

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
NOVEMBER 19, 2013**

6:00 p.m. Workshop

- A. Discussion regarding Inaugural Ceremony - 15 minutes
- B. Discussion of proposed Personnel Policy changes - 20 minutes
- C. Simard Payne Police Memorial Park update - 20 minutes

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.

Moment of Silence.

Update from the Lewiston Youth Advisory Council

Acceptance of the minutes of the meetings of September 3 & 17 and October 15, 2013.

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 7.

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

- * 1. Authorization to accept transfer of forfeiture funds.
- * 2. Amendments to the Traffic Schedule regarding parking prohibited on a portion of No Name Pond Road.

REGULAR BUSINESS:

- 3. Public Hearing on a new liquor license application and special amusement permit for Skye Event Center, 855 Lisbon Street.
- 4. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for LBK Events, LLC, 1 Bates Street.
- 5. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Fish Bones American Grill, 70 Lincoln Street.
- 6. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Ramada, 490 Pleasant Street.
- 7. Public Hearing on the new application for a Special Amusement Permit for Live Entertainment for Casa del Luna, 838 Lisbon Street.
- 8. Public Hearing and First Passage regarding amendments to the General Assistance Ordinance.
- 9. Amendments to the General Assistance Policy.

10. Order authorizing the City Administrator to execute an Option Agreement with Bates Mill LLC, regarding Bates Mill #5.
11. Resolve approving and adopting the Analysis of the Impediments to Fair Housing Choice, Lewiston and Auburn, Maine 2013.
12. Order authorizing the foreclosure and sale of real estate located at 11 Walker Avenue and land located at 68 Jones Avenue and 7 Bartlett Street.
13. Order authorizing staff to proceed with Phase 1 of Simard Payne Park Project.
14. Request from the Kora Shrine for use of city services and a waiver of parking garage fees regarding the organization's November Festival of Trees fundraising event.
15. Reports and Updates.
 - A. DNAC update regarding Downtown Neighborhood Visioning Process
 - B. Report and Update: Recommendation from the School Superintendent to seek additional School Budget vote.
16. Any other City Business Councilors or others may have relating to Lewiston City Government.
17. Executive Session to discuss a legal matter with the City Attorney.
18. Executive Session to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, November 19, 2013
6:00 P.M.

1. Discussion of Inaugural Ceremony. (15 minutes)

The City has traditionally held its inaugural ceremony at a venue separate from City Hall and has included a reception afterward for the newly elected officials, their friends and family, and others who are interested in Lewiston City Government. In recent years, the event has been held at the Franco American Center. Prior to that, it was frequently at Lewiston Middle School Auditorium. The school auditorium is not available this year due to construction. The Council has approved \$1,000 in the current budget to cover associated expenses. The Mayor has suggested that we may wish to consider a smaller, less expensive event this year and would like to discuss this with the Council. Please see the attached memo from City Clerk Kathy Montejo.

2. Proposed Personnel Policy Changes – Health Insurance (20 minutes)

Over the past few months, staff has been investigating alternative health insurance programs offered by our insurer, the Maine Municipal Health Trust. The Trust has recently introduced two new plans, PPO 500 and PPO 1500. These plans increase various co-pays and deductibles, but they are somewhat less expensive. We would like to begin offering these plans to our non-union employees as an option to the current plan, POS-C. To do so, our personnel policy must be amended. The proposed change would adopt these plans as options that employees may elect, provide certain incentives for employees to migrate to these plans, and make some minor changes to the current Health Care Management System in regard to scheduling and keeping appointments with our Health Care Educator.

3. Simard Payne Park Value Engineering (20 minutes)

The value engineering effort designed to reduce the cost of Phase I of the Simard Payne Park improvement project (Gateway Park) has been completed with the goal of reducing price while retaining a high quality product. We would like to review the project and price changes with you prior to proceeding with it. Please see the background information included with the agenda for the regular meeting. Note that total project cost has been reduced from \$583,815 to \$489,919. An order authorizing staff to proceed with the project is on the regular agenda. Please note that this is also dependent on the Finance Committee's approval. It will consider the matter at its November 18th meeting.



City of Lewiston, Maine

Department of City Clerk

Kathleen M. Montejo, MMC
City Clerk & Registrar of Voters

Kelly J. Brooks, CMC
Deputy City Clerk



MEMO FOR WORKSHOP SESSION - NOVEMBER 19 CITY COUNCIL MEETING

TO: Mayor Macdonald and City Councilors
FROM: Kathy Montejo, City Clerk
RE: Planning logistics for the 2014 Inaugural Ceremony
DATE: November 13, 2013

The Mayoral Inaugural and Elected Officials Oath of Office ceremony will be held, by Charter, on Monday, January 6, 2014. Mayor Macdonald mentioned recently that in light of cuts to the 2014 inaugural program budget and in an effort to be fiscally conservative, he would be fine with holding a very small and simple ceremony this year in the City Council Chambers. However, since the ceremony is the oath of office for the Mayor, City Council, and School Committee, he wanted to seek the input of the other elected officials.

The attached material provides some background material on the event planning and the expenses from the 2012 event, the prospective budget for the 2014 event, as well as information on options for an event venue.

I will note the 2014 event budget has been reduced by one-third (from \$1,500 to \$1,000) and the 2014 estimated budget reflects that cut. In the recent past, the City has used the Franco-American Heritage Center for this event. In previous years, the hall rental fee has been waived, but FAHC is unable to waive that this year due to the expenses (staff time) they incur for this event and we have a new charge of \$200 for use of this facility.

Since the 2014 will not include a transition in the position of Mayor, the estimated attendance for this year's event will be lower than if the ceremony included an outgoing and incoming Mayor.

I will be present at the workshop and happy to assist the Council with the discussion of this issue. This is a policy decision of the Council and staff is able to coordinate any level of event the elected officials would like to have for their oath of office ceremony.

City of Lewiston Inaugural Ceremony 2014

Date: Monday, January 6, 2014 (set by Charter - first Monday of January).

Basic Program: Oath of Office ceremony for 16 elected officials - Mayor, City Council and School Committee. The incoming and outgoing Mayors (if applicable) present speeches as does the incoming City Council President and the incoming School Committee Chairperson.

Optional - Entertainment by student musicians and dessert & coffee reception following ceremony

Ceremony is usually a very formal event with invocations and benedictions offered by local clergy, singing of National Anthem, Police and Fire Honor Guards presenting the colors, etc.

Location Options:

- 1) Franco-American Heritage Center - large size venue (recent Inaugurals held here)
- 2) Callahan Hall at the Library - medium size venue
- 3) The Green Ladle, Lewiston High School Campus - medium size venue
- 4) City Council Chambers - small size venue

Note - The Lewiston Middle School Auditorium is unavailable due to the building construction.

Event Budget for 2014: \$1,000

Note - Traditional budget amount is \$1,500 but the City Council reduced this amount for 2014 due to cost saving efforts.

Below is the list of expenditures from the 2012 Inaugural Ceremony (transition of Mayors) which was held at the Franco-American Heritage Center with a dessert reception following:

| <u>Item</u> | <u>Quantity</u> | <u>Cost</u> |
|--|-----------------|-------------|
| Coffee, punch, napkins, cups, paper towels | | \$200 |
| Food for Reception | | \$450 |
| Bottled Water for tables on stage | | \$10 |
| Boutonnieres & Corsages | | \$267 |
| Printed Invitations on card stock | | \$125 |
| Programs | | \$40 |
| Stamps for invitations | | \$132 |
| Total | | \$1,224 |

Prospective Budget for the 2014 Inaugural Ceremony:

| | |
|--------------|---|
| \$200 | hall rental fee for Franco-American Heritage Center or A/V equipment rental at Callahan |
| \$275 | corsages and boutonnieres |
| \$325 | cookies and punch for 150 guests (includes paper goods) |
| \$ 40 | paper to print the programs - printed in house |
| \$ 50 | invitations - printed in house |
| \$150 | postage to mail invitations |
| <u>\$ 10</u> | bottled water for everyone at head tables |
| \$1,050 | estimated total (\$1,000 budgeted amount) |

Items to consider regarding locations:

- 1) Franco American Heritage Center - \$200 room rental fee
- 2) Callahan Hall - \$200 A/V equipment rental fee
- 3) Green Ladle – no room charge but food costs higher (\$4pp) plus 18% labor fee for servers = \$708

Possible options if the Council wanted to change the event and do a smaller event:

This is a policy decision of the elected officials. Options could include:

- 1) eliminating the printing and mailing of invitations to community leaders (savings of about \$150)
- 2) eliminating the corsages and boutonnieres (savings of about \$275)
- 3) eliminating the reception and related food (savings of about \$325)



The Office of
Deputy City Administrator
Phil Nadeau
MEMORANDUM

TO: Mayor and City Council
FR: Phil Nadeau
RE: New Health Insurance Options for Non-Union Personnel & Other Related Amendments

DT: 11.19.13

In order for the city to offer more health insurance plan options to non-union personnel, the City Council may approve up to three MMEHT (Maine Municipal Employee Health Trust) health insurance plans. The Personnel Policy currently offers only the POS (Point-of-Service) C option. The City Administrator's Office is urging the Council to approve two more plan options for non-union employees: PPO (Preferred Provider Organization) 500 and PPO 1500. These plans are higher deductible plans which carry lower premium cost for both the city and for the employee (see enclosed materials for cost differences).

We are also recommended that the policy be amended to allow the City to incentivize the selection of these lower premium programs by approving the creation of a Health Reimbursement Arrangement (HRA) plan which will assist the employee in paying for the higher out of pocket costs associated with these higher deductible plans. Though it is far too complex a task to outline the similarities and differences of POS and PPO plans, the recommended proposals will offer plan options to employees that will create potential cost savings for both employees and the city.

A second proposed health care Personnel Policy amendment will establish the use of our new appointment calendar software as a requirement for all employees for scheduling an annual appointment with the city's Health Care Educator (HCE). Employing this simple software has produced a 24/7 opportunity for employees to take responsibility for scheduling their required appointments, both for themselves and, if applicable, their spouses. Failure to comply with the requirement results in the employee paying a higher premium until such time as they fulfill all HCE compliance requirements.

In order for these health plan options to be offered to union employees, all new plans must be approved by the unions through the collective bargaining process. The City Administrator's Office will be prohibited from discussing any activity associated with the collective bargaining process during any public meeting, but will be happy to fully inform the Council of progress in this area during scheduled executive sessions.

There will clearly be more to discuss during the work session, and we look forward to sharing all the information that we have gathered over these last few months.



The Office of
Deputy City Administrator
Phil Nadeau
MEMORANDUM

TO: Mayor and City Council

FR: Phil Nadeau

CC:

RE: City Personnel Policy Amendment – Addition of PPO 500 & 1500 Health Insurance Plans; New Health Reimbursement Arrangement Accounts; and Amendments requiring Employee use of the Health Care Educator Appointment Calendar

DT: 11.19.13

The City Administrator's Office is recommending approval of the following amendments to the City Policy Manual, Personnel Policy section:

That the "HEALTH INSURANCE" section in the Personnel Policy be amended as follows:
"The City of Lewiston shall provide the Maine Municipal Employees Health Trust (MMEHT) Dual Option Point-of-Service (POS) C Comprehensive plan, the Preferred Provider Organization (PPO) 500, 1500 or comparable plans providing substantially similar coverages and deductibles (single, two-person, or family plan) to those eligible Employees and their eligible dependents.

Eligible Employees shall be eligible for authorized to receive this insurance on the first (1st) day of the month following the month they begin work for the City. Employees will pay a portion of the annual premium for the Point of Service (POS) -C, PPO 500 or 1500 (single, two-person or family plan). Employee contributions for the POS-C, PPO 500 and PPO 1500 Plans will be in accordance to the schedule outlined in the City Personnel Policy entitled HEALTH CARE MANAGEMENT SYSTEM FOCUSING ON PREVENTION focusing on health care prevention

The City Administrator's Office is recommending approval of the following amendments to the City Policy Manual, Personnel Policy section:

That the "FLEXIBLE BENEFIT PLAN" section in the Personnel Policy be amended as follows:

FLEXIBLE SPENDING ACCOUNT BENEFIT AND HEALTH REIMBURSEMENT ARRANGEMENT PLAN BENEFIT
"For all eligible employees, ~~the~~ City of Lewiston shall provide a Flexible Spending Account and Health Reimbursement Arrangement Benefits Plan (through a third party administrator) as allowed under Section 125 of the Internal Revenue Code. Eligible ~~Employees~~ shall bear the cost of either the ~~Medical Reimbursement-Flexible Spending Account~~ and/or Dependent Care Options, except for a yearly contribution from the City of Lewiston of \$200 in the ~~Medical Reimbursement- Flexible~~

Spending Account of those employees who are not covered by a labor agreement and are participating in the Health Care Management System.

For those employees electing to participate in the MMEHT PPO 500 or 1500 health insurance plans, the City of Lewiston shall contribute funds to the employee's Health Reimbursement Arrangement in accordance with the following schedule:

- A. PPO 500: \$600 Single Plan; \$1,200 Family Plan; \$1,200 Employee/Spouse Plan
- B. PPO 1500: \$1,200 Single Plan; \$3,000 Family Plan; \$3,000 Employee Spouse Plan

Employees not opting to participate in the Flexible Benefits Plan or the Health Reimbursement Arrangement immediately upon being employed or not sustaining a lifestyle change complying with the requirements outlined in the HEALTH CARE MANAGEMENT SYSTEM FOCUSING ON PREVENTION section of the City Personnel Policy during the year, will not be eligible to participate until the next calendar year or shall pay applicable penalties outlined in the HEALTH CARE MANAGEMENT SYSTEM FOCUSING ON PREVENTION until such time as they are fully compliant."

The City Administrator's Office is also recommending approval of the following amendments to the City Policy Manual, Personnel Policy section:

That the "HEALTH CARE MANAGEMENT SYSTEM FOCUSING ON PREVENTION" section in the Personnel Policy, sub-section "Health Risk Analysis and Educators" be amended as follows:

"After the initial consultation, each member will receive at least one additional face to face meeting annually. Such meetings will be primarily designed to be on the job site for the employees and in a private setting. Depending on the results of the health risk analysis and the goals of the member, additional meetings will be scheduled. Should an in-person consultation not be practical, phone and email communication may become alternatives if approved by the City Administrator or the Deputy City Administrator.

Both Employees and spouses must schedule their appointment with the HCE using the city-provided online calendar software or, if no computer is available, call or email the Human Resources office, no later than March 31st of each year.

The following will result in changing the premium payment from 10% to 25% effective in the first January paycheck if the following occur (with exceptions noted):

- Employee or spouse fail to schedule their appointment between January 1st and March 31st of each year.
- Employee or spouse fail to appear for a scheduled appointment (only significant matters of a serious and personal nature will serve as cause for a waiver to be issued by the City Administrator or Deputy City Administrator).
- Appointments cancelled by the HCE will be rescheduled by the HCE within 14 days of the cancellation and shall not result in any penalty to the Employee or spouse on the condition that the Employee and/or spouse agree to a new appointment date that will occur no later than February 28th of each year.
- Unless management disputes an Employee's claim that a cancellation or "no show" was job related, job related duties that result in Employee cancellations or "no shows" shall require the HCE to reschedule the appointment within 14 days of the cancellation and shall not result

in any penalty to the Employee on the condition that the Employee agree to a new appointment date that will occur no later than February 28th of each year.

- Employees and spouses without access to a computer must ensure that they call or email Human Resources early enough so that staff may assist in scheduling the appointment for the Employee or spouse no later than March 31st.



Value Based Purchasing Incentives and "Providers of Distinction" Effective January 1, 2014 for POS C, POS 200, PPO 500, PPO 1000, PPO 1500 and PPO 2500

INTRODUCTION

Variations in the cost and quality of health care across Maine are real; unwarranted variations exist in process, outcomes, satisfaction and cost. To address these variations, plan sponsors are reporting information and creating plan design incentives to influence purchasing behavior. **For calendar year 2014, the Maine Municipal Employees Health Trust (MMEHT) will continue to include value based purchasing features and incentives, often called "tiered networks", as part of its health insurance plans. If you are enrolled in the POS C, POS 200, PPO 500, PPO 1000, PPO 1500, or PPO 2500 plan, these programs will apply to you.**

The Board of Trustees adopted the *MMEHT Providers of Distinction* based on the methodology described below. There are three broad categories for tiering, which include hospitals, specific procedures at specified hospitals, and primary care physicians (PCPs). The Health Trust will introduce financial incentives to Trust participants who voluntarily use preferred facilities or providers. These incentives will provide the best benefit should a member choose to use one of the *MMEHT Providers of Distinction*.

In an effort to make these programs easier for our members to understand and to use, we have developed the following Q&A. If you have any other questions regarding this program, please call the Health Trust Member Service Representatives at 1-800-852-8300.

What are tiered networks?

Tiered networks allow members to reduce their copays and out-of-pocket costs by seeking care from Providers of Distinction – primary care doctors and hospitals that have demonstrated the highest quality and safety and lowest costs.

Which MMEHT health plans use the tiered networks?

All MMEHT health plans (with the exception of the POS A plan and the Retiree Group Companion Plan) use the tiered networks, although to a varying degree. The POS C plan only uses tiered networks for the Preferred PCP designation. The POS 200 plan and all of the PPO plans use the Preferred PCP designation, as well as the Preferred Facility designations for preferred hospitals (as described below).

What is the advantage to using a Preferred PCP?

If your Primary Care Physician is designated as a Preferred PCP, your office visit copay will be reduced to \$10 per visit if you are enrolled in the POS C, POS 200, PPO 500, or PPO 1000 plan; or to \$15 if you are enrolled in the PPO 1500 or PPO 2500 plan.

How do I find out if my Primary Care Physician is a Preferred PCP?

Log on to the Maine Health Management Coalition's website at www.getbettermaine.org and enter the required information for your doctor. A doctor or practice will only be considered Preferred if they rate "Good", "Better", or "Best" in at least two categories, based on quality of care.

What is the advantage to using a Preferred Hospital Facility?

If you receive inpatient or outpatient surgical services from a Preferred Hospital Facility ("Hospital of Distinction"), the deductible amount applicable to qualifying services that you receive from the hospital will be waived (if you are covered by the POS 200, PPO 500, or PPO 1000 plan), or reduced by \$1,000 (if you are covered by the PPO 1500 or PPO 2500 plan). Please note that separately billed services, such as anesthesiology, lab, x-ray and advanced imaging, or emergency room services, will still be subject to any applicable deductible, copay, or coinsurance amount.

Which hospitals are included as “Preferred Facilities”?

Effective January 1, 2014, there are 20 hospitals on the Preferred Hospital Facility list. Please refer to the section titled “MMEHT Hospitals of Distinction” (below) for the current list.

What is the advantage to using a Preferred Hospital Facility for Specified Procedures?

If you receive services from one of the Preferred Hospital Facilities for Specified Procedures, any deductible and coinsurance amount applicable to the specified surgeries (as listed below) will be waived. Please note that separately billed services such as anesthesiology or pathology claims will still be subject to any applicable deductible, copay, or coinsurance amount.

Which hospitals are included as “Preferred Facilities” for procedures, and for which procedures?

Effective January 1, 2014, there are five Preferred Hospital Facilities for **Knee and Hip Replacement Surgery** and two Preferred Hospital Facilities for **Bariatric Surgery**. There is one Preferred Hospital Facility for **Spine Surgery**. Please refer to the section titled “MMEHT Hospitals of Distinction – Specified Procedures” (below) for the current list.

MMEHT HOSPITALS OF DISTINCTION

HOSPITAL TIERING

Preferred Facility (“Tax-Id”)

Incentives

For qualifying services received at the Preferred Facility

★ **Reduced Out of Pocket (OOP) by Waived or Reduced Deductible**
POS 200 – Reduced OOP by \$200 (deductible waived)
PPO 500 – Reduced OOP by \$500 (deductible waived)
PPO 1000 – Reduced OOP by \$1000 (deductible waived)
PPO 1500 – Reduced OOP by \$1000 (deductible reduced by \$1000)
PPO 2500 – Reduced OOP by \$1000 (deductible reduced by \$1000)

The MMEHT Board of Trustees adopted the following hospital list approved through sound methodology in partnership with Anthem Blue Cross and Blue Shield in Maine and in accordance with the Maine Health Management Coalition (MHMC) quality metrics. Each preferred hospital meets minimum criteria in four categories: **Effective** (treatment of heart failure and pneumonia), **Safe** (preventing surgical infections, medication safety, national safe practice survey, falls with injury, and preventing harm to babies from elective early deliveries), **Patient Experience**, and **Cost**. The methodology weights **Quality Care (effective, safe and patient experience—based on MHMC measures)** 70% and **Cost (based upon Anthem’s July – December 2012 unit costs)** 30%. Hospitals designated as “preferred” or tier one will continue to be considered “preferred” for all covered services they perform with the exception of knee and hip replacement surgery, bariatric surgery, and spine surgery, as outlined above. **It is important to note that any separately billed services, such as anesthesiology or pathology claims, will be processed subject to any applicable cost shares.**

20 PREFERRED HOSPITALS

Bridgton Hospital (Bridgton)
Central Maine Medical Center (Lewiston)
Charles A. Dean Memorial Hospital (Greenville)
Franklin Memorial Hospital (Farmington)
H.D. Goodall Hospital (Sanford)
LincolnHealth (Boothbay Harbor/Damariscotta)
Maine Coast Memorial Hospital (Ellsworth)
MaineGeneral Medical Center (Augusta-Waterville)
Maine Medical Center (Portland)
Mercy Hospital (Portland)

Mid Coast Hospital (Brunswick)
Mount Desert Island Hospital (Bar Harbor)
Northern Maine Medical Center (Fort Kent)
Parkview Adventist Medical Center (Brunswick)
Pen Bay Medical Center (Rockport)
Redington-Fairview General Hospital (Skowhegan)
Southern Maine Medical Center (Biddeford)
St. Joseph Hospital (Bangor)
St. Mary’s Regional Medical Center (Lewiston)
York Hospital (York)

MMEHT HOSPITALS OF DISTINCTION – Specified Procedures

HOSPITAL TIERING

Preferred Facility for *Procedure*

Incentives

- ★ Waived deductible
- ★ Waived coinsurance (\$0 out-of-pocket costs for hospital charges)
POS 200, PPO 500, PPO 1000, PPO 1500, and PPO 2500 Plans

The MMEHT Board of Trustees adopted the following procedure list at specified hospitals approved through sound methodology in partnership with Anthem Blue Cross Blue Shield’s Blue Distinction Program. These incentives build on the Preferred Facility program (outlined below) by adding an additional quality component for designated procedures. The incentives will only be available when the designated surgery is performed at the designated hospital listed below. **It is important to note that any separately billed services, such as anesthesiology or pathology claims, will be processed subject to any applicable cost shares.**

Designated Procedure or Surgery

Designated Hospital(s)

Knee and Hip Replacement Surgery

Central Maine Medical Center (Lewiston)
MaineGeneral (Augusta/Waterville)
Mercy Hospital (Portland)
St. Joseph Hospital (Bangor)
St. Mary’s Regional Medical Center (Lewiston)

Bariatric Surgery

Central Maine Medical Center (Lewiston)
Maine Medical Center (Portland)

Spine Surgery

Mercy Hospital (Portland)

MMEHT PRIMARY CARE PHYSICIANS OF DISTINCTION

PCPs

Primary Care Physicians

Preferred PCPs

Providers with at least two “Good”, “Better”, or “Best” ratings from the Maine Health Management Coalition website: www.getbettermaine.org

Incentives

- ★ **Reduced Office Visit Copays**
- POS C \$10 PPO 1000 \$10
- POS 200 \$10 PPO 1500 \$15
- PPO 500 \$10 PPO 2500 \$15

The MMEHT Board of Trustees adopted a listing of Primary Care Physicians (PCPs) as its preferred tier or MMEHT Providers of Distinction based on the Maine Health Management Coalition’s (MHMC) **quality** (effective care and safety) metrics as reported on the Coalition’s website (www.getbettermaine.org). The Maine Health Management Coalition’s Pathways to Excellence (PTE) Steering Committee has developed a set of metrics to measure how effectively primary care practices manage their patients with chronic conditions and how pediatric practices manage their patients.

The Maine Health Management Coalition Foundation publishes quality data on Primary Care Physicians (PCPs). Doctors who treat adults voluntarily submit clinical information to Bridges to Excellence and/or the National Committee on Quality Assurance. These organizations in turn conduct assessments and generate rankings regarding the quality of the care being provided. The participating Primary Care Physicians may also submit information about the tools they use in maintaining and transferring medical information, and assisting their patients.

Bridges to Excellence and the National Committee on Quality Assurance are independent, non-profit organizations that publish information about how well doctors and their staffs across the U.S. are doing at taking care of their patients. Once a ranking is given it remains valid for two to three years.

The Maine Health Management Coalition’s website, www.getbettermaine.org, is a link to the doctor ratings. A doctor or practice will be considered preferred if they rate “Good”, “Better” or “Best” in at least two categories. Categories include effective, safe and satisfactory care. If a doctor is not rated, receives a low score, or does not report, that doctor will not be considered preferred.

THE FUTURE

The MMEHT Board of Trustees will periodically evaluate the methodology utilized and the published *MMEHT Providers of Distinction*. The MMEHT will inform members of any methodology or hospital list changes.

For how long is the *MMEHT Providers of Distinction* tier Effective January 1, 2014 in place?

The MMEHT Board of Trustees approved the use of the MMEHT Providers of Distinction hospital lists for the entire 2014 calendar year. However, the Board of Trustees reserves the right to consider modifications during the year should there be some compelling reason(s) to explore a change (such as a drop in safety rating or an unintentional error.) The MMEHT Board of Trustees approved the use of the MMEHT Providers of Distinction PCP lists as noted on the Maine Health Management Coalition website, www.getbettermaine.org. MHMC ratings can change periodically throughout the year; they will notify physicians of any changes.

What is the best resource to help me determine what providers to see?

The first place to start is to contact our MMEHT Member Service Representatives at 1-800-852-8300 or hservice@memun.org. We will always have access to the current listing of hospitals designated as *MMEHT Providers of Distinction*. This listing may also be found on the MMEHT website, www.mmeht.org. To find out if your PCP has achieved the required rating to be designated as an *MMEHT Provider of Distinction*, please visit the Maine Health Management Coalition website, www.getbettermaine.org to see their specific ratings on individual categories. A doctor or practice will be considered preferred if they rate "Good", "Better" or "Best" in at least two categories.

MMEHT/ANTHEM HOSPITAL TIERING METHODOLOGY

The MMEHT will use the performance reported on the Maine Health Management Coalition's website (www.getbettermaine.org) and will augment those data with Anthem hospital unit cost data from the most recent year (i.e., July through December 2012). The Coalition website presents performance in the following three categories: **Effective** (treatment of heart failure and pneumonia), **Safe** (preventing surgical infections, medication safety, national safe practice survey, falls with injury, and preventing harm to babies from elective early deliveries), and **Patient Experience**. Based on these three categories and the Anthem hospital cost data the MMEHT will employ the following weighting:

Effective January 1, 2014: Effective = 30% Safe = 30% Patient Experience = 10% Cost = 30%

Using the Maine Health Management Coalition icons for "Low", "Good", "Better", and "Best" the values will be:

Low = 1 Good = 2 Better = 3 Best = 4

"Low" is designated for performance below the national average, "good" represents average, "better" reflects better than the national average, and "best" indicates performance in the top 10% of the nation's hospitals. The math is fairly straightforward. In the **Safe** category, since there are five measures, the maximum value a hospital can receive is 20 (4 x 5). If, for example, a hospital achieved four "betters" and one "best" the raw score would be 16 (4+3+3+3+3=16). The raw score is divided by the maximum value (20) and that percentage (.8) is multiplied by 30 (the weighting factor) to reach a **Safe** score of 24. For those instances when a hospital's performance is indicated as "Not Enough Data" or "Unable to Determine", those items will not be included in the categories denominator.

The same approach is used for the **Effective** measures where the maximum value is 8 (4 x 2). One "best" and one "better" would result in a raw score of 7. The raw score is divided by the maximum (8) producing a percentage (.875) applied to the weighting factor (30) for an **Effective** score of 26.25. For **Patient Experience** only the overall patient experience score from the Hospital Consumer Assessment of Healthcare Providers and Systems survey will be used.

Unlike the other categories, the **Cost** scoring is established as follows:

Based upon Anthem Unit Cost Data for July through December 2012:

- 8% or greater above the Anthem Network average = 0
- Between 4% and 7.9% above the Anthem Network average = 1
- Between the Anthem Network average and 3.9% above the Anthem Network average = 2
- Below the Anthem Network average to 4.9% below the Anthem Network average = 3
- 5% or greater below the Anthem Network average = 4

As in 2013, MMEHT used a total score of 60% of available points as the threshold for preferred status in 2014. In order to receive a score equal to or greater than 60% (or .6), a hospital will have performed "better" or above average in the majority of categories. MMEHT, with Anthem, will update its preferred hospital network annually based upon the MHMC publicly reported results available on July 1st and Anthem's updated hospital unit cost data.

NOTES



MAINE MUNICIPAL EMPLOYEES HEALTH TRUST

MEDICAL PROGRAM SUMMARY - January 1, 2014 to December 31, 2014

All benefits shown are In-Network. Services received Out-of-Network, if covered, may be paid at a lower level of benefits. Please consult your Plan Document or Summary Plan Description booklet for more information.

All figures shown (deductibles, copays, and coinsurance) reflect what the Member pays towards the cost of services.

| | 1 POS A Traditional | 2 POS C Comprehensive | 3 POS 200 | 4 PPO 500 | 5 PPO 1000 | 6 PPO 1500 | 7 PPO 2000 |
|---|---|--|---|---|---|---|---|
| DEDUCTIBLE Individual / Family | \$0 (No deductible) | \$0 (No deductible) | \$200 / \$400 | \$500 / \$1,000 | \$1,000 / \$2,000 | \$1,500 / \$3,000 | \$2,500 / \$5,000 |
| CO-INSURANCE (Member pays) | 10% for most services | 10% for most services | 20% | 20% | 20% | 20% | 20% |
| OUT OF POCKET MAXIMUM Deductible plus Coinsurance Individual / Family | \$500 / \$1,000 | \$1,000 / \$2,000 | \$1,200 / \$2,400 | \$1,500 / \$3,000 | \$2,000 / \$4,000 | \$3,000 / \$6,000 | \$3,500 / \$7,000 |
| COPAYS: | | | | | | | |
| Office Visit Copay | \$10 | \$15 (PCP or Specialist) / \$10 PCP Provider of Distinction | \$15 PCP / \$20 Specialist / \$10 PCP Provider of Distinction | \$20 PCP / \$30 Specialist / \$10 PCP Provider of Distinction | \$20 PCP / \$30 Specialist / \$10 PCP Provider of Distinction | \$25 PCP / \$35 Specialist / \$15 PCP Provider of Distinction | \$25 PCP / \$35 Specialist / \$15 PCP Provider of Distinction |
| Mental Health Outpatient Copay | \$10 | \$15 | \$15 | \$20 | \$20 | \$25 | \$25 |
| Emergency Room Copay | \$100 | \$100 | \$100 | \$150 | \$150 | \$150 | \$150 |
| Walk-In Center Copay | \$10 | \$15 | \$20 | \$30 | \$30 | \$35 | \$35 |
| PREVENTIVE CARE: | | | | | | | |
| Preventive Care, including mammograms, Pap tests, women's preventive health services, colonoscopies, PSA tests, and routine physicals | 0% | 0% | 0%; deductible waived | 0%; deductible waived | 0%; deductible waived | 0%; deductible waived | 0%; deductible waived |
| Preventive Lab and X-Ray | 0% | 0% | 0%; deductible waived | 0%; deductible waived | 0%; deductible waived | 0%; deductible waived | 0%; deductible waived |
| Preventive Eye Exams (Limited benefits) | 0% | 0% | 0%; deductible waived | 0%; deductible waived | 0%; deductible waived | 0%; deductible waived | Not Covered (Exams for children under age 5 covered under preventive care) |
| OTHER SERVICES: | | | | | | | |
| In Patient Hospital Services | 10% (0% for Physician Services) | 10% (0% for Physician Services) | Deductible then 20% | Deductible then 20% | Deductible then 20% | Deductible then 20% | Deductible then 20% |
| Out Patient Surgical Facility | \$100 copay | \$100 copay | Deductible then 20% | Deductible then 20% | Deductible then 20% | Deductible then 20% | Deductible then 20% |
| Diagnostic Lab & X-Ray | 0% | 0% | Deductible then 20% | Deductible then 20% | Deductible then 20% | Deductible then 20% | Deductible then 20% |
| Advanced Imaging (MRI/CT/PET) | \$100 copay Copays limited to \$300 per Cal Yr | \$100 copay Copays limited to \$300 per Cal Yr | Deductible then 20% | Deductible then 20% | Deductible then 20% | Deductible then 20% | Deductible then 20% |
| Chiropractic Care | \$10 copay Limited to 36 visits per Cal Yr | \$15 copay Limited to 36 visits per Cal Yr | \$20 copay Limited to 36 visits per Cal Yr | \$30 copay Limited to 36 visits per Cal Yr | \$30 copay Limited to 36 visits per Cal Yr | \$35 copay Limited to 36 visits per Cal Yr | \$35 copay Limited to 36 visits per Cal Yr |
| Physical, Speech and Occupational Therapy | \$10 copay Limited to 75 Visits per Cal Yr (Combined Limit) | \$15 copay Limited to 75 Visits per Cal Yr (Combined Limit) | \$15 copay Limited to 75 Visits per Cal Yr (Combined Limit) | \$15 copay Limited to 75 Visits per Cal Yr (Combined Limit) | \$15 copay Limited to 75 Visits per Cal Yr (Combined Limit) | \$20 copay Limited to 75 Visits per Cal Yr (Combined Limit) | \$20 copay Limited to 75 Visits per Cal Yr (Combined Limit) |
| PRESCRIPTION DRUGS (5 TIER): Tier 1-Select Generic / Tier 1- Standard / Tier 2 / Tier 3 / Tier 4- Specialty and Infusions | 5-Tier Rx | 5-Tier Rx | 5-Tier Rx | 5-Tier Rx | 5-Tier Rx | 5-Tier Rx | 5-Tier Rx |
| RX COPAY (30 day supply) | \$4/\$10/\$30/\$50/\$60 | \$4/\$10/\$30/\$50/\$60 | \$4/\$10/\$30/\$50/\$60 | \$4/\$10/\$30/\$50/\$60 | \$4/\$10/\$30/\$50/\$60 | \$4/\$10/\$30/\$50/\$60 | \$4/\$10/\$30/\$50/\$60 |
| RX COPAY (31-90 day supply) | \$8/\$20/\$60/\$100/\$120 | \$8/\$20/\$60/\$100/\$120 | \$8/\$20/\$60/\$100/\$120 | \$8/\$20/\$60/\$100/\$120 | \$8/\$20/\$60/\$100/\$120 | \$8/\$20/\$60/\$100/\$120 | \$8/\$20/\$60/\$100/\$120 |
| OTHER: Voluntary Value-Based Incentives | N/A | Financial Incentives To Use MMEHT Providers of Distinction: Preferred Primary Care Physicians (getbettermaine.org ratings) | Financial Incentives To Use MMEHT Providers of Distinction: Preferred Hospitals (Procedure and "Tax ID") and Preferred Primary Care Physicians | Financial Incentives To Use MMEHT Providers of Distinction: Preferred Hospitals (Procedure and "Tax ID") and Preferred Primary Care Physicians | Financial Incentives To Use MMEHT Providers of Distinction: Preferred Hospitals (Procedure and "Tax ID") and Preferred Primary Care Physicians (getbettermaine.org ratings) | Financial Incentives To Use MMEHT Providers of Distinction: Preferred Hospitals (Procedure and "Tax ID") and Preferred Primary Care Physicians (getbettermaine.org ratings) | Financial Incentives To Use MMEHT Providers of Distinction: Preferred Hospitals (Procedure and "Tax ID") and Preferred Primary Care Physicians (getbettermaine.org ratings) |
| Cap on In-Network Copays (Includes medical and Rx copays) Individual / Family | \$5,850 / \$11,700 | \$5,350 / \$10,700 | \$5,150 / \$10,300 | \$4,850 / \$9,700 | \$4,350 / \$8,700 | \$3,350 / \$6,700 | \$2,850 / \$5,700 |

MMEHT

This is a summary for comparative purposes only. In the case of any discrepancies, the official contract or plan document will govern.

MAINE MUNICIPAL EMPLOYEES HEALTH TRUST

MEDICAL PROGRAM SUMMARY - January 1, 2014 to December 31, 2014

TYPES OF PLANS

| | 1 POS A Traditional | 2 POS C Comprehensive | 3 POS 200 | 4 PPO 500 | 5 PPO 1000 | 6 PPO 1500 | 7 | |
|-------------------------|---|---|---|--|--|--|--|-----|
| TYPE OF PLAN | POINT OF SERVICE PLAN | POINT OF SERVICE PLAN | POINT OF SERVICE PLAN | PREFERRED PROVIDER PLAN | PREFERRED PROVIDER PLAN | PREFERRED PROVIDER PLAN | PREFERRED PROVIDER PLAN | |
| PCP Designation | Required | Required | Required | Recommended | Recommended | Recommended | Recommended | |
| Referrals Required? | Yes | Yes | Yes | No | No | No | No | |
| DESCRIPTION | <p>A POS, or Point of Service, plan begins with Anthem's HMO Choice network. Benefits are paid at the In-Network (higher) level for services received from the member's PCP, or from other In-Network providers with a referral from the PCP. Some services require that a member obtain prior authorization in order for benefits to be paid at the higher level of coverage. Benefits are paid at the Out-of-Network (lower) level for services received without a referral (except as designated by the plan), or for services received from Out-of-Network providers.</p> <ul style="list-style-type: none"> ● In-Network Providers - Members select a Primary Care Physician (PCP) from within the Anthem HMO Choice network. To receive the In-Network level of benefits under this plan, the member must follow a plan of care from their PCP, and must receive referrals from their PCP when necessary. ● Self-Referred and Out-of-Network Providers - Members may receive care from In-Network providers without referral from the PCP, or may self-refer to providers not in the HMO Choice network. This will result in higher out-of-pocket costs to the member. <p>A Point of Service plan allows members to receive services from both in-network and out-of-network providers. How benefits will be paid (either at the in-network or out-of-network level) is determined when the member actually receives the service (i.e., at the point of service).</p> | <p>A POS, or Point of Service, plan begins with Anthem's HMO Choice network. Benefits are paid at the In-Network (higher) level for services received from the member's PCP, or from other In-Network providers with a referral from the PCP. Some services require that a member obtain prior authorization in order for benefits to be paid at the higher level of coverage. Benefits are paid at the Out-of-Network (lower) level for services received without a referral (except as designated by the plan), or for services received from Out-of-Network providers.</p> <ul style="list-style-type: none"> ● In-Network Providers - Members select a Primary Care Physician (PCP) from within the Anthem HMO Choice network. To receive the In-Network level of benefits under this plan, the member must follow a plan of care from their PCP, and must receive referrals from their PCP when necessary. ● Self-Referred and Out-of-Network Providers - Members may receive care from In-Network providers without referral from the PCP, or may self-refer to providers not in the HMO Choice network. 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How benefits will be paid (either at the in-network or out-of-network level) is determined when the member actually receives the service (i.e., at the point of service).</p> | <p>A PPO plan is an arrangement where the health plan contracts with independent physicians, hospitals and other health care providers who become members of a preferred provider network. The member may direct his/her care and elect either In-Network or Out-of-Network providers. However, it will cost more to see an Out-of-Network provider. The member is not required to obtain referrals from his/her PCP.</p> <ul style="list-style-type: none"> ● Network (Preferred) Providers: Benefits to the member include lower deductibles and higher coinsurance reimbursements than services provided Out-of-Network. In some plans, the annual deductible is waived and replaced by a minimum copay for certain services performed in a Network provider's office. ● Out-of-Network Providers: Members may receive care from a provider (doctor or hospital) who is not on the list of preferred providers. Such services may have a higher deductible or copay and lower coinsurance reimbursement. <p>Similar to the POS plan, patients may choose to receive care from providers who do not participate in the network. However, in most cases the member will be responsible for paying higher out of pocket costs for services received from Out-of-Network providers.</p> | <p>A PPO plan is an arrangement where the health plan contracts with independent physicians, hospitals and other health care providers who become members of a preferred provider network. The member may direct his/her care and elect either In-Network or Out-of-Network providers. However, it will cost more to see an Out-of-Network provider. 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| | Flexible Choice - Plan Program Combinations | | | | | | | |
| | Single Program Options: | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | Dual Program Options: | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Triple Program Options: | Yes | Yes | Yes | Yes | Yes | Yes | Yes | |

MMEHT

This is a summary for comparative purposes only. In the case of any discrepancies, the official contract or plan document will govern.



Maine Municipal Employees Health Trust

MONTHLY RATES
EFFECTIVE DATE: JANUARY 1, 2014

LEWISTON

RATED GROUP

| | POS-A Traditional | POS-C Comprehensive | POS-200 | PPO-500 | PPO-1000 | PPO-1500 | PPO-2500 |
|-----------------------|----------------------|------------------------|----------|----------|----------|----------|----------|
| Single Person | 841.78 | 740.77 | 631.34 | 597.67 | 572.41 | 521.91 | 471.39 |
| Employee & Spouse | 1,888.06 | 1,661.49 | 1,416.04 | 1,340.52 | 1,283.88 | 1,170.60 | 1,057.31 |
| Employee & Child(ren) | 1,373.46 | 1,208.64 | 1,030.10 | 975.16 | 933.95 | 851.54 | 769.14 |
| Family | 1,888.06 | 1,661.49 | 1,416.04 | 1,340.52 | 1,283.88 | 1,170.60 | 1,057.31 |

Retiree (with Medicare) - Retiree Group Companion Plan

| | |
|---------------|--------|
| Single Person | 420.36 |
| Two Person | 840.71 |

¹ Dental

| | |
|-----------------------|----------|
| Single Person | \$39.30 |
| Employee & Spouse | \$67.84 |
| Employee & Child(ren) | \$129.48 |
| Family | \$129.48 |

² Vision

| | |
|-----------------------|---------|
| Single Person | \$5.31 |
| Employee & Spouse | \$10.62 |
| Employee & Child(ren) | \$11.37 |
| Family | \$18.18 |

Income Protection Plan (short term disability)

Employee may select 40%, 55% or 70% of annual salary
\$1.90 per month for each \$100 of monthly coverage

Long Term Disability

³ Employer Paid: \$0.40 per \$100 of covered payroll

⁴ Employee Paid: Age banded

Life Insurance

| | |
|-----------------------------|--|
| Basic Life (including AD&D) | \$0.30 per \$1,000 of coverage, per month No cost if enrolled in health insurance |
| Supplemental Life | \$0.30 per \$1,000 of coverage, per month |
| Dependent Life | Option A \$1.50 Option B \$3.20 |

1 - Dental coverage has no minimum participation requirement

2 - Vision coverage has no minimum participation requirement

3 - Long Term Disability must have 100% enrollment if employer-paid

4 - Long Term Disability requires minimum 25% enrollment if employee-paid

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Authorization to accept transfer of forfeiture funds.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | M |
|---|---|---|---|---|---|---|---|

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$4,529, the proceeds from the sale of one .45 cal. Springfield handgun, serial number MG577782 and the sale of one .40 cal. Smith & Wesson handgun, serial number DVJ5218, or any portion thereof, in the case of the State of Maine vs. Paul Robinson, CR-13-1031 Court Records, and the transfer of \$1200 or any portion thereof, in the case of the State of Maine vs. Anthony Pestello, CR-08-3063 Court Records, being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account .

STATE OF MAINE
Androscoggin, ss

DISTRICT COURT
Criminal Action
Docket No. CR-08-3063

| | | |
|--------------------------|---|------------------------------------|
| State of Maine | } | |
| | } | |
| v. | } | Municipality of Lewiston |
| | } | Approval of Transfer |
| Anthony Pestello | } | 15 M.R.S.A. §5824(3) & §5822(4)(A) |
| Defendant; | } | |
| | } | |
| And | } | |
| | } | |
| \$1,200.00 U.S. Currency | } | |
| Defendant(s) In Rem | } | |

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

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

Dated: _____

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

STATE OF MAINE
Androscoggin, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-13-1031

State of Maine

v.

Paul Robinson

Defendant;

And

\$4,529.00 U.S. Currency

Defendant(s) In Rem #1

One .45 cal. Springfield handgun,

Serial #MG577782

One .40 cal. Smith & Wesson handgun,

Serial # DVJ5218

Defendant(s) In Rem #2

Municipality of Lewiston

Approval of Transfer

15 M.R.S.A. §5824(3) & §5822(4)(A)

NOW COMES the municipality of Lewiston, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem (\$1,132.25), or any portion thereof, on the grounds that the Lewiston Police Department did make a substantial contribution to the investigation of this or a related criminal case.

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

Dated: _____

Municipal Officer

Lewiston, Maine

(Impress municipal legislative body seal here)

LEWISTON CITY COUNCIL
MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Amendments to the Traffic Schedule regarding parking prohibited on a portion of No Name Pond Road.

INFORMATION:

Due to the problems encountered by the No Name Pond beach area residents, City Administration is recommending restricted parking in the area of the beach to protect the watershed area and to address traffic safety concerns. Please see the memorandum from the Police Department for additional information on this item.

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 |
|---|---|---|---|---|---|---|---|

To adopt the proposed amendments to the Traffic Schedule for No Name Pond Road and to prohibit parking from April 15 - November 15 on both sides of No Name Pond Road between Pond Ridge Road and Parent Lane.



The Office of
Deputy City Administrator
Phil Nadeau
MEMORANDUM

TO: Mayor and City Council
FR: Phil Nadeau
CC:
RE: Proposal to restrict parking on a section of No Name Pond Road
DT: 11.19.13

Please reference the materials reviewed for the 9/17/13 City Council Workshop involving the problems encountered by No Name Pond beach area residents and the proposal for restricting parking in the area of the beach to protect the watershed area and to address traffic safety concerns.

Accordingly, the City Administrator's Office will request approval of the traffic schedule amendments which will restrict parking on that section of No Name Pond Road which lies between Pond Ridge Road and Parent Lane. The parking shall be restricted on both sides of the street from April 15th through November 15th and will be enforced with towing for violators.

Additionally, the city attorney has stated that the homeowners association can post the beach with "no trespassing" signs provided that they have title to the property.



POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



DATE: October 21, 2013
TO: Traffic Schedule Review
FROM: Sgt. David Chick, Inspector of Police
Subject: No Name Pond Rd

**Traffic Schedule Amendment – Chapter 70 Section 140
Parking Prohibited – All Times – Specified Places (Section 50)**

Received a request via City Administration pertaining to the restriction of vehicles parking on No Name Pond Rd during fair weather seasons; this often causing hardship and nuisance to the residents of that neighborhood... Accompanying with this Traffic Schedule amendment is a proposed amendment to the City Ordinance which would establish the authorization to remove vehicles which are in violation when in the discretion of an officer it is presenting dangerous to those using the public way or would unduly interfere with the free movement of traffic.

NOTE: (Additions are double underlined; deletions are ~~struck-out~~).

Section 50 – Parking Prohibited – All Times – Specified Places

NO NAME POND ROAD Both sides of the roadway in the stretch between Pond Ridge Dr and Parent Ln (private way). No Parking April 15th through November 15th; Violators may be towed.

If this amendment is approved, this would require Public Works department to install sign(s) and marking(s) pertaining to the intended designations.

Sgt. David Chick, Inspector of Police

**cc: Michael Bussiere
Ed Barrett – City Hall; Phil Nadeau – City Hall; Lincoln Jeffers – City Hall;
Kathy Montejo – City Clerk; Steve Murch – Public Works; Paul Ouellette – Fire**



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www.lewistonpd.org





POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



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POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



Accompanying proposal of amendment to language of City Ordinance (70-131): *(This change will provide document to affirm the authority to additionally require immediate removal of vehicle where an operator is present or to cause removal by towing if that is deemed to be an appropriate action for the stated circumstance, and would be applicable to any of the ordinance provisions within the article regulating to parking.)*

Sec. 70-131. Regulations not exclusive.

The provisions of this article imposing a time limit on parking or governing loading and unloading shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles or governing loading and unloading in specified places or at specified times.

Notwithstanding the imposition of a fine, at the discretion of the officer, the police may require the operator to immediately move the vehicle from a location in violation to a location where parking is permitted; or cause any vehicle parked in violation of these prohibitions to be removed and stored at the owner's expense, if it presents a danger to those using the public way, or would unduly interfere with the free movement of traffic.

(Code 1982, § 26-81)



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LEWISTON CITY COUNCIL
MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing on a new liquor license application and special amusement permit for Skye Event Center, 855 Lisbon Street.

INFORMATION:

We have received an application for a liquor license application and special amusement permit for Skye Event Center, 855 Lisbon Street. The liquor license application is for malt, spirituous & vinous.

The police department has reviewed and approved the application.

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

The business will be going before the Board of Appeals on Wednesday, November 20 for zoning authorization to operate in this location.

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 |
|---|---|---|---|---|---|---|---|

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Skye Event Center, 855 Lisbon Street, subject to approval by the Board of Appeals.

**Department of Public Safety
Division**



Liquor Licensing & Inspection

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

| | |
|-------------------------------|--|
| <u>BUREAU USE ONLY</u> | |
| License No. Assigned: | |
| Class: | |
| Deposit Date: | |
| Amt. Deposited: | |

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

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

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | | | | | |
|---|-------------|-------------------|--|-------------|-------------------|
| 1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) | | | 2. Business Name (D/B/A) | | |
| Greg Young DOB: 11/19/83 | | | Skye Event Center | | |
| - Dan DeBruin DOB: 3/31/80 | | | 855 Lisbon Street | | |
| DOB: _____ | | | Location (Street Address) | | |
| Address 18 Jan 5 Blvd | | | City/Town Lewiston | State ME | Zip Code 04240 |
| | | | Mailing Address 855 Lisbon Street | | |
| City/Town Lewiston | State ME | Zip Code 04240 | City/Town Lewiston | State ME | Zip Code 04240 |
| Telephone Number 207-949-0566 | Fax Number | | Business Telephone Number 888-352-6483 x2 | Fax Number | |
| Federal I.D. # 46-0870855 | | | Seller Certificate # | | |

3. If premises are a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ N/A LIQUOR \$ N/A
5. Is applicant a corporation, limited liability company or limited partnership? YES NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: N/A
8. If business is NEW or under new ownership, indicate starting date: N/A
Requested inspection date: Flexible Mon-Thu Business hours: By appointment ONLY
9. Business records are located at: Leonardo + Company, CPA
10. Is/are applicants(s) citizens of the United States? YES NO

11. Is/are applicant(s) residents of the State of Maine? YES NO

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

| Name in Full (Print Clearly) | DOB | Place of Birth |
|------------------------------|----------|----------------|
| Dan DeBruin } Co-owners | 3/31/80 | Lewiston, ME |
| Greg Young | 11/19/83 | Pittsfield, ME |

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

Dan → ① 14 Royal Oaks Drive - Auburn, ME ② 53 Serenity Cove Lane - Poland, ME 04274
Greg → 18 Sans Blvd - Lewiston, ME 04240

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: Andy Rosenthal (Pro Mall, LLC) P.O. Box 1534 Waterville, ME 04903

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Skye Event Center

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES NO Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/4 mile Which of the above is nearest? School

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

If YES, give details: _____

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

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

Dated at: _____ on _____, 20____

Town/City, State

Date

Please sign in blue ink

X [Signature]
Signature of Applicant or Corporate Officer(s)

X GREGORY YOUNG

D.M. DeBruin
Signature of Applicant or Corporate Officer(s)

Daniel M. DeBruin

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

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: Skyl Maine LLC
 Business D/B/A Name: Skyl Event Center
2. Date of Incorporation: November, 2012
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 name and addresses for previous 5 years, birth dates, titles of officers, directors and 100 percent of stock owned.

| Name | Address Previous 5 Years | Birth Date | % of Stock | Title |
|--------------------------------------|---|------------|------------|--------|
| Greg Young | 18 Jans Blvd Leviston, ME 04240 | 11/19/83 | N/A | Member |
| Dan DeBruin | ① 14 Royal Oaks Drive Auburn, ME 04210 | 3/31/80 | N/A | Member |
| ③ 53 Serenity Cove Lane - Poland, ME | 04274 | | | |

6. What is the amount of authorized stock? N/A Outstanding Stock? N/A
7. Is any principal officer of the corporation a law enforcement official? () YES NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES NO.
9. If yes, please complete the following: Name: _____

Date of Conviction: _____ Offense: _____
 Location: _____ Disposition: _____
 Dated at: _____ City/Town _____ On: _____ Date _____

D M DeBruin
 Signature of Duly Authorized Officer

Date: 11/4/13

Daniel M. DeBruin
 Print Name of Duly Authorized Officer

PREMISE DIAGRAM

PARKING LOT

Entrance 1
Exit 2

Entrance 2
Exit 2

Entertainment

DANCE FLOOR

Room 1

Hallway

STAIRS

BALCONY Room 1

BALCONY Room 2

STAIRS

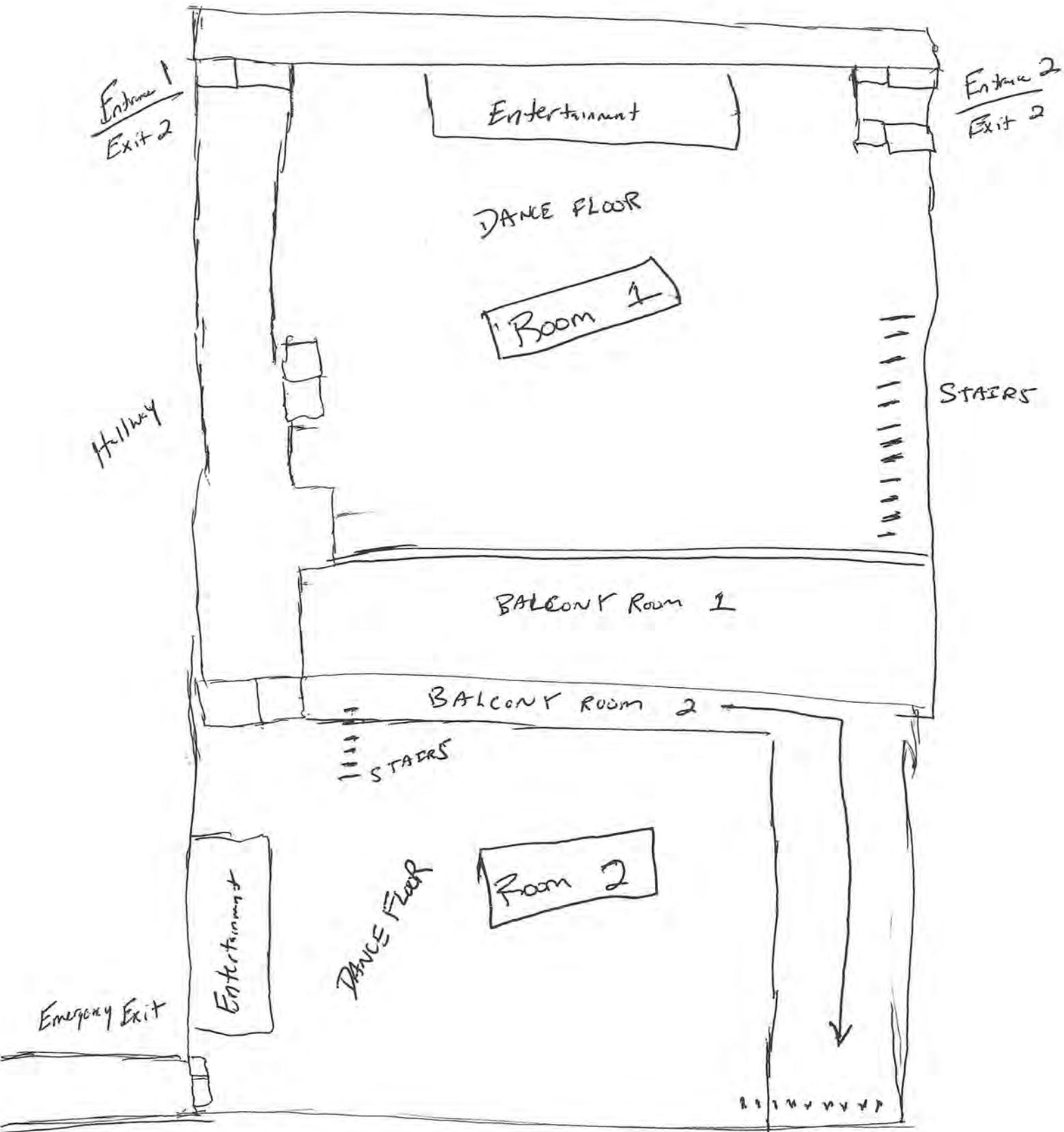
DANCE FLOOR

Room 2

Emergency Exit

Entertainment

STAIRS



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

Date of Application: 11/4/13 Expiration Date: 11/14/13 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: Skye Event Center Business Phone: 888-352-6483

Location Address: 855 Lisbon Street Lewiston, ME 04240

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

Mailing Address: 855 Lisbon Street Lewiston, ME 04240

Contact Person: Greg Young Home Phone: 207-949-0566

Owner of Business: Greg Young / Dan DeBruin Date of Birth: 11/19/83

Address of Owner: _____

Manager of Establishment: Greg Young / Dan DeBruin Date of Birth: 11/19/83 → Greg
3/31/80 → Dan

Owner of Premises (landlord): Andy Rosenthal

Address of Premises Owner: P.O. Box 1534 Waterville, ME 04903

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): _____

Skye Event Center November 2012 - present

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: Skye Maine, LLC

Corporation Mailing Address: ~~XXXXXXXXXX~~ 18 Jans Blvd

Contact Person: Greg Young Phone: 888-352-6483

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? 1/4 Mile Residence

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list Hypnotist?
- 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: D.M. DeBruin Title: Owner/Member Date: 11/4/13

Printed Name: Daniel M DeBruin

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

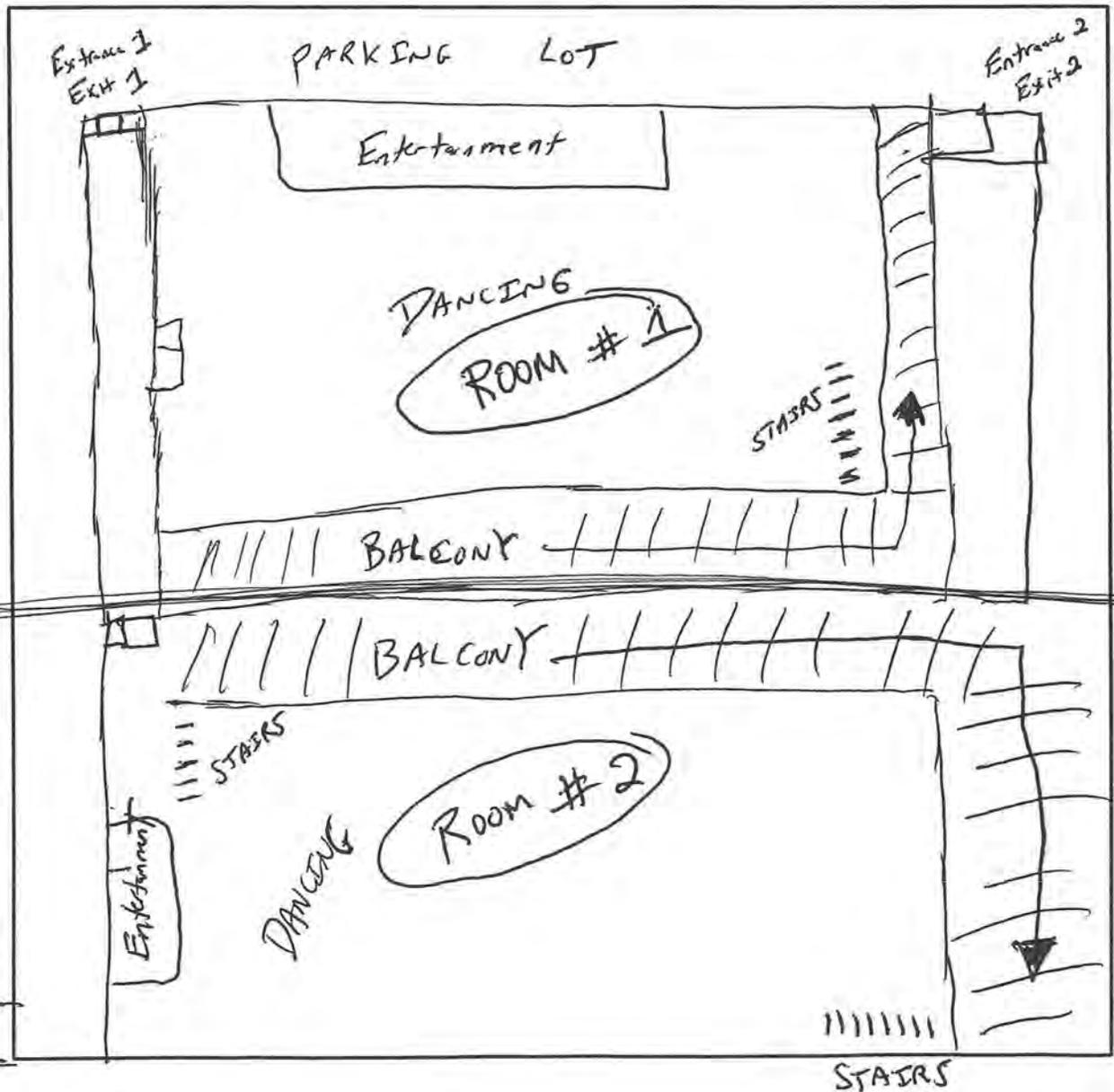
Sent to Police & Fire: _____

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: November 8, 2013

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

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

SKYE
855 Lisbon St.



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

CITY OF LEWISTON

PUBLIC NOTICE

A hearing on the following liquor license application will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, November 19, 2013, at 7:00 p.m.***, or as soon thereafter as they may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said application.

Skye Event Center
855 Lisbon Street
Greg Young & Dan DeBruin, owners

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

Kathleen Montejo, MMC
City Clerk
Lewiston, Maine

PUBLISH ON: November 13, 14 & 15, 2013

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

**LEWISTON CITY COUNCIL
MEETING OF NOVEMBER 19, 2013**

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for LBK Events, LLC, 1 Bates Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from LBK Events, LLC, 1 Bates 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.

EWAS/KMM

REQUESTED ACTION:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | M |
|---|---|---|---|---|---|---|---|

To grant a Special Amusement Permit for Live Entertainment to LBK Events, LLC, 1 Bates Street.

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

Date of Application: 10/23/13 Expiration Date: 11/7/13 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: LBK Events LLC Business Phone: 333-3242

Location Address: 1 Bates Street, Lewiston ME 04240

(If new business, what was formerly in this location: n/a)

Mailing Address: PB Box 1478 Scarborough ME 04070-1478

Contact Person: Laura Kibort Home Phone: 510-1743

Owner of Business: Laura Kibort Date of Birth: 3/8/81

Address of Owner: 5 Meadawood Dr Scarborough ME 04074

Manager of Establishment: Laura Kibort Date of Birth: 3/8/81

Owner of Premises (landlord): Robert Roy Jr

Address of Premises Owner: 1750 Lisbon 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): LBK EVENTS |
Royal Oak Room 1 Bates St. Lewiston

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

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

Corporation Name: LBK Events LLC

Corporation Mailing Address: PO Box 1478, Scarborough ME 04070-1478

Contact Person: Laura Kibort Phone: 333-3242

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? approx .150 yards

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?: n/a

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: Laura B. Kibort Title: owner Date 10/23/13

Printed Name: Laura B. Kibort

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

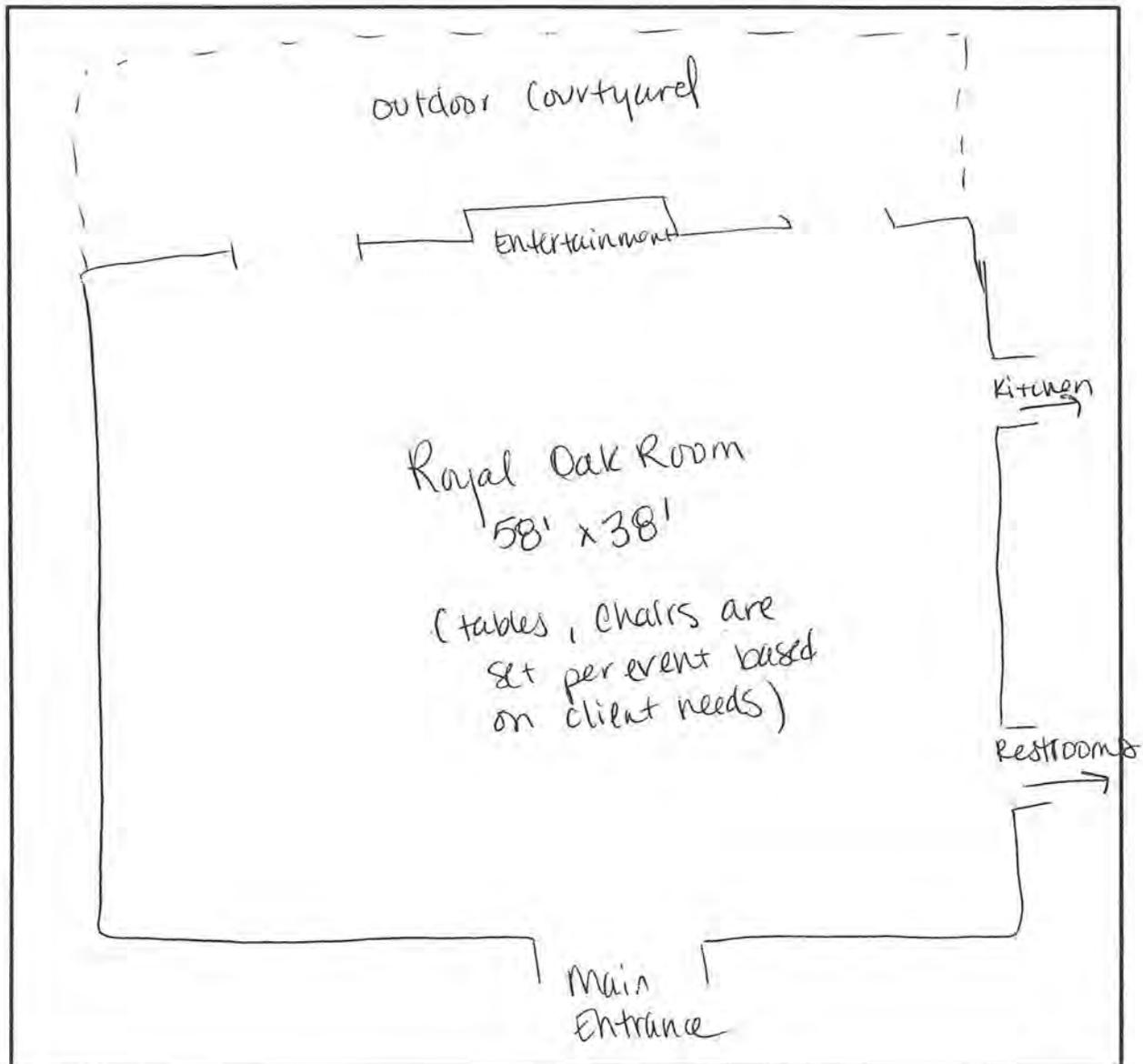
Sent to Police & Fire: _____

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: Sgt. Robert P. Ullrich, Support Services

DT: October 3, 2013

RE: Liquor License/Special Amusement Permit – **LBK Events**

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

LBK Events
1 Bates Street



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Fish Bones American Grill, 70 Lincoln Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Fish Bones American Grill, 70 Lincoln 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.

EPPB/KMM

REQUESTED ACTION:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | M |
|---|---|---|---|---|---|---|---|

To grant a Special Amusement Permit for Live Entertainment to Fish Bones American Grill, 70 Lincoln Street.

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

Date of Application: 10/15/2013 Expiration Date: 11/17/2014 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: FISH BONES AMERICAN GRILL Business Phone: 207 333-3663

Location Address: 70 LINCOLN STREET LEWISTON, MAINE 04240

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

Mailing Address: 70 LINCOLN STREET, SUITE 1A, LEWISTON, ME 04240

Contact Person: PAUL F. LAWDRY Home Phone: 207-576-2599

Owner of Business: HOSPSEBY, INC Date of Birth: 8/17/1962

Address of Owner: 340 EAST ROAD, WALES, ME 04280

Manager of Establishment: PAUL F. LAWDRY Date of Birth: 8/17/1962

Owner of Premises (landlord): BATES MILL DEVELOPMENT CORP, LLC

Address of Premises Owner: 2 GREAT FALLS PLAZA, ANBURN, ME 04210

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): FISH BONES AMERICAN GRILL, 70 LINCOLN 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: Hosp Serv, Inc

Corporation Mailing Address: 340 EAST ROAD, WALES, ME 04280

Contact Person: PAUL F. LANDRY Phone: 207 576-2599

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? 1/4 MILE

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 _____

ONLY FOR PRIVATE FUNCTIONS

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: Per. fly Title: V.P., TREASURER Date 10/15/2013

Printed Name: PAUL F. LANDRY

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

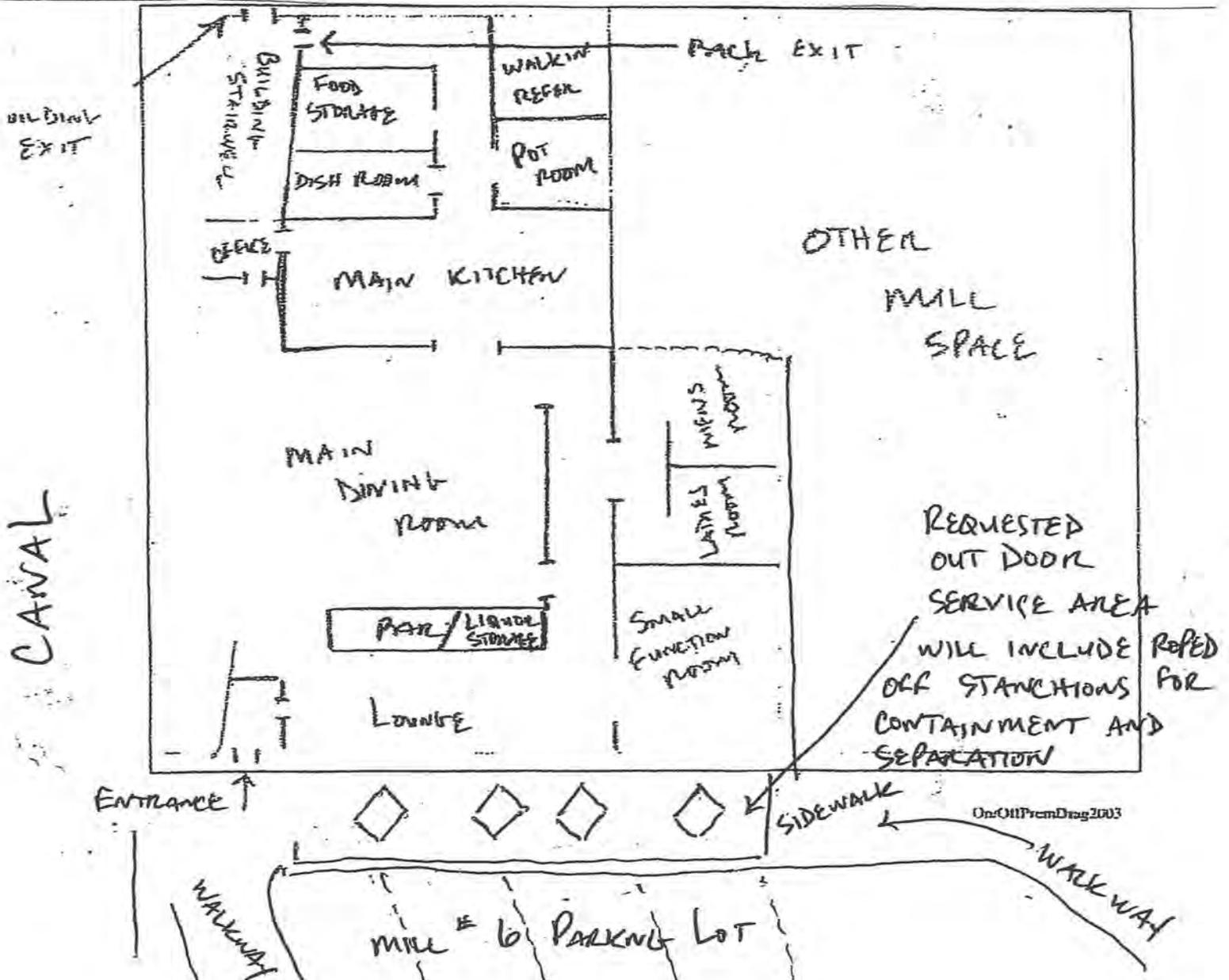
Sent to Police & Fire: _____

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: HOSPSERV, INC
2. Date of incorporation: JUNE 21, 2005
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 |
|---------------------|----------------------------------|---------------|---------------|---------------|
| KATHERINE A. LANDRY | 340 EAST ROAD WALES, ME 04280 | 4/18/69 | 50% | PRESIDENT |
| PAUL F. LANDRY | 340 EAST ROAD WALES, ME 04280 | 8/17/62 | 50% | VP, TREASURER |
| | | | | |
| | | | | |

6. What is the amount of authorized stock? 3000 Outstanding stock? N/A
7. Is any principal officer of the corporation a law enforcement official?
No

Dated at LEWISTON on 10/15/13
City or Town Date

P. Dr. fly
SIGNATURE OF DULY AUTHORIZED OFFICER



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Sgt. Robert P. Ullrich, Support Services

DT: October 3, 2013

RE: Liquor License/Special Amusement Permit – **Fish Bones**

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

Fish Bones
70 Lincoln Street



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

**LEWISTON CITY COUNCIL
MEETING OF NOVEMBER 19, 2013**

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

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

INFORMATION:

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

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EPAS/KMM

REQUESTED ACTION:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | M |
|---|---|---|---|---|---|---|---|

To grant a Special Amusement Permit for Live Entertainment to the Ramada, 490 Pleasant Street.

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

Date of Application: 10-18-13 Expiration Date: 11/23/2014 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: ADAMAR ASSOC, dba RAMADA Business Phone: 207-784-2331

Location Address: 490 PLEASANT ST., LEWISTON, ME 04240

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

Mailing Address: SAME AS ABOVE

Contact Person: GEORGE J GENDRON Home Phone: 784-2331

Owner of Business: GEORGE J GENDRON Date of Birth: 5-26-1949

Address of Owner: 490 PLEASANT ST.

Manager of Establishment: SAME Date of Birth: _____

Owner of Premises (landlord): SAME

Address of Premises Owner: SAME

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

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): GENDRON'S USAVE
1290 LISBON ST., LEWISTON, ME

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

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

Corporation Name: _____

Corporation Mailing Address: _____

Contact Person: _____ Phone: _____

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 150 - 200 yds

Please describe the type of proposed entertainment:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> dancing | <input checked="" type="checkbox"/> stand up comedian | <input type="checkbox"/> piano player |
| <input checked="" type="checkbox"/> music by DJ | <input checked="" type="checkbox"/> karaoke | <input type="checkbox"/> other, please list _____ |
| <input checked="" type="checkbox"/> live band/singers | <input type="checkbox"/> magician | <input type="checkbox"/> other, please list _____ |

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

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

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

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

Signature: George J Gendron Title: OWNER Date 10-17-13

Printed Name: GEORGE J GENDRON

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

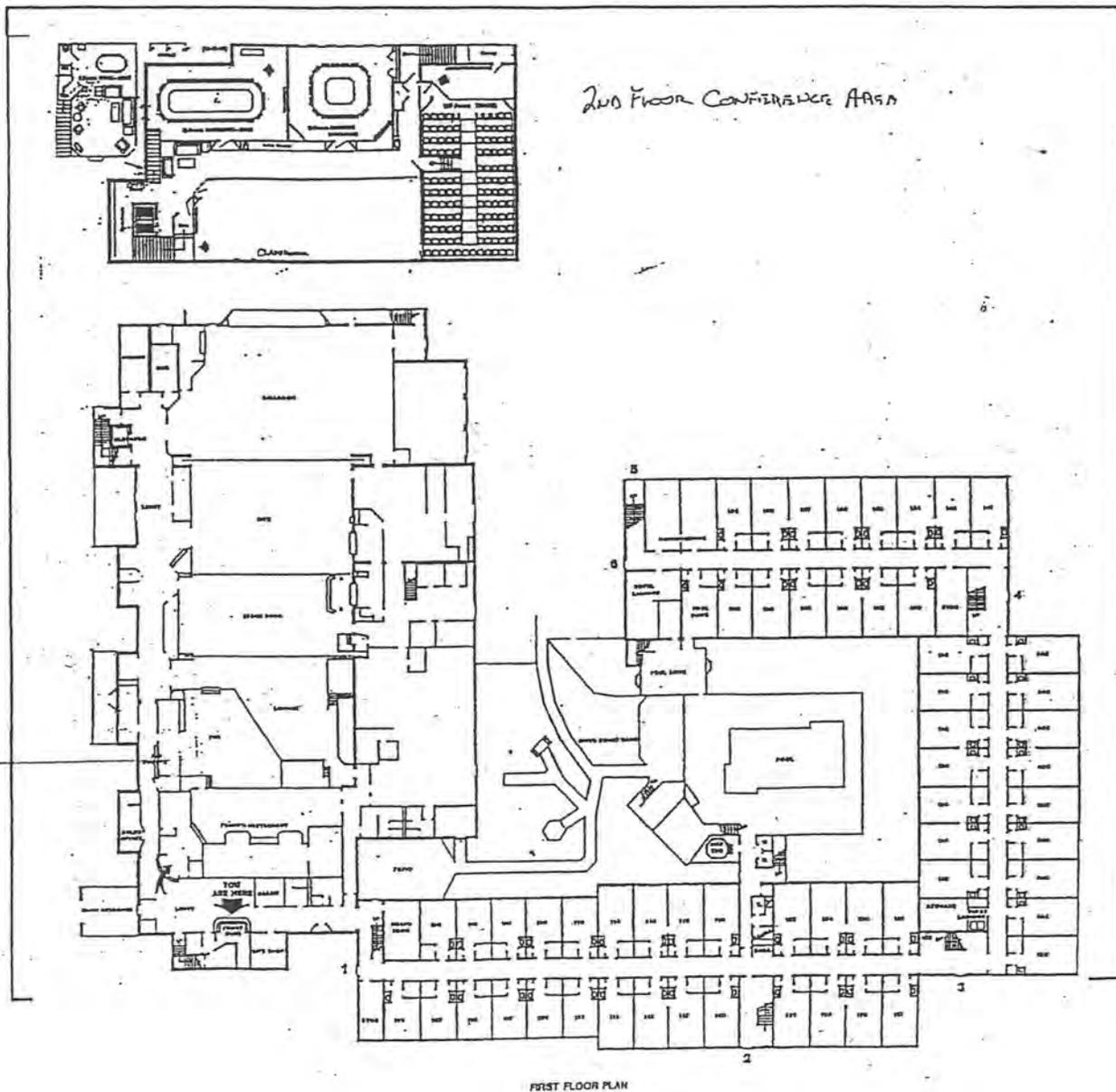
Sent to Police & Fire: _____

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

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: October 18, 2013

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

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

Ramada Inn
490 Pleasant Street



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

10/16/2013 ramada

| APT # | YEAR MM DD TIME | REASON | ACTION | CALL # | VICINITY |
|-------|-----------------|--------|--------|--------|----------|
|-------|-----------------|--------|--------|--------|----------|

[REDACTED]

[REDACTED]

[REDACTED]

| | | | | |
|-----------------|-----------------------|--------------|----------|---|
| 2013 10 12 0015 | POL-FIGHT-DISTURBANCE | Report Taken | 13-84515 | N |
|-----------------|-----------------------|--------------|----------|---|

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] N

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2013 06 07 2228 POL - BAR / LIQUOR CHECK Report Taken 13-45412 N

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2013 05 19 0051 POL-Narcotic/Drug VIO Citation/Summons Issued 13-39014 N

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2013 05 03 2215 POL-FIGHT-DISTURBANCE Cleared 13-34342 N

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2013 04 26 2218 POL - BAR / LIQUOR CHECK Citation/Summons Issued 13-32216 N

[REDACTED]

2013 03 30 2357 POL-Assault IP Arrest(s) Made 13-24534 N

[REDACTED]

[REDACTED]

[REDACTED]

2013 01 27 0128 POL-Weapons, Gun, Knife Report Taken 13-6955 N

[REDACTED]

[REDACTED]
2013 01 06 0031 POL-Assault

Report Taken

13-1377 N

[REDACTED]

[REDACTED] N

[REDACTED]

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing on the new application for a Special Amusement Permit for Live Entertainment for Casa del Luna, 838 Lisbon Street.

INFORMATION:

We have received a new application for a Special Amusement Permit for Live Entertainment from Casa del Luna, 838 Lisbon Street.

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.

ERB/KMM

REQUESTED ACTION:

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | M |
|---|---|---|---|---|---|---|---|

To grant a Special Amusement Permit for Live Entertainment to Casa del Luna, 838 Lisbon Street, contingent upon positive recommendations from the Police Department, Fire Department and Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City Ordinances.

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

Date of Application: 11/14/13 Expiration Date: _____ License fee: \$116.00

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

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

****PLEASE PRINT****

Business Name: Casa Del Luna **Business Phone:** 241-0711

Location Address: 838 Lisbon St

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

Mailing Address: 838 Lisbon St

Contact Person: Charles Smith / Trina Turgeon **Home Phone:** 375-6522

Owner of Business: Jim Lindvall **Date of Birth:** 7/1/1951

Address of Owner: 147 Sandbar Rd

Manager of Establishment: Charles Smith Gm, **Date of Birth:** 10/28/1982

Owner of Premises (landlord): JayLise JonLee Lewiston, LLC

Address of Premises Owner: 5050 Belmont Ave, Youngstown Ohio 44500

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): Casa Del Luna

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

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

Corporation Name: _____

Corporation Mailing Address: _____

Contact Person: _____ Phone: _____

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

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

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: Oct 30th 2013

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: Trina Turgen Title: AGM Date 11/14/13

Printed Name: Trina Turgen

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

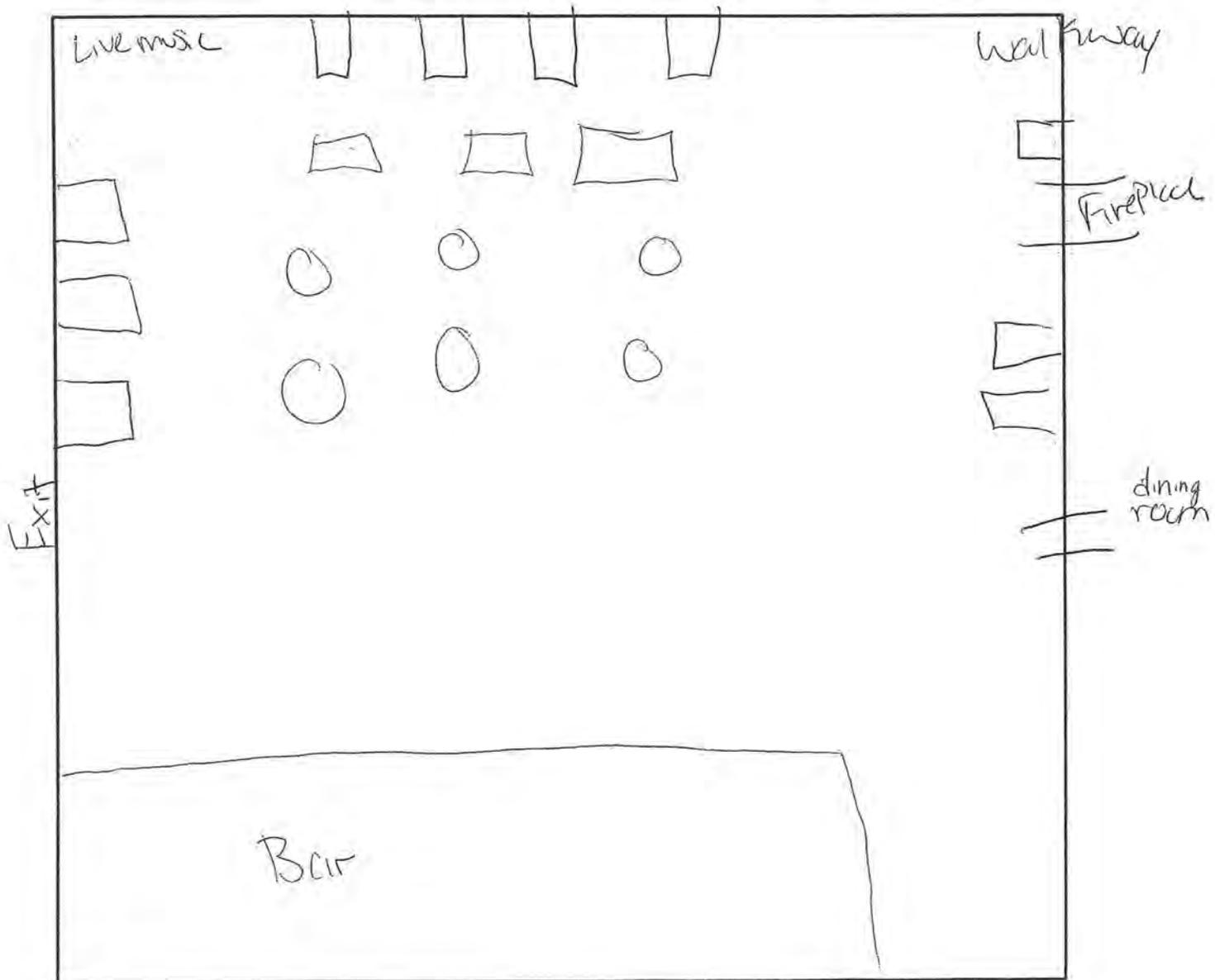
Sent to Police & Fire: _____

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.



LEWISTON CITY COUNCIL
MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing and First Passage regarding amendments to the General Assistance Ordinance.

INFORMATION:

The Social Services Director is recommending amendments to the General Assistance ordinance to coincide with recent changes to state law. These amendments would change the ordinance regarding the definition of "eligible person", determine the pro rate share formula and define how to address applicants ineligible for unemployment compensation. Because of the effective date of the state law reflecting these changes, the ordinance language will be retroactive to July 1, 2013.

Note the underlined language is the new proposed language and the words that are struck out are proposed to be deleted.

Please see the attached memorandum from Social Services Director Sue Charron 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 |
|---|---|---|---|---|---|---|---|

That the proposed amendments to the City Code of Ordinances, Chapter 46 "General Assistance", Article I "General", Article III "Eligibility Factors", and Article IV "Determination of Eligibility", to be effective retroactively to July 1, 2013, receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting.

AN ORDINANCE PERTAINING TO GENERAL ASSISTANCE

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 46 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 46

GENERAL ASSISTANCE

ARTICLE I. IN GENERAL

Sec. 46-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Eligible person means a person who is qualified to receive general assistance from the municipality, according to the standards of eligibility set forth in this chapter. **“Eligible person” does not include a person who is a fugitive from justice as defined in Title 15, section 201, subsection 4.**

Household means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. **The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.** The income of household members not legally liable or otherwise responsible for supporting the household shall be considered as available to the applicant only when there is a pooling of income.

Income means any form of income in cash or in kind received by the household, including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources, unless specifically prohibited by any law or regulation, court ordered support payments, income from pension or trust funds **and, household income from any other source, including relatives or unrelated household members and any benefit received pursuant to Title 36, chapter 907 and Title 36, section 5219-II, unless used for basic necessities as defined in section 4301, subsection 1.**

ARTICLE III. ELIGIBILITY FACTORS

Sec. 46-68. Use of resources.

(e) *Forfeiture of benefits.* Any applicant who forfeits receipt of or causes a reduction in

benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive general assistance to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under general assistance law, the worth of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture. An applicant who is found to be ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to Title 26, section 1051, subsection 1 is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor.

ARTICLE IV. DETERMINATION OF ELIGIBILITY

Sec. 46-97. Income.

- (c) *Types of income.* Income which will be considered in determining an applicant's need includes:
- (8) *Lump sum income.* A lump sum payment received by an applicant or recipient, prior to or subsequent to applying for assistance shall be considered as income available to the household, with the exception of any required payments (i.e., any third party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant or recipient can document was spent on basic necessities, as described below. The lump sum payment must be prorated over future months according to the following criteria:

The period of proration is determined by disregarding any portion of the lump sum payment that the applicant or recipient has spent to purchase basic necessities, including but not limited to: all basic necessities provided by general assistance; reasonable payment of funeral or burial expenses for a family member; reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities; repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid. All income received by the household between the receipt of the lump sum payment and the application for assistance is added to the remainder of the lump sum. The period of proration is then determined by dividing the remainder of the lump sum payment by the ~~greater of the~~ verified actual monthly amounts for all of the household's basic necessities ~~or 150% of the applicable federal poverty guidelines~~. That dividend represents the period of proration determined by the administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

Note: Additions are underlined; deletions are ~~struck-out~~.



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: General Assistance Maximums and Ordinance Revisions

DT: November 19, 2013

Enclosed are materials regarding modifications to the General Assistance Food Maximums (Appendix B) and the General Assistance Ordinance. The Food Maximums are effective November 1, 2013 through September 30, 2014. The Ordinance revisions are effective July 1, 2013.

The GA Food Maximums are based on the Thrifty Food Plan. These amounts are equal to the Food Supplement (SNAP) benefit. Hence, the GA Food Maximums must be revised and adopted whenever these amounts increase or decrease.

The SNAP benefits decreased effective November 1, 2013 due to the expiration of the ARRA (American Recovery and Reinvestment Act of 2009), which increased benefits by 13.6 percent in April of 2009 in response to the recession.

The GA Ordinance is based on State Statute Title 22. Ordinance language must reflect the language in the Statute. Hence, the GA Ordinance must be revised and adopted whenever the language in the Statute is amended.

The amendments are cost savings measures and add accountability and equality to the GA program. Additionally, some of the changes bring the GA program regulations in line with the laws that govern State and Federal programs.

*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*

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**Social Services Department
Sue Charron
Social Services Director**



1. Fugitive felons are no longer eligible to receive GA. They are ineligible for SSI and the Food Supplement benefits.

(GA Ordinance Article I Sec. 46-2) 22 MRSA, §4301, sub-§3 is amended to read:

"Eligible person" does not include a person who is a fugitive from justice as defined in Title 15, section 201, subsection 4.

2. Household members are now only eligible for their pro rata share. Prior to this amendment a household of 3 with a disqualified member was eligible for the maximum of a household of 2 (**\$626**); now the household is only eligible for their pro rata share— 2/3 of the maximum for a household of 3 (\$818 divided by 3x2=**\$545**).

(GA Ordinance Article I Sec. 46-2) 22 MRSA, §4301, sub-§6 is amended to read:

Household means an individual or a group of individuals who share a dwelling unit. **The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.**

3. The Maine Residents Property Tax Refund (Circuit breaker Program) is now included as income unless the refund is used for basic necessities. This program has been replaced with the Property Tax Fairness Credit and requires one to file a state income tax return in order to receive the refund. Prior to this amendment the refund was prohibited from being used as income in determining an applicant's GA eligibility, even though it was and continues to be allowed as income in determining an applicant's eligibility for a poverty abatement.

(GA Ordinance Article I Sec. 46-2) 22 MRSA, §4301, sub-§6 is amended to read:

Income means any form of income in cash or in kind received by the household, including net remuneration for services performed, cash received on either secured or

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Social Services Department
Sue Charron
Social Services Director



unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources, unless specifically prohibited by any law or regulation, court ordered support payments, income from pension or trust funds **and**, household income from any other source, including relatives or unrelated household members **and any benefit received pursuant to Title 36, chapter 907 and Title 36, section 5219-II, unless used for basic necessities as defined in section 4301, subsection 1.**

4. Applicants who forfeit their Unemployment Compensation benefits due to a finding of fraud by the Department of Labor are no longer eligible to receive GA to replace the forfeited benefits. Applicants who forfeit their TANF benefits due to a TANF program violation are ineligible to receive GA to replace the forfeited benefits.

(GA Ordinance Article III Sec. 46-68) 22 MRSA, §4317 is amended to read:

An applicant who is found to be ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to Title 26, section 1051, subsection 1 is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor.

5. Lump sum calculations are now based on verified actual expenses rather than on 150% of the Federal Poverty Levels (FPL). Because the majority of the GA applicants' actual expenditures are much lower than the FPL, the applicants essentially received more GA than they were entitled to by calculating the lump sum on the FPL.

(GA Ordinance Article IV Sec. 46-97) 22 MRSA, §4301, sub-§7 is amended to read:

The period of proration is then determined by dividing the remainder of the lump sum payment by the **greater of the** verified actual monthly amounts for all of the household's basic necessities **or 150% of the applicable federal poverty guidelines.**

DHHS requires verification that the municipality has adopted the maximums.

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LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 19, 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.

This amendment is just to amend the maximum allowances for Food assistance. The changes are necessary due to changes in federal benefit levels.

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 |
|---|---|---|---|---|---|---|---|

That the maximum amounts allowed for food assistance 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 federal guidelines.

(NOTE: New items in the attached Policy are underlined, deleted items have ~~strikeouts~~.)

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.

FOOD(Effective 11/01/2013 – 09/30/2014)

The maximum amounts allowed for food are:

| No. in Household | Weekly | Monthly | | |
|------------------|-------------------|---------------|--------------------|----------------|
| 1 | 46.51 | <u>43.95</u> | 200.00 | <u>189.00</u> |
| 2 | 85.35 | <u>80.70</u> | 367.00 | <u>347.00</u> |
| 3 | 122.33 | <u>115.58</u> | 526.00 | <u>497.00</u> |
| 4 | 155.35 | <u>146.97</u> | 668.00 | <u>632.00</u> |
| 5 | 184.42 | <u>174.42</u> | 793.00 | <u>750.00</u> |
| 6 | 221.40 | <u>209.30</u> | 952.00 | <u>900.00</u> |
| 7 | 244.65 | <u>231.40</u> | 1052.00 | <u>995.00</u> |
| 8 | 279.53 | <u>264.42</u> | 1202.00 | <u>1137.00</u> |

Additional persons in the household will be budgeted at ~~\$150.00~~ 142.00 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.

Note: Additions are underlined; deletions are ~~struck-out~~.



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: General Assistance Maximums and Ordinance Revisions

DT: November 19, 2013

Enclosed are materials regarding modifications to the General Assistance Food Maximums (Appendix B) and the General Assistance Ordinance. The Food Maximums are effective November 1, 2013 through September 30, 2014. The Ordinance revisions are effective July 1, 2013.

The GA Food Maximums are based on the Thrifty Food Plan. These amounts are equal to the Food Supplement (SNAP) benefit. Hence, the GA Food Maximums must be revised and adopted whenever these amounts increase or decrease.

The SNAP benefits decreased effective November 1, 2013 due to the expiration of the ARRA (American Recovery and Reinvestment Act of 2009), which increased benefits by 13.6 percent in April of 2009 in response to the recession.

The GA Ordinance is based on State Statute Title 22. Ordinance language must reflect the language in the Statute. Hence, the GA Ordinance must be revised and adopted whenever the language in the Statute is amended.

The amendments are cost savings measures and add accountability and equality to the GA program. Additionally, some of the changes bring the GA program regulations in line with the laws that govern State and Federal programs.

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LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Order authorizing the City Administrator to execute an Option Agreement with Bates Mill LLC, regarding Bates Mill #5.

INFORMATION:

The Council previously authorized staff to develop an option agreement with Tom Platz to acquire Bates Mill #5. That agreement, which will be with Bates Mill, LLC, is attached along with a memo from Economic and Community Development Director Lincoln Jeffers which more fully summarizes its terms. A copy of the agreement itself it also attached.

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 |
|---|---|---|---|---|---|---|---|

To approve the Order authorizing the City Administrator to execute an Option Agreement with Bates Mill LLC, regarding Bates Mill #5.

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Bates Mill #5 Option Agreement
Date: November 14, 2013

At the City Council's direction, staff has been working with Tom Platz to develop an Option Agreement allowing Bates Mill, LLC to acquire Bates Mill #5. The City Council is being asked to approve the Option Agreement, authorize the City Administrator to execute the document, and authorize staff to negotiate a Joint Development Agreement with the Developer. The Joint Development agreement will be brought to the Council for approval.

The Option price is \$1. The purchase price for Bates Mill #5 will be \$1. The term of the Option is for six months. The Option may be extended at the council's sole discretion, with the expectation that it will be extended if necessary so long as sufficient evidence of progress on the redevelopment is provided to the City Council. Such evidence may include but is not limited to architectural plans, cost estimates, and financing or tenant commitments for the mill.

In continuing to develop plans for the redevelopment of the building, the level of municipal support needed to make the project financially viable is a critical but still undefined element of the project. City staff has begun discussions with Bates Mill, LLC to better define the type and level of support needed. Those discussions are continuing and will result in a Joint Development Agreement between the City and developer which will define and contractually commit both parties to certain obligations and levels of investment. The terms of the Joint Development Agreement will need to be approved by the City Council. It is the goal of the City, as well as of the developer, to have a Joint Development Agreement before the Council for action no later than January 2014.



City of Lewiston Maine
City Council Resolve
November 19, 2013



Order, Authorizing the City Administrator to Execute an Option Agreement with Bates Mill LLC, regarding Bates Mill #5

WHEREAS, the City of Lewiston owns Bates Mill #5; and

WHEREAS, the building has long been vacant, and past efforts to find a suitable tenant or qualified party to redevelop the building have not been successful; and

WHEREAS, through the efforts of Grow L+A enough financial and architectural analysis was conducted and tenant interest in the building generated to attract the interest of Tom Platz as a developer for the project; and

WHEREAS, on October 1, 2013, the Lewiston City Council authorized staff to negotiate an Option Agreement for acquisition of Bates Mill #5 with Tom Platz; and

WHEREAS, such an agreement has been negotiated and is attached; and

WHEREAS, the agreement is with Bates Mill LLC, a development entity controlled by Tom Platz which has been used for redevelopment of other buildings within the Bates Mill complex;

NOW THEREFORE, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute, on behalf of the City, an option agreement substantially in the form attached hereto for transfer of Bates Mill #5 from the City to Bates Mill, LLC are the parties to the agreement.

OPTION AGREEMENT

THIS AGREEMENT made as of this _____ day of November, 2013 **BETWEEN** the **CITY OF LEWISTON** with a mailing address of 27 Pine Street, Lewiston, ME 04240, City of Lewiston, hereinafter referred to as Seller, **AND BATES MILL, LLC**, with a mailing address of 2 Great Fall Plaza, Auburn, ME 04210, hereinafter referred to as Buyer.

RECITALS

- A. Seller is the owner of the land and buildings and improvements thereon known as Bates Mill # 5 and which is described in Exhibit A (hereinafter referred to as the "real estate").
- B. Seller is desirous of granting to Buyer an option to purchase the real estate.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and undertakings hereinafter expressed, the parties agree as follows:

Section 1: Option. Seller hereby grants to Buyer the exclusive option of purchasing the real estate under the terms and conditions set forth herein.

Section 2: Term. This Option will remain in effect until five o'clock (5:00) p.m., prevailing time, May 18, 2014 ("Initial Term"). The Option may be extended for six months ("Renewal Term"), at the sole discretion of the Seller, based upon Buyer's providing Seller evidence of possible development of the real estate, including but not limited to architectural plans, cost estimates, financing and tenant commitments.

Section 3: Option Price. The option price is One (\$1.00) Dollar, receipt of which is hereby acknowledged. All monies paid on account of the option price are not refundable except in the case of a failure of title as set forth below.

Section 4: Exercise. This option shall be exercised for the real estate by giving written notice thereof, at any time during the Initial Term or Renewal Term, to Seller at the following address:

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

Such notice may be sent first class mail, postage prepaid, or delivered by hand.

Section 5: Purchase Price. The purchase price for the acquisition of the real estate shall be One (\$1.00) Dollar.

Section 6: Closing. The Closing, whether on a Lot or on all or the remainder of the real estate, shall take place at Buyer's election but not later than five o'clock (5:00) p.m., prevailing time, at 10:00 am on the 30th day following the day upon which the notice of exercise of the option is received, at the offices of Brann & Isaacson, 184 Main Street, Lewiston, Maine. If the 30th day is not a business day, then the closing shall take place on the next business day thereafter.

Section 7: Conveyance and Payment.

7.1. Warranties and Title. Conveyance shall be made by quitclaim deed with covenants conveying good marketable title to said real estate, as defined by the standards adopted by the Maine Bar Association, free and clear of encumbrances, except for conventional utility easements and such restrictions as would not make the title unmarketable. The title shall also be insurable by any reputable title insurance company licensed to do business in the State of Maine. Seller will execute such affidavits as may appropriately be required by the applicable title insurance company to cause the deletion of the standard mechanics lien exception from the to-be-issued title insurance policy.

7.2. The Maine real estate transfer tax shall be paid by Seller and Buyer in accordance with 36 M.R.S.A. § 4641-A.

Section 8: Taxes.

8.1. Real estate taxes due the City of Lewiston, Maine, during the term of this Option on all of the real estate shall not be paid by Buyer.

8.2. Real estate taxes and costs of utilities shall be prorated as of the closing date.

Section 9: Succession. This Agreement and the provisions herein shall be binding on the respective heirs, personal representatives, successors and assigns of Seller and Buyer.

Section 10: Miscellaneous.

10.1. Joint Development Agreement: During the Initial Term and any Renewal Period, the parties shall use good faith efforts to negotiate a joint development agreement, which would be effective in the event that Buyer exercises its option.

10.2. Assignment. With the consent of the Seller, the Buyer shall have the right to assign this Agreement to another entity. Consent for the assignment shall not be unreasonably withheld, delayed or conditioned.

10.3 Legal Fees. All reasonable legal fees including, without limitation, the preparation of documents, review of documents and attendance at closing, incurred by Seller in connection with the sale of the real estate or any one or more of the Lots shall be paid by Buyer at Closing.

10.4. Entry. Buyer shall have the right to enter upon the real estate at reasonable times for the purpose of making studies for Buyer's development of the real estate. All of said studies shall be done in a good and workmanlike manner, done in accordance with all applicable laws, regulations, ordinances, governmental permits and approvals, and done at the sole expense of Buyer.

10.5. Possession. At the time of each Closing, Seller will deliver over exclusive possession of the real estate to Buyer.

10.6. Brokers. Neither party has retained a real estate broker in this transaction.

10.7. Eminent Domain. In the event that the real estate or any portion of it is taken by condemnation after exercise of the option on the real estate or on one of the Lots affected by said taking prior to the Closing, Seller will, at the Closing, deliver to Buyer all condemnation awards stemming from such loss or condemnation received by Seller pertaining to said real estate or Lot, as the case may be, and will assign to Buyer Seller's rights to receive all of same, whichever is pertinent, and, to that end, Seller will cooperate with Buyer in the preparation of all statements of loss, provisions of loss, and such other documents as may be required by the condemning authority.

10.8. Time. Time is of the essence in all matters relating to this Agreement.

10.9. "As Is" Condition. The real estate will be sold in "as is" physical condition, and Seller makes no representations to Buyer whatsoever as to the physical state of same. This limitation shall prevail through the Closing, and no further writing shall be necessary with respect thereto. Seller represents to Buyer, which representation shall remain in effect through the Closing, that Seller has not been advised by any governmental agency or authority that the real estate is in violation of any law, statute or regulation.

10.10. Title Exceptions. Buyer shall examine the title to the real estate and report in writing any valid objections (hereafter "exceptions") thereto based on the Standards adopted by the Maine State Bar Association within sixty

(60) days of the date of this Option Agreement. If Buyer objects to any exceptions to the title, Seller shall use all due diligence to remove such exceptions at Seller's own expense within thirty (30) days thereafter. But if, notwithstanding Seller's due diligence, exceptions cannot be removed within the said thirty (30) day time period, or such additional period as Buyer, in Buyer's sole discretion, may allow, Buyer may elect to terminate the exercise of the option on the real estate. Buyer shall notify Seller of such election, in which case the option price shall be returned to Buyer and the obligations of all parties under this Agreement shall thereupon terminate. Alternatively, Buyer may elect to purchase the real estate or any of the Lots as provided under the provisions of this Agreement subject to any such title exceptions which cannot be removed.

10.11. Governing Law. This Agreement and the transaction contemplated by it shall be governed by the laws of the State of Maine.

10.12. Notices. Any notices required by or useful under the terms of this Agreement shall be given, in the case of Seller, to:

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

and, in the case of Buyer, to:

Bates Mill, LLC
2 Great Falls Plaza
Auburn, ME 04210

or such other persons and addresses as the appropriate party may hereafter designate. All such notices shall be sent first class mail, prepaid, or delivered in hand.

10.13. Entire Agreement. This Agreement contains the entire and only agreement between the parties and no oral statements or representations or prior written matter not contained in this Agreement shall have any force and effect.

Section 11: Short Form for Recording. Buyer may wish to give notice of this Option through a recordation in the Androscoggin County Registry of Deeds. Seller and Buyer agree that the entire contents of this Option need not be made public through such recording. Accordingly, a reduced version of this Option may be executed simultaneously with the execution of this Option, and Seller agrees that only the reduced version shall be so recorded. The reduced version of this Option when recorded shall serve as notice to all of the contents of the complete version of this Option Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the day and year first above written.

Witness

City of Lewiston

By: _____

Title: _____

Witness

Buyer: _____

By: _____

Title: _____

EXHIBIT A

MILL 5 (WEAVE SHED) & MILL STREET

(Parcel I-E, Weave Shed - 15 Canal Street and Main Street): Beginning at a stone bound set in the ground in the division line between land of the Union Water Power Company and the line of said Franklin Company marking the southeasterly corner or angle in the lot conveyed by the Franklin Company to Joseph LeBlanc by deed numbered 985, dated November 13, 1892, and recorded in said Registry of Deeds, Book 75, Page 617, said point of beginning being one hundred (100) feet southerly from the southerly line of Main Street as now located, measured at a right angle from said Main Street and ten (10) feet westerly from the westerly line of the Main Canal of the Union Water Power Company; thence southwesterly in a straight line parallel to and one hundred feet (100) feet southerly from the southerly line of Main Street, three hundred ninety-nine and one-tenth (399.1) feet to a stone bound in the easterly line of land deeded to the Maine Central Railroad Company by the Franklin Company by deed dated August 26, 1881, and recorded in said Registry of Deeds, Book 104, Page 576; thence southerly by the easterly line of said Maine Central Railroad Company's land four hundred forty and four tenths (440.04) feet to a stone bound in said line at the corner of land now owned by the Union Water Power Company; thence easterly by the northerly line of said Union Water Power Company's land three hundred twenty-eight and forty-five hundredths (328.45) feet to a stone bound ten (10) feet westerly from said Main Canal of Union Water Power Company, marking the most southeasterly corner of the lot herein described and conveyed; thence northerly by land of the Union Water Power Company on a line parallel to and ten (10) feet westerly from said Main Canal six hundred and forty-eight and forty hundredths (648.40) feet to the point of beginning.

(Parcel I-F, 85 Main Street): Beginning at a point in the southeasterly line of Main Street at the northeasterly corner of a lot of land conveyed by the Franklin Company to the Maine Central Railroad Company by deed dated August 26, 1881, and recorded in said Registry of Deeds, Book 104, Page 576; thence northeasterly by Main Street ten (10) feet; thence at a right angle with said street southeasterly eighty-eight (88) feet; thence at a right angle northeasterly thirty-eight (38) feet; thence at a right angle southeasterly twelve (12) feet to the northwesterly line of lot of land conveyed by the Franklin Company to the Bates Manufacturing Company by deed dated August 1, 1910, and recorded in said Registry of Deeds, Book 257, Page 219; thence southwesterly at a right angle and on the line of said Bates Manufacturing Company land about one hundred twenty (120) feet to land of the Maine Central Railroad Company above referred to; thence northerly by the easterly line of said Railroad Company's land about one hundred twenty-three (123) feet to the point of beginning on said Main Street.

(Parcel I-G, 85 Main Street): Commencing at an iron pin in the southeasterly line of Main Street; at the westerly corner of land conveyed by the Franklin Company to Barbara McInnis by deed of said Franklin Company, bearing No. 964; said point of commencement is about three hundred forty-nine and one-tenth (349.1) feet southwesterly from a stone bound located at the intersection of the westerly line of the Union Water Power Company's land (on the westerly side of the Main Canal) and the southeasterly line of said Main Street; thence running southeasterly, at a right angle and by the southwesterly line of said McInnis land, eighty-eight (88) feet to said McInnis southerly corner; thence southwesterly at a right angle about thirty-eight (38) feet to a

point; thence at right angles northerly about eighty-eight (88) feet to Main Street; thence northeasterly along the southeasterly line of Main Street about thirty-eight (38) feet to the point of beginning.

(Parcel MCCR-1, 85 Main Street): Beginning at a point on the southerly sideline of Main Street, said point being the northeasterly corner of the first parcel of land conveyed by Maine Central Railroad Company to Lewis Annacone and Nelmo Frateschi by deed dated February 5, 1946, recorded in said Registry of Deeds, Book 575, Page 16; thence easterly in said southerly sideline of Main Street a distance of fifty (50) feet, more or less, to the northwesterly corner of Parcel I-F herein; thence southerly in the westerly sideline of said land of Parcel I-F and Parcel I-E herein a distance of five hundred ninety-five and one-half (595.5) feet to land now or formerly of the Union Water Power Company, presently occupied by Cross Canal Number One, so-called; thence westerly by said land of said Union Water Power Company a distance of sixty-seven and thirty-six hundredths (67.36) feet to a point marking the southeasterly corner of Parcel No. 3 conveyed by Maine Central Railroad Company to Carman-Thompson Company by deed dated September 23, 1983, recorded in said Registry of Deeds, Book 1696, Page 132; thence northerly in the easterly sideline of said Parcel No. 3, a distance of forty (40) feet to a point marking the northeasterly corner of said Parcel No. 3, said point being the southeasterly corner of Parcel No. 1 of said deed by Maine Central Railroad to Carman-Thompson Company; thence northerly in the easterly sideline of said Parcel No. 1 a distance of three hundred ninety-five (395) feet, more or less, to an iron pipe marking the northeasterly corner of said Parcel No. 1, said iron pipe also lying in the southerly sideline of said Annacone land; thence easterly in said southerly sideline of said Annacone land a distance of twelve (12) feet, more or less, to a point marking the southeasterly corner of said Annacone land; thence northerly in the easterly sideline of said Annacone land a distance of one hundred fifty-nine and eighteen hundredths (159.18) feet, more or less, to the point of beginning meaning and intending to convey 36,990 square feet, more or less.

Being a portion of the same premises described in a Judgment to Confirm and Establish Title on behalf of the City of Lewiston against Bates Fabrics, Inc., et als., dated June 6, 1994, and recorded in said Registry of Deeds in Book 3315, Page 160.

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Resolve approving and adopting the Analysis of the Impediments to Fair Housing Choice, Lewiston and Auburn, Maine 2013 .

INFORMATION:

As a Community Development Block Grant Entitlement Community and a member in the HOME partnership with Auburn, the City is required to periodically conduct an analysis of impediments to fair housing and identify strategies to address them. Our last analysis was in 2006, and this analysis was prepared in cooperation with the City of Auburn where the last such work was done in 2005. The City Council has previously reviewed the analysis (attached) in a workshop, and it is now ready to be acted on and filed with the U.S. Department of Housing and Urban Development.

A summary of the analysis prepared by Community Development Director Lincoln Jeffers is also attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To approve the Resolve approving and adopting the Analysis of the Impediments to Fair Housing Choice, Lewiston and Auburn, Maine 2013.



**City of Lewiston Maine
City Council Resolve
November 19, 2013**

RESOLVE, Approving and Adopting the *Analysis of the Impediments to Fair Housing Choice, Lewiston and Auburn, Maine 2013*

WHEREAS, the City of Lewiston is a Community Development Block Grant (CDBG) Entitlement Community and, in partnership with the City of Auburn, is a member of a Home Investment Partnership Program (HOME) Consortium, programs through which Lewiston receives annual funding from the Department of Housing and Urban Development (HUD); and

WHEREAS, as part of the CDBG and HOME grant requirements, the City is required to periodically conduct an *Analysis of Impediments to Fair Housing Choice Study* to identify impediments to receiving fair housing as defined in the Federal Fair Housing Act and to identify strategies to address these impediments; and

WHEREAS, Lewiston last conducted an *Analysis of Impediments to Fair Housing Choice* in 2006 and Auburn in 2005; and

WHEREAS, many aspects of Lewiston and Auburn's housing markets overlap and are shared and, with both communities due for an update, the decision was made to jointly commission and share in the cost of conduction a new Impediments to Fair Housing Analysis; and

WHEREAS, Lewiston Economic and Community Development staff participated in the development of the impediments study and recommend approval of the study; and

WHEREAS, The *Analysis of Impediments to Fair Housing Choice Study* was reviewed and discussed at the October 22, 2013 City Council Workshop;

NOW, THEREFORE, BE IT RESOLVED that the Lewiston City Council hereby approves and adopts the *Analysis of the Impediments to Fair Housing Choice, Lewiston and Auburn, Maine 2013* and authorizes the City Administrator to sign the Signature Page; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to distribute a certified copy of this Resolution to the Director of Economic and Community Development Department and the U.S. Department of Housing and Urban Development, Office of Community Planning and Development.

Economic and Community Development

Lincoln Jeffers

Director

Lewiston



2007



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Impediments to Fair Housing
Date: November 14, 2013

Lewiston receives federal funds through the United States Department of Housing and Urban Development (HUD) as a CDBG Entitlement Community; and as a consortium partner with Auburn in receiving Home Investment Partnership (HOME) funding. As a condition of receiving this funding, Lewiston is obligated under the federal Fair Housing Act and HUD regulations to conduct an analysis of Impediments to Fair Housing on a periodic basis. As part of that analysis, the city needs to identify impediments and strategies to address them and have that document approved by the City Council.

Lewiston's last Impediments to Fair Housing analysis was done in 2006. Auburn's was done in 2005. Since both communities were due for an update, and many aspects of our housing markets are shared, the determination was made to jointly commission and share in the cost of having a new Impediments to Fair Housing Analysis conducted. The project was put out to competitive bid, with Planning Decisions being the chosen contractor. Staff from both cities have worked with the consultant since February 2013 identifying stakeholders, conducting interviews, reviewing the analysis, and participating in developing the strategies to address the issues identified. In addition to the cities, the Lewiston and Auburn Housing Authorities agreed to participate in the process, funded a portion of the contract, and will assist the cities in the implementing the fair housing plan.

A copy of the analysis is attached. The council discuss it in Workshop on October 22nd. Following is a brief summary of Fair Housing laws, what was analyzed, the issues found, and the strategies developed to address them.

Federal Fair Housing Laws

The federal Fair Housing Act of 1968 is product of the Civil Rights movement. It made it against the law to discriminate against the provision of housing based upon a person's race, color, national origin, religion, sex, familial status, or handicap/. No one engaged in offering housing for rent or sale, can engage in the following to those protected classifications:

- 1) Refuse to rent or sell housing
- 2) Refuse to negotiate for housing
- 3) Make housing unavailable
- 4) Deny a dwelling
- 5) Set different terms, conditions or privileges for sale or rental of housing
- 6) Provide different housing services or facilities
- 7) Falsely deny that housing is available for inspection, sale or rental

- 8) Encourage one group of homeowners to sell at a loss for fear of incursion by a protected class to a broker or agent, and then for that broker or agent to sell to a protected class at profit
- 9) Deny access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing

Mortgage lenders cannot do the following based on race, color, national origin, religion, sex, familial status or handicap:

- 1) Refuse to make a mortgage loan
- 2) Refuse to provide information about loans
- 3) Impose different terms on a loan (such as points, interest rates, fees)
- 4) Discriminate in appraising property
- 5) Refuse to purchase a loan or set different terms for purchasing a loan

Additionally it is illegal to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right, or assisting someone in exercising that right
- Advertise for rent or sale, expressing a preference or limiting based on the protected classifications

If a tenant is disabled a landlord may not:

- Refuse to let the tenant, at their expense, make reasonable modification to a dwelling or common use area that enables the tenant to use the housing
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary to allow the disabled person to use the housing.

Maine Fair Housing Laws

Maine' Human Rights Act expanded the definition of protected classes to include *sexual orientation*, and *recipients of public assistance*.

What Was Analyzed

Community demographics were updated using the 2010 Census and most recent American Community Survey data. Interviews were conducted with landlords, tenants, housing authorities, and organizations that work with citizens in the protected classifications to identify challenges, impediments, and discrimination that may exist. A detailed list of organizations surveyed and interviewed is included in Appendix A of the report. Studies conducted since 2006 were reviewed, with recommendations regarding housing included in the report. Zoning changes since 2006 that may have an impact on housing were noted. Page 9 of the report summarizes the issues identified in the 2006 Analysis of Impediments to Fair Housing, the strategies developed to address them, and progress on implementing those strategies.

Stakeholder Interview and Impediments Findings

Table 38 beginning on page 42 of the report summarizes the interview findings.

Findings in part include:

1. Unwillingness by some landlords to rent to large families
2. Difficulty in communicating, and resultant discrimination; especially between languages and cultures
3. Lack of knowledge in both landlords and tenants on fair housing issues, requirements and responsibilities
4. Old housing stock, low rents, and high operational costs result in inadequate investment to maintain quality housing standards

5. Need for more Section 8 vouchers, funding for security and last month rent deposits
6. Increased code enforcement needed
7. The issuance of mortgages city wide has declined since 2006, but the decline is larger among blacks, perhaps a reflection of limited local availability of Sharia compliant loans.
8. Lewiston's rate of disability is higher than Androscoggin County (19.1% vs. 14.5%); and for the population ages 5 – 17 is 15.1% Lewiston vs. 7.5% County. Fair housing discrimination complaints based upon disability are the most common brought to the Maine Human Rights Commission.
9. Per the census, 7.6% of Lewiston's target area housing is characterized as "other vacant," which in most instances is abandoned and or boarded up.
10. Lead paint and pest control is an ongoing problem. Lewiston 's child lead poisoning rate in the target area is 3 times the state average, with 90% of the poisonings occurring in rental housing, and 50% of the cases occurring to immigrant children.

Mitigation Strategies (Pg. 51)

The issues and impediments, in large measure, distill down to a lack of education and understanding about the rights and responsibilities of tenants and landlords. These are caused by cultural issues, language barriers, and lack of knowledge about fair housing regulations. There are rules associated with disabled tenants that landlords need to be aware of. Strategies to address these issues include holding annual educational workshops for tenants and for landlords on a variety of issues, including disability rights and responsibilities; cultural and language issues related to New Mainers; rental issues related to younger tenants; care and maintenance of properties for both tenants and landlords; and other housing related issues that may arise.

Lewiston does not have enough large rental units to adequately meet the needs of large immigrant families. Compounding that problem may be the scarcity of Sharia compliant financing that keeps many potential homeowners that are Muslim (which has tenets against paying interest) out of the home buying marketplace. Efforts will be made to develop locally sources of Sharia financing, and improved access to national sources. Homeownership training will be provided. A broad network of stakeholders and service providers will be engaged in these efforts.



Analysis of the Impediments to Fair Housing Choice Lewiston and Auburn, Maine | 2013

Prepared for the Cities of Lewiston and Auburn

By Planning Decisions, Inc.
Portland and Hallowell, Maine
www.planningdecisions.com

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DRAFT

EXECUTIVE SUMMARY

This Analysis of Impediments combines the cities of Lewiston and Auburn, Maine. Auburn's last Analysis of Impediments was completed in 2005, and Lewiston's in 2006. The two cities are located next to each other in Androscoggin County, Maine, and receive direct federal funding from the Department of Housing and Urban Development (HUD). This analysis looks at protected groups in Lewiston and Auburn CDBG target areas, which are primarily in their adjoining downtowns.

Since 2006, studies in both cities have shown the need to replace unsafe downtown housing, improve landlord/tenant communications, encourage apartment rehabilitation and reconstruction, and increase access to public transportation. Below is a summary of issues and recommendations from this analysis.

Demographics

From 2001 to the present, approximately 4,000 immigrants (referred to as "New Mainers") have moved to Auburn and Lewiston. Most of these immigrants are secondary immigrants from Somalia, relocating from their initial placement elsewhere in the United States. This new population is not evenly distributed; of the Black/African American population in Lewiston and Auburn (combined), 61% live in the Lewiston target area. There are considerable cultural and language barriers between New Mainers and landlords in both cities, especially Lewiston. As tenants, many New Mainers lack information about their rights and responsibilities, and landlords can exploit language barriers.

Lewiston and Auburn face a number of demographic challenges. In Lewiston, 15.1% of the population between 5 and 17 has a disability, and of these, 85% have a cognitive difficulty. Maine Human Rights Commission data shows that disability-related housing complaints far outnumber other types of complaints for both cities. The Maine Human Rights Commission includes recipients of public assistance in its list of groups protected against discrimination. In April 2013, 35.6% of Lewiston's population received SNAP assistance; in Auburn, 26% of the population.

Housing

A sharp decline in housing prices in the mid-2000s increased the affordability of housing in both cities. The issuance of mortgages fell to all groups after 2006, but decline among blacks was greater than among other groups. Part of the reason for this may be that many black New Mainers are Muslim, and local mortgage originators may not have loan products to meet their needs.

Rental Housing

During the recent recession, rent levels continued to rise in Lewiston and Auburn (although modestly), while incomes stayed the same. The rental housing stock in both cities dates from

the days of high-density downtown mill jobs, and rental housing built before 1940 accounts for more than two-thirds of total rental housing in the target areas. Many landlords don't invest in maintaining rental properties, leading to deterioration.

Summary of Recommendations

After reviewing this analysis, the cities of Lewiston and Auburn will work together to create an ongoing series of landlord and tenant information and training workshops, targeted at specific groups (including New Mainers and tenants with disabilities). In addition, city staff and partners will visit elementary schools each year during Fair Housing Month, and distribute posters about tenant rights and responsibilities in local languages. To help increase the number of mortgages to New Mainer families, the cities will work with local and national lenders to identify culturally appropriate home financing products, and advertise them to the community.

DRAFT

INTRODUCTION

Purpose of Study

The purpose of this study is to identify impediments to fair housing choice in Auburn and Lewiston, Maine, and to identify strategies to overcome these impediments.

The United States Department of Housing and Urban Development (HUD) defines impediments to fair housing choice to be:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

The cities of Lewiston and Auburn, located next to each other in Androscoggin County, Maine, receive direct federal funding from the Department of Housing and Urban Development (HUD) to administer programs which include:

- Community Development Block Grant (CDBG)
- Home Investment Partnership (HOME)

In this role as so-called “Entitlement” communities, the cities are obligated under the federal Fair Housing Act and HUD regulation to affirmatively further fair housing. Although this obligation is not defined in statute, HUD defines it in regulation as “*requiring a grantee [State and Entitlement community] to:*

- *Conduct an analysis to identify impediments to fair housing choice within the jurisdiction*
- *Take appropriate actions to overcome the effects of any impediments identified through the analysis*
- *Maintain records reflecting the analysis and actions taken in this regard.*

Auburn’s prior Analysis of Impediments to Fair Housing Choice was conducted in 2005, and Lewiston’s in 2006. This report updates those reports and fulfills both Lewiston and Auburn’s HUD requirements as Entitlement communities.

REVIEW OF FAIR HOUSING LAWS

Federal Fair Housing Laws

Congress passed the Fair Housing Act in 1968. That Act has been amended several times since. Basic facts about the Fair Housing Act are summarized on HUD's web site¹, excerpts of which are given below.

What Housing Is Covered?

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

What Is Prohibited?

In the sale and rental of housing: No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- For profit, persuade owners to sell or rent (blockbusting) or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

In mortgage lending: No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap (disability):

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising property
- Refuse to purchase a loan or
- Set different terms or conditions for purchasing a loan.

In addition: It is illegal for anyone to:

¹ http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws/yourrights

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

Additional Protection: If you have a disability, your landlord may not:

- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing.

State Fair Housing Laws

Maine's Human Rights Act protects all of the groups listed in the federal law, and adds two additional groups – those who discriminated against due to their sexual orientation, and those discriminated against because they receive public assistance. The Maine Human Rights Commission summarizes the housing protections as follows²:

- It is illegal to discriminate against any person because of race, color, religion, national origin, ancestry, sex, sexual orientation, disability, familial status, or receipt of public assistance.
- Covered fair housing activities include oral or written inquiries, sale or rental of housing/residential lots, advertisements, financing of housing, provision of real estate brokerage services, appraisal of housing, blockbusting and steering, harassment, and unequal terms and conditions of housing.
- As of September 1, 2012, the law's protection is being expanded to cover someone who is an "aggrieved person" (defined as "any person who claims to have been subject to unlawful discrimination").

² http://www.maine.gov/mhrc/guidance/fair_housing.htm

LEWISTON AND AUBURN POLICIES

City of Lewiston

In addition to its 2006 Analysis of Impediments to Fair Housing, Lewiston's downtown has been the subject of several studies – both municipal and community-based - over the last five years. Several common themes have emerged: replace unsafe downtown housing, improve landlord/tenant communications, encourage apartment rehabilitation and reconstruction, and increase access to public transportation. After downtown apartment fires in April/May 2013 left over 200 people homeless, Lewiston has aggressively moved forward with its plan to tear down vacant, abandoned buildings, many of which were low-quality apartments built to house mill workers in the late 19th and early 20th century. There is a perception that while there is plenty of low-cost housing in Lewiston, much of it is in older, poorly built structures that are safety hazards for tenants and neighborhoods.

Although most of the attention in Lewiston is focused on the safety hazards of downtown rental housing, there are several general affordable-housing policy changes since the 2006 Analysis of Impediments:

- **Changes in downtown density:** Previously, the Downtown Residential District had a general minimum of 1,500 square feet of net lot area per dwelling unit. However, there was a density bonus provision which allowed 1,000 square feet of net lot area per dwelling unit for projects in which 25% of the tenants were low and moderate income households. Because city staff lacked an effective way to track compliance with the density bonus provision, the bonus was eliminated. At the same time, the City reduced the general minimum from 1,500 square feet to 1,250 square feet within the district.
- **Lodging Houses:** The city create a new "Lodging House" definition that combines the previous categories of lodging house, shelter, and boarding house. At least two new developments have been created in this group.
- **Development Grid:** The city has created a comprehensive use grid for development: <http://www.lewistonmaine.gov/DocumentCenter/Home/View/249>
- **Disorderly Property Ordinance:** Lewiston's mayor is proposing a "disorderly house" ordinance, which would require landlords to address tenants who disturb their neighbors or commit crimes. Owners of disorderly properties would be required to meet with city officials and police to come up with solutions.³

Beyond specific zoning changes, the City of Lewiston has had a number of studies of housing policy in the last ten years. Starting with the most recent, those studies include:

³ <http://www.sunjournal.com/news/lewiston-auburn/array/array/array/array/1363768>

Lewiston Comprehensive Plan (2013)

In Process

Riverfront Master Plan (2012)⁴

- Focused on developing new market rate residential units in Bates Mill, Continental Mill, and Oxford Street
- Sees a potential for 110-210 market-rate residential units in downtown Lewiston over the next five years

Strategic Plan for the City of Lewiston (2010)⁵

Selected Strategies

- Improve, create, and maintain mixed-income housing.
- Review data, look for potential CDBG-eligible areas
- Identify properties that negatively impact neighborhoods, work with residents to address concerns
- Facilitate replacement of unsafe housing with safe housing
- Complete tenement and sprinkler inspections
- Work to implement 10-year plan to end homelessness
- Consider additional incentives to encourage rehab and re-construction of substandard, unsafe properties

Lewiston Auburn Homelessness Needs Assessment Report (2009)⁶ and The 10 Year Plan to Eliminate Homelessness in Lewiston and Auburn (2009)⁷

Challenges Identified

- There is a shortage of shelter beds
- There is confusion in the voucher program
- There is exploitation in the world of “couch-surfing”
- There is a job/incomes problem
- The housing stock is old and in poor condition
- Homeless people need help reintegrating into society

Selected Strategies

- Prevention – addressing the broad conditions that foster homelessness
- Early intervention – identifying and helping individuals at immediate risk of homelessness
- Crisis response – ensuring that emergency food, shelter, health care, are available
- Permanent affordable housing – achieving reintegration into the community

⁴ <http://www.lewistonmaine.gov/DocumentCenter/Home/View/2350>

⁵ <http://www.lewistonmaine.gov/DocumentCenter/Home/View/804>

⁶ http://www.unitedwayandro.org/media/Needs_Assessment_for_Lewiston_Auburn.pdf

⁷ http://www.unitedwayandro.org/media/Plan_to_End_Homelessness_in_Lewiston_Auburn.pdf

Downtown Neighborhood Action Plan (2009)⁸

Developed by the Downtown Neighborhood Task Force

Selected Recommendations

- Develop a Registration/Business Licensing program for rental property owners.
- Increase Landlord/voucher holder communications about conditions, behaviors and standards (for both landlords and tenants)
- Create a forum for downtown landlords to exchange ideas and information
- Create a new loan program using CDBG funds that encourages mixed-use developments in the downtown area.
- Use grants or loans to encourage affordable units in apartment rehabilitation or reconstructions
- Develop a formal policy on development of cooperative housing
- Promote condo conversion, which can minimize risk by being rented as apartments
- Facilitate the replacement of unsafe housing, and commission a scientific, detailed study of downtown housing conditions (too many housing condition reports are based on assumptions or haphazard inspections)

The People's Downtown Master Plan (2008)⁹

Project of Visible Communities (Lewiston downtown resident organization)

Priorities

- Expand affordable public transit
- Improve and create more safe, well maintained, truly affordable housing
- Establish accessible and free community center for persons of all ages
- Increase job opportunities and training for downtown residents.

2006 Analysis of Impediments to Fair Housing in the City of Lewiston

Issues

- Landlord lack of knowledge
- Landlord bias
- Bias among neighboring tenants
- Tenants don't know their rights
- How to deal with tenants who have difficulty living independently
- Language barriers for immigrants
- Problems with housing stock
- Problems with lack of resources
- Financial literacy for tenants and homeowners
- Transportation – need nighttime and weekend runs

Strategies

- Educate landlords about fair housing and lead paint laws.

⁸ <http://www.lewistonmaine.gov/DocumentCenter/Home/View/803>

⁹ <http://www.lewistonmaine.gov/DocumentCenter/Home/View/802>

- Promote financial education for tenants and recent in-migrants
- Provide lead paint services
- Create a broad-based forum and planning group for housing solutions in Lewiston

Table 1: Barriers and Strategies from 2006 Lewiston Analysis of Impediments

| Issues | Strategies | 2006-ongoing |
|--|---|---|
| -Landlord lack of knowledge -Landlord bias -Bias among neighboring tenants -Tenants don't know their rights -How to deal with tenants who have difficulty living independently -Language barriers for immigrants -Problems with housing stock -Problems with lack of resources -Financial literacy for tenants and homeowners -Transportation – need nighttime and weekend runs | Educate landlords about fair housing and lead paint laws. | 232 landlords were trained, and 185 landlords received certification in RRP |
| | Educate tenants about fair housing and lead paint laws. | Trained 144 Somali-Somali Bantu in tenant rights, lead hazards and proper cleaning techniques |
| | Promote financial education for tenants and recent in-migrants | Trained 3 immigrant households in financial literacy and 1 family purchased a home and received a Sharia-style loan from the City for affordability |
| | Provide lead paint services | Created 114 lead safe units between May 1, 2009 and April 30, 2012 |
| | Create a broad-based forum and planning group for housing solutions in Lewiston | The majority of the housing issues in Lewiston are in the city's downtown core, which is also the local CDBG target area (Census Tracts 201-2014) where 70% of the households are low-income. There are several broad-based collaboratives that operate within this area to information planning for housing solutions in Lewiston of which the city is an active participant, including the Lewiston-Auburn Alliance for services to the homeless (2006-2007), Healthy Homes Healthy Families (2008), Downtown Neighborhood Action Committee (2009), Neighborhood Housing League (2009), Collective Impact (2012) and Community Concepts, Inc., a NeighborWorks grantee, which moved corporate offices and developed housing downtown. |

City of Auburn

Auburn has some of the same housing issues as Lewiston, albeit on a smaller scale. Its 2005 Analysis of Impediments to Fair Housing recommended landlord/tenant education and interpreter services, and Auburn's 2010 Comprehensive Plan recommends maintaining the

safety of older housing, establishing a housing advocacy committee, and creating more new affordable housing units. In response to the fires in Lewiston, Auburn has also created a list of older residential buildings to inspect for safety issues. The 2005 Auburn study noted a few regulatory issues in the city – a status report is provided below.

Table 2: Regulatory Issues Noted in Auburn’s 2005 Analysis of Impediments to Fair Housing

| 2005 | Status (2013) |
|--|--|
| “Has minimum building size requirements that do not exceed local housing or health code” | <i>Zoning does have a minimum size of 600 square feet for single-family homes. No minimum size for multi-family.</i> |
| “Has no impact fees, but has a recreation fee based on the number of units in a new subdivision, and can waive those fees” | <i>Still accurate – and recreation fees are almost always waived.</i> |
| “Does not have a housing rehab code, but uses the BOCA code” | <i>Now uses the Maine Uniform Building and Energy Code, which does allow for some rehab variation. The City of Auburn Home Improvement Program home rehab must comply with that program’s rehab standards¹⁰</i> |
| “Allows manufactured housing in all residential zones if it meets all the standards as a stick built home. There are overlay districts where mobile homes are allowed “as a right” | <i>Not allowed in all zones, but overlay districts allow them throughout much of the city.</i> |
| “Has modified infrastructure standards to reduce the cost of housing” | <i>“Planned Unit Development” allows clustering and reduced frontages. Setbacks have been reduced in urban core, creating more buildable lot area. Has not affected density much.</i> |
| “Does not give “as a right” density bonuses to offset the cost of building, except in cluster housing projects” | <i>Still Accurate</i> |
| “Performs housing development reviews by all relevant departments concurrently” | <i>Still Accurate</i> |
| “Has established time limits for government review and approval or disapproval” | <i>Most Subdivisions (or multi-family development) can be approved in 30-60 days</i> |
| “Allows “Accessory Apartments” | <i>Two-family units allowed in all residential zones (accessory apartments are defined as two-family units in Auburn)</i> |

¹⁰ <http://www.auburnmaine.gov/Pages/Residents/Home-Improvement-Programs>

Auburn has also changed its policies to allow rooming or board houses in residential zones. This policy was created in response to multi-family rental owners creating illegal rooming houses without permits. One new rooming house has been created under this new system.¹¹

Table 3: Barriers and Strategies from 2005 Auburn Analysis of Impediments

| Issue | Strategy | Status (2013) |
|--|--|-------------------|
| Lack of understanding by landlords about Federal, State and local fair housing laws. | Provide information to landlords using a variety of media and organizational contact. | Accomplished. |
| Lack of understanding of people with mental illness. | Offer landlord training | Accomplished. |
| There is a problem with limited English proficiency. | Provide language training and fund interpreter services. | Not accomplished. |
| Lack of knowledge of the laws regarding reasonable accommodations and modifications. | Provide written information to landlords using a variety of media, organizational contact, and training. | Accomplished. |
| Discrimination based on receipt of public assistance. | Post notices in a variety of locations for both tenants and landlords | Accomplished. |

City of Auburn Comprehensive Plan (2010)¹²

Selected Goals

- Maintain and enhance the existing housing stock throughout Auburn's neighborhoods
- Support the continued development of subsidized and other affordable housing to meet the needs of low-income individuals and families.

New Auburn Master Plan (2009)¹³

New Auburn is one of Auburn's CDBG Target Areas

Selected Goals

- Maintain the quality of the existing owner-occupied housing stock by providing financial assistance to low and moderate-income property owners
- Establish flexible zoning and land use regulations designed to promote private development and rehabilitation
- Support owner-occupied small-scale rental housing as a positive part of these neighborhoods
- Support the establishment of an Auburn housing advocacy committee to develop and oversee housing related projects and programs

¹¹ Auburn City Clerk's Office, May 2013.

¹² http://www.auburnmaine.gov/CMSContent/Planning/Comprehensive_Plan_FINAL_Approved_4_19_11.pdf

¹³ http://www.auburnmaine.gov/CMSContent/Planning/Comprehensive_Plan_FINAL_Approved_4_19_11.pdf

- Assure that the existing rental housing stock is well maintained and well managed

Lewiston Auburn Homelessness Needs Assessment Report (2009)¹⁴ and The 10 Year Plan to Eliminate Homelessness in Lewiston and Auburn (2009)¹⁵

Challenges Identified

- There is a shortage of shelter beds
- There is confusion in the voucher program.
- There is exploitation in the world of “couch-surfing”
- There is a job/incomes problem
- The housing stock is old and in poor condition
- Homeless people need help in reintegrating into society

Selected Strategies

- Prevention – addressing the broad conditions that foster homelessness
- Early intervention – identifying and helping individuals at immediate risk of homelessness
- Crisis response – ensuring that emergency food, shelter, health care, are available
- Permanent affordable housing – achieving reintegration into the community

City of Auburn Analysis of Impediments to Fair Housing (2005)

Issues Identified

- Lack of understanding by landlords about federal, state and local fair housing laws.
- Lack of understanding of people with mental illness.
- There is a problem with limited English proficiency.
- Lack of knowledge of the laws regarding reasonable accommodations and modifications.
- Discrimination based on receipt of public assistance.

Strategies

- Provide information to landlords using a variety of media and organizational contact.
- Offer landlord training
- Provide language training and fund interpreter services.
- Provide written information to landlords using a variety of media, organizational contact, and training.
- Post notices in a variety of locations for both tenants and landlords

¹⁴ http://www.unitedwayandro.org/media/Needs_Assessment_for_Lewiston_Auburn.pdf

¹⁵ http://www.unitedwayandro.org/media/Plan_to_End_Homelessness_in_Lewiston_Auburn.pdf

Conclusion

The preceding narrative shows that both Lewiston and Auburn have ongoing concerns about the availability of decent and affordable housing to its citizens, and both have created proactive policies and programs to address the issue. This report updates the information in these past reports, and provides the opportunity to revisit and revise policies to make them more effective. The following sections of this report provide an overview of market conditions in Lewiston and Auburn, provide evidence from testing and interviews about fair housing issues in both cities, summarize the findings about fair housing impediments, and provide recommendations.

DRAFT

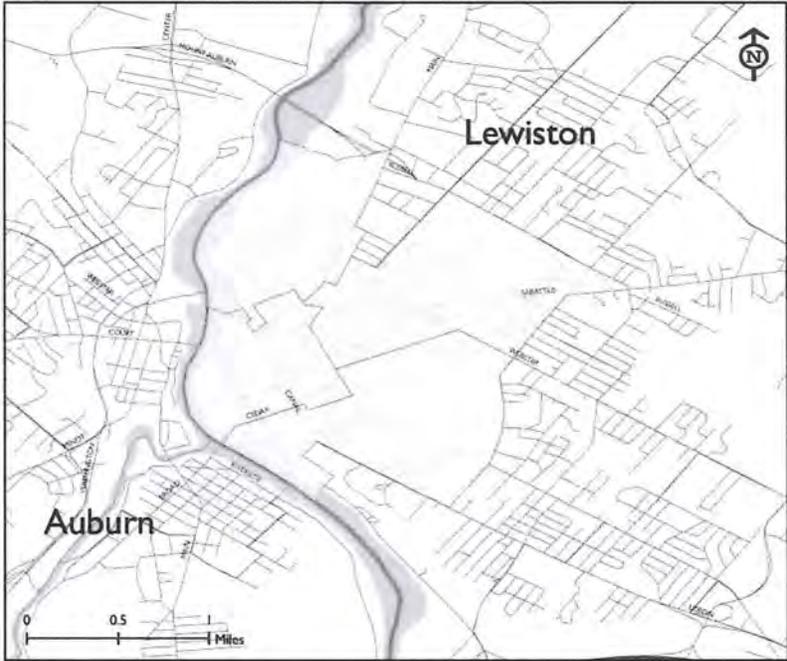
MARKET OVERVIEW

CDBG Target Areas

In 2010, Lewiston had a total population of 36,592. Lewiston’s CDBG target area is made up of Census Tracts 201-204, located in the downtown area. The four census tracts make up 34.4% of Lewiston’s total population, and 22.3% of the population of the two cities combined.

Figure 1: Lewiston CDBG Target Areas

Lewiston CDBG Target Areas Census Tracts 201-204



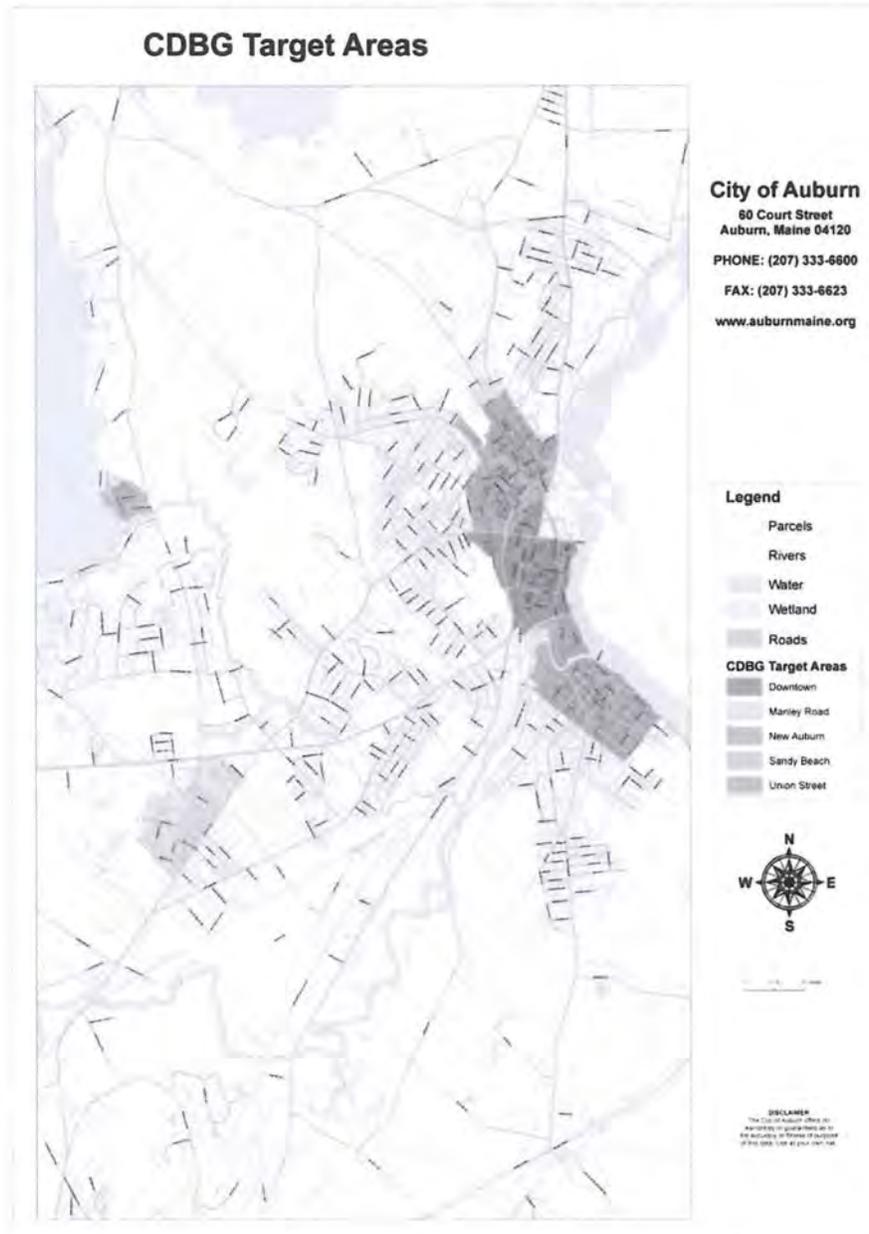
□ Lewiston Census Tracts 201-204



Prepared by PDI, 5/17/13

In 2010, Auburn had a total population of 23,055. Auburn's CDBG Target Areas are New Auburn, Downtown, Union St, Sandy Beach and Manley Road. The areas are based on blighted conditions, and designated by a 2010 urban conditions study by the Community Development Department. Although they are not surrounded by a municipal or census boundary, these neighborhoods are located within the following census tracts: 101, 103, 104, 105 and 108. These census tracts make up 53.4% of Auburn's total population, and 14% of the two cities combined.

Figure 2: Auburn CDBG Target Areas



Housing

In both Auburn and Lewiston, housing prices are increasingly affordable when compared to each city's median income. This is due to a dramatic drop in housing prices over the past several years – in the mid-2000s, a person making the median income in each city could not have afforded to buy a house at the median sale price. The same cannot be said for rental prices; renter households were less likely to be able to afford an apartment in 2011 than 2006. This is because rent levels continued to rise in Lewiston and Auburn (although modestly), while incomes stayed the same through the recession. Across both cities (in and out of target areas), more than three-quarters of renters who make less than \$20,000/year spend 30% or more of their income on housing. While target areas have higher concentrations of low-income households, low-income renters with high housing costs live throughout both cities.

The combination of relatively modest rents (a quarter less than nearby Portland, see Table 5); relatively old rental stock (Table 8); and a relatively high vacancy rate (see Table 11); leads to a situation where landlords do not invest in maintaining their properties, deterioration occurs, and fires happen.

Housing Cost

Table 4: Housing Prices

| | 2006 | 2011 | % Change |
|--------------------------------|-----------|-----------|----------|
| Auburn | | | |
| Median Income | \$40,525 | \$40,307 | -0.5% |
| Income Needed for Median Price | \$54,398 | \$37,347 | -31.3% |
| Median Sale Price | \$149,000 | \$113,150 | -24.1% |
| Lewiston | | | |
| Median Income | \$32,659 | \$33,124 | 1.4% |
| Income Needed for Median Price | \$55,550 | \$37,918 | -31.7% |
| Median Sale Price | \$147,500 | \$115,000 | -22.0% |
| Portland | | | |
| Median Income | \$40,797 | \$42,558 | 4.3% |
| Income Needed for Median Price | \$75,663 | \$68,158 | -9.9% |
| Median Sale Price | \$225,000 | \$217,500 | -3.3% |

Source: Maine State Housing Authority

Table 5: Average 2 Bedroom Rent with Utilities

| | 2006 | 2011 |
|----------|---------|---------|
| Auburn | \$730 | \$769 |
| Lewiston | \$728 | \$756 |
| Portland | \$1,061 | \$1,089 |

Source: Maine State Housing Authority

Table 6: Percent of Renter Households Unable to Afford Average 2 BR Rent
2008-2011

| | 2008 | 2011 |
|----------|-------|-------|
| Auburn | 55.2% | 55.9% |
| Lewiston | 60.9% | 62.4% |
| Portland | 63.1% | 64.4% |

Source: Maine State Housing Authority

Table 7: Rental Households Paying 30% or More of Income in Housing Costs, 2011

| Household Income | Lewiston Target Area | % of Total | Remainder of Lewiston | % of Total | Auburn Target Area | % of Total | Remainder of Auburn | % of Total | Androscoggin County (minus Lewiston and Auburn) | % of Total |
|----------------------|----------------------|------------|-----------------------|------------|--------------------|------------|---------------------|------------|---|------------|
| Less than \$20,000 | 1,814 | 81.6% | 658 | 75.5% | 821 | 77.8% | 305 | 89.7% | 721 | 77.9% |
| \$20,000 to \$34,999 | 435 | 47.6% | 563 | 72.9% | 315 | 56.1% | 159 | 53.2% | 411 | 62.7% |
| \$35,000 to \$49,999 | 0 | 0.0% | 57 | 13.5% | 9 | 2.5% | 68 | 25.2% | 48 | 13.5% |
| \$50,000 or more | 0 | 0.0% | 43 | 11.5% | 0 | 0.0% | 4 | 1.4% | 39 | 6.5% |

Source: ACS 2007-2011

Age and Safety of Housing Stock

The rental housing stock in both cities dates from the days of high-density downtown mill jobs. In both cities, rental housing built before 1940 accounts for more than two-thirds of total rental housing in the target areas. Outside of target areas, the percentage of rental housing built before 1940 is between 22% and 26%.

Over 80% of pre-1940 rental housing in target areas has between two and nineteen units – indicating that most units are in “triple-decker” rental housing, which are large house-style apartment buildings subdivided into multiple units.

Older housing is more likely to have lead paint, and the Lewiston target area has three times the state average of children with lead poisoning. Over 50% of lead poisoning in this area occurs among immigrant children, and 90% occurs in rental housing. Maine public health nurses have determined that the lead poisoning is related to housing.¹⁶ In addition, the presence of bedbugs and cockroaches is increasing. Due to the poverty levels in this area, many residents are focused on basic needs, and not on pest control or lead paint testing - and New Americans in this area may not be aware U.S. pest-control methods, or the need to inspect donated

¹⁶ from Maine CDC data portal, www.gateway.maine.gov

mattresses and furniture for bedbugs. They may also not be aware that the landlord is responsible for fixing housing problems, decreasing communication between the tenant and landlord.

“Healthy Androscoggin”, a joint Lewiston/Auburn public health committee formed in 2008, is beginning a project that will help the reduce the incidence of lead poisoning and pest infestation in the Lewiston Target Area through prevention, education, and self-advocacy empowerment. Partners include the cities of Lewiston and Auburn, Maine CDC, Pine Tree Legal, Lewiston’s Neighborhood Housing League, public health professionals, the United Somali Woman of Maine, and Maine Cooperative Extension.¹⁷

Fires

Over the course of a week from April-May 2013, nine buildings in downtown Lewiston burned down due to three separate arson fires. These fires destroyed 77 apartment units, and left over 200 people homeless. At least 29 of the units in one building had federal subsidies, and almost all of the fire victims were refugees from Africa.¹⁸ As a result, Lewiston has designated four community resource officers to inspect the 86 properties on the city’s abandoned building list,¹⁹ and the Department of Corrections is supplying laborers to help Lewiston board up condemned properties.

After these inspections, Lewiston now has five buildings with 17 apartment units slated for demolition (in addition to the 77 units lost in the fire). Lewiston had already demolished 16 buildings (with 58 units) from 2010 to 2012. This loss of housing will affect vacancy rates and housing availability, and also the character of the neighborhoods in downtown Lewiston. HUD has waived subsidy application requirements for families impacted by the fire, and fast-tracked rental subsidies.²⁰ The United Way of Androscoggin County raised over \$180,000 to help displaced residents,²¹ and the U.S. Small Business Administration is offering a low-interest disaster loan program for residents and businesses affected by the fire.²² As of June 2013, all displaced families had been rehoused in either Lewiston or Auburn.

Auburn has also created a list of at least 65 buildings to inspect and patrol.²³

¹⁷ Healthy Androscoggin, 2013.

¹⁸ “Faces of the Fires,” Portland Press Herald, May 9 2013

¹⁹ <http://bangordailynews.com/2013/05/07/news/lewiston-auburn/lewiston-police-inspect-abandoned-tenements/>

²⁰ <http://www.sunjournal.com/news/lewiston-auburn/2013/05/08/housing-fair-seeks-help-fire-victims/1360777>

²¹ http://www.pressherald.com/news/a-place-for-lewistons-displaced_2013-05-18.html

²² <http://bangordailynews.com/2013/06/02/news/lewiston-auburn/mayor-says-disaster-loans-will-help-downtown-lewiston/>

²³ <http://www.wcsh6.com/news/article/243988/2/After-Lewiston-fires-Auburn-steps-up-building-patrols>

Table 8: Age of Rental Stock, 2011

| | Lewiston Target Area | % of Total | Remainder of Lewiston | % of Total | Auburn Target Area | % of Total | Remainder of Auburn | % of Total | Androscoggin County (minus Lewiston and Auburn) | % of Total |
|------------------------|----------------------------|---------------|-----------------------------|------------|--------------------------|---------------|------------------------|------------|--|---------------|
| Built 2000 or later: | 80 | 1.8% | 142 | 4.7% | 23 | 0.9% | 46 | 3.3% | 196 | 6.3% |
| Built 1980 to 1999: | 83 | 1.9% | 705 | 23.5% | 196 | 7.9% | 562 | 40.5% | 1,105 | 35.6% |
| Built 1960 to 1979: | 625 | 14.1% | 786 | 26.1% | 259 | 10.4% | 364 | 26.2% | 734 | 23.7% |
| Built 1940 to 1959: | 621 | 14.0% | 596 | 19.8% | 295 | 11.9% | 106 | 7.6% | 229 | 7.4% |
| Built 1939 or earlier: | 3,030 | 68.3% | 777 | 25.8% | 1,710 | 68.9% | 309 | 22.3% | 836 | 27.0% |
| TOTAL | 4,439 | | 3,006 | | 2,483 | | 1,387 | | 3,100 | |

Source: ACS 2007-2011

Table 9: Age of Rental Housing Stock by Unit Type, 2011

| | Lewiston Target Area | % of Total | Remainder of Lewiston | % of Total | Auburn Target Area | % of Total | Remainder of Auburn | % of Total | Androscoggin County (minus Lewiston and Auburn) | % of Total |
|----------------------------------|----------------------------|---------------|-----------------------------|------------|--------------------------|---------------|------------------------|------------|--|---------------|
| Built 2000 or later: | 80 | | 142 | | 23 | | 46 | | 196 | |
| 1, detached or attached | 19 | 23.8% | 142 | 100.0% | 3 | 13.0% | 26 | 56.5% | 89 | 45.4% |
| 2 to 4 | 0 | 0.0% | 0 | 0.0% | 20 | 87.0% | 20 | 43.5% | 90 | 45.9% |
| 5 to 19 | 31 | 38.8% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 20 to 49 | 9 | 11.3% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 50 or more | 21 | 26.3% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| Mobile home, boat, RV, van, etc. | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 17 | 8.7% |
| Built 1980 to 1999: | 83 | | 705 | | 196 | | 562 | | 1,105 | |
| 1, detached or attached | 14 | 16.9% | 89 | 12.6% | 38 | 19.4% | 34 | 6.0% | 101 | 9.1% |
| 2 to 4 | 34 | 41.0% | 67 | 9.5% | 60 | 30.6% | 77 | 13.7% | 295 | 26.7% |
| 5 to 19 | 12 | 14.5% | 425 | 60.3% | 21 | 10.7% | 216 | 38.4% | 115 | 10.4% |
| 20 to 49 | 11 | 13.3% | 33 | 4.7% | 0 | 0.0% | 171 | 30.4% | 109 | 9.9% |
| 50 or more | 0 | 0.0% | 36 | 5.1% | 53 | 27.0% | 54 | 9.6% | 0 | 0.0% |
| Mobile home, boat, RV, van, etc. | 12 | 14.5% | 55 | 7.8% | 24 | 12.2% | 10 | 1.8% | 485 | 43.9% |

Market Overview

| | Lewiston Target Area | % of Total | Remainder of Lewiston | % of Total | Auburn Target Area | % of Total | Remainder of Auburn | % of Total | Androscoggin County (minus Lewiston & Auburn) | % of Total |
|----------------------------------|----------------------|------------|-----------------------|------------|--------------------|------------|---------------------|------------|---|------------|
| Built 1960 to 1979: | 625 | | 786 | | 259 | | 364 | | 734 | |
| 1, detached or attached | 121 | 19.4% | 93 | 11.8% | 24 | 9.3% | 16 | 4.4% | 169 | 23.0% |
| 2 to 4 | 141 | 22.6% | 291 | 37.0% | 88 | 34.0% | 39 | 10.7% | 159 | 21.7% |
| 5 to 19 | 183 | 29.3% | 321 | 40.8% | 75 | 29.0% | 71 | 19.5% | 83 | 11.3% |
| 20 to 49 | 25 | 4.0% | 56 | 7.1% | 8 | 3.1% | 102 | 28.0% | 41 | 5.6% |
| 50 or more | 117 | 18.7% | 0 | 0.0% | 64 | 24.7% | 96 | 26.4% | 8 | 1.1% |
| Mobile home, boat, RV, van, etc. | 38 | 6.1% | 25 | 3.2% | 0 | 0.0% | 40 | 11.0% | 274 | 37.3% |
| Built 1940 to 1959: | 621 | | 596 | | 295 | | 106 | | 229 | |
| 1, detached or attached | 22 | 3.5% | 185 | 31.0% | 27 | 9.2% | 70 | 66.0% | 62 | 27.1% |
| 2 to 4 | 310 | 49.9% | 304 | 51.0% | 170 | 57.6% | 36 | 34.0% | 89 | 38.9% |
| 5 to 19 | 255 | 41.1% | 100 | 16.8% | 49 | 16.6% | 0 | 0.0% | 23 | 10.0% |
| 20 to 49 | 9 | 1.4% | 0 | 0.0% | 22 | 7.5% | 0 | 0.0% | 19 | 8.3% |
| 50 or more | 25 | 4.0% | 7 | 1.2% | 27 | 9.2% | 0 | 0.0% | 0 | 0.0% |
| Mobile home, boat, RV, van, etc. | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 36 | 15.7% |
| Built 1939 or earlier: | 3,030 | | 777 | | 1,710 | | 309 | | 836 | |
| 1, detached or attached | 51 | 1.7% | 155 | 19.9% | 94 | 5.5% | 29 | 9.4% | 306 | 36.6% |
| 2 to 4 | 1,234 | 40.7% | 535 | 68.9% | 886 | 51.8% | 138 | 44.7% | 383 | 45.8% |
| 5 to 19 | 1,369 | 45.2% | 87 | 11.2% | 558 | 32.6% | 88 | 28.5% | 67 | 8.0% |
| 20 to 49 | 228 | 7.5% | 0 | 0.0% | 67 | 3.9% | 12 | 3.9% | 53 | 6.3% |
| 50 or more | 148 | 4.9% | 0 | 0.0% | 105 | 6.1% | 42 | 13.6% | 0 | 0.0% |
| Mobile home, boat, RV, van, etc. | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 27 | 3.2% |

Source: ACS 2007-2011

DRAFT

Housing Occupancy

In the Lewiston target area, about 85% of occupied housing is rental, which is a far higher percentage than the Auburn target area, or the remainder of either city. The rental vacancy rate in the Lewiston target area is 4.7%, and the owner vacancy rate is 11.6%. However, a relatively large percent (7.6%) of housing in Lewiston's target area falls into a different category, called "other vacant" by the US Census. Housing in this category doesn't overlap with any other category, and includes units might be held for caretaking by a janitor (but not occupied, or for rent), or units that are boarded-up.²⁴ The City of Lewiston has identified 14 buildings (with 38 total units) as vacant or abandoned.

Both the Lewiston and Auburn target areas have a larger percentage of studio or one-bedroom rental units than the remainder of the city, or the county. Outside of the target areas, however, two-to-four bedroom units make up a higher percentage of the total.

The relatively low number of 7+ person households reported by the Census is a warning sign that Census counters are not fully capturing the New American community. But there are not enough 5+ bedroom units to meet even this understated demand.

Table 10: Occupied Housing Unit Tenure, 2011

| | Lewiston Target Area | Remainder of Lewiston | Auburn Target Area | Remainder of Auburn | Androscoggin County (minus Lewiston and Auburn) |
|-----------------|-----------------------------|------------------------------|---------------------------|----------------------------|--|
| <i>Total</i> | 5,194 | 9,852 | 5,461 | 4,614 | 18,847 |
| Owner occupied | 755 | 1,396 | 2,978 | 3,227 | 15,747 |
| Renter occupied | 4,439 | 3,006 | 2,483 | 1,387 | 3,100 |

Source: ACS 2007-2011

²⁴ http://www.census.gov/geo/lv4help/apen_bhous.html

Table 11: Housing Unit Vacancy, 2011

| | Lewiston Target Area | Remainder of Lewiston | Auburn Target Area | Remainder of Auburn | Androscoggin County (minus Lewiston and Auburn) |
|--|----------------------------|-----------------------------|--------------------------|------------------------|--|
| Total Housing Units | 5,998 | 10,598 | 6,130 | 5,014 | 21,252 |
| Seasonal | 0 | 22 | 101 | 0 | 1,130 |
| Other Vacant | 457 | 338 | 207 | 215 | 670 |
| <i>% Other Vacant (of Total Housing Units)</i> | 7.6% | 3.2% | 3.4% | 4.3% | 3.2% |
| Total Year-Round Units | 5,998 | 10,576 | 6,029 | 5,014 | 20,122 |
| OWNER | | | | | |
| Total Owner Units | 854 | 7,030 | 3,058 | 3,285 | 16,017 |
| Owner Occupied | 755 | 6,846 | 2,978 | 3,227 | 15,747 |
| Vacant for Sale | 99 | 99 | 80 | 58 | 270 |
| Owner Vacancy Rate | 11.6% | 1.4% | 2.6% | 1.8% | 1.7% |
| RENTAL | | | | | |
| Total Renter Units | 4,687 | 3,208 | 2,764 | 1,514 | 3,435 |
| Renter Occupied | 4,439 | 3,006 | 2,483 | 1,387 | 3,100 |
| For Rent | 222 | 168 | 269 | 127 | 201 |
| Rental Vacancy | 4.7% | 5.2% | 9.7% | 8.4% | 5.9% |

Source: ACS 2007-2011

Table 12: Owner and Renter Housing by Household Size, 2010

| | Lewiston Target Area | Remainder of Lewiston | Auburn Target Area | Remainder of Auburn | Androscoggin County (minus Lewiston and Auburn) |
|--------------------------------------|----------------------------|-----------------------------|--------------------------|------------------------|--|
| Total | 5,194 | 9,852 | 5,461 | 4,614 | 18,847 |
| <i>Owner-occupied housing units</i> | 755 | 6,846 | 2,978 | 3,227 | 21,799 |
| 1-person household | 187 | 1,362 | 699 | 728 | 2,785 |
| 2-person household | 294 | 3,115 | 1,374 | 1,272 | 6,755 |
| 3-person household | 105 | 1,150 | 378 | 427 | 2,706 |
| 4-person household | 82 | 858 | 428 | 592 | 2,322 |
| 5-person household | 74 | 284 | 74 | 170 | 851 |
| 6-person household | 13 | 46 | 13 | 26 | 269 |
| 7+ person household | 0 | 31 | 12 | 0 | 59 |
| <i>Renter-occupied housing units</i> | 4,439 | 3,006 | 2,483 | 1,387 | 3,100 |
| 1-person household | 2,144 | 1,254 | 1,261 | 720 | 969 |
| 2-person household | 1,068 | 954 | 662 | 349 | 982 |
| 3-person household | 677 | 370 | 231 | 127 | 611 |
| 4-person household | 427 | 167 | 164 | 114 | 344 |
| 5-person household | 74 | 214 | 139 | 9 | 119 |
| 6-person household | 35 | 0 | 14 | 68 | 33 |
| 7+ person household | 14 | 47 | 12 | 0 | 42 |

Source: 2010 US Census

Table 13: Rental Housing by Number of Bedrooms, 2011

| | Lewiston Target Area | % of Total | Remainder of Lewiston | % of Total | Auburn Target Area | % of Total | Remainder of Auburn | % of Total | Androscoggin County (minus Lewiston and Auburn) | % of Total |
|------------------|----------------------------|---------------|-----------------------------|---------------|--------------------------|---------------|------------------------|---------------|--|---------------|
| Renter occupied: | 4,439 | | 3,006 | | 2,483 | | 1,387 | | 3,100 | |
| No bedroom | 343 | 7.7% | 20 | 0.7% | 179 | 7.2% | 84 | 6.1% | 90 | 2.9% |
| 1 bedroom | 1,535 | 34.6% | 595 | 19.8% | 902 | 36.3% | 370 | 26.7% | 645 | 20.8% |
| 2 bedrooms | 1,485 | 33.5% | 1,349 | 44.9% | 870 | 35.0% | 696 | 50.2% | 1,446 | 46.6% |
| 3 bedrooms | 890 | 20.0% | 1,728 | 57.5% | 371 | 14.9% | 189 | 13.6% | 619 | 20.0% |
| 4 bedrooms | 173 | 3.9% | 31 | 1.0% | 132 | 5.3% | 144 | 10.4% | 211 | 6.8% |
| 5 +BR | 13 | 0.3% | 0 | 0.0% | 29 | 1.2% | 7 | 0.5% | 89 | 2.9% |

Source: ACS 2007-2011

Home Mortgage Data

From 2004 to 2011, the number of mortgages issued in the Lewiston Auburn Metro area (the smallest geographic area for which data was available) fell by over 60% (Table 14). Mortgages issued to all income categories fell between 2007 and 2008, and only very low income and low-income mortgages have increased since (Figure 3), showing an increased affordability for those groups. During this period, the average loan amount has stayed below the 2005 average, while the number of government-insured mortgages has increased (Table 15). From 2004 to 2011, the percent of mortgages issued to white households has held steady between 98% and 99% - which is slightly higher than the percent of white households in the metro area (95%).

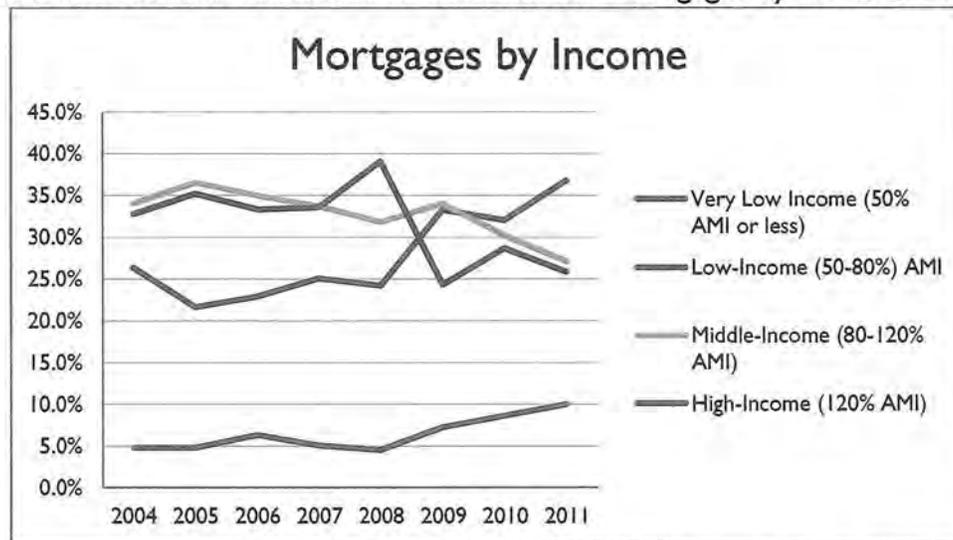
Most households in the Lewiston-Auburn Metro area are white (Table 16). The issuance of mortgages fell to all groups after 2006 (Table 17). However, the decline among blacks was greater than among other groups (Table 17), and the 2010 incidence rate of mortgages among blacks is lower than other groups (Table 18). Part of the reason for this may be that many black New Americans are from Somalia, and are Muslim, and local mortgage originators may not have loan products to meet their needs, especially Sharia-compliant home financing mechanisms.

Table 14: Lewiston-Auburn Metro First-Lien Home Mortgages by Income, 2004-2011

| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
|-----------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| <i>Mortgages</i> | 1,723 | 1,645 | 1,398 | 926 | 620 | 811 | 715 | 639 |
| Very Low Income (50% AMI or less) | 4.8% | 4.8% | 6.3% | 5.1% | 4.5% | 7.3% | 8.7% | 10.0% |
| Low-Income (50-80%) AMI | 26.3% | 21.6% | 22.9% | 25.1% | 24.2% | 33.3% | 32.0% | 36.8% |
| Middle-Income (80-120% AMI) | 34.0% | 36.5% | 35.0% | 33.7% | 31.8% | 34.0% | 30.2% | 27.1% |
| High-Income (120% AMI) | 32.7% | 35.2% | 33.3% | 33.6% | 39.0% | 24.3% | 28.7% | 25.8% |
| Income not specified | 2.1% | 1.8% | 2.5% | 2.6% | 0.5% | 1.1% | 0.4% | 0.3% |

Source: Urban Institute Analysis of Home Mortgage Disclosure Act data

Figure 3: Lewiston-Auburn Metro First Lien Home Mortgages by Income, 2004-2011



Source: Urban Institute Analysis of Home Mortgage Disclosure Act data

Table 15: Lewiston-Auburn Metro Mortgage Amount and Type, 2004-2011

| | Average Loan Amount | Conventional Mortgages | Government Insured Mortgages | Government Insured Mortgages as a Percent of Total |
|------|---------------------|------------------------|------------------------------|--|
| 2004 | \$121,000 | 1,782 | 384 | 17.7% |
| 2005 | \$134,000 | 2,089 | 224 | 9.7% |
| 2006 | \$141,000 | 1,666 | 205 | 11.0% |
| 2007 | \$147,000 | 953 | 169 | 15.1% |
| 2008 | \$144,000 | 495 | 214 | 30.2% |
| 2009 | \$130,000 | 407 | 477 | 54.0% |
| 2010 | \$131,000 | 352 | 451 | 56.2% |
| 2011 | \$124,000 | 286 | 423 | 59.7% |

Source: Urban Institute Analysis of Home Mortgage Disclosure Act data

Table 16: Lewiston-Auburn Metro Households by Race, 2010

| | Lewiston-Auburn, ME Metro Area | % of Total |
|---|--------------------------------|------------|
| Total: | 44,315 | |
| Householder who is White alone | 42,287 | 95.4% |
| Householder who is Black or African American alone | 949 | 2.1% |
| Householder who is American Indian and Alaska Native alone | 172 | 0.4% |
| Householder who is Asian alone | 219 | 0.5% |
| Householder who is Native Hawaiian and Other Pacific Islander alone | 12 | 0.0% |
| Householder who is Some Other Race alone | 132 | 0.3% |
| Householder who is Two or More Races | 544 | 1.2% |

Source: US Census 2010

Table 17: Lewiston-Auburn Metro Mortgage Origination by Race, 2004-2011

| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
|------------------------|-------|-------|-------|------|------|------|------|------|
| White | 1,576 | 1,526 | 1,282 | 853 | 562 | 753 | 671 | 613 |
| Hispanic | 15 | 15 | 7 | 5 | 6 | 5 | 4 | 6 |
| Black | 8 | 17 | 7 | 3 | 2 | 3 | 4 | 2 |
| Asian/Pacific Islander | 7 | 11 | 10 | 8 | 4 | 3 | 3 | 0 |

Source: Urban Institute Analysis of Home Mortgage Disclosure Act data

Table 18: Lewiston-Auburn Metro Mortgage Incidence by Race, 2010

| | Households | Mortgages | Incidence |
|------------------------|------------|-----------|-----------|
| White | 42,287 | 671 | 0.016 |
| Black | 949 | 4 | 0.004 |
| Asian/Pacific Islander | 231 | 3 | 0.013 |
| Hispanic | 457 | 4 | 0.009 |

Source: Urban Institute Analysis of Home Mortgage Disclosure Act data, US Census 2010

Population

One million refugees left Somalia after the civil war in the 1980s, many heading for refugee camps in Kenya. In 1999, the United States began to resettle Somalis in mid-to-large size cities across the U.S. However, the Somali population was often placed in poverty-stricken city centers, and many began looking to resettle elsewhere. Portland, Maine became a popular destination – but Portland’s public housing and housing stock couldn’t meet the new demand, so in 2001 Somali refugees started moving north into Lewiston.²⁵ While Somali refugees make up the vast majority of the New American community, there are also immigrants from several other African countries.

Lewiston experienced a total population increase of 902 between 2000 and 2010; the Black/African American population in the city, however, increased by 2,791 during this same time. Without the New American population, the city’s total population would have declined by almost 2,000. Auburn experienced a similar, if smaller, population change; while the population of the city as a whole decreased by 148 between 2000 and 2010, the Black or African American population increased by 433 – indicating that the city would have lost a greater percentage of its population without New Americans. This new population is not evenly distributed. Of the Black/African American population in Lewiston and Auburn (combined), 61% live in the Lewiston target area.

Table 19: Population Change, 2000-2010

| | 2000 | 2010 | % Change |
|--|--------|--------|----------|
| Lewiston Target Area | 12,861 | 13,313 | 3.5% |
| Remainder of Lewiston | 22,829 | 23,279 | 2.0% |
| Auburn Target Area | 12,508 | 12,317 | -1.5% |
| Remainder of Auburn | 10,695 | 10,738 | 0.4% |
| Androscoggin County (minus Lewiston and Auburn) | 44,900 | 48,055 | 7.0% |

Source: US Census 2000 and 2010

²⁵ <http://abacus.bates.edu/pix/PerceivedBarriers09Jan20.pdf>

Table 20: Race, 2000-2010

| | Lewiston Target Area | | Remainder of Lewiston | | Auburn Target Area | | Remainder of Auburn | | Androscoggin County (minus Auburn and Lewiston) | |
|--|----------------------|--------|-----------------------|--------|--------------------|--------|---------------------|--------|---|--------|
| | 2000 | 2010 | 2000 | 2010 | 2000 | 2010 | 2000 | 2010 | 2000 | 2010 |
| <i>Total population</i> | 12,861 | 13,313 | 22,829 | 23,279 | 12,508 | 12,317 | 10,695 | 10,738 | 44,900 | 48,055 |
| White | 12,044 | 10,384 | 22,128 | 21,310 | 12,060 | 11,576 | 12,124 | 10,028 | 43,969 | 46,641 |
| Black or African American | 243 | 2,066 | 140 | 1,108 | 93 | 209 | 44 | 361 | 163 | 187 |
| American Indian and Alaska Native | 61 | 83 | 39 | 73 | 55 | 70 | 14 | 28 | 113 | 155 |
| Asian | 110 | 117 | 191 | 267 | 73 | 105 | 64 | 113 | 134 | 176 |
| Native Hawaiian and Other Pacific Islander | 3 | 9 | 8 | 5 | 6 | 0 | 6 | 10 | 17 | 8 |
| Some other race | 86 | 128 | 44 | 91 | 16 | 50 | 8 | 27 | 140 | 161 |
| Two or more races | 314 | 517 | 279 | 434 | 205 | 359 | 102 | 119 | 364 | 727 |
| Hispanic or Latino (of any race) | 269 | 393 | 179 | 337 | 115 | 227 | 54 | 122 | 371 | 590 |

Source: US Census 2000 and 2010

Table 21: Race as Percent of Total Population, 2000-2010

| | Lewiston Target Area | | Remainder of Lewiston | | Auburn Target Area | | Remainder of Auburn | | Androscoggin County (Minus Lewiston and Auburn) | |
|--|----------------------|--------|-----------------------|--------|--------------------|--------|---------------------|--------|---|--------|
| | 2000 | 2010 | 2000 | 2010 | 2000 | 2010 | 2000 | 2010 | 2000 | 2010 |
| <i>Total population</i> | 12,861 | 13,313 | 22,829 | 23,279 | 12,508 | 12,317 | 10,695 | 10,738 | 44,900 | 48,055 |
| White | 93.6% | 78.0% | 96.9% | 91.5% | 96.4% | 94.0% | 113.4% | 93.4% | 97.9% | 97.1% |
| Black or African American | 1.9% | 15.5% | 0.6% | 4.8% | 0.7% | 1.7% | 0.4% | 3.4% | 0.4% | 0.4% |
| American Indian and Alaska Native | 0.5% | 0.6% | 0.2% | 0.3% | 0.4% | 0.6% | 0.1% | 0.3% | 0.3% | 0.3% |
| Asian | 0.9% | 0.9% | 0.8% | 1.1% | 0.6% | 0.9% | 0.6% | 1.1% | 0.3% | 0.4% |
| Native Hawaiian and Other Pacific Islander | 0.0% | 0.1% | 0.0% | 0.0% | 0.0% | 0.0% | 0.1% | 0.1% | 0.0% | 0.0% |
| Some other race | 0.7% | 1.0% | 0.2% | 0.4% | 0.1% | 0.4% | 0.1% | 0.3% | 0.3% | 0.3% |
| Two or more races | 2.4% | 3.9% | 1.2% | 1.9% | 1.6% | 2.9% | 1.0% | 1.1% | 0.8% | 1.5% |
| Hispanic or Latino (any race) | 2.1% | 3.0% | 0.8% | 1.4% | 0.9% | 1.8% | 0.5% | 1.1% | 0.8% | 1.2% |

Source: US Census 2000 and 2010

Table 22: Ancestry, 2000-2011

| | Lewiston Target Area | | Remainder of Lewiston | | Auburn Target Area | | Remainder of Auburn | | Androscoggin County (minus Lewiston and Auburn) | |
|--------------------|----------------------|------|-----------------------|------|--------------------|------|---------------------|------|---|------|
| | 2000 | 2011 | 2000 | 2011 | 2000 | 2011 | 2000 | 2011 | 2000 | 2011 |
| Arab | 0 | 5 | 15 | 84 | 7 | 20 | 9 | 25 | 18 | 38 |
| Subsaharan African | 67 | 476 | 33 | 414 | 0 | 280 | 8 | 310 | 40 | 11 |

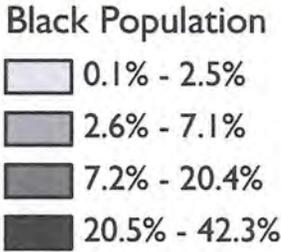
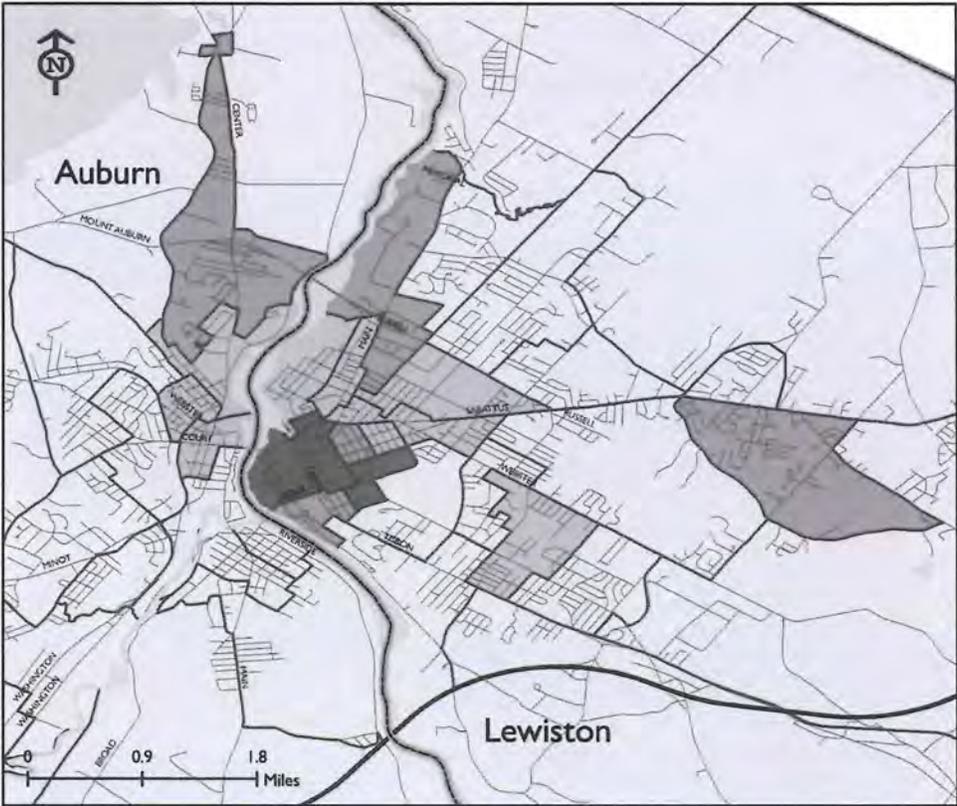
Source: US Census (2000), ACS 2007-2011 (2011)

Table 23: Number of blacks who speak English “less than very well” in 2011

| | Lewiston Target Area | Remainder of Lewiston | Auburn Target Area | Remainder of Auburn | Androscoggin County (minus Lewiston and Auburn) |
|--------------|----------------------|-----------------------|--------------------|---------------------|---|
| | Total | 428 | 328 | 408 | 169 |
| Native | 22 | 34 | 0 | 0 | 0 |
| Foreign Born | 145 | 182 | 166 | 22 | 0 |

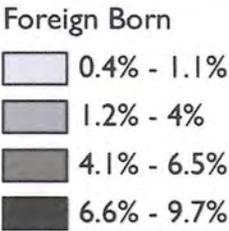
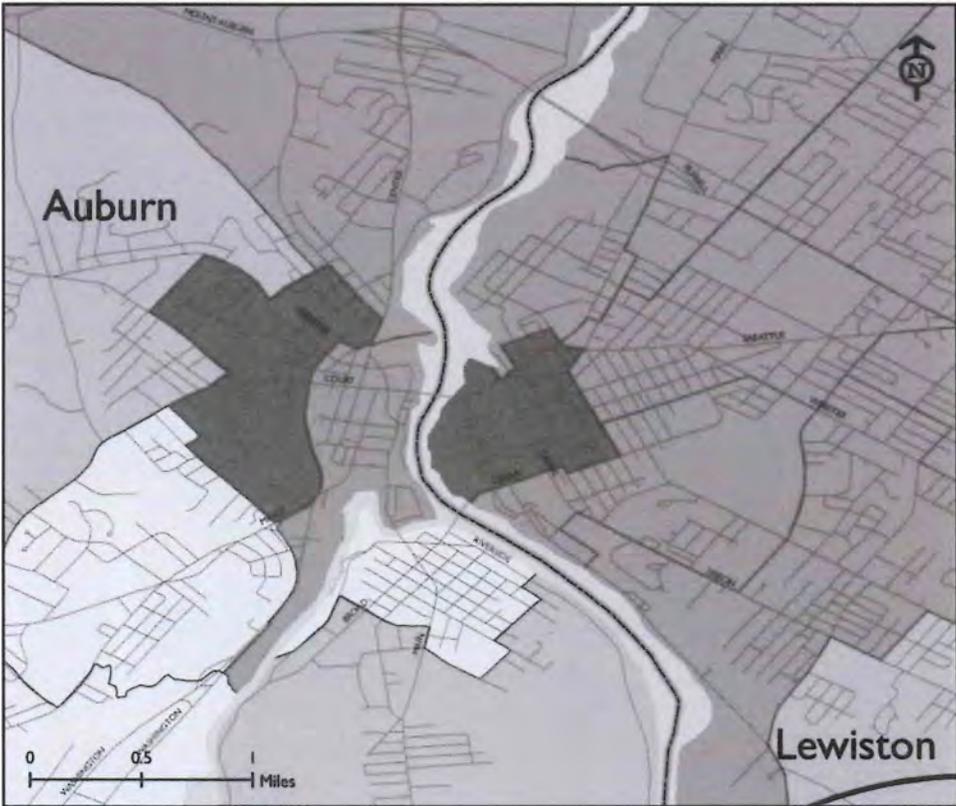
Source: ACS, 2007-2011

Black Population by Census Block Group Auburn/Lewiston Demographics



Prepared by PDI, 6/3/2013
Source: ACS 2007-2011

Foreign Born by Census Tract Auburn/Lewiston Demographics



Prepared by PDI, 4/14/13
Source: ACS 2007-2011

Poverty

Almost 50% of families with children in the Lewiston target area live below the poverty line. Of families without children, over 34% live below the poverty line. These families are primarily white (90.4% White in the Lewiston target area, and 9.6% Black/African American) and living in rental housing (93.2% in the Lewiston target area).

Auburn fares slightly better – but the percentage of families with children below the poverty line in the target area is still 18.6%, and those without children, 11.2%.

Table 24: Families Below Poverty Level, 2011

| | Lewiston Target Area | Remainder of Lewiston | Auburn Target Area | Remainder of Auburn | Androscoggin County (minus Lewiston and Auburn) |
|---|----------------------|-----------------------|--------------------|---------------------|---|
| Families Below Poverty | 34.4% | 8.9% | 11.2% | 7.1% | 6.9% |
| Families with related children under 18 Below Poverty | 47.8% | 18.8% | 18.6% | 12.2% | 13.0% |

Source: ACS, 2007-2011

Table 25: Families Below Poverty by Race, 2011

| | Lewiston Target Area | Remainder of Lewiston | Auburn Target Area | Remainder of Auburn | Androscoggin County (minus Lewiston and Auburn) |
|--|----------------------|-----------------------|--------------------|---------------------|---|
| White | 629 | 522 | 294 | 192 | 823 |
| Black or African American | 67 | 56 | 33 | 15 | 0 |
| American Indian and Alaska Native | 0 | 0 | 0 | 0 | 3 |
| Asian | 0 | 0 | 0 | 0 | 0 |
| Native Hawaiian and Other Pacific Islander | 0 | 0 | 0 | 0 | 0 |
| Some other race | 0 | 0 | 0 | 0 | 58 |
| Hispanic or Latino origin (of any race) | 36 | 0 | 15 | 0 | 100 |

Source: ACS 2007-2011

Table 26: Families below Poverty by Housing Type, 2011

| | Lewiston Target Area | Remainder of Lewiston | Auburn Target Area | Remainder of Auburn | Androscoggin County (minus Lewiston and Auburn) |
|--|----------------------|-----------------------|--------------------|---------------------|---|
| <i>Total Families</i> | 2,204 | 6,354 | 3,041 | 2,875 | 13,732 |
| Income in last 12 months below poverty level | 758 | 572 | 341 | 205 | 952 |
| Owner Occupied | 51 | 189 | 14 | 69 | 500 |
| Renter Occupied | 707 | 383 | 327 | 136 | 452 |

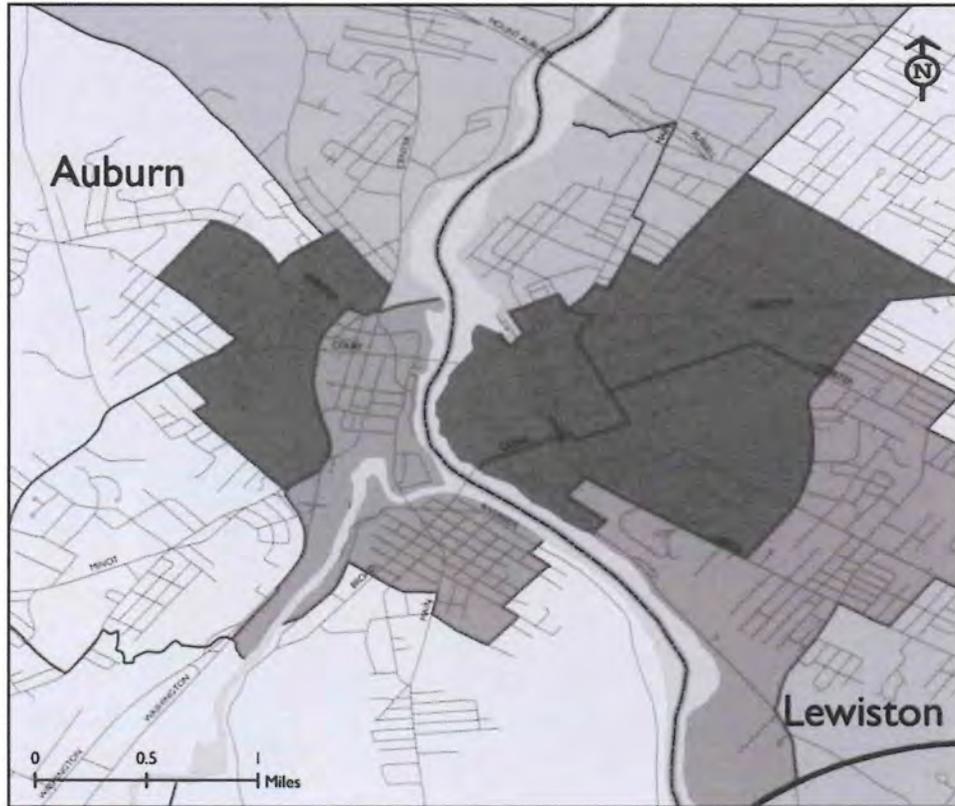
Source: ACS 2007-2011

Table 27: Families below Poverty by Household Size, 2011

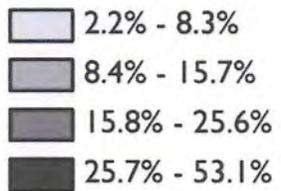
| | Lewiston Target Area | Remainder of Lewiston | Auburn Target Area | Remainder of Auburn | Androscoggin County (minus Lewiston and Auburn) |
|---|----------------------|-----------------------|--------------------|---------------------|---|
| <i>Total Families</i> | 2,204 | 6,354 | 3,041 | 2,875 | 13,732 |
| Income in the past 12 months below poverty level: | 758 | 572 | 341 | 205 | 952 |
| 2 people | 388 | 295 | 168 | 60 | 368 |
| 3 to 4 people | 277 | 191 | 95 | 145 | 500 |
| 5 to 6 people | 84 | 64 | 66 | 0 | 68 |
| 7+ people | 9 | 22 | 12 | 0 | 16 |

Source: ACS 2007-2011

Below Poverty by Census Tract Auburn/Lewiston Demographics



Below Poverty



Prepared by PDI, 4/4/13
Source: ACS 2007-2011

Disability

Disability data is only available from the Census at the city level (or higher). It is important to note that, since it is Census data, it is self-reported, and does not necessarily reflect formal medical evaluations.

Lewiston's disability rate is higher than Auburn's and the remainder of the county. The largest discrepancy between Lewiston and comparison areas is in youth disability; 15.1% of the population between 5 and 17 has a disability, and of these 85% have cognitive difficulty.

In Androscoggin County, 3.5% of the county's population collected Social Security Disability benefits in 2012 – slightly higher than Cumberland County (home to the state's largest city, Portland), and the state as a whole.

Table 28: Incidence of Disabilities (outside of institutions like nursing homes)

| | Lewiston | | | Auburn | | | Androscoggin County (minus Lewiston and Auburn) | | |
|---|---------------|-------------------|---------------------|---------------|-------------------|---------------------|--|-------------------|---------------------|
| | Total | With a disability | % with a disability | Total | With a disability | % with a disability | Total | With a disability | % with a disability |
| Total civilian noninstitutionalized population | 36,004 | 6,889 | 19.1% | 22,634 | 3,305 | 14.6% | 47,832 | 6,924 | 14.5% |
| Population under 5 years | 2,470 | 38 | 1.5% | 1,306 | 0 | 0.0% | 2,969 | 41 | 1.4% |
| With a hearing difficulty | (X) | 24 | 1.0% | (X) | 0 | 0.0% | (X) | 21 | 0.7% |
| With a vision difficulty | (X) | 14 | 0.6% | (X) | 0 | 0.0% | (X) | 20 | 0.7% |
| Population 5 to 17 years | 5,553 | 837 | 15.1% | 4,105 | 324 | 7.9% | 7,756 | 580 | 7.5% |
| With a hearing difficulty | (X) | 16 | 0.3% | (X) | 0 | 0.0% | (X) | 59 | 0.8% |
| With a vision difficulty | (X) | 94 | 1.7% | (X) | 20 | 0.5% | (X) | 65 | 4.9% |
| With a cognitive difficulty | (X) | 712 | 12.8% | (X) | 304 | 7.4% | (X) | 383 | 4.9% |
| With an ambulatory difficulty | (X) | 0 | 0.0% | (X) | 0 | 0.0% | (X) | 0 | 0.0% |
| With a self-care difficulty | (X) | 43 | 0.8% | (X) | 0 | 0.0% | (X) | 44 | 0.6% |
| Population 18 to 64 years | 22,694 | 3,611 | 15.9% | 13,942 | 1,667 | 12.0% | 31,015 | 3,868 | 12.5% |
| With a hearing difficulty | (X) | 520 | 2.3% | (X) | 268 | 1.9% | (X) | 932 | 3.0% |
| With a vision difficulty | (X) | 431 | 1.9% | (X) | 190 | 1.4% | (X) | 531 | 1.7% |
| With a cognitive difficulty | (X) | 1,928 | 8.5% | (X) | 862 | 6.2% | (X) | 1,564 | 5.0% |
| With an ambulatory difficulty | (X) | 1,939 | 8.5% | (X) | 855 | 6.1% | (X) | 1,805 | 5.8% |
| With a self-care difficulty | (X) | 477 | 2.1% | (X) | 185 | 1.3% | (X) | 378 | 1.2% |
| With independent living difficulty | (X) | 1,387 | 6.1% | (X) | 484 | 3.5% | (X) | 1,135 | 3.7% |
| Population 65 years and over | 5,287 | 2,403 | 45.5% | 3,281 | 1,314 | 40.0% | 6,092 | 2,435 | 40.0% |
| With a hearing difficulty | (X) | 951 | 18.0% | (X) | 611 | 18.6% | (X) | 1,161 | 19.1% |
| With a vision difficulty | (X) | 383 | 7.2% | (X) | 114 | 3.5% | (X) | 365 | 6.0% |
| With a cognitive difficulty | (X) | 628 | 11.9% | (X) | 445 | 13.6% | (X) | 548 | 9.0% |
| With an ambulatory difficulty | (X) | 1,608 | 30.4% | (X) | 714 | 21.8% | (X) | 1,369 | 22.5% |
| With a self-care difficulty | (X) | 435 | 8.2% | (X) | 248 | 7.6% | (X) | 487 | 8.0% |
| With independent living difficulty | (X) | 1,191 | 22.5% | (X) | 522 | 15.9% | (X) | 994 | 16.3% |

Source: ACS 2009-2011

Table 29: Social Security-Disability Recipients, December 2012

| | Androscoggin | Cumberland | Maine |
|-----------------------|--------------|------------|--------|
| Total | 3,810 | 5,412 | 36,259 |
| % of Total Population | 3.5% | 1.9% | 2.7% |

Source: US Social Security Administration, US Census

Housing Authorities

Not including housing choice vouchers, the Auburn and Lewiston Housing Authorities administer 1,195 units. A little over half of these are traditional public housing units, with the remainder moderate rehab or affiliated developments.

Auburn Housing Authority

- Over 70% of Auburn's units are one-bedroom, which reflects the fact that over 77% (405) of the units are for the elderly or disabled.
- Auburn had 590 Section 8 Housing Choice Vouchers, but the number was reduced to 560 after the federal sequestration. The Housing Authority is trying to decrease the number of vouchers by attrition. Vouchers are currently closed to new applicants.
- Families looking for two-bedroom units in Auburn spend the longest time on the waiting list.
- Most of the families looking for larger units (4-5 bedrooms) are New Americans.
- Fewer New American families are arriving than in the past years.
- The Auburn Housing Authority needs larger units for families, along with increased funds for maintenance – large families create a lot of wear and tear. Because of the limited number of large units, some families take housing choice vouchers and find rental housing outside of the city.²⁶

Lewiston Housing Authority

- Just over 40% (275) of Lewiston's public housing units are designated for families.
- Until 2001 (when New American community begin arriving), LHA was having trouble renting 4-5 bedroom units.
- New American families like the location of LHA properties – especially those in more suburban areas, outside of downtown Lewiston.
- Lewiston Housing Choice Voucher territory includes Lisbon Falls, Green and Sabbatus – but the city bus doesn't go past Lisbon.
- In 2010, a white family filed a fair housing complaint, saying LHA discriminated against whites. The complaint was dismissed.
- New American families often start in a public housing apartment, and later get a housing choice voucher and move into a private apartment.²⁷

²⁶ Personal Communication, Auburn Housing Authority. March 2013.

²⁷ Personal Communication, Lewiston Housing Authority. March 2013.

Table 30: Auburn and Lewiston Housing Authority Units and Vouchers, 2013

| | Auburn Housing Authority | Lewiston Housing Authority | Total |
|--|--------------------------|----------------------------|--------------|
| Public Housing Units | 222 | 437 | 659 |
| Lewiston-Auburn Area Housing Development Corporation | 0 | 22 | 22 |
| LHA Affiliate | 0 | 32 | 32 |
| Section 8 Moderate Rehab Units | 291 | 181 | 472 |
| Section 8 Housing Choice Voucher | 590* | 1,050 | 1,640 |
| Market Rent | 10 | 0 | 10 |
| TOTAL | 1,113 | 1,722 | 2,835 |

*changing to 560 in 2013

Source: Lewiston Housing Authority, Auburn Housing Authority

Table 31: Auburn and Lewiston Housing Units* by Bedroom, 2013

| | Auburn | Auburn % of Total | Lewiston | Lewiston % of Total |
|------------------|------------|-------------------|------------|---------------------|
| Efficiencies/OBR | 35 | 6.7% | 119 | 17.7% |
| 1BR | 368 | 70.4% | 328 | 48.8% |
| 2BR | 41 | 7.8% | 97 | 14.4% |
| 3BR | 45 | 8.6% | 95 | 14.1% |
| 4BR | 29 | 5.5% | 31 | 4.6% |
| 5BR | 5 | 1.0% | 2 | 0.3% |
| Total | 523 | | 672 | |

*Public Housing Units, Section 8 Moderate Rehab, Housing Authority Affiliates and Market Rent

Source: Lewiston Housing Authority, Auburn Housing Authority

Table 32: Waiting Lists by Bedroom Size, 2013

| | Auburn | Auburn % of Total | Lewiston | Lewiston % of Total |
|--------------|------------|-------------------|------------|---------------------|
| TOTAL | 680 | | 409 | |
| OBR | 0 | 0.0% | 108 | 26.4% |
| 1BR | 251 | 36.9% | 126 | 30.8% |
| 2BR | 292 | 42.9% | 95 | 23.2% |
| 3BR | 91 | 13.4% | 41 | 10.0% |
| 4BR | 38 | 5.6% | 27 | 6.6% |
| 5+BR | 8 | 1.2% | 12 | 2.9% |

Source: Lewiston Housing Authority, Auburn Housing Authority

Table 33: Auburn and Lewiston Housing Units* by Type, 2013

| | Auburn Housing Authority | Auburn % of Total | Lewiston Housing Authority | Lewiston % of Total |
|------------------|--------------------------|-------------------|----------------------------|---------------------|
| Family | 118 | 22.6% | 275 | 40.9% |
| Elderly/Disabled | 405 | 77.4% | 391 | 58.2% |
| SRO | 0 | 0.0% | 6 | 0.9% |
| Total | 523 | | 672 | |

*Public Housing Units, Section 8 Moderate Rehab, Housing Authority Affiliates and Market Rent
Source: Lewiston Housing Authority, Auburn Housing Authority

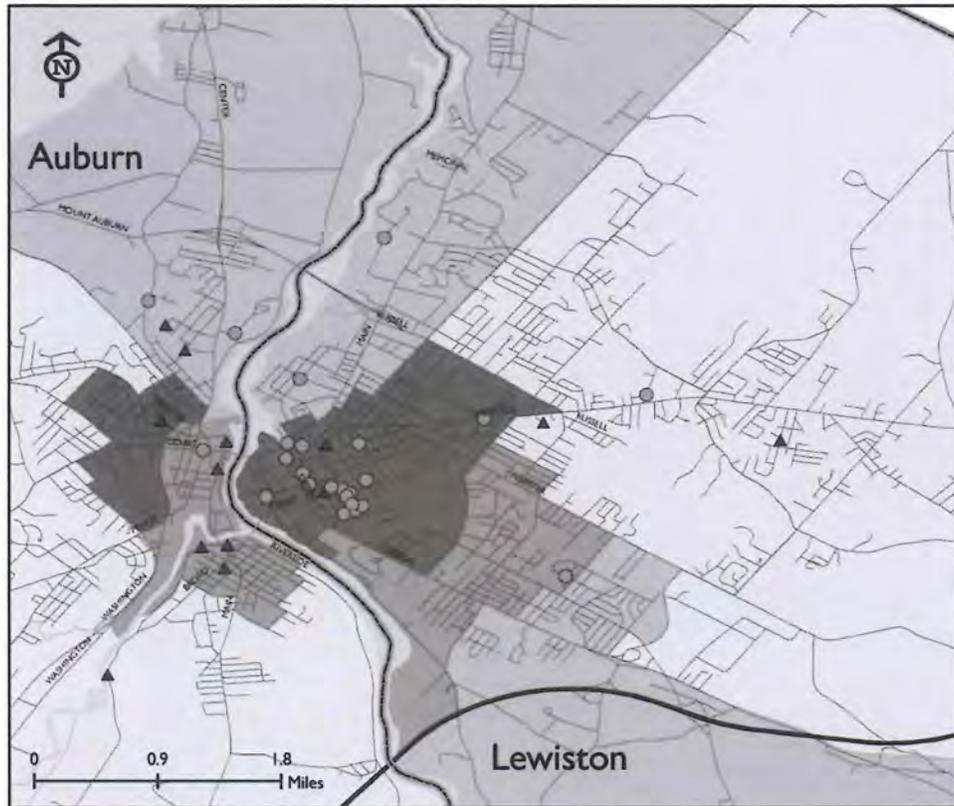
Table 34: Lewiston Housing Authority Head of Household by Race, 2013

| | Lewiston Housing Authority* | Auburn Housing Authority** |
|-------|-----------------------------|----------------------------|
| White | 367 | 481 |
| Black | 48 | 40 |
| Asian | N/A | 2 |
| N/A | 9 | N/A |

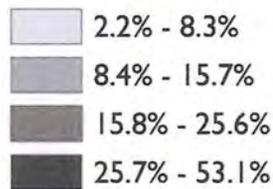
*Public Housing Units

** Public Housings Units, Moderate Rehab, Market Rate
Source: Lewiston Housing Authority, Auburn Housing Authority

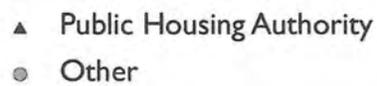
Subsidized Housing & Percent Below Poverty Auburn/Lewiston Demographics



Below Poverty



Subsidized Housing



Prepared by PDI, 6/3/2013
Source: ACS 2007-2011

LGBTQ

The Maine Human Rights Commission includes lesbian, gay, bisexual or transsexual people its list of groups protected against discrimination. There is no information in the Census about the numbers of lesbian, gay, bisexual, or transsexual people in the area.

Public Assistance

The Maine Human Rights Commission includes recipients of public assistance in its list of groups protected against discrimination. In addition to federal programs such as Section 8 vouchers and TANF, the municipalities of Lewiston and Auburn provide emergency help known as General Assistance. This program helps lower-income residents with basic needs such as food, rent, and medication. In February 2013, Lewiston General Assistance served 224 households, and Auburn served 45.

SNAP (the Supplemental Nutrition Assistance Program, formerly known as “food stamps”) assists many people in Lewiston and Auburn. In Lewiston, 35.6% of the population received SNAP assistance in April 2013; in Auburn, 26% of the population.

Table 35: General Assistance Expenditures, February 2013 (month)

| | Lewiston | Auburn |
|----------------------|----------|----------|
| Households Served | 224 | 45 |
| Housing Expenditures | \$63,162 | \$11,902 |
| Total Expenditures | \$75,466 | \$16,094 |

Source: Lewiston City Administrator’s Office, Auburn City Manager’s Office

Table 36: TANF and SNAP Cases, April 2013

| | Lewiston | Auburn | Androscoggin County (minus Lewiston and Auburn) |
|-------------------------|----------|--------|---|
| TANF Cases | 735 | 274 | 301 |
| Children on TANF | 1,489 | 475 | 483 |
| SNAP Cases | 6,836 | 3,180 | 4,152 |
| SNAP Individuals Served | 13,048 | 6,004 | 8,490 |

Source: Office for Family Independence, Maine DHHS

Sex Offenders

Although they are not a protected group, those who are on the registered sex offender list face significant hurdles in finding house. HUD regulations prohibit sex offenders from being placed in public housing.

Table 37: Registered Sex Offenders in Lewiston and Auburn, May 2013

| | Number |
|----------|--------|
| Lewiston | 165 |
| Auburn | 83 |
| Total | 248 |

Source: Maine Sex Offender Registration

DRAFT

INTERVIEW SUMMARY

See Table 38 on the next page for a summary of the major points made by interviewees, organized by theme..

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Table 38: Interview Summary

| Group affected or topic | Housing Problems | Discrimination | Recommendations |
|--|---|---|---|
| <i>Race, Color, National Origin, New Americans</i> | <ul style="list-style-type: none"> • Landlords slow to respond to maintenance (heat), generally unresponsive • Two year wait for Section 8 vouchers • Lack of information on how Section 8 vouchers work (portability, etc.) • Lack of information on how leases work (leading to evictions), and cultures that are taught to “never close their” doors on someone in need • Poor quality housing • Lead paint • A non-profit inspects apartments before families move in – most apartments fail. The non-profit negotiates with the owner, who is unwilling to fix. Family moves in, then moves out (breaking the lease) when the apartment hasn’t been fixed – leading to a bad reference • Landlords blame new tenants for pre-existing bedbugs • Lead paint poisoning of children under 5 • Residents evicted when they try to address apartment problems with landlord | <ul style="list-style-type: none"> • Landlords unwilling to rent to large families • Landlords charge excessive amounts for repairs – or wait until tenant moves out, then keep the deposit. Families afraid of losing housing if they don’t pay. • Tenants flee apartments with roaches and bedbugs, forfeiting their security deposit • Larger landlords like renting to new immigrants, most of the issues happen with smaller landlords • Difficulty communicating, even with clear cases of discrimination • Landlords exploit language barriers | <ul style="list-style-type: none"> • Tenant education (especially around utilities) • Increased code enforcement • Cultural sensitivity training for landlords, judges, code officers • Keep tearing down old buildings |
| <i>Disability</i> | <ul style="list-style-type: none"> • Lack of security deposit/first month rent funds • Poor credit/rental history • Housing needs to be on bus line • Not enough money in moderate rehab to help with handicapped housing • Hard to bring old mill buildings up to code – and very little rental housing built in the last 20 years | <ul style="list-style-type: none"> • Generally looked down upon by landlords • A non-profit sends about five calls a year to MHRC – mostly when landlords won’t allow accessible equipment to be installed | <ul style="list-style-type: none"> • Case management • Supportive housing • Tenant and landlord forums • More subsidized units • More vouchers |

| | | | |
|--------------------------|---|--|--|
| | <ul style="list-style-type: none"> • Housing, but no services – so many don’t succeed in housing • Tenant blacklists among landlords – if evicted once, likely to not get housing again for several years • Seniors in subsidized housing share buildings with youth with disabilities – groups don’t mix well, seniors feel overwhelmed/frightened | | |
| <p>Public Assistance</p> | <ul style="list-style-type: none"> • Lack of funds for security deposit/first & last month rent (which landlords often require when renting to this population) (<i>Auburn and Lewiston have security deposit programs for renters with vouchers, but not the rest of the community</i>) • Landlords abandon buildings, don’t return security deposits, let oil run out • Don’t know how to be a good tenant • Hard to find safe rental properties that fit within General Assistance maximums • Poor housing stock • Families afraid to complain because they’re afraid of losing housing • Younger tenants (18-24) – Live in substandard units where landlords have lost their Section 8 status • Younger tenants (18-24) – Tenants live in “Pooling” situations, where they live in motels and pool resources like food stamps and TANF benefits (this has gotten worse in the past several years) | <ul style="list-style-type: none"> • Subtle discrimination based on color and income • DHHS has heard of landlords asking for sexual favors in exchange for rent | <ul style="list-style-type: none"> • Better communication with VA homeless program • Landlord and tenant awareness and education • Support programs like YouthBuild (teaches young adults how to get construction jobs) • Security deposit/first month rent programs |

| | | | |
|-----------------------------|---|--|---|
| <p><i>Landlords</i></p> | <ul style="list-style-type: none"> Housing expenses are increasing, but unable to raise rents to a level that helps them meet expenses (local jobs don't pay high enough wages) Big Expenses: water/sewer fees, trash collection, and pest control (bed bugs) | <ul style="list-style-type: none"> Some landlords don't like Somalis – not because of their race, but because they “get many government benefits, taking it away from our own citizens” | <ul style="list-style-type: none"> City should increase inspections Watch out for people cheating the public assistance system Problems have been the same for 30 years – Lewiston struggles more than Auburn, but it's 10% of the tenants that are the problem – most are good, hard-working families |
| <p><i>Sex Offenders</i></p> | <ul style="list-style-type: none"> Nobody wants to rent to a sex offender People getting out of jail/prison – can only afford to live downtown, can't get away from the lifestyle they're trying to change | | <ul style="list-style-type: none"> More vouchers Apartment inspections |
| <p><i>Homeless</i></p> | <ul style="list-style-type: none"> Homeless vets and disabled can't find housing – lack references, assistance Homeless need a location when applying for assistance No homeless shelters in Auburn | | |
| <p><i>City Policies</i></p> | <ul style="list-style-type: none"> Transient populations seem to be encouraged Transportation problem – plenty of affordable units on outer Lisbon or Sabbathus, but bus doesn't go out here Seems like service providers want to keep tenants downtown Cities looking for people with higher incomes to live in downtown areas | | <ul style="list-style-type: none"> Neighborhood Housing League is working on a citywide Rental Registry (Lewiston) that will require all landlords to register their property with the city, and will through ordinance require units to meet minimum housing standards. Will encourage GA, the housing authority, and other agencies to only pay for registered units that have met standards |

DATA ON DISCRIMINATION

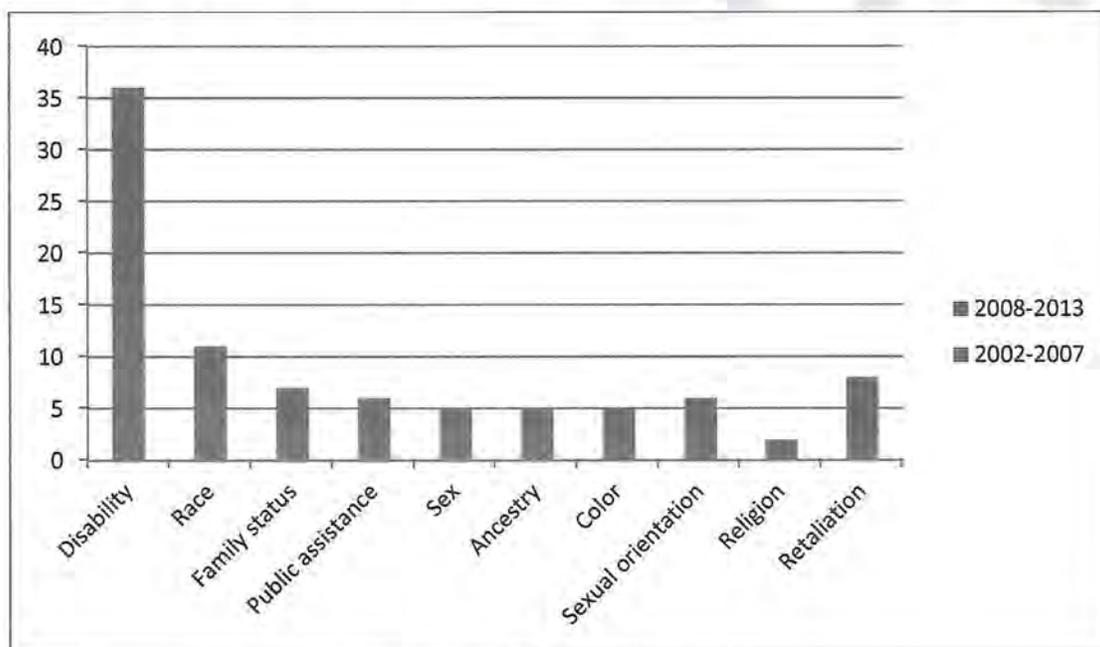
There are two sources of data on housing discrimination in Lewiston and Auburn. The first is from complaints that are filed with the Maine Human Rights Commission or HUD. The second is from “testing” that takes place under the auspices of Pine Tree Legal Assistance.

Maine Human Rights Commission

The most common basis for fair housing complaints from tenants in Lewiston and Auburn is disability. Some of the reason for this is administrative: the Disability Rights Center and other legal services provide representation to this group not always available to other groups.

Some of these cases have to do with misunderstandings about the role of service animals. In one case, a landlord charged the tenant a fee for a service animal as if it were a pet. The landlord was not aware that under Maine law, it is illegal to charge extra fees for service animals.

Figure 3: Housing Discrimination Complaints, Lewiston-Auburn, 2002-2013



Source: Maine Human Rights Commission

Others may have to do with making access improvements to the units, or dealing with mental illnesses. In general, landlords are not well informed about their responsibilities (and rights) under the law.

**Table 39: Maine Human Rights Commission Lewiston-Auburn
Disability Housing Complaints, 2002-2013 (based on residence of complainant)**

| Nature of disability | # of complaints |
|---------------------------------------|-----------------|
| Alzheimers | 2 |
| Cancer | 1 |
| Depression | 3 |
| Diabetes | 1 |
| Guide Dog, Support Animal | 7 |
| Handicap, Not ADA | 3 |
| Hearing Impairment | 2 |
| Heart, Cardiovascular | 3 |
| Manic Depression, Bi-polar | 1 |
| Nonparalytic Orthopedic Impairment | 2 |
| Orthopedic Structural Back Impairment | 7 |
| Other Anxiety Disorder | 5 |
| Other Disability | 12 |
| Other Psychiatric Disorders | 4 |
| Other Pulmonary, Respiratory | 3 |
| Post-Traumatic Stress Disorder | 1 |
| Relationship, Association | 1 |
| Vision Impairment | 1 |

Source: Maine Human Rights Commission

It is not always easy to tell from the data in what city the complaint arose. The Maine Human Rights Commission has records of the landlord's address (which may be out of town) and the complainant's address (who may have moved to another city since the incident). In about half of the cases, both addresses were in Lewiston or Auburn.

Table 40: Geography of Complaints and Responses, 2002-2013

| | 2002-2007 | 2008-2013 |
|---|-----------|-----------|
| Only complainant's address in L-A | 6 | 8 |
| Only respondent's address in L-A | 8 | 11 |
| Both complainant's and respondent's address in LA | 13 | 21 |
| Total Cases | 29 | 38 |

Source: Maine Human Rights Commission

Complaints are resolved in a variety of ways in front of the Maine Human Rights Commission. Sometimes the complainant doesn't follow up; sometimes the Commission finds no merit in the complaint; sometimes the differences are mediated. Cases are categorized as a "merit closure" when either the Commission finds for the complainant, or the complainant settles with the landlord and receives some benefits. In both situations, the original complaint is assumed to have "merit." In Lewiston-Auburn fair housing cases, about half of the complaints result in

merit closures. Statewide, in all cases (many of which are employment-related), only a third result in merit closures.

**Table 41: Merit Closures among Lewiston and Auburn Housing Cases, 2002-2013
(by city of origin of complainant)**

| | Merit closures | Total cases | % merit closures |
|--|----------------|-------------|------------------|
| Color | 1 | 8 | 13% |
| Disab: Alzheimers | 2 | 2 | 100% |
| Disab: Cancer | 1 | 1 | 100% |
| Disab: Depression | 2 | 2 | 100% |
| Disab: Diabetes | 1 | 3 | 33% |
| Disab: Guide Dog, Support Animal | 2 | 5 | 40% |
| Disab: Handicap, Not ADA | 2 | 3 | 67% |
| Disab: Hearing Impairment | 1 | 1 | 100% |
| Disab: Heart, Cardiovascular | 3 | 3 | 100% |
| Disab: Manic Depression, Bi-polar | 0 | 1 | 0% |
| Disab: Nonparalytic Orthopedic Impairment | 0 | 1 | 0% |
| Disab: Orthopedic Structural Back Impairment | 4 | 7 | 57% |
| Disab: Other Anxiety Disorder | 4 | 5 | 80% |
| Disab: Other Disability | 5 | 11 | 45% |
| Disab: Other Psychiatric Disorders | 1 | 3 | 33% |
| Disab: Other Pulmonary, Respiratory | 1 | 2 | 50% |
| Disab: Post-Traumatic Stress Disorder | 1 | 1 | 100% |
| Disab: Relationship, Association | 0 | 1 | 0% |
| Disab: Vision Impairment | 1 | 2 | 50% |
| Familial Status | 6 | 10 | 60% |
| Natl Origin Arab, Afghani, Mid-Eastern | 0 | 3 | 0% |
| Natl Origin Other | 0 | 5 | 0% |
| Other | 0 | 1 | 0% |
| Race Black | 0 | 7 | 0% |
| Race Other (old code) | 0 | 1 | 0% |
| Race White | 1 | 5 | 20% |
| Religion: Other | 1 | 1 | 100% |
| Retaliation | 4 | 9 | 44% |
| Sex Female | 0 | 5 | 0% |
| Sex Male | 0 | 1 | 0% |
| Sexual Orientation | 3 | 3 | 100% |
| Source of Income | 4 | 6 | 67% |
| Total Allegations | 51 | 119 | 43% |

Source: Maine Human Rights Commission

The highest number of merit closures was for familial status cases. A typical family status case is described by a Maine Human Rights Commission staff as follows:

One of the familial status discrimination cases involved a couple who were told, soon after the Respondent found out that the woman was pregnant, that “It would be best for you to find another place to live,” because “We don’t feel comfortable with children in our apartments.” The couple did not move out and, a few months later after the baby was born, Respondent raised the rent by \$10 per week and sent a note saying, “It would be best for you to find another place. Shared living is not a good situation with children involved...” Here again, a voluntary, confidential agreement was reached to resolve the complaint.

Pine Tree Legal Assistance

Pine Tree Legal Assistance conducts fair housing “tests” of the Lewiston and Auburn markets under a grant from HUD. A “test” consists of a white individual or household member following up on an ad for an apartment, as well as an individual or household member from a protected class of citizens. If the two inquirers are treated differently, there could be discrimination involved.

This year Pine Tree has performed fourteen tests in Lewiston. Ten tests were testing for racial discrimination. Two tested for disability discrimination. The remainder were tests for discrimination against families. In two of the tests, the results have not returned.

As a result of the Lewiston tests, Pine Tree lawyers have four complaints with the Maine Human Rights Commission. In one test there appeared to be racial discrimination. In the other test an individual with a service animal was treated poorly and in this same test there appeared to be evidence of race-based steering (directing whites and minorities to different geographic areas). The other two complaints were filed because the applications given to testers indirectly asked questions about family status and sexual orientation in violation of the Maine Human Rights Act, but not the Federal Fair Housing Act.

None of Pine Tree’s testers of color in the Lewiston area are “New Mainers/Americans.” The difficulty of recruiting testers from this community limits the ability to find discrimination.

Based on testing results in Portland, the Pine Tree lawyer believes that there is probably discrimination against people with foreign accents. For that matter, there is also discrimination against people with speech-related disabilities. Training for landlords (and all people) to learn how to speak with people with speech disabilities is an area of need. Training for how to deal with service animals, and other disability-related issues, is also desirable for the landlord community.

SUMMARY OF IMPEDIMENTS

Lack of Investment: The combination of relatively modest rents, relatively old rental stock, and a relatively high vacancy rate, leads to a situation where landlords do not invest in maintaining their properties, deterioration occurs, and fires happen. In addition, it is expensive for landlords to bring older buildings up to code, especially for tenants with disabilities.

Lead Paint & Pest Control: Older housing is more likely to have lead paint, and the Lewiston target area has three times the state average of children with lead poisoning. Over 50% of lead poisoning in this area occurs among immigrant children, and 90% occurs in rental housing. New Americans might not know about U.S. pest-control methods, or the need to inspect donated mattresses and furniture for bedbugs.

Landlord/Tenant Communications: New Americans in this area may not be aware of tenant rights, or that a landlord is responsible for fixing housing problems - which decreases communication between the tenant and landlord.

Bedroom Size: The relatively low number of 7+ person households reported by the Census is a warning sign that Census counters are not fully capturing the New American community. But there are not enough 5+ bedroom units to meet even this understated demand.

Abandoned Buildings/Fire Hazards: A relatively large percent (7.6%) of housing in Lewiston's target area falls into the "other vacant" US Census category, which means that many units might be boarded-up.

Lack of Sharia-Compliant Home Financing: The 2010 incidence rate of mortgages among blacks is lower than other groups. Part of the reason for this may be that many black New Americans are from Somalia, and are Muslim, and local mortgage originators may not have loan products to meet their needs.

High Rates of Disability: Lewiston's disability rate is higher than Auburn's and the remainder of the county. The largest discrepancy between Lewiston and comparison areas is in youth disability; 15.1% of the population between 5 and 17 has a disability, and of these 85% have a cognitive disability. The most common basis for fair housing complaints from tenants in Lewiston and Auburn is disability. In general, landlords are not well informed about their responsibilities (and rights) under the law.

RECOMMENDATIONS

Lewiston and Auburn face different types of obstacles to fair housing:

1. **Informational:** Many landlords and renters don't understand their rights and responsibilities. This is especially true for New Mainers (who might be unaware of lease terms, or maintenance and overcrowding concerns) and tenants with disabilities (many landlords and renters don't understand what is considered a reasonable accommodation or modification).
2. **Language & Culture:** Landlords and New Mainer tenants may not be able to understand each other due to language and cultural differences.
3. **Physical:** Much of the apartment stock in in-town Lewiston and Auburn is old, and lacks accessibility for people with disabilities, enough bedrooms for new Americans, and essential safety and fire code compliance.
4. **Financial:** Local banks don't have mortgage products that meet Sharia standards for the local Muslim community, which discourages New Mainer families from buying homes in the two cities (which would also decrease the need for high-occupancy apartments). Several New Mainer families have approached the cities about home financing, but have not found a suitable solution.

Therefore, the cities of Lewiston and Auburn need to pursue a variety of strategies to overcome these barriers:

| Issues & Impediments | Strategies | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Partners |
|---|---|---|---|--|--|---|---|
| <p>Information Language and Culture (New Mainers): Conflicts arise between tenant and landlord due to language & cultural barriers, tenant lack of knowledge of rights and responsibilities.</p> <p>Reasonable Accommodation (Tenants with disabilities): Small landlords unaware, confused by reasonable accommodations or modifications. Tenants also don't understand.</p> <p>Rights and Responsibilities (Young Tenants, 18-24): Increase in young renters living in substandard housing, pooling resources, not knowing rights or responsibilities.</p> <p>Other Issues: Tenants not caring for apartment unit, landlords neglecting unit, not collecting rent.</p> | <p>1. Landlord workshops: Educate landlords about rights and responsibilities. Focus on established organizations. Include public safety officers, who respond to landlord or tenant complaints. Do event evaluations.</p> <p>2. Tenant Workshops: Educate tenants about rights and responsibilities. Focus outreach to tenants of recently trained landlords. Target specific groups: New Mainers, young tenants, tenants with disabilities. Include public safety officers. Do event evaluations.</p> <p>3. School Outreach: Mayors of both cities declare April "Fair Housing Month." City staff or partners visit one elementary schools in each city (each year) to provide activities that promote fair housing. Do event evaluations.</p> <p>4. Posters: Create poster with basic information on tenant housing rights & a complaint hotline (use local languages). Distribute to appropriate locations.</p> | <p>1. Landlord workshop on disability rights and policies.</p> <p>2. Tenant workshop targeted toward tenants with disabilities on disability rights and policies.</p> <p>3. Mayors of both cities declare April "Fair Housing Month." Fair Housing Month event at a local elementary school in each city.</p> <p>4. Create Fair Housing posters for distribution.</p> | <p>1. Landlord workshop on cultural and language issues relating to New Mainers.</p> <p>2. Tenant workshop targeted toward New Mainers on cultural and language issues, rights and responsibilities.</p> <p>3. Fair Housing Month event at a local elementary school in each city.</p> | <p>1. Landlord workshop on general issues.</p> <p>2. Tenant workshop on general issues.</p> <p>3. Fair Housing Month event at a local elementary school in each city.</p> | <p>1. Landlord workshop on issues relating to younger tenants.</p> <p>2. Tenant workshop targeted toward younger tenants.</p> <p>3. Fair Housing Month event at a local elementary school in each city.</p> | <p>Evaluate progress, prepare for next AI.</p> | <p>Cities of Auburn and Lewiston: Community Development Departments, Housing Authorities, public safety officers, elementary schools, public transit.</p> <p>Community Groups: Community Concepts, Ethnic-Based Community Organizations, Neighborhood Housing League, and other social agencies.</p> <p>Workshops: Collaborative partnerships could include Maine Housing, Healthy Androscoggin.</p> <p>Landlord Workshops: Landlord associations, County realtor conventions</p> |

| Issues & Impediments | Strategies | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Partners |
|--|---|---|---|--------|--------|---|---|
| <p>Home Financing Sharia Lending: Lack of Sharia-lending financing products in Lewiston and Auburn have prevented New Mainers from purchasing homes, which could also help ease the burden on the need for large rental units. Families may qualify for homeownership opportunities, but lending laws require interest on home loans.</p> | <p>1. Identify obstacles to Sharia-lending financing products by convening a group of local private and non-profit lenders, representatives from the New Mainer community, and other experts.</p> <p>2. Inform New Mainers about homeownership opportunities.</p> | <p>Convene homeownership lending group, identify obstacles and solutions.</p> | <p>Outreach to New Mainer community with information about Sharia-friendly homeownership loans.</p> | | | <p>Evaluate progress, prepare for next AI</p> | <p>Cities of Auburn and Lewiston: Community Development Departments, Local Housing Authorities</p> <p>State Legislators</p> <p>Lenders/Experts: Coastal Enterprises, HUD, National Sharia-lending organizations, Community Concepts</p> <p>Community: Ethnic-Based Community Organizations, potential homeowners</p> <p>Education: Bates College</p> |

DRAFT

APPENDIX A: INTERVIEWS & PUBLIC PROCESS

Interviewed

Somali Bantu Youth Organization of Maine
Downtown Neighborhood Action Committee
Seniors Plus
Neighborhood Housing League
Auburn Police Department
Department of Corrections
United Somali Women of Maine
City of Lewiston – Social Services
Catholic Charities – Refugees and Immigration Services
Tedford Housing
Maine Veterans Services – Lewiston
New Beginnings
Safe Voices
Lewiston/Auburn Landlord Association
Alpha One
DHHS – Lewiston Office
Pathways, Inc.
Goodwill Industries
City of Auburn – General Assistance
Landlord
United Way of Androscoggin
Trinity Episcopal Church
City of Auburn General Assistance
Common Ties Mental Health Coalition
City of Lewiston – Planning
City of Auburn – Planning
Auburn Housing Authority
Lewiston Housing Authority
Pine Tree Legal Assistance
Maine Human Rights Commission

Responded to Survey Questions

Maine People's Alliance
Neighborhood Housing League

Report Analysis & Feedback

Reine Mynahan, Auburn Community Development
Yvette Bouttenot, Auburn Community Development
Jayne Jochem, Lewiston Economic & Community Development
Lincoln Jeffers, Lewiston Economic & Community Development
Jeanine Dubay, Lewiston Housing Authority
Rick Porter, Auburn Housing Authority

Public Meetings

Interviews with Stakeholders
Lewiston City Council
Auburn City Council

DRAFT

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Order authorizing the foreclosure and sale of real estate located at 11 Walker Avenue and land located at 68 Jones Avenue and 7 Bartlett Street.

INFORMATION:

Liens for unpaid property taxes have matured on these three properties, two of which are vacant land and the third both land and single family dwelling. The owners or their agents have either indicated no interest in paying these taxes or have failed to respond to repeated attempts to collect. Staff is recommending that the City Council authorize taking possession and potentially disposing of these properties. Since selling City property requires a recommendation from the Planning Board, the attached resolve would authorize the sale of these properties subject to a positive recommendation from the Board. In addition, 7 Bartlett is currently in use as a staging area for the Oak Street separation project, so that property would not be put out for bid until after it is released by Public Works. Greater detail is provided in the attached memo from Finance Director Heather Hunter.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/1kmm

REQUESTED ACTION:

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To approve the Order authorizing the foreclosure and sale of real estate located at 11 Walker Avenue and land located at 68 Jones Avenue and 7 Bartlett Street.



**City of Lewiston Maine
City Council Order
November 19, 2013**

Order, Authorizing the Foreclosure and Sale of Real Estate Located at 11 Walker Avenue and Land Located at 68 Jones Avenue and 7 Bartlett Street.

WHEREAS, the owner, Mary L. Cummings, failed to pay her 2011 real estate taxes on a timely basis at 11 Walker Avenue (Book 8180 Page 256, Parcel 00-007324) in the amount of \$7,358.01; and

WHEREAS, the owner, Corilda Paradis, failed to pay her 2011 real estate taxes on a timely basis at 68 Jones Avenue (Book 8181 Page 202, Parcel 00-007807) in the amount of \$1,299.33; and

WHEREAS, the owner, Corilda Paradis, failed to pay her 2011 real estate taxes on a timely basis at 7 Bartlett Street (Book 8181 Page 203, Parcel 00-007808) in the amount of \$2,542.42; and

WHEREAS, real estate tax liens were recorded on June 17, 2011 and matured on December 17 2012, in the amounts noted above; and

WHEREAS, the owners and/or their representatives have no desire to pay the outstanding taxes;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON that the City Administrator take the necessary steps to foreclose on and take possession of 11 Walker Avenue, 68 Jones Avenue, and 7 Bartlett Street.

BE IT FURTHER ORDERED, THAT the City Administrator is authorized to place these parcels for sale to the general public using a formal bid process and subject to a positive recommendation by the Planning Board that these parcels should be disposed of and the release of the parcel at 7 Bartlett Street by the Public Works Department which is currently using it as a staging area for the Oak Street Sewer Separation Project. In the event the Planning Board does not provide a positive recommendation on any of these parcels, those parcels shall be returned to the City Council for consideration of the Planning Board's action.



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: **Foreclosed Parcels**

DATE: November 12, 2013

The City has two parcels of vacant land and one residential property where tax liens matured on December 17, 2012. Those holding Power of Attorneys to act on behalf of the owners have expressed no objection to the City foreclosing and taking possession of these properties.

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, through their Power of Attorneys, on October 3, 2013. The City received no response back from the owner/Power of Attorney of the Paradis parcels. The niece/Power of Attorney for Mrs. Cummings has indicated she 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 |
|------------------------|-----------------|----------------|------------|-------------------|-----------------|
| 11 Walker Ave. - Land | Mary Cummings | \$32,640 | | | |
| 11 Walker Ave. - Bldg. | Mary Cummings | \$39,440 | \$7,358.01 | FY2011 | 08/08/2013 |
| 68 Jones Avenue | Corilda Paradis | \$10,080 | \$1,299.33 | FY2011 | 12/09/2011 |
| 7 Bartlett Street | Corilda Paradis | \$21,000 | \$2,542.42 | FY2011 | 12/09/2011 |

All parcels are relatively small, but there is some interest by the abutting property owners to purchase the vacant land. The Walker Avenue residential parcel is the largest at .6 acres, followed by 7 Bartlett Street at .21, and 68 Jones Avenue at .12 acres.

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 tax acquire all three parcels outlined above and sell 11 Walker Avenue, 68 Jones Avenue, and 7 Bartlett Street using a formal bid process. If approved, the process of selling 7 Bartlett Street

will not begin until the Public Works Department releases the property since it is currently in use as a staging area for the Oak Street Sewer Separation Project.

Once Council action is taken on November 19th, the Planning Board will take action on November 25th. If affirmative votes are received by both boards, the Director of Budget and Purchasing will advertise the parcels for sale in through a sealed formal bid process. Advertisements will be placed in the local paper, and real estate brokers and abutting property owners will be notified. The City Administrator will bring the bid results back to you for award.

Should the Planning Board recommend against selling any property, that property will be brought back before the City Council for further discussion.

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

LEWISTON CITY COUNCIL
MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Order authorizing staff to proceed with Phase 1 of the Simard Payne Park Project.

INFORMATION:

The value engineering effort designed to reduce the cost of Phase I of the Simard Payne Park improvement project (Gateway Park) has been completed with the goal of reducing price while retaining a high quality product. Information is attached which summarizes the design changes and price impacts. Note that total project cost has been reduced from \$583,815 to \$489,919. Please note that this is also dependent on the Finance Committee's approval. It will consider the matter at its November 18th meeting.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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To approve the Order authorizing staff to proceed with Phase 1 of the Simard Payne Park Project.



**City of Lewiston Maine
City Council Order
November 19, 2013**



Order, Authorizing Staff to Proceed with Phase I of the Simard Payne Park Project

Whereas, the Riverfront Island Master Plan identified an extension of Simard Payne Park to Lincoln Street as a priority project; and

Whereas, such a project was designed and bid; however, only one bid was received, it exceeded the engineering estimate, and the Finance Committee, in accordance with its adopted policies, rejected this bid; and

Whereas, the City Council subsequently requested the Finance Committee to consider authorizing staff to work with the bidder to reduce the project's cost while maintaining its high quality; and

Whereas, this has been completed with an overall reduction in price from \$583,815 to \$489,919; and

Whereas, the re-engineering projects maintains the City's desire for a high quality project; and

Whereas, the Finance Committee has authorized that the bid be awarded;

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

City staff is authorized to proceed with Phase I of the Simard Payne Park Project as approved by the Finance Committee.



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



November 13, 2013

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Value Engineering – Simard-Payne Park Phase I

When Phase I of the Simard Payne Park project (Gateway Park) was bid, the City only received one bid. The Finance Committee rejected this bid under its adopted policy that requires rejection and rebid on projects that exceed \$100,000 where only one bid is received. While staff was pleased with the design provided, we also recognized that the cost estimate for construction was high (at \$530,000) based on the desired quality and amenity level. The rejected base bid was approximately \$580,000; an alternate with higher quality IPE decking (which was accepted for the separate pedestrian bridge work) would add an additional \$45,000 to the cost.

At its October 15th meeting, the City Council discussed this issue and alternatives on how to proceed. The consensus of the Council, subsequently formally approved at that night's regular meeting, was to request the Finance Committee to consider allowing staff to undertake a value engineering effort with the contractor who bid the project. This would identify steps that could reduce costs while striving to maintain the integrity of the overall design.

The Finance Committee subsequently authorized this approach, and the value engineering has been completed. The Finance Committee will be reviewing the results at its meeting on November 18th, and it will be up to the Committee whether to reconsider its earlier action and proceed to award a bid. If awarded, we will ask that the award be subject to the redesign being acceptable to the Council.

We would like to review the proposed changes and their impact with the Council so that you can consider these changes and analyze whether our objectives of lowering cost and maintaining quality have been satisfactorily achieved.

Attached please find an explanation of the changes and a summary of the impact on cost. If all changes are accepted, the overall cost will change from \$583,815 to \$489,919, a reduction of \$93,896. Please note that there may be some minor final changes to the project. If so, we will update you at Tuesday's meeting.

Simard-Payne Park: Phase I - Value Engineering Explanations
City of Lewiston
Lewiston, ME.

Richardson & Associates, *Landscape Architects*
Pratt Construction

Hardscape:

Concrete Surfacing & Structure, Granite Walls, & Misc. Interface Material Reductions

VE 1. Granite Walls

Existing Condition:

- Proposed granite walls were specified to have a Thermal Finish on all exposed sides.
- Select walls to have receptor notch to accommodate LED light strip
- Reduce granite depth below grade (less granite material)

Proposed Change:

- All granite walls to have Split Face side finish, with sawn top
- LED has been eliminated. No notch necessary
- Overall granite quantity reduced below grade. Raise sub-base elevation to accommodate.

VE 2. Concrete Surfacing

Existing Condition:

- 6" concrete depth in center path and on Oxford & Lincoln Streets

Proposed Change:

- Reduce to 4" depth in center path. Maintain 6" on Oxford & Lincoln Streets

VE 3. Granite Curbing

Existing Condition:

- 6" Granite curbing

Proposed Change:

- Reduce to ME standard 5" curbing

VE 4. Eliminate Concrete Surfacing

Existing Condition:

- Scored 6" concrete on north and south side of center sinuous path

Proposed Change:

- Eliminate concrete. Maintain as existing asphalt.

VE 5. Wood decking – Main Sitting Area

Existing Condition:

- Elliptical sitting area proposed to have hemlock decking, ADD ALT Ipe for continuity with canal bridge upgrades
- Concrete substructure to support wood deck surface structure
- Dry well for stormwater infiltration

Proposed Change:

- Remove wood decking surface structure. Substitute with similar paver type as existing sidewalks on Lincoln St. Use a running bond pattern on axis of proposed decking (perpendicular to rail lines).
- Eliminate substructure
- Eliminate dry well. Substitute with Aco Brickslot Trench Drain along rail lines. Tie into proposed catch basin at Park entry on Lincoln St.

Cost Reduction: \$64,595.00

Softscape:

Plantings

VE 6, 7, & 8. Planting Reductions

Existing Condition:

- 11 trees, *Quercus coccinea*, Scarlet Oak proposed unit size as 3.5" caliper
- 1090 SF of Low-Bush Blueberry (*Vaccinium angustifolium*) sod-form
- Shrub, Perennials, & Grasses – large unit sizes

Proposed Change:

- Oak Tree unit sizes to be reduced to 2-2.5" caliper
- Eliminate Low-Bush Blueberry within hatching as shown on VE-2 Plan
- Make the following unit size changes to proposed vegetation:
 - o *Myrica pensylvanica*: 22- 5'(B&B), 23- #5container, 45- #3container
 - o *Comptonia peregrina*: Reduce all to #2 container size
 - o *Fothergilla* 'Mt. Airy': Reduce all to #3 container size
 - o *Rhus aromatica* 'Grow Low': Reduce all to #2 container size
 - o All perennials and grasses to be reduced to #1 pot size (where larger is proposed)

Cost Reduction: \$8,500.00

Lighting & Electrical

VE 9 & 10. Lighting

Existing Condition:

- LED light strips embedded in granite walls and steps
- Pole Lights: Beacon Lighting catalogue #: VP-S30NB-90-3K-T4-UNV-PCRU-PK2-XX

Proposed Change:

- Eliminate all LED lighting within the park
- Eliminate pole light model. Substitute with Wadsworth Aluminum Pole w/Granville II LED (GVD)
- Eliminate Post Lights (2) at canal pedestrian bridge (Not yet factored into price reduction)

NOTE: Post Light model substitution increased the cost. Electrical supplier to confirm cost difference and elimination of canal bridge light posts

Cost Reduction: \$23,000.00

Total Project Cost Reduction: \$96,095.00

Miscellaneous Item

VE 11. Bollards

Existing Condition:

- 11 Bollards, two (4) locking & removable, (7) fixed. Model # DG5 REM/LOCK by Urban Accessories

(NOTE: Contractor did not price 9 of the 11 initially. Price will increase)

Proposed Change:

- Bollard style/model to be substituted. Landscape Architect to recommend alternative for City approval.

Total Cost: \$

Other Modifications:

Wood 'Bridge' Elements

Maintain wooden deck structures:

1. Arcing unit off of Lincoln St. entry
2. Straight chase from Café parking area to center path

Both to be upgraded from Hemlock to Ipe for material cohesiveness with canal bridge

Final pricing factored in to VE 1-5

Entry Sculptures

Entry sculptures are to be developed by metalsmith in coordination with Landscape Architect & Contractor.

Total Allowance: \$9,000

J.Pratt Construction with Richardson & Associates

Simard-Payne Park Cost Estimate - Value Engineering

Lewiston, Maine

11/11/13

| | Item | Notes | Amount | Unit Cost | Original Bid | Deduct/Add Description | Deduct \$ | Addition \$ | |
|------------------------------------|--|---|--------|-----------|---------------------|--|---------------------|--------------------|----------------------------|
| Concrete | | | | | \$75,000.00 | | \$18,500.00 | | |
| | 4" Concrete | | | | | | | | |
| | 6" Concrete | | | | | | | | |
| | 1' Dia Pier on 18" x 18" footings | | | | | 6" Concrete on Lincoln & Oxford St x-ings only | | | |
| | 1' Dia Concrete Piers | | | | | Eliminate - no wood surface structure | | | |
| | Concrete footings below granite | Original addition to VE of granite. Not necessary | | | | Eliminate - no wood surface structure | | | |
| | Concrete Frost Walls | | | | | Eliminate | | | |
| Sitework (Exc., Gravel, & Grading) | | | | | \$22,016.00 | Eliminate - no wood surface structure | | | |
| Granite Materials & Labor | | | | | | | \$40,396.00 | | |
| | Granite Pavers | | | | \$15,000.00 | Reductions | | | |
| | Granite Curbing | | | | \$23,000.00 | 6" Granite curb to ME standard 5" | | | |
| | Granite Blocks | thermal finish: all exposed sides | | | \$133,000.00 | Change in finish: Split-face sides/Sawn tops | | | |
| | Granite Steps and Posts | | | | \$4,000.00 | Reductions | | | |
| Misc. | | | | | | | | | |
| | Dry Wells | Mtl and Labor | | | \$15,213.00 | Misc. reductions as noted on Pratt budget sht labeled: 11/4/13 | \$6,000.00 | | |
| | | | | | | Eliminate drywell below Main sitting area | \$4,000.00 | | |
| | | | | | | ADD: ACO 4" Trench Drain/CB tied to Lincoln St. catch basin | | \$5,000.00 | |
| | | | | | | Model #: K100, Grate: 481Q (ADA compliant) | | | |
| | Planting Areas | Exc Loam and Seed | | | \$27,032.00 | | | | |
| | Lawn Areas | Loam and Seed | | | \$1,600.00 | | | | |
| | Wood Planking | | | | \$16,200.00 | Eliminate - SUB concrete pavers on asphalt bed | \$16,200.00 | | |
| | | | | | | ADD: concrete pavers (to match existing on Lincoln St.) | | \$14,500.00 | |
| | Drainage | new/relocated catch basin on Lincoln St. | | | \$3,100.00 | | | | |
| | Striping | | | | \$1,000.00 | | | | |
| | Concrete Bases for Entry/Banner Structures | | | | \$2,900.00 | | | | |
| | | | | | | ADD: Increase in structure bases (only one originally estimated) | | \$2,600.00 | |
| | Bollards | | | | \$2,900.00 | | | | |
| | | | | | | ADD: @\$500/unit installed x 11 units = \$5500, less \$2900 | | \$2,600.00 | |
| | Rail Remove and Re-Install | | | | \$14,100.00 | | | | |
| | Concrete Bumpers | | | | \$1,000.00 | | | | |
| | Miscellaneous Paving | | | | \$7,000.00 | | | | |
| | | | | | | ADD: Allowance for rotted rail ties | | \$1,000.00 | |
| | Entry/Banner Structures | | | | | ADD: Waiting for estimate return | | \$0.00 | |
| Electrical & Lighting | | | | | \$81,000.00 | | | | |
| | LED Lighting | | | | | Eliminate | \$23,000.00 | | |
| | Post Lighting | | | | | Eliminate two post lights on Oxford St. | \$3,000.00 | | |
| | | | | | | ADD: Post Light Model change - \$900/unit increase. TOT BALANCED | | \$0.00 | |
| | Tree Uplighting | | | | | | | | |
| | Site electrical | | | | | | | | |
| Landscaping | | | | | \$60,000.00 | Unit size reductions. Blueberry Sod SF reductions | \$8,500.00 | | |
| Pratt OH&P | | | | | | | | | |
| | Layout | | | | \$10,000.00 | | | | |
| | Bond | | | | \$10,000.00 | | | | |
| | Mark up | | | | \$40,000.00 | | | | |
| | General Conditions | | | | \$18,754.00 | | | | |
| | | | | | | | TOTAL REDUCTION | TOTAL ADDITION | TOTAL REVISED PROJECT COST |
| TOTAL PROJECT COST | | | | | \$583,815.00 | | \$119,596.00 | \$25,700.00 | \$489,919.00 |

LEWISTON CITY COUNCIL
MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Request from the Kora Shrine for use of city services and a waiver of parking garage fees regarding the organization's November Festival of Trees fundraising event.

INFORMATION:

The director of the Lewiston Kora Shrine Festival of Trees event is requesting free use of the Oak Street Parking Garage for their event crafters and volunteers for Friday, November 29. Since this is the day after Thanksgiving and many places are closed due to the holiday weekend, many of the regular users of the garage will not be using the facility that day. Public Works said the garage is normally quiet on this day and does not see a concern with allowing free use of the garage for the event volunteers this day.

Please see their attached letter of request for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.

EABSKmm

REQUESTED ACTION:

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To review the request submitted by the Lewiston Kora Shrine for a request for use of city services and a waiver of parking garage fees for the organization's November Festival of Trees fundraising event and to determine a course of action.



Kora Shrine
11 Sabattus Street
Lewiston Maine 04240

October 21, 2013

City Clerk Kathy Montejo
Park Street
Lewiston, Maine

Dear Kathy,

This letter is per our phone discussion on Friday, October 18, 2013.

Kora Shrine's Festival of Trees has grown to be one of premier holiday events in Maine. Because of this event's growth and limited parking in the area of Kora Shrine; we are seeking your assistance. We are currently looking at parking alternatives for our volunteers and crafters. The committee has spoken about the use of the Oak Street Parking Garage.

After speaking with Michael Paradis, in charge of the parking garages, he suggested that the Festival seek the use of the Oak Street Parking on Friday, Nov. 29th and Saturday, Nov. 30th. Mike Paradis told me that the Friday after Thanksgiving is normally quiet.

We know that the parking lot is free on Saturdays and Sundays, so the waiver of fees would be for Friday only. We expect some 35 crafters and 75 volunteers which help run the Festival, would use the garage each day. Our plan is to provide those who park in the garage a free shuttle service to & from Kora Shrine.

Thanks your in advance for your support and please stop by the Festival the Trees.

Please contact me at # 783-4267 if you have any questions.

Sincerely,

Bernie McAllister

Director of Personnel, Festival of Tree 2013

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15B

SUBJECT:

Report and Update: Recommendation from the School Superintendent to seek additional School Budget vote.

INFORMATION:

The attached memorandum from Superintendent Webster requests that the City Council consider calling a second school budget ratification election to be held in January. The request is based on a desire to appropriate for expenditure the \$340,000 in additional school subsidy that will be received and that was not initially included in the school budget referendum held in May. This amount is for that portion of the State share of teacher retirement that was not initially included in the Governor's budget but subsequently added by the legislature. Recent changes in how the state also handles MaineCare funding for certain out of district placements has also significantly impacted the school budget and has contributed to this request. The Superintendent will be present to review this request with you. No action is required at this time.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a discussion of the Council to determine the direction they would like to take on this issue.

SPB/kmm

REQUESTED ACTION:

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To determine whether this item requires further discussion at a Council workshop or to direct that calling for a special election be placed on the City Council agenda for Tuesday, December 17th.

November 13, 2013

To: Lewiston School Committee and City Councilors
c: Ed Barrett, City Administrator
Heather Hunter, City Treasurer
Kathy Montejo, City Clerk
Elaine Runyon, Controller, Lewiston Public Schools
Dan Stockford, Esq., School Attorney
Lewiston Legislators

From: Bill Webster, Superintendent

Re: Recommendation to Seek Additional School Budget Vote

Summary

Lewiston Public Schools (LPS) has just closed its books on fiscal year 2013, which ended June 30, 2013. In total, revenues exceeded expenditures by \$ 691,628, but total expenditures exceeded the May 2012 voter-approved level by \$ 499,432. This budget variance was entirely due to LPS expenses, roughly \$1.5 million in unbudgeted MaineCare costs, due to a change in State law and practice instituted in the spring of 2012, retroactive to July 1, 2011. The legal consequences of this over expenditure include a report by our auditors, which will trigger a review by the Department of Education (DOE). There is no requirement for voter-approval.

Over the last 18 months we have worked to identify the scope of this liability and to petition for changes that would reduce the liability to LPS. Some of our mitigation efforts are still underway, but, absent desired changes, LPS will be assessed \$1.2-\$1.5 million annually in additional MaineCare costs. These charges are reduced from State subsidy, often six to nine months after the fact, and the \$1.2 million liability from fiscal 2012 was not resolved until June 2013.

Unfortunately, we now know that fiscal year 2014 will present a similar situation for LPS. Even after initiating a thorough review of cost saving measures, our latest projection has total expenditures exceeding the May 2013 voter-approval level by \$ 340,000 or so. Revenues will still exceed expenditures due to the increase in State General Purpose Aid (GPA) enacted by the Legislature in June, but we are not authorized to expend these funds.

After consultation with our attorney, the Lewiston School Committee informally concluded at its November 4th meeting that LPS seek voter-approval to expend the additional revenue, which will be sufficient to cover the MaineCare budget shortfall. A tentative timeline to pursue this option would be Lewiston School Committee approval on December 16th, City Council approval of December 17th, and a city-wide vote on Tuesday, January 14, 2014. A defeat of this initiative would likely result in program and/or position cutbacks for the remaining months of fiscal 2014.

The following sections present more detailed information on the MaineCare issue and how LPS arrived at the present situation.

MaineCare Changes

MaineCare is the name of the State's Medicaid program for qualifying residents. Under Medicaid, the Federal Government reimburses the State varying percentage, presently 64%, of allowable medical claims. The State or local government is responsible for the remaining amount, known as Seed. Prior to 2012 special purpose private schools (SPPS) who serve roughly 100 LPS students, would charge the State the Federal portion of each medical claim, and recoup the Seed portion either through billing LPS or other arrangements such as higher tuition charges.

In recent years the Federal Government has become more aggressive at monitoring compliance with Medicaid regulations, and DHHS officials became concerned about the State's ability to demonstrate that the Seed portion was being appropriately paid. Unbeknown to school districts, DHHS and DOE concluded that the best approach would be to deduct Seed directly from school subsidy. During the spring of 2012 the Maine Legislature adopted a little-noticed provision at the time that gave DOE this authority.

Lewiston has more students in SPPS than any other district in Maine, and the bulk of our MaineCare expenditures relate to students attending one of the Margaret Murphy autism programs in Auburn or Lewiston. Their intensive programs require that each student have a one-on-one behavioral health professional (BHP) during each 6-hour school day. A BHP position is similar to our educational technician III with the additional requirement of an additional 27 hours of annual specialized training.

Prior to the change in Seed billing procedures, we generally did not pay Seed or only a reduced Seed amount to Margaret Murphy for MaineCare eligible students and paid \$36 for each BHP hour associated with non-MaineCare eligible students. (Non-MaineCare students represent a very small percentage of all student receiving services.) Once the billing changes were implemented, Margaret Murphy, as other SPPS, began billing DHHS directly for the Seed portion for MaineCare students using the maximum DHHS allowable rate of \$58/hour. This liability is now well in excess of \$1.0 million per year.

Issues with New MaineCare Procedures

The new MaineCare procedures have significantly impacted Lewiston, other school districts and the State in the three major areas described below:

1. DOE provides documentation in support of the subsidy deductions for MaineCare payments. This data is provided months after the fact, contains many errors and comes with unrealistic time deadlines to identify the errors. We have yet to have received the

MaineCare adjustments for the 4th quarter of FY2013, for example, and have typically been given only two weeks to identify errors in the thousands of records we receive. This process has destroyed the relationship between the public school and the SPPS as too much time passes to make possible changes in medical services or conduct a needed Individual Education Plan (IEP) meeting triggered by inappropriate billing. This lessens our ability to move a student placed at a SPPS into the general school population and also turns on its head the almost universal internal control practice that organizations review their bills prior to making payment.

2. A behavioral health professional (BHP) is comparable to an educational technician in Maine schools who has also received 27 hours of training. The cost of such an individual is roughly \$25/hour. Under MaineCare, DHHS sets the maximum rate that can be charged as the lower of usually and customary at a rate of \$58.60/hour. This \$58 rate is based upon a medical, rather than educational model and should likely be around \$30. DHHS has not responded to a June letter from the Western Maine Superintendents' Association to review the BHP rate. Once the new MaineCare procedures were adopted in 2012, retroactive to 2011, at least one major SPPS raised its hourly BHP rate from \$36 to \$58.60 in likely violation of Federal Medicaid rules. The excessive BHP rate has likely resulted in over \$500,000 in excessive MaineCare charges to Lewiston and in millions of dollars in inappropriate charges for the whole State.
3. Prior to 2012, the relationship between Lewiston Public Schools and special purpose private schools (SPPS) provided the SPPS with ample funding to meet their obligations, provide services and grow. The change in the law and inappropriate high BHP rate setting by DHHS and DOE have resulted in a financial windfall for at least one SPPS and in taxpayers possibly paying millions of dollars in excessive payments for both MaineCare seed and the daily educational rate to the SPPS. The daily education rate (typically \$160 to \$240 per day) computed by DOE for each SPPS is cost-based using unaudited data provided by the SPPS. Prior to the new MaineCare procedures this rate appears to have been sufficient to not only cover regular education costs but also medical expenses not explicitly reimbursed by school districts. These rates are now excessive, typically four times higher than the comparable rate for public schools, and should be based on audited financial information. In addition, DOE has no provision to ensure that medical services costs are fully excluded from the computation of the rate for each SPPS. A strong case can be made that the daily education rates should be based on a formula like Essential Programs and Services (EPS), as is used for public schools.

LPS has taken a multi-faceted approach to reduce our ultimate liability and improve the MaineCare procedures including appeals to DOE, DHHS, the Board of Education, legislators and Margaret Murphy directly. In addition, we employed legal counsel to explore the possibility

of legal action since one SPPS seemingly violated Medicaid rules by raising the BHP rate from \$36/hour to \$58/hour. The results of our efforts are as follows:

1. After many months of no response to letters from both the Western Maine Superintendents Association and me along with three separate meetings I have had with DHHS and DOE, DHHS has agreed to review the BHP rate. I have been told to be patient and that the results of this review will likely not be available for a few months.
2. DOE has also not responded to letters, but Jim Rier, Acting Commissioner, has met with me on multiple occasions and tried to be helpful. He has agreed to eliminate the two-week deadline to identify errors related to State Agency Clients, which represent the majority of errors that we uncover.
3. DOE just announced revised daily educational rates using improved accounting procedures. The rate for Margaret Murphy has gone from \$240/day in FY2012 to \$218/day in FY2013 and \$172/day in FY2014. This is a very positive step for Lewiston, but there is no provision to that would allow Lewiston to recoup excess payments made over the past two years.
4. On the advice of legal counsel we have decided not to pursue legal action. While there is some evidence to suggest that Medicaid rules were not followed (for example, charging a lower rate for non-Medicaid students), the record is inconsistent to ensure a reasonable chance of success against a SPPS.

Moving Forward with a Budget Vote

Last May there was recognition of the possibility that the Maine Legislature would pass additional school funding above the level in our proposed budget. Unlike many Maine School districts, the LPS FY2014 proposed budget already included the new teacher retirement costs allocated to schools for the first time. So, when additional funding was approved in June to cover the retirement costs, we were comfortable in our voter-approved budget. The additional revenue could contribute to the future level of unexpended funds, which would favorably impact the FY2015 tax rate. Other districts across the State initiated second budget validation referendum votes, some as late as November 5th, so that the additional revenue could be used to pay the teacher retirement costs.

In hindsight, we should have also initiated a second vote earlier in our fiscal year, but it was unclear until recently that our approved FY2014 budget, even after making a number of internal cutbacks and expansion of grant funding, is insufficient to cover the additional MaineCare seed costs. I have asked our attorney to proceed drafting the necessary documents and suggest the

vote take place on Tuesday, January 14, 2014. This would require School Committee approval on Monday, December 16th, and City Council approval on Tuesday, December 17th.

While still subject to review and change, the description on the vote might read as follows:

The citizens of Lewiston are being asked to vote again on the fiscal year 2013-2014 School Budget on Tuesday, January 14, 2014. The reason for this vote is explained below and **will not require any change in the tax rate or additional monies from Lewiston taxpayers.**

Last spring, on May, 13th, the FY14 Lewiston School Budget was approved by voters. Later in June the State of Maine's biennial budget was approved. While the State provided additional funding to schools, Lewiston is not authorized to spend these funds. In addition, the State has assessed Lewiston over \$1 million in unbudgeted MaineCare costs, which must be covered within the school budget. Approval of the revised budget will allow Lewiston to meet its MaineCare obligations while continuing existing levels of programs and staffing.

In the event this vote does not pass, program or staffing cuts would have to be made from the current budget. As would be expected, this would be devastating to our school system and our students' education.

Absentee ballots and early voting are also available. Please call 513-3124 with questions about voting. Please call the Superintendent's Office at 795-4100, if you have questions about the revised budget.

LEWISTON CITY COUNCIL
MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

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

EAB/kmm

REQUESTED ACTION:

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

LEWISTON CITY COUNCIL
MEETING OF NOVEMBER 19, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 18

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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