

# **LEWISTON CITY COUNCIL WORKSHOP AGENDA**

**Tuesday, November 25, 2014**

**City Council Chambers**

**6:00 p.m. Workshop**

Pledge of Allegiance to the Flag.

Moment of Silence.

## **WORK SESSION**

1. Water Intake Cleaning Project.
2. Winter Maintenance Update.
3. Simard Payne Police Memorial Park- Phase III Improvements.
4. Modification of Fines for Solid Waste Violations.
5. Preliminary Discussion of State Legislative Issues.

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
TUESDAY, NOVEMBER 25, 2014  
6:00 P.M.

1. Water Intake Cleaning Project – 15 minutes

Auburn and Lewiston withdraw water from Lake Auburn through a single intake. Recently, a problem has been identified with algae build up within this intake. This results in the frequent need to clean screens to remove algae that has sloughed off the interior of the intake. This also causes issues with turbidity of the water where the utilities must meet a specified federal standard. These problems can be addressed through a thorough cleaning of the intake to remove the algae growth. Please see the attached information.

2. Winter Maintenance Update – 15 minutes

Dave Jones would like to review the Public Works Department's winter maintenance plan and status with the Council to bring you up to date on what we might expect this winter in terms of our response to winter weather events.

3. Simard Payne Park – Phase III improvements – 15 minutes

Staff would like to review with the Council the next phase of park improvements with a focus on the proposed amphitheater. Please see the attached drawings.

4. Modification of Fines for Solid Waste Violations 15 minutes

Code Enforcement is proposing modifications to our current fine system for solid waste violations. As you are aware, we are undertaking a stronger effort to enforce our solid waste ordinance in the downtown residential area, particularly where solid waste is left at the curb at improper times or with improper items as well as instances where solid waste is not appropriately stored and contained on private property. The fine for the first violation is currently \$210; this increases to \$420 for subsequent violations. These fines are currently viewed as excessive by many who receive them, especially when the violation is brought about by tenants or where the waste is claimed to be from other properties.

5. Preliminary Discussion of State Legislative Issues – 30 minutes

We have tentatively set December 9<sup>th</sup> as the date to meet with our legislative delegation regarding legislative initiatives that the City is interested in pursuing in the coming year. Prior to that meeting, I thought it would be useful to review possible issues with you so that an agenda for that meeting can be developed.

#1

# Lewiston & Auburn Drinking Water Intake Cleaning



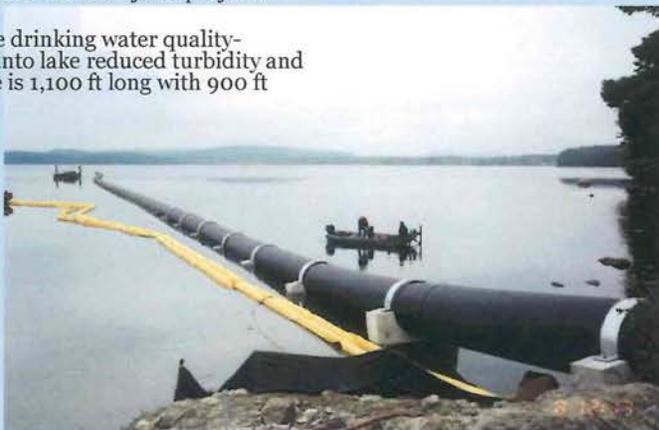
KEVIN A. GAGNE, PE  
DEPUTY DIR. OF PUBLIC WORKS

MICHAEL BROADBENT  
WATER TREATMENT MANAGER  
CITY OF LEWISTON WATER DIVISION  
AUBURN WATER & SEWER DISTRICT

## Lewiston Auburn Intake



- One common 48 inch diameter intake for Lewiston & Auburn
- Installed in 1996 as one of the 1<sup>st</sup> joint projects with LWD & AWD
- Installed to improve drinking water quality- deeper and farther into lake reduced turbidity and ice issues, 48 intake is 1,100 ft long with 900 ft into the lake.



## Lewiston Auburn Intake

- In 2000, intake was inspected, some sediment was building up in pipe – nothing causing a problem.
- 2003 – Lewiston & Auburn jointly commissioned study to evaluate potential impacts of Stage 2 DBP's & LT<sub>2</sub>ESWTR
- In 2004 fecal coliform in lake, intake was inspected, sediment was still developing but not an operational issue.
- 2005 – CDM Smith provided emergency assistance with Report – "Turbidity & Bacteria Study Update"
- 2005 to present – have controlled gulls with USDA efforts.
- 2005 - CDM Smith completed "Safe Drinking Water Act Compliance Study"



## Lewiston Auburn Intake

- Negotiated Consent Order w/ Maine Drinking Water Program
- Needed to expedite UV Treatment
- 2007 – CDM Smith completed "UV Design Concept Study"
- 2008 – Preliminary Design work commenced
- 2009 – Phase 1 UV Construction began
- 2010 – Phase 2 UV Construction began



## Lewiston Auburn Intake

- 2010 – Lake Auburn Watershed Management plan update
- 2011 – Lake Auburn algae starts to appear as issue
- 2012 – UV Construction complete and operational
- 2012 – Lake Auburn algae causes fish kill
- 2012 – CDM Smith Diagnostic Study of Lake Auburn
- 2013 – Lake Auburn algae monitoring & control program
- 2013 – CDM Smith Diagnostic Study of Lake Auburn complete
- 2014 – Lake Auburn algae monitoring & control continues

## Lewiston Auburn Intake



## Lewiston Auburn Intake



- August 2013 – intake screens were plugged with algae and caused water quality issues as it scoured the intake – shutting down UV facility and all water pumping for 10 hours



## Lewiston Auburn Intake



- September 2013 – intake screens became 'blinded' and caused cavitation of a water pump and shut down UV Facility



## Lewiston Auburn Intake

- October 2013 – attempted to video inspect intake with robot. Only inspected 130ft – 2-3inches of coating on inside of intake.



## Lewiston Auburn Intake

- **Options for Cleaning Intake:**
- **Chemical Cleaning**
  - EJ Prescott has a product line of algaecides that could be injected into the intake and treat the growth inside the intake
  - This chemical algaecide had not been used or approved in Maine
  - We would be dealing with all of the built up layer of growth as it came off and would be problematic with keeping operational
- **Divers**
  - Underwater Solutions specializes in diving, inspection and repair of drinking water facilities and they could utilize divers to vacuum the growth and sediment off the inside of the intake.
  - Company could not provide an estimate of time to complete the work and would not deal with the material cleaned out of the pipe. Only get a per day or hourly rate.
- **Mechanical Cleaning**
  - Ted Berry Company is a Maine based company with extensive experience in cleaning various pipe materials with mechanical brushes. We received a proposal to do the work with a complete plan including all aspects of the project including: project duration and scheduling, temporary intake pumping, mechanical cleaning of the intake pipe, dewatering & debris disposal, etc.
  - **Other Water Main Cleaning Companies:**
    - Several other companies were contacted to get a price proposal to perform a cleaning of our HDPE intake: National Water Main Company.

## Lewiston Auburn Intake

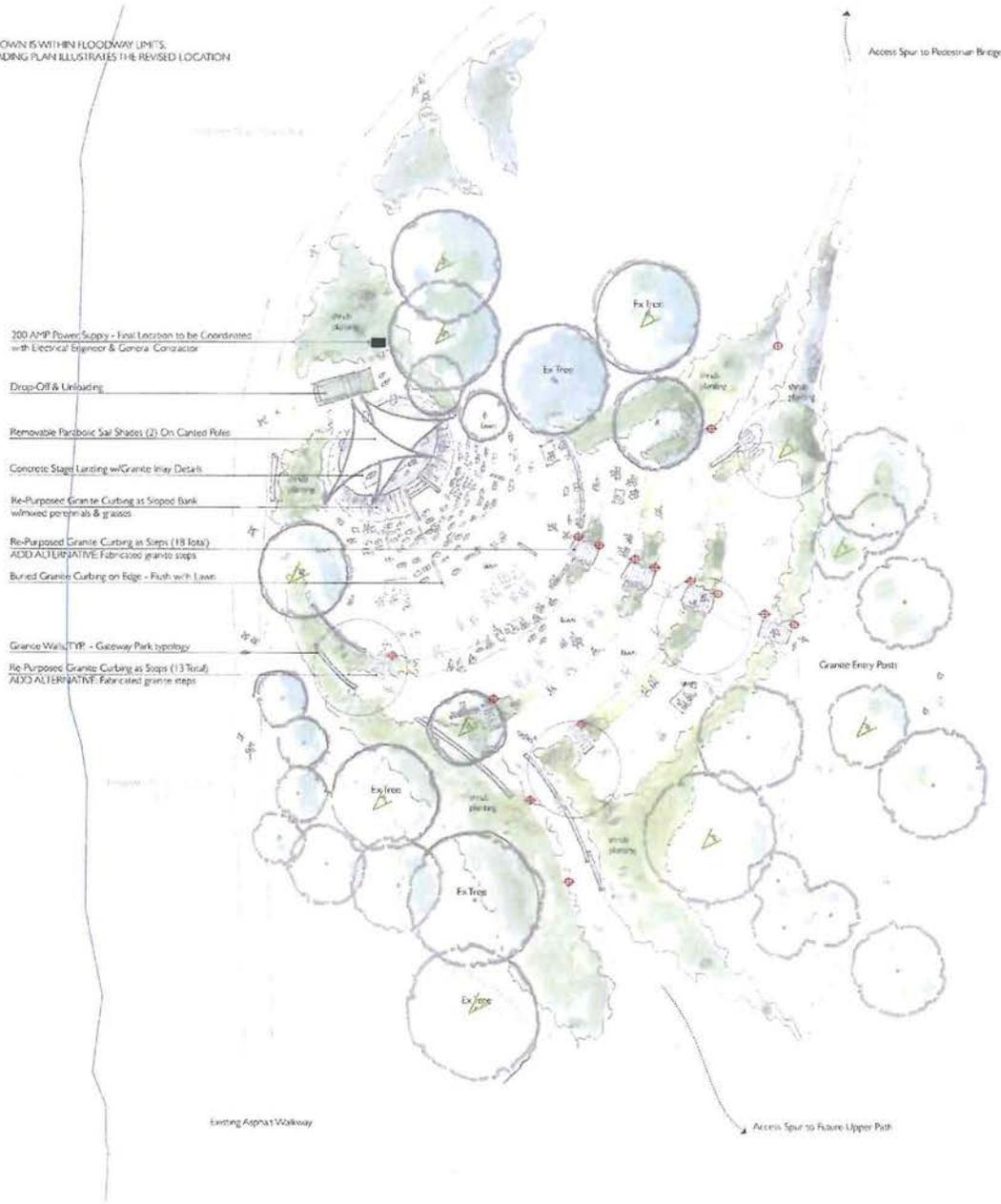
- Ted Berry Company Contract
  - Provide Temporary Water Intake, pumps and all equipment to complete work
  - Clean 1,100ft of 48 inch intake pipe
  - Dewater and disposal of all debris cleaned from intake pipe
  - Cost \$183,000
  - Cleaning cost is shared 50/50 with Auburn Water District

## Lewiston Auburn Intake

- Next steps
  - Dec 2 City Council Meeting Order Authorization
    - Authorizing FY2013 Water Bond funds to pay Lewiston's share of cleaning costs
  - Dec 8 (or soon after)
    - Ted Berry Co. begin cleaning
    - Ted Berry Co. complete work before Christmas

10/10/14  
#3

**NOTE -**  
DESIGN AS SHOWN IS WITHIN FLOODWAY LIMITS.  
UPDATED GRADING PLAN ILLUSTRATES THE REVISED LOCATION.



**GRANITE WALLS**



**LIGHTING**

- STAGE AND SHADE LIGHTING (TOTAL)
- PATH LIGHT (25 TOTAL)
- △ LIGHT (25 TOTAL - 4 NOT DRAWING)

**CONCRETE STAGE W/ FLUSH GRANITE INLAYS**



**PERENNIALS & GRASSES AS STAGE FOREGROUND**



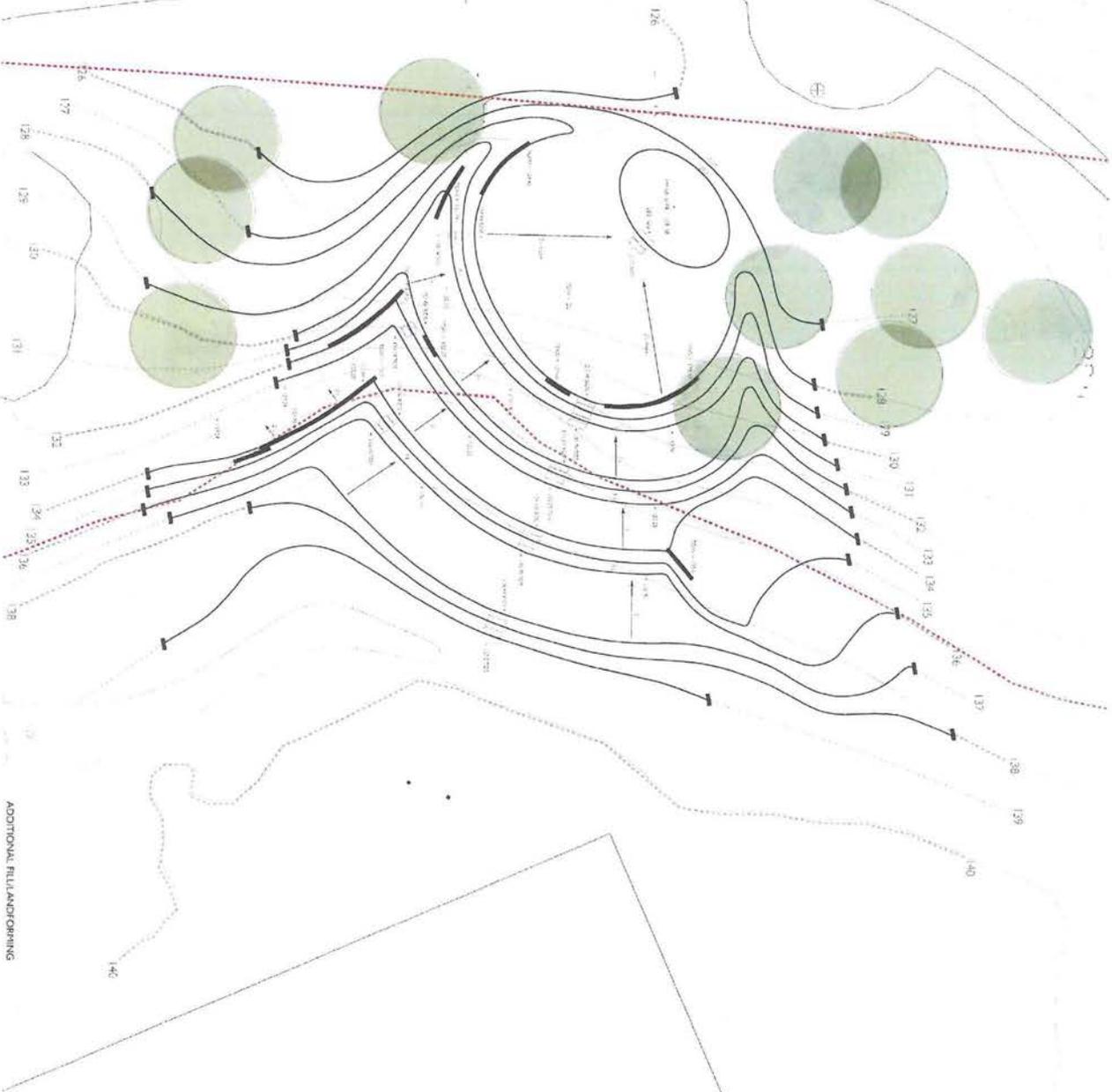
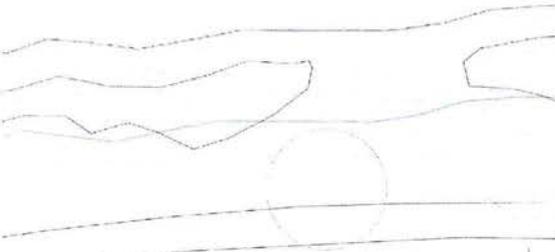
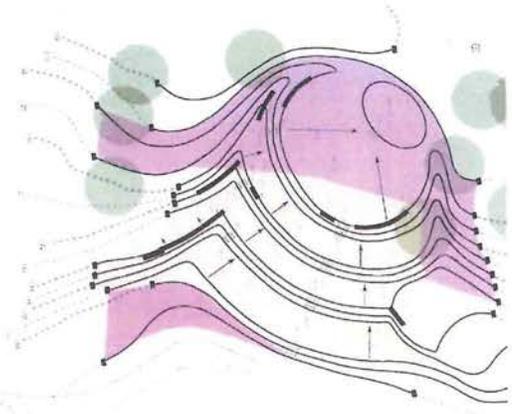
10/10/14  
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APPROXIMATE AREAS OF CUT & FILL

11

25



ADDITIONAL FILL/LANDFORMING

146

#4

## MEMORANDUM

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

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

RE: Curbside Solid Waste Penalties

DT: November 18, 2014

Attached please find the following proposed amendments:

Chapter 62, Solid Waste, Section 62-16 (c) of the Code of Ordinances of the City of Lewiston.

Solid Waste Fee Schedule, Policy # 52 Penalties – Chapter 62 Solid Waste.

It is my opinion that the fines for solid waste illegally placed within the right-of-ways of streets is excessive and that consideration should be given to reducing such penalties. Chapter 62, Solid Waste, Section 62-16 (c) Penalties went into effect on August 14, 2008. The penalty amounts are contained in the Policy Manual, Policy #52 Penalties – Chapter 62. The first violation is a minimum of \$210 and a second violation or any subsequent violations occurring within two years of a previous violation is \$420.

I will be in attendance at your workshop of November 25, 2014 to discuss this matter with you as I believe that consideration should be given to reduce fines with some exceptions to \$100 per violation.

Thank you.

## Chapter 62 Solid Waste

### **Sec. 62-16. Penalties and enforcement.**

~~(c) *Penalties.* Violators of any provisions of this chapter shall for the first offense receive a fines equal to twice the current disposal charge for the disposal of the waste material (including all costs of collection and transportation). The minimum fine is in accordance with the city's policy manual as approved by the city council, plus accrued interest, attorney's fees and court costs. A second violation or any subsequent violations occurring within two years of a previous violation shall result in a fine equal to three times the disposal fee for disposal of the waste material (including all costs of collection and transportation). The minimum fine is in accordance with the city's policy manual as approved by the city council, plus accrued interest, attorney's fees and court costs. Such fees shall be charged each time the city removes waste material deposited in violation of this chapter, whether or not additional notice has been given.~~

## SOLID WASTE POLICY

### ***Penalties - Chapter 62 Solid Waste***

The minimum fine for violations of Chapter 62, Article I, Section 62-13(i) of the City Code of Ordinances is \$100 \$210. A second violation minimum fine is \$420. In addition, where solid waste is not in suitable containers and/or where in the opinion of the superintendent the volume of solid waste is considered excessive the minimum fine shall also include all costs of collection, transportation and disposal. The minimum fine for violations of this ordinance provision that are limited to and/or include bulky waste material as defined in Chapter 62, Article I, Section 62-11 of the City Code of Ordinance is \$100 plus all costs of collection, transportation and disposal.  
Note: This penalty is outlined in the City Code of Ordinances Chapter 62, Article I In General.

# 5



## EXECUTIVE DEPARTMENT

**Edward A. Barrett, City Administrator**  
**Phil Nadeau, Deputy City Administrator**

November 20, 2014

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: Legislative issues.

The new legislative session will be underway in the near future, and it is important that the City outline its legislative priorities early. We have tentatively scheduled a session with our legislative delegation for December 9<sup>th</sup>. To prepare for that session, I thought it would be useful to outline some potential legislative priorities for the Council to review.

1. Preserve and Restore Municipal Revenue Sharing

Under statutory formula, 5% of state sales and income tax revenue is directed to be distributed to municipalities under the revenue sharing formula. Over the last several Administrations, the State has repeatedly "raided" the revenue sharing fund to balance its own budget. This year, less than half of the statutory amount is going to municipalities. For Lewiston, this means the loss of about \$4 million in this year alone. This loss has been covered through budget reductions and property tax increases. The Governor has indicated an interest in eliminating revenue sharing and replacing it with an unspecified system to return money to property tax payers. Should this happen, the City would lose an additional \$2.5 million. To replace this loss through property taxes would require an addition of \$1.36 to our tax levy next year. It should also be noted that Lewiston disproportionately benefits under the revenue sharing formula since it provides greater assistance to communities, such as Lewiston, with lower per capita assessed values. Thus, should the Governor pursue a rebate program, we should also carefully evaluate it to determine whether it constitutes an effective method to take income or assessed value into account.

2. Resist Further Erosion of Municipal Revenues/Restore Other Funding

In addition to revenue sharing, municipalities have seen actual and attempted efforts to erode our revenue base from Augusta. For example, the Business Equipment Tax Exemption has removed a significant portion of our property tax base. This year, this exemption, after state reimbursement for a portion of lost revenue, is costing us \$1.6 million. Proposals have been advanced to shift property from the Business Equipment Tax Reimbursement Program (where municipalities are fully reimbursed for lost revenue by the state) to the BETE program where our reimbursement falls to 57%, further reducing our revenues. The Local Road Assistance Program used to be funded with 10% of State Highway Fund Revenues. That has been reduced to 9%. Each legislative session sees a slew of bills designed to change the auto excise system, most of which would have a negative financial impact. Such erosion must stop and be reversed.

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### 3. Shift Charter School Funding to the State

Municipal School Districts are currently required to pay a per pupil cost to charter schools for each resident student who is enrolled in that school. In effect, the local district must send both the state and local share of this funding to the charter and must budget for it. This creates an immediate budget issue, especially for those districts that see large numbers of students moving to charter schools. This could potentially have a significant impact on the Lewiston School Department. One alternative is for the state to separately fund charter schools much as they have traditionally done for the Limestone School of Math and Science.

### 4. Transfer General Assistance to the State

General Assistance is a state mandated program that is administered locally. In recent years as the state has changed its welfare programs, it has not always taken into account the effect of such changes on general assistance. For example, capping TANF at 60 months lead to a number of individuals moving from the state/federal system to GA. In addition, a number of proposals have been made recently that would either eliminate the 90% reimbursement for heavily impacted communities or transition the program to "block grants" that would require the City to establish its own program, one that would have to meet the equal protection test and that would potentially result in legal and practical issues. Finally, it is clear that service center communities tend to have larger numbers of individuals who seek some sort of assistance given that many of the services that they require are provided in Maine's larger cities, often by non-profit organizations. This places an additional burden on certain communities. Given all of this and the on-going debate about the program, we might consider taking the position that the program should simply be run by the state and integrated into its overall assistance programs.

### 5. Non-Profit Fees in Lieu of Taxes

Lewiston and certain other communities are home to a disproportionate share of the state's property tax exempt institutions. These institutions, some of which are large and have significant revenue bases, look to the city to provide basic services including police, fire, and public works. They do not, however, contribute toward the cost of these services. Attempts have been made throughout the years to establish a system that would provide some funding from these organizations. To date, almost all have failed. (The one exception is that the state does allow municipalities to charge 50% of its property tax against non-profit organizations on their federally subsidized residential rental housing.) Many of the proposals that have been advanced have been sweeping in nature, covering a wide range of non-profits through a variety of mechanisms. One possible approach that we might pursue is establishing a fire service fee. Such a fee would, in effect, move the fire department from property tax support to a fee basis. The fee could be based on the square footage of each building. Since it would cover all buildings in a community, it would be paid by everyone. Our Fire budget is \$8.6 million. This represents \$4.55 of our tax rate. With 14% of the City's total square footage tax exempt, a per square foot fee would raise \$1.2 million from these institutions. If this was implemented, virtually all single family homeowners would set a net reduction in total tax and fee payments to the City. Many other categories of property would, however, see an increase. Maine Municipal has adopted this proposal into its legislative program for the coming year.

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6. Repeal of State Exemption of the Maine Turnpike Authority and Maine DOT from Stormwater Fees.

The following legislation was adopted in 2007 with little notice and public comment after MTA and MDOT slipped it into a bill without notice:

*“Sec. 11. Limitation on certain stormwater fees. The Department of Transportation and the Maine Turnpike Authority are not subject to any fee or tax imposed pursuant to a municipal storm water ordinance that was in effect on January 1, 2007.”*

The only Stormwater utility this applies to is the City of Lewiston’s since ours was the only utility in place on January 1, 2007. Since then, the City of Bangor has established a stormwater utility, and the City of Portland is in the process of establishing one of their own. Bangor has told us they have billed Maine DOT and they have paid their fees. Since this legislative action was taken, the Maine Supreme court upheld Lewiston’s Stormwater Utility as a fee and not a tax. Other parts of State Government have paid their share of stormwater fees for State owned properties in the City (Court System, etc). The City pays stormwater fees for the properties the City owns. Even the US Justice Department ruled that the General Services Administration is responsible and should be paying stormwater fees assessed for federal government owned facilities. It would seem unreasonable that the Maine Department of Transportation and the Maine Turnpike Authority should be exempt from utility fees that all other property owners are paying. Please note that these fees would not apply to actual roads since they are exempt from the fee system.

7. Strengthen Municipal Authority to Deal with Abandoned Properties

Lewiston has struggled with a significant number of “orphan” properties, many of which have been multi-family dwellings. These are properties that the owner has walked away and abandoned and where the mortgage holder, most often a bank, takes no action to foreclose or protect the property. The frequent result is that these properties become vandalized and deteriorate as they remain unheated and unmaintained. Existing as they do in limbo, there is no way to move them into the hands of individuals or organizations that could return them to service. Eventually, the City declares these structures as dangerous and orders their demolition. While the City can place a special tax on property to attempt to recover its expenses, there is no guarantee that this will happen. More importantly, a property which could have been rehabbed or renovated is now destroyed. It also appears that many financial institutions are effectively protected against losses since the mortgage may be federally guaranteed, eliminating any incentive for the bank to act. We are working with MMA and our attorneys to attempt to identify constitutionally supportable legislation that could provide the needed tools for us to move financial institutions to take responsibility.

8. Incentives for Municipal Cooperation.

From time to time, the state has provided funding to programs designed to provide an incentive to municipalities to cooperate or share services. Uniformly, this funding has been eliminated whenever the state faced budget shortfalls. A different approach would be to allow cooperating municipalities to

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shelter from state assistance formulas (school funding; revenue sharing) and the County tax formula the assessed value required to support the funding for such services. This would be similar to the way Tax Increment Financing shelters TIF value. As an example, assume that Lewiston and Auburn each provide \$1,000,000 to support our 911 system. In Lewiston's case, our property tax levy accounts for roughly 50% of the General Fund budget. Thus, \$500,000 of the \$1,000,000 Lewiston spends is supported by the tax levy. To raise this amount required \$18,611,865 in assessed value. This amount of value would then be sheltered from the various formulas potentially reducing the County tax and increasing state education aid and revenue sharing.

Other Potential issues might include local option sales taxes; support for transit service, especially bus replacement; adequate transportation funding including rail improvement re: passenger service to our area.