; and

Whereas, CGI, through partnerships with the U.S. Conference of Mayors and the National League of Cities, has proposed that they update these community videos; and

Whereas, this will be done at no cost to the City and be funded through commercial sponsorships arranged by CGI; and

Whereas, this will enable the City to replace the outdated information available through our web site with new and up to date content;

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

the City Administrator is hereby authorized to execute a three year Community Video Tour Agreement with CGI, Inc., a copy of which is attached hereto, for the production of community video material for use by the City.

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Community Video Showcase Opportunity
Date: July 10, 2013

The City currently has video content that looks like it was produced by CGI Communications around 2005. It is quite dated, including a logo that predates the *It's Happening Here* campaign and includes footage of Maineiac's hockey. If you want to view it, the link is on the lower left corner of the city's homepage.

CGI recently reached out to the City and made a presentation to Dottie Perham-Whittier and me regarding updating the videos with a welcome video and up to three other one minute video's on specific topic areas of the City's choosing such as quality of life, economic development, tourism, or recreation. All of the writing and production of the videos would be done at no cost to the city. The city would have editorial control over what is produced. Links to the videos would continue to be showcased on the homepage of the City's web site.

CGI funds this no cost to the city program by soliciting local businesses to sponsor the videos. The sponsoring businesses have logos placed around the city video links and, depending upon the level of sponsorship, the logos tie back to the sponsoring entity's web site or to a video produced by CGI for the entity. Even if CGI does not get any sponsors, the city videos are produced and hosted by CGI at no cost to the city.

CGI has cross linked platforms and web sites that can drive traffic to Lewiston or the sponsoring entities web sites, including <http://www.relocate.org/>, which is a site geared to people exploring communities they may wish to relocate to.

In exchange for producing Lewiston's videos at no cost, CGI asks that the City provide a letter of introduction on city letterhead that CGI can use as a means of introduction when first approaching a business about sponsorship opportunities.

An example of the introductory letter to be provided and more information about CGI and the program is attached. This opportunity is presented for the Council's consideration and to determine if it is something the city should adopt as part of its marketing efforts.

2013 Community Video Tour Agreement

CGI Communications, Inc.
130 East Main Street, 8th Floor
Rochester, NY 14604
(800) 398-3029 phone
(866) 429-8611 fax

Name: Dottie Perham-Whittier
Title: Community Relations Coordinator
Address: 27 Pine Street
City, State, Zip: 27 Pine Street
Phone: 207-513-3018
Email: dottie@LewistonMaine.gov
Website: www.lewistonmaine.gov

This agreement is between CGI Communications, Inc. and the City of Lewiston and shall remain in effect from the date it is signed by both parties until the third anniversary of the date that the completed and approved Community Video Program is made available for viewing via a link on the www.lewistonmaine.gov website homepage for viewer access. Any termination or modification of this Agreement shall not take effect until the expiration of the current term.

CGI Communications, Inc shall provide a Community Video Program as follows:

- One welcome video from your Mayor or other civic leader
- Up to three additional videos to showcase various aspects of your community (providing a total of four 1 minute community highlight videos)
- One Community Organization chapter to promote charities, nonprofits and community development organizations
- Script writing and video content consultation
- A videographer will come to your location to film videos
- We reserve the right to use still images and photos for video production
- All aspects of video production and editing, from raw footage to final video including professional voiceovers and background music
- Final draft of City Video Showcase content subject to your approval (up to 3 sets of revisions allowed). Any request for approval any revision, including final draft, shall be deemed approved if no response is received by us within thirty (30) days of request
- Patented OneClick™ Technology and encoding of all videos into multiple streaming digital formats to play on all computer systems, browsers, and Internet connection speeds; recognized player formats include WindowsMedia® and QuickTime®
- Store and stream all videos on CGI's dedicated server
- Business sponsors allowed on the perimeter of video panels
- Businesses will be allowed to purchase various digital media products and services from CGI Communications and its company affiliates
- Duration of sponsor participation will be one to two years and CGI Communications is solely responsible for sponsorship fulfillment including all related aspects of marketing, production, printing, and distribution
- Viewer access of the Community Video Program from your website shall be facilitated by CGI Communications providing HTML source code for graphic link to be prominently displayed on the www.lewistonmaine.gov website homepage as follows: "Coming Soon" graphic link designed to coordinate with existing website color theme to be provided within 10 business days of execution of this agreement; "Video Tour" graphic link to be provided to replace the "Coming Soon" link upon completion and approval of videos
- CGI Communications will own copyrights of the master Community Video Program
- The City of Lewiston will assume no cost or liability for this project

The City of Lewiston shall:

- A letter of introduction for the program on your organization's letterhead
- Assist with the content and script for the Community Video Program
- Grant CGI Communications the right to use organization's name in connection with the preparation, production, and marketing of the program
- Display the "Coming Soon" graphic link prominently on the www.lewistonmaine.gov website homepage within 10 business days of receipt of HTML source code
- Agrees to display the "Video Tour" link to be no less than 150 by 400 pixels prominently on the website www.lewistonmaine.gov for the term of this agreement
- In the event contract signatory changes, the City of Lewiston agreement shall remain valid until the agreed upon expiration date
- Grant full and exclusive streaming video rights for CGI and its subsidiaries, affiliates, successors and assigns to stream all video content on Community Video Program and all related CGI Programs, including but not limited to its "Community Video Network"
- Represent and warrant that any and all photographs, videos, and other content it submits to us for use in any video or other production does not infringe on any third party's copyrighted material, trademark or other intellectual privacy or publicity rights and shall defend and indemnify us from any such claim or action

This Agreement constitutes the entire agreement of the parties and supersedes any and all prior communications, understandings and agreements, whether oral or written. No modification or claimed waiver of any provision shall be valid except by written amendment signed by the parties herein

We, the undersigned, understand the above information and have full authority to sign this agreement

<u>The City of Lewiston</u>	<u>CGI Communications, Inc.</u>
Signature: _____	Signature: <u>Nicole Rongo</u>
Name (printed): _____	Name (printed): <u>Nicole Rongo</u>
Title: _____	Title: <u>Vice President of Marketing</u>
Date: _____	Date: _____



Summary of Community Video Showcase Program

CGI Communications, Inc. has entered into a partnership with the US Conference of Mayors and the National League of Cities to provide communities a marketing tool that they can utilize to showcase and promote their community assets and attributes. As a result of this partnership, the City of Lewiston, ME has been presented with the opportunity to receive a fully produced, NO COST Community Showcase program to be featured on the City's official website.

Our Community Showcase program is a valuable tool for the City of Lewiston, ME to enhance its website by adding streaming video content. The video content will allow the city to effectively engage and communicate with your on line audience in a powerful, new and innovative way. We will come to your location to film the necessary footage to fully produce a Welcome Chapter PLUS three additional community highlight videos on topics such as Quality of Life Relocation, Business and Industry, Education, etc. The program will be customized to showcase the best of what Lewiston, ME has to offer to residents, visitors, and businesses. Also, with the click of a button you will be able to send your entire video interface to anyone in the world with an email address or Smartphone! Whether it be a recruiter, site locator, future resident, or visitor you will now have a powerful tool to answer all questions and inquiries about your community!

To view an example of our Video Tour Book, please click here:

<http://www.amsterdamny.gov/>

<http://www.simpsonville.com/>

In addition to the videos we will produce for and about your community, we will provide the local business community with the opportunity to utilize our various digital media tools and services as well. Businesses will be able to expand their outreach by having their own video produced as well. It is solely CGI's responsibility to educate the local businesses on opportunity for participation. In addition, local non profit organizations will be able to expand their visibility though the program by having a free link and logo around the Community Organizations Chapter provided, certainly something they will be excited about! The best part about our program is that the City bears no liability whatsoever regardless of sponsorship participation. This Video Tour will truly enhance your City's website as the primary destination for information about Lewiston, ME.

Whether you are actively promoting tourism, recruiting businesses for economic development, or simply looking for ways to provide the public with additional information about your community, this is a progressive opportunity to assist you with achieving your marketing objectives. With no financial investment from City funds, we've eliminated the need for lengthy budget meetings and approval processes, therefore allowing us to begin production immediately!

Thank you for taking the time to review our proposed program for the City of Lewiston, ME. We look forward to working with you!

Please don't hesitate to contact us if you have any questions regarding our program!

Best Regards,

Liz Mallane
Marketing Executive
978.696.5233
lizm@cgicommunications.com



WHY CGI?

- ◆ **Who is CGI Communications, Inc.?**
Formed in 1988, CGI Communications, Inc. is a leading provider of high-impact marketing solutions to communities and small businesses. CGI is one of Upstate New York's top growth companies, receiving the Top 100 Award for 6 years since 1999 in the Greater Rochester Area.
- ◆ **Are there any hidden costs?**
No. There is never a point where your municipality will ever see an invoice for any services we provides.
- ◆ **What if no businesses sign up for sponsorship?**
Even if zero sponsors participate, your Community will still receive the program at no cost. There is no threshold or minimum sponsorship requirement.
- ◆ **How long is the production process?**
The video production is typically a 12-14 week process.
- ◆ **What is the relationship between CGI and the United States Conference of Mayors, the National League of Cities and the Federation of Canadian Municipalities?**
CGI works closely with the USCM, NLC and FCM to provide a myriad of digital marketing tools to showcase and promote individual municipalities nationwide. Our Community Showcase Program is an opportunity that both members and non-members can participate in.
- ◆ **Who fulfills the sponsorship element of the Community Video Program?**
CGI takes care of all sponsorship fulfillment, however if your community would like to recommend businesses that you would like to see have first right of refusal, we encourage and welcome you to do so.
- ◆ **Do we have a choice of what season we are filmed in?**
Absolutely! It is our goal to film municipalities in the season you feel best represents your community as a whole.
- ◆ **Do we need an Official Representative in our Welcome video?**
Absolutely not! It is your community's choice on whether or not you would like to have a civic leader represented in the welcome video.
- ◆ **Does our city have a choice in what type of establishments can participate in the sponsorship fulfillment?**
Of course! Your community has a say in the types of businesses that are featured. We simply need to know prior to the beginning of the sponsorship fulfillment campaign. For further information, please request CGI's Sponsor Policy.
- ◆ **What is relocate.org?**
Relocate.org is the largest online community video network in the nation to assist those relocating. By partnering with CGI, your completed video program will be showcased on relocate.org at no cost to garner more exposure for your wonderful community.
- ◆ **Is there a special rate for non-profit organizations that want to get involved?**
We provide a Community Organizations chapter that creates an opportunity for local non-profits to garner exposure on our program at no-cost.

Dear Lewiston Business Owner:

The City of Lewiston is excited to announce the launch of a new program that we feel will have a significant impact on the promotion of our wonderful community. We have entered into a three year agreement with CGI Communications to produce a series of streaming online videos highlighting all our community has to offer its residents, visitors, and businesses.

CGI is a leader in online marketing solutions, working with thousands of communities and businesses nationwide. With an easily viewable interface on the official city website (www.lewistonmaine.gov) their video program will encourage viewers to learn more about area attractions, economic development opportunities, quality of life, and so much more.

In addition to the videos being on the city's official web site, they will also be featured on Relocate.org, the largest relocation network in the nation. The City of Lewiston is dedicated to highlighting the advantages of living and working in our community, and we feel that this program can do just that!

A representative of CGI Communications will be contacting you with an opportunity to take advantage of their innovative digital media tools and services. We encourage you to consider supporting this program, which we feel is truly a win-win for all involved.

Best Regards,

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Title