

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
JANUARY 6, 2015**

6:00 p.m. Workshops

- A. Introduction of New LAEGC President John Holden - 15 minutes
- B. Presentation of Annual Audit - 45 minutes

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Acceptance of minutes of the meeting of December 16, 2014.

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 2.

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. Order authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 66 No Name Pond Road.
- * 2. Biennial appointment of Registrar of Voters.

REGULAR BUSINESS:

- 3. Public Hearing on a new liquor license application and special amusement permit for Irish Twinz Pub, 743 Main Street.
- 4. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Fraternal Order of Eagles, 1327 Sabattus Street.
- 5. Public Hearing and First Passage for Land Use Code Amendments regarding food and beverage facilities in the Centreville District.
- 6. Public Hearing and First Passage for amendments to the Solid Waste Ordinance.
- 7. Repeal of the current Charitable Organization Support City Policy and adoption of a new Special Events City Policy.
- 8. Amendments to the Solid Waste Policy regarding penalty fine for violations.
- 9. Order authorizing the City Administrator to execute an Agreement with Franklin Property Trust regarding buildings located on leased land.
- 10. Order accepting the proposal from St. Laurent Housing Associates Limited Partnership for purchase of the city owned properties at 139 Bartlett Street and 116 & 122 Pierce Street and 155 Bartlett Street.
- 11. Order authorizing the Finance Director to use \$3,475,000 of the City's Fund Balance to pay off the 2005B Taxable Colisee Bonds.

12. Resolve authorizing the Transfer of \$3,070,000 of surplus utility bond proceeds.
13. Annual appointments to various boards and committees.
14. Reports and Updates
15. Any other City Business Councilors or others may have relating to Lewiston City Government.
16. Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, JANUARY 6, 2015
6:00 P.M.

CITY COUNCIL CHAMBERS, LEWISTON CITY HALL

1. Introduction of John Holden, New President of the Lewiston Auburn Growth Council – 15 minutes

John Holden officially assumed the position of President of the Lewiston Auburn Growth Council on January 2nd. This is an opportunity for him to introduce himself to the Council and briefly outline his immediate plans for the organization.

2. Presentation of Annual Audit – 45 minutes

The City's auditors have completed their annual task of auditing the City's financial operations, a copy of which has been separately provided. The Finance Director and our outside auditors will review the highlights of this report with you.

EXECLUTIVE SESSION
IMMEDIATELY FOLLOWING THE REGULAR MEETING

1. Land Acquisition

LEWISTON CITY COUNCIL
MEETING OF JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 66 No Name Pond Road.

INFORMATION:

The Council is asked to approve a municipal quitclaim deed for the property located at 66 No Name Pond Road. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property.

Please see the memorandum from Finance Director Heather Hunter for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 66 No Name Pond Road.



**City of Lewiston Maine
City Council Order
January 6, 2015**

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 66 No Name Pond Road.

WHEREAS, the owner, Stephen D. Herrin, failed to pay his tax bill on a timely basis for the property located at 66 No Name Pond Road (Tax Map 32, Lot 12, Parcel 00-010449); and

WHEREAS, a tax lien lien was filed on June 13, 2012 (Book 8417 Page 189) and matured on December 13, 2013 in the amount of \$1,366.47; and

WHEREAS, payment was received in full on December 19, 2014;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON, that a quitclaim for 66 No Name Pond Road is hereby authorized to release the City's interest in the property to the new owner.



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/Treasurer

SUBJECT: **Quitclaim Deeds**

DATE: December 30, 2014

One of the most powerful collection tools in a municipality's arsenal is the ability to lien properties for delinquent taxes (real and special only), water and sewer balances, and most recently, stormwater balances. Once a lien is recorded, eighteen months must lapse without payment before the lien matures. Prior to maturity, the City Council may waive the right to foreclose on a maturing lien as you have done in the past. If the lien is permitted to mature, the municipality may elect to foreclose on the property or, if subsequent payment is received, return the property to its owner via a quitclaim deed.

At your January 6th meeting, there will be a quitclaim deed requiring your action for the following property dealing with a matured tax lien. The property taxes in the amount of \$1,366.47 have been paid.

Former Owner: Stephen D. Herrin
Deed Released to: Noah S. Herrin
Address: 66 No Name Pond Road
Tax Map: 32 Lot 12 Parcel: 00-010449
Type of Lien: Tax Lien Filed: 6/13/12 (B8417 P189)
Matured: 12/13/13 Paid: 12/19/14

At this time, I am requesting you approve the quitclaim order for the above account so the property can be released from the City to the owner.

Please feel free to contact me with any questions or concerns you may have. I will also be available at the meeting to address comments.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Biennial Appointment of Registrar of Voters.

INFORMATION:

The Maine State statutes require that the municipal officers appoint a Registrar of Voters every two years during the odd numbered years. In Lewiston, the City Clerk serves as the Registrar of Voters, per the City Charter.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To appoint City Clerk Kathleen M. Montejo as the Registrar of Voters for a two-year term of office from January 1, 2015 to December 31, 2016.

LEWISTON CITY COUNCIL
MEETING OF JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing on a new liquor license application and special amusement permit for Irish Twinz Pub, 743 Main Street.

INFORMATION:

We have received a new liquor license application and special amusement permit for Irish Twinz Pub, 743 Main 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.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Irish Twinz Pub, 743 Main Street.

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.

BUREAU USE ONLY	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

<input checked="" 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 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.) <u>David R Babb</u> DOB: <u>4/3/61</u>	2. Business Name (D/B/A) <u>Irish Twinz Pub</u>
DOB:	
DOB:	Location (Street Address) <u>743 Main St</u>
Address <u>13 Homefield St</u>	City/Town State Zip Code <u>Lewiston Me 04240</u>
	Mailing Address <u>Same</u>
City/Town State Zip Code <u>Lewiston Me 04240</u>	City/Town State Zip Code
Telephone Number Fax Number <u>(207) 557 3300</u>	Business Telephone Number Fax Number <u>(207) 376 3088</u>
Federal I.D. # <u>47-2564023</u>	Seller Certificate #

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ new license FOOD \$ _____ LIQUOR \$ _____
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: Peter Babb
8. If business is NEW or under new ownership, indicate starting date: Jan 1, 2015
Requested inspection date: _____ Business hours: 11am-1am
9. Business records are located at: 743 Main St, Lewiston, Me 04240
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
David R Babb	4/13/61	Boston
Peter Babb	1/2/67	Waterville

Residence address on all of the above for previous 5 years (Limit answer to city & state)
Both reside at 13 Homefield St, Lewiston, Me

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:
Lewiston Milling 741 Main St, Lewiston, Me

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____
See diagram

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES NO Applied for: Dec 5, 2014

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? 3 miles Which of the above is nearest? church

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: Lewiston, Me on Dec 5, 2015
Town/City, State Date

X David R. Babb
Signature of Applicant or Corporate Officer(s)

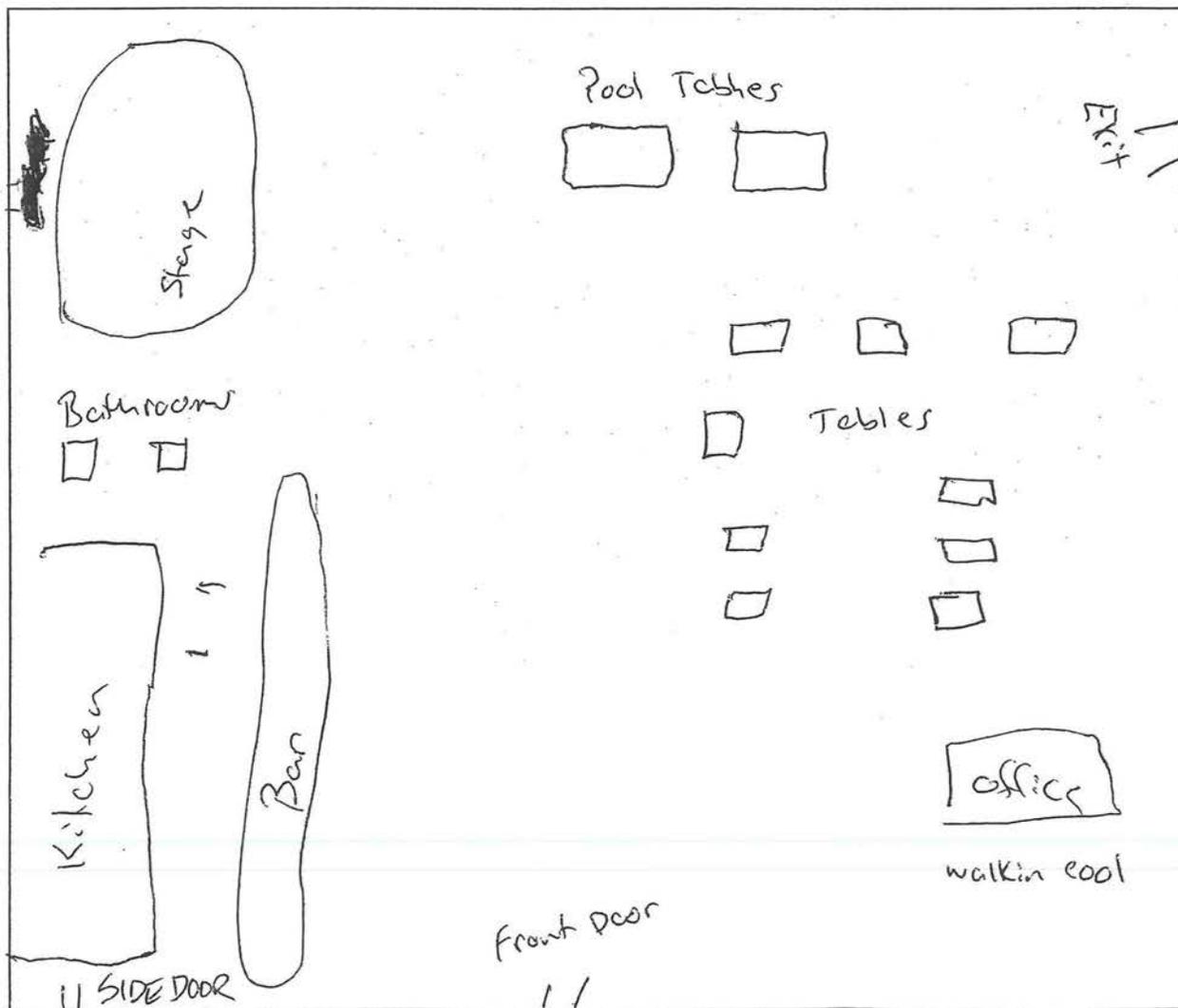
Please sign in blue ink
Signature of Applicant or Corporate Officer(s)



**SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM**

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

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



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: THE IRISH TWINE PUB LLC
Business D/B/A Name: THE IRISH TWINS PUB
2. Date of Incorporation: 12.9.14
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 list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
DAVID R. BABB	13 HOMEFIELD ST. LEWISTON, ME 04240	4.3.61		PRESIDENT

6. What is the amount of authorized stock? 100% OWNERSHIP - NO STOCK Outstanding Stock? _____
7. Is any principal officer of the corporation a law enforcement official? () YES (X) 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? (X) YES () NO.
9. If yes, please complete the following: Name: DAVID R. BABB

Date of Conviction: FEB. 2012 Offense: D.U.I.

Location: AUGUST, ME. Disposition: CONVICTION - 1ST OFFENSE

Dated at: _____ On: _____
City/Town Date

Signature of Duly Authorized Officer _____ Date: _____

Print Name of Duly Authorized Officer _____

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: Dec 5, 2014

Expiration Date: _____

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
 Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
 Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
 Class D - \$150.00 - function halls with entertainment, including dancing
 Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
 Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

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

****PLEASE PRINT****

Business Name: Irish Twinz Pub Business Phone: 3763088

Location Address: 743 Main St, Lewiston

(If new business, what was formerly in this location: Irish Twins Pub, LLC)

Mailing Address: 743 Main St, Lewiston, Me 04240

Email address: _____

Contact Person: Pete Babb Phone: 7544828

Owner of Business: David Babb Date of Birth: 4/3/61

Address of Owner: 13 Homefield St, Lewiston, Me

Manager of Establishment: Pete Babb Date of Birth: 11/2/67

Owner of Premises (landlord): Lewiston Milling

Address of Premises Owner: 741 Main St, Lewiston

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

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

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

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? 3 Miles, Church

Please describe the type of proposed entertainment:

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

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

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

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

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

X Signature: David R Babb Title: owner Date: 12/5/14
Printed Name: David Babb

Hearing Date: _____



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: December 22, 2014

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

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

Irish Twinz Pub
743 Main Street



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, January 6, 2015, 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.

Irish Twinz Pub, LLC
743 Main Street
David Babb, owner

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: January 1, 2 & 3, 2015

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

LEWISTON CITY COUNCIL

MEETING OF JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Fraternal Order of Eagles, 1327 Sabattus Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Fraternal Order of Eagles, 1327 Sabattus Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Fraternal Order of Eagles, 1327 Sabattus Street.

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

Date of Application: 12/21/14

Expiration Date: 1-4-2016

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
- Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
- Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
- Class D - \$150.00 - function halls with entertainment, including dancing
- Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
- Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

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

****PLEASE PRINT****

Business Name: Fraternial Order of Eagles Business Phone: 7866837
Location Address: 1327 Sabattus St Lew. Me 04240

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

Mailing Address: same as above

Email address: _____

Contact Person: Dani Marcotte Phone: 7869618

Owner of Business: members Date of Birth: _____

Address of Owner: _____

Manager of Establishment: none Date of Birth: _____

Owner of Premises (landlord): members

Address of Premises Owner: _____

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

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

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

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

Corporation Name: FOE Aerie #1018

Corporation Mailing Address: 1327 Sabattus St.

Contact Person: Terri Marotta Phone: 76037

Do you permit dancing on premises? X 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 X No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 100 yds 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?: _____

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: Terri R. Marotta Title: Secretary Date: 12/22/14
Printed Name: Terri R. Marotta

Hearing Date: 1-6-2015



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: November 20, 2014

RE: Liquor License/Special Amusement Permit – **Fraternal Order of Eagles**

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

Fraternal Order of Eagles
1327 Sabattus 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 JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing and Final Passage for Land Use Code Amendments regarding food and beverage facilities in the Centreville District.

INFORMATION:

The Planning Board voted unanimously to send a favorable recommendation to the City Council to amend the Land Use Code regarding establishment of light industrial uses limited to food and/or beverage facilities as permitted uses in the Centreville Zoning District. A local micro brewery business has submitted the request for the zoning allowance.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to Appendix A, Zoning and Land Use Code, Article II, "Definitions" and Article XI "District Regulations", Section C "Land Use Table" of the City Zoning and Land Use Code, receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO MINCROBWERIES IN THE
CENTREVILLE DISTRICT

THE CITY OF LEWISTON HEREBY ORDAINS:

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

APPENDIX A

ZONING AND LAND USE CODE

Article II. Definitions.

Sec. 2. Definitions.

Unless otherwise expressly stated, the following words shall, for the purpose of this Code, have the meaning herein indicated:

Microbrewery means a limited-production brewery, typically producing specialty beers and often selling its products only locally or regionally.

Food and/or Beverage Facility means a facility wherein food and/or beverage is produced, sold on a wholesale or retail basis, distributed, and/or consumed on the premises as may be permitted by State of Maine law. This may include, but not be limited to, a microbrewery, coffee roaster and/or other facilities producing crafted alcoholic or non-alcoholic beverages and/or artisan food.

Article XI. District Regulations

(c) *Land Use Table* – uses appearing in the table are part of this Code and set forth the uses allowed in all district. (SEE TABLE: Light Industrial, CV)

Land Use Table Notes

(9) Must be fully enclosed with no exterior storage.

(38) Limited to Food and/or Beverage Facilities. These facilities shall be restricted to 8,000 gross square feet. All store front windows at street level shall remain unobstructed and provide two-way visibility. If facility is in the business of producing alcohol, sales of alcohol for consumption on site shall be limited to what is produced on site. Facilities shall contain a retail component open to all ages.

Reason for proposed amendment

Microbreweries are currently classified as light industrial. Many home brewing operations are beginning to grow beyond home hobbies and looking for start-up opportunities to introduce their product to the general public. The opportunity to produce a product, share the process with customers, and sell directly to the public is a growing business model helping launch successful start-ups. Based on the size of many start-up businesses in the artisanal food and beverage craft, small commercial spaces where they can easily manufacture, market, and sell direct to consumers in thriving downtowns are ideal. Encompassing microbreweries within the category of food and/or beverage facility permits other appropriately similar businesses to be located in the Centreville district as well.

The proposed amendment:

- Restricts light industrial uses in the Centreville District to food and/or beverage facilities, including microbreweries.
- Requires storefront windows where food and/or beverage facilities in the Centreville District are located to remain unobstructed and visible; ensuring storefronts continue contributing to walkable commercial downtown areas.
- Directs facilities to be fully enclosed with no exterior storage.
- Limits the light industrial component of food and/or beverage facilities to 8,000 gross square feet.
- Only permits alcohol produced on site can be served on site. The establishment must contain a retail component and cannot restrict visitors based on age. State law permits only those of legal drinking age to consume alcohol.
- Noise, odor, and other potential impacts of concern are regulated through the existing Article XII, Section 19, Environmental Performance Standards.

Conformance with Comprehensive Plan

- Review permitting and licensing policies and practices to see where they can be streamlined in order to better service the development community. . . (see Economy, Policy 1, Strategy C, p 39).
- Ensure that there are adequate land/buildings for expanding firms and entrepreneurial start-ups within Lewiston... (Economy, Policy 4, A, p40)
- Transform the downtown into a unique cultural and business district (Historic Preservation, Policy 1, Strategy B.1, p56)
- Encourage the orderly growth and development of the appropriate areas of the City while making efficient use of public services ... (Land Use, Goals, #1, page 123).



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



MEMORANDUM

To: Ed Barrett, City Administrator
City Clerk's Office
City Council Members

From: David Hediger

Date: December 10, 2014

Subject: Planning Board Action

The Planning Board took the following action at their public meeting held on December 8, 2014 regarding a request by Eben Dingman and Adam B Cox to amend the Zoning and Land Use Code, Article II. Definitions and Article XI. District Regulations, to allow light industrial uses limited to food and/or beverage facilities with restrictions as a permitted use in the Centreville (CV) district.

The following motion was made:

MOTION: by **Paul Madore** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to amend Zoning and Land Use Code, Article II. Definitions and Article XI. District Regulations, to allow light industrial uses limited to food and/or beverage facilities with restrictions as a permitted use in the Centreville (CV) district.
Second by **Normand Anctil**.

VOTED: 7-0 (Passed).

c: Planning Board Members



CITY OF LEWISTON

Department of Planning & Code Enforcement



**TO: City Council
Honorable Mayor**

FROM: David Hediger, City Planner

DATE: December 11, 2014

RE: Zoning and Land Use Code Amendment: food and/or beverage facilities in the Centreville (CV) district

On December 8, 2014 the Planning Board voted unanimously to send a favorable recommendation to the City Council to amend the Zoning and Land Use Code, Article II. Definitions and Article XI. District Regulations, to allow light industrial uses limited to food and/or beverage facilities with restrictions as a permitted use in the CV district. Their action was the result of a petition to amend said code submitted by Eben Dingman and Adam B Cox who are interested in establish a small microbrewery (i.e. nanobrewery) downtown on Lisbon Street.

While considering the proposed amendment, the Board deliberated whether food and/or beverage facilities as defined should be allowed as permitted or conditional uses and what other uses may fall within this definition. The discussion ended with the Board's full support of said facilities in the CV district wherein food and/or beverage is produced, sold on a wholesale or retail basis, distributed, and/or consumed on the premises as may be permitted by State of Maine law. This may include, but not be limited to a microbrewery, coffee roaster and/or other facilities producing crafted alcoholic or non-alcoholic beverages and/or artisan food.

Reference should be made to Economic Development Specialist Misty Parker's memo to the Planning Board dated December 4, 20114

Economic and Community Development



To: Planning Board Members
From: Misty Parker, Economic Development Specialist
RE: Food and/or Beverage Facility Amendment
Date: December 4, 2014

Based on feedback from the Planning Board, staff has worked with the owners of Bear Bones Beer to develop an ordinance amendment to permit small breweries in the Centreville (CV) district. In doing so, the owners Eben Dingman and Adam B Cox have submitted a petition pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to amend the Zoning and Land Use Code, Article II. Definitions and Article XI. District Regulations, to allow light industrial uses limited to food and/or beverage facilities with restrictions as a permitted use in the CV district.

The Planning Board agreed small operations like breweries, distilleries, or coffee roasters would be appropriate uses in the Centreville district as long as they were limited in size and standards were appropriate to reduce their impact. The proposed recommendation provides a food and beverage category that would allow small businesses within this realm to be permitted. Planning Board also suggested addressing such uses on a conditional basis as an approach to permitting them.

Currently permitted in the Centreville district are commercial bakeries and printing facilities (i.e. the Sun Journal), both considered industrial uses, and the only conditional use permitted in this district is for power transmission lines, substations, and other public or communication utilities. Staff felt with appropriate definition and a restriction, including limiting the size to what is currently leased by Bear Bones, allowing small specialty food/beverage facilities would serve the district appropriately and minimize potential negative impacts.

Additionally, language was recommended that clearly defines the operation of microbrewery to specifically differentiate it from drinking establishments. One requirement will be that the only alcohol served shall be what is produced on site.

It is at the Planning Board's discretion what you feel is most appropriate for how to permit this small brewery. Staff has reviewed the proposed language and is in support of the proposal.

ACTIONS NECESSARY

1. Make a motion to consider a petition submitted by Eben Dingman and Adam B Cox to amend the Zoning and Land Use Code, Article II. Definitions and Article XI. District Regulations, to allow light industrial uses limited to food and/or beverage facilities with restrictions as a permitted use in the Centreville (CV) district;
2. Obtain input on the petition;
3. Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to amend Zoning and Land Use Code, Article II. Definitions and Article XI. District Regulations, to allow light industrial uses limited to food and/or beverage facilities with restrictions as a permitted use in the Centreville (CV) district (subject to any concerns raised by the Planning Board or staff).

BEAR BONES BEER

@ 43 Lisbon Street, Lewiston ME

Monday, December 8th 2014

Dear Planning Board Members,

We at Bear Bones Beer continue to pursue an amendment to the zoning laws to expand the opportunities for small artisanal companies to grow and develop in the heart of Lewiston's downtown. The current zoning of the downtown bans outright all light industry and we would like to petition an amendment in this zoning law to allow for small storefront retail oriented businesses to be able to operate in this burgeoning downtown environment.

We will maintain an attractive storefront, keeping window spaces unobstructed and visible. This is to ensure even if light industrial activities are occurring they are contributing to the pedestrian oriented commercial downtown. Another key feature of the amendment is the limiting size of the space, having a cap on 8,000 sq ft ensures the city that no single business will dominate the area.

Bear Bones Beer will be open to all ages of the public to come see the craft and purchase our merchandise. Those of age, after providing sufficient identification, would be able to purchase tastings and or sealed bottles for off premise consumption. Due to our diminutive size (nano brewery), we would not be seeing heavy traffic for deliveries to or from the brewery, although we do expect to see an increase in foot traffic from customers excited for a new local tasting room. We have also been in communication with brew bus tours, who are looking forward to increasing their Lewiston tour to 2 stops. To be clear we are not a bar. We are not exclusionary to minors, would be closed by 10pm, and our core offering will be off premise consumables.

We have canvassed the downtown area, and received great support for our project and the proposed change zoning amendment.

Sincerely,

Adam B Cox and Eben Dingman

PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

13

Pursuant to Appendix A, Article XVII, Section 5 "Amendments" of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to amend the Centreville District to permit Light Industrial uses limited to food and/or beverage facilities as described in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Adam B Cox	48 Holland St. Apt 1	11/23/14
2		Tonya Jewell	48 Holland Apt #2	11/23/14
3		Dyllan A Jewell	48 Holland St. #2	11/23/14
4		Nicole Ducharme ^{DUCHARME}	711 Lisen St, Rose	11/23/14
5		KEVIN ST. ONGE	126 POND RD LEWISTON, ME 04240	11-23-2014
6		Devan Irish	146 Golden Rd Lewiston, ME	11/23/14
7		RUSSELL CHARMA	1645 Rudall Rd	11-23-14
8		Janet Verrill	400 Old Greene Rd Lewiston	11/23/14
9		Lou MAURICE	52 LAFAYETTE RD	11/23/14
10		Christine Doucette	45 Wood St	11/18/14
11		STEVE DESSAULT	12 MARGUERIT ST	11/23/14
12		Ian MacMunn	150 college st. Apt. 3	11/24/14
13		Zachery Breaud	_____	_____
14		Cari Jolin	84 Cumberland Ave Apt 1	11/24/14
15		Gerald Pulish	88 Howe St Apt 1	11/24/14
16		Shene Belmer	88 Howe St Apt 1	11/24/14
17		Audrey Chapman	10 Perris St. ^{Lewiston} ME	11/24/14

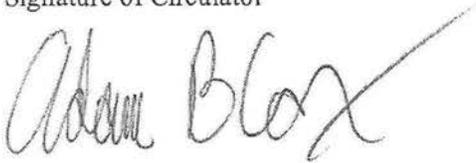
18	Sadie Lander	Saelie Landon	435 East Ave	11-23-14
19	Mary Ellen Sheehy	MARY Ellen Sheehy	75 Wood St	11/24/14
20	Tyler Duth	Tyler Duth	10 Libby Ave	11/24/14

CIRCULATOR=S VERIFICATION

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, at the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of City of Lewiston.



Signature of Circulator



EBEN DZINGMAI
Adam B COX

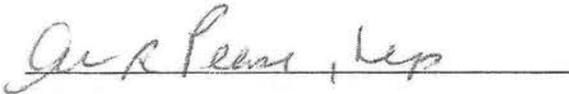
Printed Name of Circulator

Date 11/23-24/14

REGISTRAR=S CERTIFICATION

I hereby certify and verify that the names of all of the petitioners listed as valid appear on the voting list as registered voters in the City of Lewiston.

Total Valid: 13 Total Invalid: 6



Signature of Registrar/Deputy Registrar

11/24/14 Date:

Land Use Table: All Zoning Districts 16.17.13	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront (RF)	Neighborhood Conservation "A" (NCA)	Neighborhood Conservation "B" (NCB)	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centerville (CV) ⁽²¹⁾	Office Service (OS)	Industrial (I)	Urban Enterprise	Mill (M)	Resource Conservation (RC) ⁽¹⁴⁾	Groundwater conservation overlay district (GC) ⁽²²⁾	No Name Pond Conservation Overlay District (NNP) ⁽²³⁾	Mobile Home Park overlay district (MH) ⁽²⁴⁾
USEB(15)(33)																					
Accessory use or structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Commercial-Service																					
Veterinary facilities excluding kennels and humane societies								P		P	P	P									
Veterinary facilities including kennels and humane societies	C													P		P					
Small day care facilities	C	P(22)	P(22)	P(22)		P(22)	P	P	P	P	P	P		P	P	P					
Day care centers	C				P			P	P	P	P	P		P	P	P					
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks		C(22)	C(22)	C(22)		C(22)	C(22)														
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services					P(9)		C(31)	P(9)	P(9)	P	P(9)	P	P(9)	P	P	P	P	P(6)			
Restaurants					P(1)				P(1)	P(5)	P(26)	P(26)	P(1)	P	P(6)	P	P(1)				
Drinking places					P						C	C	P		P(6)		P				
Adult business establishments											C				P(6)						
Hotels, motels, inns					P				C	P(4)	P	P	P	P		P	P				
Movie theaters except drive-in theaters					P				P		P	P	P	P		P	P				
Places of indoor assembly, amusement or culture					P						P	P	P	P		P	P				
Art and crafts studios					P		C		P	C	P	P	P	P		P	P				
Personal Services					P		P	P	P	P	P	P	P	P	P(6)	P	P				
Retail stores					P				P		P	P	P		P(6)	P	P				
Neighborhood retail stores				C(21)			P			C											
Lumber and building materials dealer											C	P				P	P				
Gasoline service stations											P					P					
Gasoline service stations which are a part of and subordinate to a retail use											P	P									
New and used car dealers												P				P (8,17)					
Recreational vehicle, mobile home dealers												P				P					
Equipment dealers and equipment repair												P				P					
Automotive services including repair											P(9)	P				P				C(9)	
Registered dispensary(27)												C		C	C	C					
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.												P		P	P	P					
Tattoo Establishments											C	C									
Industrial																					
Light industrial uses												P(9)	P(9,38)	P	P	P	P				
Industrial uses													P(16)		P	C	C				
Building and construction contractors												P(6)		P(6)	P(6,7)	P(6,7)	P(6,7)				
Fuel oil dealers and related facilities															P	P(6,7)					
Wholesale sales, warehousing and distribution facilities and self-storage facilities											P			P	P	P	P				
Self-storage facilities														P		P	P				
Commercial solid waste disposal facilities																C					
Junkyards and auto graveyards																C					
Recycling and reprocessing facilities																C	C	P(8)			
Private industrial/commercial developments(23)											P	P		C	P	P	P				
Transportation																					
Airports or heliports	C																				
Commercial parking facilities					P		C		C(3)	C	C	P	P			P	P				
Transit and ground transportation facilities					P				C												
Transportation facilities												P	P		C	P	P	P(18)			
Public and Utility																					
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Municipal buildings and facilities	C	C	C	C	P	C	C	C	P	C	P	P	P	P	P	P	P	C			
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways																		P			
Dams																		C			

Land Use Table: All Zoning Districts 10.17.13	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront (RF)	Neighborhood Conservation on "A" (NCA)	Neighborhood Conservation on "B" (NCB)	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centreville (CV) ⁽²⁰⁾	Office Service (OS)	Industrial (I)	Urban Enterprise	Mill (M)	Resource Conservation (RC) ⁽¹⁹⁾	Groundwater conservation overlay district (GC) ⁽²¹⁾	No Name Pond Conservation Overlay District (NNP) ⁽²²⁾	Mobile Home Park overlay district (MH) ⁽²³⁾
Institutional																					
Religious facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P				
Canteen/cafeterias	P	P	P	P		P	P	P	P	P	P	P	P	P							
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities				C	P		C	P	P	P	P	P	P	P		P	P				
Hospitals, medical clinics					P		C	P	C	P	P	P	P	P		P	P				
Museums, libraries, and non-profit art galleries and theaters					P				P	P			P				P				
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures				C(13)	P		C(13)	C	P	P(12)(24)	P	P	P	P	P	P	P				
Civic and social organizations							C	P		C			P								
Public community meeting and civic function buildings including auditoriums					P				P	P							P				
Residential(S)																					
Single-family detached dwellings on individual residential lots	P	P	P	P		P	P(2)	P	P(11)	P(2)											
Mobile homes on individual residential lots	P			P(35)																	
Two-family dwellings				P		P(37)	P	P	P(11)				P(14)								
Multifamily dwellings in accordance with the standards of Article XIII				P(34)	P(11)		P	P	P(11)	P	P		P			P	P				
Single-Family attached dwelling in accordance with the standards of Article XIII	C			P(34)	P(11)		P	P	P(11)	P											
Mixed single-family residential developments in accordance with the standards of Article XIII	C	P		P			P														
Mixed residential developments in accordance with the standards of Article XIII		P		P			P	P													
Mixed use structures					P(11)		P	P	P(11)	P	P	P	P			P	P				
Lodging houses							P	P	P(11)	P	P	P	P								
Home occupations	P	P	P	P		P	P	P	P	P						C					
Bed and breakfast establishments as a home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P				
In-law apartments in accordance with the standards of Article XII	P	P	P	P		P	P	P	P				P								
Single family cluster development	P	P	P	P																	
Family day care home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Shelters							C		C												
Natural Resource																					
Agriculture	P(8)																				P
Farm Stands	P																				
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	P	P		P	P	P			P	P		P	P	P					P
Earth material removal	C													C	C						
Community gardens(20)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Water dependent uses, e.g. docks and marinas					P																C
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet																					C
Recreation																					
Campgrounds	C																				C
Public or private facilities for nonintensive outdoor recreation	C	C	C	C	P	C	C	C	C												P
Commercial outdoor recreation and drive-in theaters					P						C	C		C							P(32)
Fitness and recreational sports centers as listed under NAICS Code 713940								C							P						

LEWISTON CITY COUNCIL
MEETING OF JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing and First Passage for amendments to the Solid Waste Ordinance.

INFORMATION:

Staff is recommending amendments to the Solid Waste ordinance based upon input receiving during the November 15, 2014 City Council workshop on this topic. The changes include a definition of "waste material" as well as adjustments to the penalty fines for curb side waste material violations. The vast majority of curb side solid waste violations are housing related and occur in downtown neighborhoods. The primary reason for these amendments is to lessen the burden on the owners of rental housing as many of the violations are not within their immediate control.

The ordinance changes are suggested by the Director of Planning & Code Enforcement. Passage is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to the City Code of Ordinances, Chapter 62 "Solid Waste", Section 62-11 "Definitions" and Section 62-16 "Penalties and enforcement", receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regular City Council meeting.

AN ORDINANCE PERTAINING TO SOLID WASTE PENALTIES

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 62 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 62

SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 62-11. Definitions.

Waste material: Any waste materials, including, but not limited to, solid waste, recyclable material, bulky waste, commercial waste, construction and demolition debris, inert fill, scrap metal, special waste, ~~and universal waste,~~ refrigerant containing appliances, waste oil, asphalt shingles, batteries, tires, special waste, wood and sheetrock.

Sec. 62-16. Penalties and enforcement.

(a) *Waste material generated outside city limits.* No vehicle, whether commercial or private, shall dispose of any ~~solid~~ waste material at the facility unless it is generated from within the geographical limits of the city (as determined by reviewing the generator's driver's license, property tax receipt, and/or building permit) or is authorized under the terms of a contract with the city. The city reserves the right to make spot inspection of ~~solid~~ waste material entering the facility. Vehicles bringing in waste material that is from outside the city shall be subject to the penalties described later in this section.

(b) *Enforcement.* It shall be the duty of the chief of police, the director of code enforcement or their duly authorized representatives to enforce the provisions of chapter 62 of this Code and to prosecute any and all persons violating any such provisions.

Enforcement procedures as set out in chapter 50, article II of the Lewiston Code of Ordinances shall apply to enforcement of this chapter, except that the specific penalties listed in subsection (c) herein will apply instead of those listed in section 50-45.

Notwithstanding any provisions in this chapter 62 to the contrary, due to the public nuisance and threat to public health created by the presence of waste material on or near city streets (i.e. on or near public ways) in violation of subsections 62-13(a), (b), (d), ~~(h)~~ (i) and (j), the chief of police, the director of code enforcement or their designees are authorized to fine violators, without any prior notification, in accordance with subsection 62-16(c).

(c) *Penalties.* Violators of any provisions of this chapter shall for the first offense receive a fine ~~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 six months ~~two years~~ of a previous violation shall result in a fine(s) 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.~~

(d) *Responsibilities not transferable.* No contract or agreement between the owner or operator and the occupant relating to the compliance with the terms of this article shall be effective in relieving any person of the responsibility for compliance with the provisions of this chapter as described.

REASON FOR PROPOSED AMENDMENT

Section 62-16 (b) provides the authority to levy fines without notice for “waste” located on or near city streets in violation of the Code; however, there is no definition for “waste”. There is a definition for “solid waste” but the definition references garbage, trash, rubbish, etc. The expanded definition of “waste material” and the change in 62-16 (b) to reference waste material versus waste will ensure that fines can be levied without notice for refrigerators, tires, wood, bulky waste, etc. that are placed on or near streets. The changes also makes it clear that “city streets” as referenced in 62-16 (b) includes all public ways (i.e. public easements, alleys, etc.).

The changes in Section 62-16 (c) in combination with the Solid Waste Fee Schedule, Policy No. 52 reduces the initial penalties for curb side waste material violations and shortens the time period whereby repeat violations incur penalties at higher amounts. The vast majority of curb side solid waste violations are housing related and occur in downtown neighborhoods. The primary reason for these changes is to lessen the burden on the owners of rental housing as many of the violations are not within their immediate control.

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

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 Material Penalties

DT: December 29, 2014

Attached please find the following proposed amendments:

Chapter 62, Solid Waste, Sections 62-11 and 62-16 of the Code of Ordinances of the City of Lewiston.

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

At the November 25, 2014 council workshop you entertained the reduction of penalty provisions for waste materials illegally placed within the right-of-ways of streets. As a result of that workshop, I have prepared proposed changes to the above referenced Code and Policy that, if enacted, would reduce the initial penalty for a violation from \$210 to \$100. The second violation within six months would be reduced from \$420 to \$210; however, third and subsequent violations would remain at \$420. The time period for imposition of higher penalty amounts for repeat violations is proposed to be reduced from two years to six months.

You will also find in the proposed changes that the definition of waste materials has been expanded to include all types of waste. A proposed change is also in place to make clear that “city Streets” includes all public ways.

I will be in attendance at the January 6, 2015 public hearing on this matter to answer any questions that you may have.

Thank you.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Repeal of the current Charitable Organization Support City Policy and adoption of a new Special Events City Policy.

INFORMATION:

This item was postponed from the December 16 meeting and continued to this meeting.

In December 2009, the City Council adopted a city policy outlining the procedures for charitable donations to local non-profit organizations who hold fundraising events within the city. The policy defined the city's procedure for cash and in-kind donations, use of city services including both equipment and personnel as well as waivers of permit fees.

Staff is proposing to repeal that policy and adopt a new policy that is broader and will address all "special events" held within the City. A special event is an event held by an organization within the community and is held on city property and usually involves the use of city services.

Please see the attached memorandum from Deputy City Administrator Phil Nadeau for additional information. This information was discussed at the December 16 workshop.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EPB/10mm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To repeal Policy Manual 87, the Charitable Organization Support Policy, and to establish and adopt a new Policy Manual Number 87, the Special Events Policy, as recommended by the Deputy City Administrator.

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



The Office of
Deputy City Administrator
Phil Nadeau
MEMORANDUM

TO: Ed Barrett
FR: Phil Nadeau
CC:
RE: New Special Event Policy and Form
DT: 12.2.14

The restructuring of the Recreation Division in May 2014 necessitated that Administration assume the responsibilities associated with the oversight and management of the many special events that were scheduled in our city through the end of 2014.

The assumption of those responsibilities also necessitated a full analysis of both the processes associated with a number of events; the staff review and actual staffing of those events; and how well the existing 2008 Charitable Donations Policy addresses the many details and stipulations associated with both the budgetary requirements and policy requirements that impact outdoor special events.

It was immediately apparent that the current processes and forms were burdensome to both City staff and applicants who were asked to deal with two separate offices (the City Clerks and Recreation offices); three different forms (Charitable Donations-Special Event-Park Use applications); and several other policies beyond the Charitable Donations Policy.

We are proposing a new Special Events Policy to replace the Charitable Donations Policy by incorporating features that apply to both while also providing details and other requirements for reviewing special events. This will address the need to preserve the budgetary process for those non-profits that are now accustomed to it and also address those organizations that inevitably come before the Council after the budget is approved to request service/fee waivers for a variety of outdoor events.

The new policy and form will now require that non-profits provide specific documentation to verify their non-profit status (IRS Form 990; IRS letter approving 501C status; etc.); stipulate specific time requirements for the filing the application; and stipulate that the city will deny applications that are incomplete, unpaid, or do not comply with city requirements. The new policy also makes clear that organizations that do not qualify as non-profit may apply for events as a “for profit” but are required to pay all associated costs without the Council policy-approved discounts received by non-profits. More importantly, the new policy works in concert with a new form that eliminates the need to file other forms. Finally, applicants will not be required to deal with only one office as the primary coordinator for all special events—the Deputy City Administrator’s Office.

More significantly, the new policy will cap the number of special events at levels that were approved for events held in 2014 or events approved in 2014 for 2015. All events have been broken down into 4 categories:

- B1 15 Road Races/Walks
- B2 16 Festival/Concerts/Community Events
- B3 1 event from outside community
- B4 2 requests for city assets

NOTE: 9 applications involved cash requests only

The approval of the policy will fix the number of events with a hard cap in each of the four categories and only allow for a new entry if an event fails to apply within the allowable time frames stated in the policy. To date, the city has been advised that one B1 and one B2 event will not occur in 2015 (Night of the Living Dead run and the Team 207 Car show) leaving one slot open in each category for 2015.

Administration is urging the Council to support this feature of the policy recognizing that the Council has the authority to waive any part of any City policy if it believes that the best interest of the city are served by doing so. In the absence of any such waiver, Administration believes that approving more events beyond what was approved for 2014 will exceed our ability to continue to support these events with the high quality of excellence that the Council, the organizers, and the public demand.

A few other notable policy changes (some of which were imported from the Charitable Donations Policy and other policies):

- Establishes the creation of “festival zones” in policy for events such as Great Falls Balloon Festival
- Provides “Special Community Event Status” to the Liberty Festival, Great Falls Balloon Festival, and the Dempsey Challenge that provides annual “festival zone” status for those events but requires that they file all applicable paperwork to define the festival zone borders
- Makes clear when City Council approval is required and not required
- Establishes conditions of ineligibility for financial assistance and in-kind support
- Caps cash funding requests with language waiving this requirement on a case-by-case basis (Liberty Festival currently receives \$8,100 for fireworks)
- Redefines the “Park Use Fee” as a non-refundable/non-waivable processing fee for all special event application filings
- Clearly states conditions associated with the filing a Certificate of Insurance
- Clearly states all park fees and applicable non-profit discounts

SPECIAL EVENTS POLICY

PURPOSE

To establish a process for the processing and approval of requests to host and/or conduct special events and activities in the city that may or may not require funding or support services from the City of Lewiston.

BACKGROUND

It has been the practice of the City of Lewiston to provide various levels of staff resources and/or funding to support a number of special events that offer recreational, entertainment, and charitable fundraising opportunities to residents and other members of the general public.

In order to ensure a uniform procedure is followed when requesting in-kind or funding support from the City of Lewiston, this policy outlines what is required of requesting organizations and provides clarity regarding the expectations of the City Council.

SPECIAL EVENT APPLICATION FILING REQUIREMENTS

All organizations or individuals seeking to utilize or reserve any city-controlled property such as streets, sidewalks, parking areas, or parks for any activity or event with 25 people or more or require the use of city services to support an event or activity on city-controlled or private property may be required to pay for fees which include, but are not limited to, processing/park-use fees, permits, and staff time.

SPECIAL COMMUNITY EVENT STATUS

For the purposes of this policy, certain organizations/events shall be granted “Special Community Event Status” given the length of time they have existed and the size of their events. The “Special Community Event Status” shall entitle these events to the permanent creation of a Festival Zone as defined in Section G of this policy. The organizations listed below must file all applicable paperwork for this Festival Zone designation each year.

This status shall not be meant to waive any portion of this policy relative to requirements for funding, payment, and in-kind services. This status shall not restrict the City Council from denying, modifying, or amending any part of the organization’s request or waiving any portion of this policy. The organizations/events eligible for “Special Event Status” under this section are:

- The Liberty Festival Committee or 4th of July fireworks funding
- The Great Falls Balloon Festival
- The Dempsey Challenge

CAPPING OF SPECIAL EVENTS

The City shall restrict the number of Special Events by capping the total number based on calendar year 2014 activity (events that occurred and applications received for 2015) and the classification of those events as listed below. The total number of events in each classification

SPECIAL EVENTS POLICY

may be exceeded but may not cause the total number of events/activities to exceed the 2014 number.

Any 2014 event/activity failing to file an application in calendar year 2015 and in future years shall create an available event/activity vacancy which may be filled by the organization/person who is first to file for a new event that receives the city's approval. The event categories shall be classified as follows:

- a. Road races as defined in item B.1 of this policy (CAP – 15)
- b. Festivals, carnivals, etc. as defined in item B.2 of this policy (on city-controlled property only) (CAP – 16)
- c. Special events listed in item B.3 of this policy (CAP – 1)
- d. Special event requests listed in B.4 of this policy (CAP – 2)

NOTE: NON-PROFIT CASH REQUESTS APPLICATIONS WILL BE TRACKED AND WILL ALL BE SUBMITTED TO THE COUNCIL FOR CONSIDERATION UNDER THE TIMELINE PROVISIONS OF ITEM C.2 OF THIS POLICY

A. DEFINITIONS

“Financial assistance” shall mean any municipal granting of funds encompassing all forms of direct cash payments for eligible activities.

“In-kind” shall mean funding any request that requires the utilization of any municipal service, property, program, asset or employee to support the event/program that the non-profit is either sponsoring or participating in.

“Non-profit organization” shall mean any non-profit/charitable organization recognized as a tax-exempt IRS approved 501.C.3/4 entity and/or an entity recognized as a legally tax-exempt organization under Maine law.

“Special Event” shall mean any event held outdoors or indoors that requires some level of city review, approval, service, support or funding. Events defined as “Athletic Events” that only require the approval and oversight of the Recreation Division shall not be defined as a “Special Event.”

“Special Event Application” shall mean the form which is so titled and is supplied by the City to all parties who seek city approval to conduct any activity that meets the City's definition of a “Special Event.”

B. INTRODUCTION

The Special Events Policy has been established by the City Council to provide guidelines to non-profit and for-profit organizations that are seeking city approval for special events.

All requests for special events require the completion of the “Special Event Application” for any event which will involve, but will not be limited to, the following:

SPECIAL EVENTS POLICY

1. Road races/walks may be one or more combinations of running, walking, biking, vehicle racing or any other related activity which will require the use of public streets, ways, public rights-of-way or other city-controlled property.
2. Festivals, carnivals, circuses, entertainment, business shows, or any event that will require the use of any city-controlled property or may require the City to review an activity/event on private-property requiring a permit/license, police approved security plan, fire approved safety plan, or other city approval function.
3. Any special event which may begin in another city or town and will require the use of any city-controlled property or that fall into the categories listed in items B.1 and B.2 above.
4. Requests for any in-kind support through the use of city equipment, structures, assets, public space, services and staffing or any level of funding not eligible for funding through a department budget or other funding source managed by the city.

C. CONDITIONS FOR CONSIDERTATION AND APPROVAL

1. EVENTS/PROGRAMS/REQUESTS NOT REQUIRING CITY COUNCIL APPROVAL AND NOT REQUIRING A FORMAL APPLICATION UNDER THIS POLICY

The following non-profit and for profit requests that do not require City Council approval AND DO NOT REQUIRE THE FILING OF A SPECIAL EVENT APPLICATION shall be reviewed for possible approval by the City Administrator/Deputy City Administrator and may be subject to the review by applicable city departments.

Administration shall have the final authority to assess the city's ability to support any and all requests that fall under the provisions of this section. Failure to fulfil any and all requirements shall result in the denial of the application by Administration.

One or more of the following limited conditions may apply:

- a. The proposed use of city property is compliant with existing city policies and ordinances and will not require additional subsidies through the city budget or impact city staffing and resources.
- b. The proposed use of city properties & assets will not substantially impact the city budget and provides support for county, state, and federal agency/commission meetings, local/state/national organization meetings/workshops/seminars/hearings, and state/federal legislative oversight groups.
- c. Waiver of use policies and/or rental and insurance fees in instances when the event/program benefits the community; can be co-sponsored as a "City of Lewiston" event; and is consistent with the normal use of the facility/city-controlled property; and can be supported with budgeted city staff/resources.
- d. Events/activities receiving City Council approval in the prior year and that remains substantially similar in scope and which did not require any direct city cash payment or contribution and/or in-kind assistance.

SPECIAL EVENTS POLICY

2. NON-PROFIT & OTHER ORGANIZATION APPLICATION REQUIREMENTS – CITY COUNCIL APPROVAL

All for-profit and non-profit requests which do not fall under Section B.1 of this policy require filing a Special Event Application which will be subject to City Council approval. **Failure to fulfill any and/or all requirements shall result in the denial of the application by Administration.**

A. In any instance where a request for city funding or city services/assets is made in the form of in-kind support, such requests shall only be considered from organizations that meet the non-profit organization definition in this policy. All requests require the filing of a Special Event Application in accordance with the following eligibility conditions:

- To be considered as part of the city budget process, all applications and all required paperwork, must be submitted no earlier than January 1st and no later than March 1st of each year for any event occurring in the next fiscal year (beginning July 1st of each year).
- If the application is not submitted between January 1st and March 1st as part of the city budget process, the application and all required paperwork must be submitted for events that will be held in the calendar year with all paperwork submitted between March 2nd and September 1st and no later than 90 days prior to the event for any event occurring in the same calendar year.
- All applications filed between March 2nd and September 1st must be approved by the City Council.
- All paperwork must be completed to the city's satisfaction no later than 45 days prior to the event.
- All required fees are paid to the City no later than 30 days prior to the event.
- The organization provides a recreation, cultural, or community service to a significant proportion of city residents that the city does not otherwise provide.
- The organization has demonstrated through its application that it is a financially viable organization.
- The organization agrees to acknowledge the support of the municipality through the use of the municipal logo, site and tag line on any promotion material for the event, service, activity, etc.

B. In any instance where a request for city services/assets is from an organization/entity that is not defined by this policy as a non-profit organization, the use of city services/assets shall require payment to the city in accordance with this policy and all other applicable city policies, ordinances, and requirements. All requests require the filing of a Special Event Applications in accordance with the following conditions of eligibility:

SPECIAL EVENTS POLICY

- The application along with all required paperwork must be submitted, no later than 90 days prior to the event.
- The application date must be in the same year as the event.
- All applications must be filed between January 1st and September 1st.
- The organization provides a recreation, cultural, or community service to a significant proportion of city residents that the city does not otherwise provide.
- All paperwork is completed to the city's satisfaction no later than 45 days prior to the event.
- All required fees are paid to the City no later than 30 days prior to the event.
- The organization has no outstanding city financial obligations or has failed to fulfil any payment agreement with the city.
- The organization agrees to acknowledge the support of the municipality through the use of the municipal logo, web site and tag line on any promotion material for the event, service, activity, etc.

3. CONDITIONS OF INELIGIBILITY FOR FINANCIAL ASSISTANCE/IN-KIND SUPPORT

The following will not be eligible for City financial/in-kind assistance unless specifically waived by the City Council:

A. Types of Organizations or Individuals

- 1) For-profit organizations.
- 2) Organizations with political affiliations.
- 3) Faith based organizations where services/activities include the promotion of and/or required adherence to a faith.
- 4) Political candidates.
- 5) Organizations that are receiving Community Development Block Grant funding from the city.

B. Types of Requests

- 1) Travel expenses for members of an organization.
- 2) Uniforms.
- 3) Individual support.
- 4) Programs with legislated mandates from other governments.
- 5) Costs for major capital equipment/renovations and financing of deficits.
- 6) Requests from organizations that do not submit the required reporting information for a previous year's city approved event.
- 7) Incorporation costs or Director's Liability insurance costs.
- 8) Requests for the use of tables/chairs or other city assets off-site.

SPECIAL EVENTS POLICY

- 9) Events that involve fund raising with no general public purpose; will not be accessible to the general public; or provide a benefit limited only to existing participants, clients, or membership of the organization.

D. FUNDING LIMITS

Unless stated otherwise in this policy, in any one fiscal year any non-profit organization cash request or event support will be capped at a cash value of \$2,500 or an in-kind value of \$5,000. Council has the authority to increase the maximum funding limits of this section on a case-by-case basis.

E. APPLICATION PROCESS & CONDITIONS

Prior to or following City Council action on any request for non-profit organization funding or in-kind support, the City Administration is authorized to:

- Terminate and/or cancel all activities on city property by any approved event/activity for non-compliance with applicable permitting, non-payment of applicable fees, and/or non-compliance with applicable city ordinances or city policies. Failure to comply with the terms of the Special Event Application may also result in forfeiture of applicable deposits or fees.
- Require, at Administration's discretion, any event/activity consisting of 100 people or more to obtain a performance bond or security deposit in the form of a cashier's check or money order payable to the City of Lewiston. The performance bond/security deposit will be returned if the reserved area is left clean and undamaged following the event. The deposit or bond must be submitted 30 days prior to event date.
- Ensure that any event where attendance is expected to be approximately 1000 or more is submitted to the City Council for action.
- Ensure that all applicable information requested in the Special Events Application is provided in full and in accordance with all stated requirements.
- Preserve the city's authority to reserve the right to deny or approve any/all requests.
- Reject/deny any Special Events Application if all required information is not provided.

F. NON-WAIVABLE & NON-REFUNDABLE SPECIAL EVENT FEES

Any entity wishing to schedule an outdoor or indoor event that requires some level of city review, approval, service support, fee waiver, or funding and/or involves the

SPECIAL EVENTS POLICY

reservation of any city-controlled property is required to complete a Special Events Application and to pay the following:

- A. Processing Fee: \$50 - required to be paid upon successful submission of the Special Events Application. This fee is non-refundable upon receipt by the City.
- B. Park Use Fees (non-refundable less than 30 days prior to event):
 - 80% discount for Lewiston based non-profit organizations
 - 50% discount for non-Lewiston based non-profit fundraisers
 - 34% discount for non-Lewiston based non-profit community event
- C. Applicable Park Fees:
 - 1) Simard-Payne Park - (\$135 daily fee – or applicable discount @80%=\$27.00; @50%=\$67.50; @34%=\$89.10)
 - 2) Dufresne Park - (\$265 daily fee – or applicable discount @80%=\$53.00; @50%=\$132.50; @34%=\$174.90)
 - 3) Kennedy Park (no fee)
 - 4) Veterans Park (no fee)
 - 5) Marcotte Park (no fee)
 - 6) Potvin Park (no fee)
 - 7) Raymond Park (no fee)
 - 8) Sunnyside Park (no fee)

G. ESTABLISHMENT OF FESTIVAL ZONES

The City Council shall have the authority to establish a Festival Zone if requested by the applicant. The Festival zone will:

- Authorize an event organizer to charge fees to participating vendors/groups that are selling products/services or have registered with the event/activity for some other purpose within the city-controlled property areas designated as the Festival Zone.
- Prohibit the collection of donations by any person, organization, company or group not approved by the event organizer within the Zone **with the exception of any City department or employee that has received approval to do so by the City Administrator.**

To request such a zone, the event/activity must file a map clearly showing what city-controlled areas are to be set aside and provide a written explanation as to why and how such a designation will be used by the event/activity. Approval of a Festival Zone does not waive the requirement for any person, organization, company or group to obtain all applicable city/state permits/licenses to sell any product/service whether on public or private land

A Festival Zone designation will not apply to any non-city controlled property within the zone.

H. CERTIFICATE OF INSURANCE REQUIREMENTS

Adopted

SPECIAL EVENTS POLICY

For any special event/activity involving twenty-five (25) or more individuals and/or requiring the utilization/reservation of any city owned/controlled property such as a park or street and for events which include but are not limited to walk-a-thons, races, festivals, concerts and similar events, general liability insurance coverage and a Certificate of Insurance naming the City as an additionally named insured are required.

The Certificate of Insurance shall name the City of Lewiston; specify the event/activity; the dates for the event/activity; and any other pertinent information. Once an event is approved by the City, the Certificate of Insurance must be received by the City no later than thirty (30) days before the date of the event. This time requirement may be waived by the City Administrators office.

The Certificate of Insurance shall provide general liability coverage of a minimum of One Million Dollars (\$1,000,000).



CITY OF LEWISTON Special Event Application

All organizations or individuals seeking to utilize any city-controlled property such as streets, sidewalks, parking areas or parks for any activity or event with 25 people or more must complete this application.

All requests that result in the use of city services to support an event or activity on city-controlled or private property may require the organization/individual to pay for fees that include but are not limited to, processing/park-use fees, permits and staff time.

For any organization/individual requesting the City Council to waive fees for any city permits, fees or staff time, the organization/individual must submit this application no earlier than January 1st and no later than March 1st for events that will occur in the next fiscal year beginning on July 1st. Failure to file by March 1st will require the filing of this application in the same year of the event; that the application be filed between March 2nd and September 1st; and that it be approved by the City Council.

All properly completed applications and \$50 Processing Fee (non-refundable) must be submitted at least 90 days prior to the event.

All items highlighted in grey with an asterisk (*) in Section 2 of this application must be completed to the city's satisfaction no later than 45 days prior to the event to comply with public hearing requirements. All applicable fees must be paid no later than thirty (30) days prior to event.

The City of Lewiston shall reserve the right to deny any application if the information in the application is incomplete; conflicts with city policies, ordinances, events or city services; contains information that is inaccurate or fraudulent; or appears to violate local, state or federal law.

Application Date _____

STAFF USE ONLY EVENT FILE NO.: _____

SECTION 1. GENERAL EVENT INFORMATION

1. Name of host organization/individual legally responsible for event:
and _____
2. Is the applicant a legal non-profit? Yes _____ No _____

If the response in the above is "Yes", please enclose a copy of the IRS Form 990 filed in the year preceding the date of this application. If the applicant has not yet filed a 990, please attach a copy of the IRS letter awarding your non-profit status.

If the applicant is not a qualifying non-profit, 100% of all applicable fees must be paid.

3. Will you or your organization be paid by another non-profit agency to raise money for their organization? Yes No
If "Yes", provide a signed statement and with financial information from the non-profit indicating how much money they may receive for this event and/or received if the event was held last year.
4. Name of Contact Person for Event: _____
5. Title of Contact Person: _____
6. Mailing Address: _____
7. Daytime Telephone: _____ Cell Phone: _____
8. Email Address: _____
9. Contact Name and Cell Phone Number DURING the Event: _____
10. Name of Event: _____
11. Type of Event (walk, festival, concert, etc.): _____
12. Day of Event: _____ Date of Event: _____
13. Rain Date (if applicable): _____
14. Times of Event:
Start Time including set-up: _____ Ending time including clean up: _____
Actual Event Start Time: _____ Actual Event End Time: _____
15. Estimated Attendance: _____
16. Open to public: Yes No
17. By Invitation Only: Yes No
18. Location(s) of Event:

19. Age restriction on Admission? Yes No
20. If yes specify age required for admission: _____

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

SECTION 2. EVENT DETAILS & POSSIBLE PERMITTING

- 34% discount on all city permits/licenses for fundraisers hosted by non-profit organization
- 50% discount on all city permits/licenses for non-fundraising events hosted by non-profit organizations
- **ALL PAYMENTS ON CITY PERMITS/LICENSES DUE NO LATER THAN 30 DAYS PRIOR TO EVENT**

All items highlighted below with an asterisk (*) in Section 2 of this application must be filed and completed to the city's satisfaction no later than 45 days prior to the event to comply with public hearing requirement.

	Permit Fee	Permits and/or Event Requirements	YES	NO
A	NON-PROFIT & FOR PROFIT	If you answered "Yes" in Section 1, Item 2 of this form and you are seeking City Council approval to waive any applicable fees, YOU MUST COMPLETE THIS SECTION AND SCHEDULE B of this form. All other events must complete this section.		
B	CITY PROCESSING FEE	If the event requires city staff inspection and/or the use of city-owned public space, please complete SCHEDULE A of this application.		
C	Separate fee and permit possible \$50/3days	FOOD – Will food or beverages be <u>given away</u> ? ___ YES ___ NO. If yes, list what types of food or beverages: ----- Will food or beverages be <u>sold</u> ? ___ YES ___ No If yes, list what types of food or beverages: <p style="text-align: right;">Note - A food service license may be required.</p>		
D	Separate fee and permit possible \$39/7 days plus \$21 background check	NON-FOOD ITEMS – Will products be <u>given away</u> (such as t-shirts, crafts, CDs, etc.)? ___ YES ___ NO If yes, list what items: ----- Will products be <u>sold</u> (such as t-shirts, crafts, CDs, etc.)? ___ YES ___ NO If yes, list what items: <p style="text-align: right;">Note- A peddling permit may be required.</p>		
E	*\$50/event	*LIVE MUSIC PERFORMED BY ONE OR MORE PEOPLE – If yes, please describe:		
F	\$17/day	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?		
G	Separate fee and permit required \$17/day \$25/day	ALCOHOLIC BEVERAGES – Will alcoholic beverages be served at the event? If yes, describe:		
H	Separate fee and permit required \$180/day	CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit (if applicable). A city permit is also required.		
I	Separate permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the State Fire Marshal and the Lewiston Fire Department is required.		

	COMMENTS	Permits and/or Event Requirements	YES	NO
J	COMMENTS:	RUN/WALK/CYCLE MAP – Will event involve participants doing a walk-a-thon, road race, etc? If yes, provide map of staging areas, actual route and where event will terminate and a business owner contact plan and attach to this application		
K	COMMENTS:	PARADE MAP – Will there be a parade? If yes, provide a route map which will include staging areas, actual parade routes, and where parade will terminate, and also provide a business owner contact plan. Note – A permit from the Police Department is required.		
L	COMMENTS:	FESTIVAL ZONE DESIGNATION: (Complete SCHEDULE A)		
M	COMMENTS:	PARK MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, hand washing facilities, stage, first-aid, parking, etc.? This is a mandatory requirement for this application and must be included with the application form.		
N	COMMENTS:	TENT/AWNING/CANOPY SIZE – Will you be setting up a tent, awning or canopy? If yes, list size and height. NOTE: TENTS/AWNINGS ON PUBLIC/PRIVATE PROPERTY MUST HAVE CERTIFICATES SHOWING THAT THE MATERIALS ARE FLAME RETARDENT. COPIES OF THE CERTIFICATION MUST BE PROVIDED TO THE FIRE DEPARTMENT PRIOR TO THE EVENT.		
O	COMMENTS:	REST ROOM/HANDWASHING FACILITIES: Events with attendance of 200 persons or more lasting longer than 3 hours must provide portable restrooms/handwashing or sanitizing stations at the ration of (1) restroom for each 200 persons in attendance, one-third of which must meet ADA specifications (CITY WILL NOT PROVIDE NOR FUND PORTA POTTIE SERVICES – PLEASE LIST ON PARK MAP/DIAGRAM IN ITEM M ABOVE)	No. of Porta Potties Required	No. of handwash-ing stations required
P	COMMENTS:	ROAD/INTERSECTION CLOSURE MAP – Will any roads need to be closed to accommodate your event? If yes, please provide a map of what roads, alleys, sidewalks, etc. will be closed.		
Q	COMMENTS:	MATERIALS/EQUIPMENT TO BE DRIVEN OR PARKED ON CITY PARK OR PARKING LOT PROPERTIES – MAP/DIAGRAM: Please provide separate list and map details.		
R	COMMENTS:	PARKING ACCOMMODATIONS – What will be the anticipated need for parking and what is your parking plan?		
S	COMMENTS:	WASTE DISPOSAL – You are required to clean up after the even and to ensure that you have adequate containers, trash bags, etc. to pick up all waste. If the location does not have adequate containers for the event.	City assistance required	No City assistance required
T	COMMENTS:	FIRST AID FACILITIES – Please list location on PARK MAP/DIAGRAM as required in Item -----above.		
U	COMMENTS:	CERTIFICATE OF INSURANCE: If your event utilizes any public space, the city may require a certificate of insurance from your or sponsoring organization naming the City of Lewiston as the insured party. See Section 3.		
V	COMMENTS:			

Please note that you will be contacted by City Staff if your event requires additional permitting.

SECTION 3.

INSURANCE REQUIREMENTS

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

Any special event/activity in which any person/group wishes to reserve any city-controlled/owned property involving twenty-five (25) individuals and/or requiring the utilization/reservation of any city controlled/owned property such as a park or street, and for events which include but are not limited to walk-a-thons, races, festivals, concerts, etc., requires general liability insurance coverage and the issuance of a Certificate of Insurance.

The Certificate of Insurance shall be issued naming the City of Lewiston as an additional insured; specifying the event/activity; the dates for the event/activity, and any other pertinent information. Once the event is approved by the City, the Certificate of Insurance will need to be received by the City no later than thirty (30) days before event permits can be issued (the time requirement may be waived by the City Administrators office).

Please have your insurance company email (pnadeau@lewistonmaine.gov) or fax (207-795-5069) a copy to the Phil Nadeau, Deputy City Administrator.

SECTION 4.

CONDITIONS OF EVENT APPROVAL

I acknowledge/understand that:

- Non-compliance with applicable permitting, the non-payment of applicable fees, and/or the non-compliance of applicable city ordinances or city policies may result in the termination and/or cancellation of all events on city property. Failure to comply with the terms of this application may also result in forfeiture of applicable deposits or fees.
- Any event consisting of 100 people or more may be required to obtain a performance bond or security deposit payment in the form of a cashier's check or money order payable to the City of Lewiston. The performance bond will be returned if the reserved area is left clean and undamaged following the event. The deposit or bond must be submitted 30 days prior to event date.
- The City Council shall approve any event where attendance is expected to be approximately 1000 or more people.
- I have read the Special Events Policy and all applicable guidelines that are listed on the City's Special Events Requirements web page and have met and/or discussed all requirements with each City department listed in this application.

Signature of Applicant:

Printed Name:

Date Submitted:

SCHEDULE A.

PROCESSING FEE AND PUBLIC SPACE USAGE

Complete only if city staff inspection and/or the use of city-owned property is applicable

PROCESSING FEE (NON WAIVABLE AND NON-REFUNDABLE): \$50.00
(this payment will secure the date(s) and use of the public space for the event – MUST BE PAID WITH FULLY COMPLETED APPLICATION)

PARK USE FEES AND APPLICABLE DISCOUNTS – MUST BE PAID NO LATER THAN 30 DAYS PRIOR TO EVENT

→ **80% discount** for Lewiston based non-profit organizations
50% discount for non-Lewiston based non-profit fundraisers
34% discount for non-Lewiston based non-profit event

EVENT NAME: _____

EVENT DATE: _____

Park requested (check each):

Simard-Payne Park - (\$135 daily fee – or applicable discount @80%=\$27.00; @50%=\$67.50; @34%=\$89.10)

Dufresne Park - (\$265 daily fee – or applicable discount @80%=\$53.00; @50%=\$132.50; @34%=\$174.90)

Kennedy Park (no fee)

Veterans Park (no fee)

Marcotte Park (no fee)

Potvin Park (no fee)

Raymond Park (no fee)

Sunnyside Park (no fee)

PARK USE FEES AND APPLICABLE DISCOUNTS – MUST BE PAID NO LATER THAN 30 DAYS PRIOR TO EVENT

Other city-owned public space (e.g., roads, sidewalks, etc.) _____

FESTIVAL/EVENT ZONE (event will require organizer to control the public space within a defined area of the city which may prohibit authorized city street vendors to sell products in the “festival/event” zone):

1. Zone outline: (submit map)

2. Business owner contact plan

3. Reason for Festival/Event Zone designation: _____

TOTAL PROCESSING AND APPLICABLE PARK USE FEES: \$ _____

All checks made payable to “City of Lewiston”.

SCHEDULE B.

CHARITABLE FUNDING REQUEST

APPLICATION DEADLINE FOR CITY COUNCIL ACTION: MARCH 1

This request assumes that your organization will not receive Social Service Agency/Community Development Block Grant Funding from the City of Lewiston in the next fiscal year. All funding requests apply ONLY to events occurring in the next fiscal year (as of July 1st). This schedule and applicable attachments must be completed in full along with remainder of application.

Contact Phil Nadeau if you need assistance - 207-513-3012

1. Name of Event:

2. Are you requesting a cash donation? If yes, How much? _____

3. Does your application require any in-kind support from the City relative to city properties, resources, assets or departments? Yes _____ No _____

4. **If you answered “yes” in item 3 above, PRIOR TO SUBMITTING YOUR APPLICATION, please have your application reviewed by the applicable City staff listed below to ensure the value of the City’s in-kind support.** You must contact each department to verify that the department will or will not be required to service the event. Staff will enter the estimated value of each department’s in-kind services . (Use separate sheet to provide details if necessary.)

DEPARTMENTS	IN-KIND REQUEST Please list department cost estimate of staff services and/or permits&licenses	(THIS COLUMN FOR STAFF ONLY) Date of email contact w/cost info	(THIS COLUMN FOR STAFF ONLY) - Estimated cost of services/permits/lic or staff hours
City Clerk – permitting & licensing - Kathy Montejo – kmontejo@lewistonmaine.gov (207)513-3021			
Code Enforcement – food & electrical inspections - David Hediger – 207513-3125 - dhediger@lewistonmaine.gov			
Fire – Certifications, permits & facility inspections - Paul Ouellette – 207-513-3002 - pouellette@lewistonmaine.gov			
Police – traffic control & security requirements - David Chick – 207-513-3137- dchick@lewistonmaine.gov			
Public Works –traffic/ped control; park logistics; electric & water services - Megan Bates – mbates@lewistonmaine.gov (207)513-3073			

DEPARTMENTS	IN-KIND REQUEST	(THIS COLUMN FOR STAFF ONLY) - Date of First Contact	(THIS COLUMN FOR FOR STAFF ONLY) - Estimated Cost of Service or Staff Hours
Other			

IN ADDITION, PLEASE BE SURE TO INCLUDE THE FOLLOWING INFORMATION WITH YOUR APPLICATION IN ORDER TO HAVE YOUR GRANT REQUEST CONSIDERED:

- a. Your organizations financial statements from the previous event or fiscal year.
Attached _____ Not attached _____ First time event _____
- b. A budget for the upcoming fiscal year or event.
Attached _____ Not attached _____ First time event _____
- c. If this event occurred last year, was the event a fundraising success? Yes _____ No _____
- d. If you answered "No" in item C above, provide a written explanation.
Attached _____ Not attached _____ First time event _____
- e. Did your organization pay a non-employee to organize and/or manage the event?
____ YES ____ NO. Did your organization provide services to raise money for one or more non-profit agencies? ____ YES ____ NO Provide a signed statement from the event organizer with financial information as to how much money was raised and for which organization.
Attached _____ Not attached _____ First time event _____
- f. If this event occurred last year, describe how the event met your projections and expectations?
(write below)

Please return this completed application with diagram and any applicable fee to:

MAIL: Phil Nadeau
City Administrator's Office
Lewiston City Hall
27 Pine Street
Lewiston, Maine 04240

FAX: 207-795-5069

EMAIL: pnadeau@lewistonmaine.gov

Questions: 207-513-3012 phone

Please note: Incomplete applications may be rejected by the city. Please complete all sections on the form or list "N/A" if a section does not apply to your event so we know that every section was accounted for and not skipped over accidentally. The City needs to have a complete understanding of your event prior to the issuance of permits. Thank you for understanding.

******FOR STAFF USE ONLY******

1. Organization Name: _____

2. Event Name: _____

3. (First) Date of Event: _____

4. File No. of Event: _____

DEPARTMENT ACTIONS:

CITY CLERKS – PERMITS ISSUED	FILE/ACTION DATE	COST EST SUBMITTED	APPROVAL DATE	NAME
NO ACTION REQUIRED				
Food Vendor License(s)				
Non-Food Vendor License(s)				
Live Music Permit				
Sound Amplification Permit				
Alcoholic Beverages License				
Event area designation map (if applicable)				
City Council action if required				

CITY CLERK COMMENTS/CONDITIONS:

*****FOR STAFF USE ONLY*****

PUBLIC WORKS	FILE/ACTION DATE	COST EST SUBMITTED	APPROVAL DATE	NAME
NO ACTION REQUIRED				
Site visit with organizer				
Park set up/map review with organizer				
Road set up/map review with organizer				
Dig Safe completed for site(s)				
Electric access reviewed and plan approved				
Water access reviewed and plan approved				
Equipment and vehicles on property – logistics plan reviewed and approved				
Parking lots/garages – plan reviewed and approved				
Non-profits using parking area – review Parking Policy				
Waste collection plan reviewed and approved				
Organizer contact for private parking lots in area				
Parking and emergency shelter signage				
City Council action if required				

PUBLIC WORK COMMENTS/CONDITIONS:

*****FOR STAFF USE ONLY*****

PUBLIC WORKS – REQUESTED ITEMS NOT REFERENCED ABOVE

	Bollards			Weedwack electricals area	
	Barrels			Tables/Chairs	
	Trash bags			Stantions	
	Repair area(s)			Spray area(s) as needed	
	Snow fence				
	Keys				
	Barricades				
	Dumpsters				
	Recycle bins				
	Water spickets – working				

PUBLIC WORK COMMENTS/CONDITIONS:

POLICE DEPARTMENT	FILE/ACTION DATE	COST EST SUBMITTED	APPROVAL DATE	NAME
NO ACTION REQUIRED				
Map reviewed and approved				
Security reviewed and approved				
Parade permit				
City Council action if required				

POLICE DEPARTMENT COMMENTS/CONDITIONS:

******FOR STAFF USE ONLY******

FIRE DEPARTMENT	FILE/ACTION DATE	COST EST SUBMITTED	APPROVAL DATE	NAME
NO ACTION REQUIRED				
Flame retardant tent/awning/canopy certificates submitted				
Fire Marshall and Lew. FD fireworks permits issued				
Fire Marshall carnival license issued				
Carnival inspection				
Organizer advised of open burning Permit requirement				
Fire Dept. permit for propane tanks over 20 lbs. issued				
General fire safety inspection: cooking equipment; fire extinguishers, tents, etc.				
City Council Action if required				

FIRE DEPT. COMMENTS/CONDITIONS:

CODE ENF - SANITARIAN	FILE/ACTION DATE	COST EST SUBMITTED	APPROVAL DATE	NAME
NO ACTION REQUIRED				
Vendors reviewed and inspections scheduled				
City Council action if required				

CODE/SANITARIAN COMMENTS/CONDITIONS:

*****FOR STAFF USE ONLY*****

ADMINISTRATION	FILE/ACTION DATE	COST EST SUBMITTED	APPROVAL DATE	NAME
NO ACTION REQUIRED				
Cert of Insurance				
Porta-Pottie/hand-washing and ADA requirements reviewed and approved				
Security deposit/Perf bond				
First aid plan review				
ALL FEES REVIEWED AND PAID				
CONTACT AUB-911 & AUB STAFF				
Provide Parking, Park, BBQ, and applicable policies				
Organizer contact of area businesses(if applicable)				
Form 990 or IRS letter submitted				
Applicant raising money for another agency—ltr & financials				
City Council action if required				

ADMINISTRATION COMMENTS/CONDITIONS:

FINAL ADMINISTRATION APPROVAL:

- A. All event requirements have been met to the City's satisfaction
- B. Event is not approved as application was not submitted in a timely manner or has not provided sufficient information
- C. Event application is not approved – see comments below

Phil Nadeau, Dep. City Administrator

Date

LEWISTON CITY COUNCIL

MEETING OF JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Amendments to the Solid Waste Policy regarding penalty fines for violations.

INFORMATION:

This agenda item is connected with Item 6 regarding the proposed amendments to the Solid Waste ordinance. The primary reason for these proposed changes to the Policy Manual is to lessen the initial penalty burdens on the owners of rental housing for curb side waste material violations as many of these violations are not within their immediate control.

The proposed changes are supported by the Director of Planning & Code Enforcement and passage is recommended.

Note: Additions are underlined; deletions have ~~strikeout~~ lines.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action .

EAB/1/1/15

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the proposed amendments to Policy Manual # 62, the Solid Waste Policy, as recommended by the Director of Planning & Code Enforcement.

(Note - Full copy of the amendment is attached. Underlines are additions and strikeouts are deletions.)

SOLID WASTE POLICY

Penalties - Chapter 62 Solid Waste

The first violation minimum fine is ~~\$100.~~ \$210. A second violation minimum fine for a violation occurring within six months of a first violation is \$210. A third or any subsequent violation occurring within six months of a first violation is \$420. In addition, where in the opinion of the superintendent the volume of waste material is considered excessive and or if the waste material is other than solid waste the minimum fine shall also include all costs of collection, transportation and disposal. Note: This penalty is outlined in the City Code of Ordinances Chapter 62, Article I In General.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Order authorizing the City Administrator to execute an Agreement with Franklin Property Trust regarding buildings located on leased land.

INFORMATION:

Numerous building owners lease property from Franklin Property Trust in various neighborhoods throughout the City. Since these leases are short term, the value of these buildings is negatively impacted and owners have difficulty financing necessary repairs and improvements. As a result, a number of structures have been condemned and the City is in the process of demolishing them. The City and Franklin have been in discussions for a while regarding an effort to develop a plan to stabilize these neighborhoods. There is a proposed agreement in which Franklin will subdivide the properties and offer the building owners the opportunity to purchase the land beneath their homes. The agreement also outlines an arrangement between the City and Franklin regarding the cost sharing of the demolition of the condemned structures.

Please see the attached memorandum from City Administrator Ed Barrett for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EARB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to execute an Agreement with Franklin Property Trust regarding buildings located on leased land.



COUNCIL ORDER

Order, Authorizing the City Administrator to Execute an Agreement with Franklin Property Trust Regarding Buildings Located on Leased Land.

Whereas, numerous building owners lease property from Franklin Property Trust in various locations throughout Lewiston; and

Whereas, since these leases are short term, the value of these buildings is negatively impacted and owners have difficulty financing necessary repairs and improvements; and

Whereas, as a result, a number of such structures have been condemned and the City is in the process of demolishing them; and

Whereas, the City and Franklin have been in discussions for some time in an effort to develop an overall approach to stabilize these neighborhoods; and

Whereas, a proposed agreement has been reached under which Franklin will subdivide its properties and offer building owners the opportunity to purchase the land under their structures on reasonable terms and conditions; and

Whereas, the agreement also sets forth an arrangement between Franklin and the City regarding sharing the cost of demolishing structures no longer fit for habitation and which have been condemned by the City Council;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute an agreement with Franklin Property Trust, LLC regarding buildings located on land leased from Franklin, a copy of which is attached hereto.



EXECUTIVE DEPARTMENT

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

January 2, 2014

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Franklin Property Trust

BACKGROUND

Numerous building owners lease property from Franklin Property Trust in various locations throughout Lewiston including along Lincoln Street outbound from Cedar, Merton Boulevard, Sand Hill Road, Oxford Street, and Willow Circle. The leases are basically at will. Since they are short term, the value of these buildings is negatively impacted and owners have difficulty in financing necessary repairs and improvements. As a result, a number of structures have been condemned and the City is in the process of demolishing them. In addition, others are in need of repair and upgrading.

The City has been in discussion with Franklin for some time in an effort to develop an overall approach that would stabilize these neighborhoods by removing dilapidated structures and offering building owners the opportunity to purchase the property under their buildings. This involved a number of issues including the process to be followed to allow for the subdivision of the property; the costs associated with removing dilapidated structures; and the timing and process to be used to offer the property for sale. An agreement has now been reached between Franklin and City staff and is ready for Council Review and action.

MAJOR PROVISIONS

- Franklin has agreed to consent to the demolition of certain buildings previously placarded as unfit for habitation by Code Enforcement.
- The cost of demolition will be equally split between the City and Franklin with Franklin's contribution capped at \$100,000. This will eliminate any legal questions as to whether the City or Franklin is responsible for these costs.
- This cost sharing arrangement will remain in effect for the next four years should any other demolitions be required; after that time, Franklin will be solely responsible for demolition costs.
- Franklin will be responsible for developing subdivision plan for its properties that will identify the land associated with each primary structure. These plans will be subject to review and approval by the City. If necessary, the City Administrator will propose amendments to the Land Development Code to allow the subdivisions to proceed.
- Shortly after subdivision has been approved, Franklin will begin offering the owners of primary structures on leased land the opportunity to buy the land on reasonable terms and conditions. Franklin may limit the number of property sales made in each year to minimize its tax liability.

[Type text]

Franklin has also indicated that those building owners who chose not to purchase the land will be able to continue to lease the property.

RECOMMENDATION

I recommend that the City Council approve the proposed agreement for the following reasons:

- It provides an opportunity to stabilize neighborhoods throughout the community that have suffered due to the inability to finance the purchase of buildings or their maintenance and improvement.
- Where property is purchased by the current lease holder, the market value of those properties will increase.
- The responsibilities of Franklin and the City regarding the cost of demolishing condemned properties will be resolved both as to those currently requiring demolition and those that might do so in the future.

I believe that this agreement is in the best interest of all stakeholders including the City, Franklin Property Trust, and current leaseholders.

A complete copy of the proposed agreement is attached. Should you have any questions or concerns, please feel free to contact me at or in advance of Tuesday's Council Meeting.

AGREEMENT

Franklin Property Trust, LLC (“FT”) and the City of Lewiston (the “City”)(each known as a “Party,” and collectively, the “Parties”) enter into this agreement as of December 16, 2014 (the “Effective Date”):

WHEREAS, FT owns certain land in the City of Lewiston, shown on the City’s tax maps as Map 196, Lot 182; Map 197, Lot 19; Map 197, Lot 22; Map 208, Lot 125; Map 208, Lot 126; Map 209, Lot 1; Map 209, Lot 5; and Map 209, Lot 27, as illustrated in Exhibit A(collectively, the “Land”);

WHEREAS, there are numerous buildings (the “Buildings”) located wholly or partly on the Land, or on other land owned by FT, for which individuals other than FT have an ownership interest;

WHEREAS, the City’s Department of Planning and Code Enforcement Office (“Code Enforcement”) has identified certain Buildings, as listed on Exhibit B, that it believes are dangerous buildings within the meaning of 17 M.R.S. § 2851 *et seq.* and intends to bring a proceeding before the City Council to declare those Buildings as dangerous and order their demolition (collectively, the “Exhibit B Buildings”);

NOW, THEREFORE, the City and FT agree as follows:

I. **Condemnation and Demolition of the Exhibit B Buildings:**

- A. Code Enforcement was unable to obtain the consent, pursuant to 17 M.R.S. § 2858, of all interested parties to demolish the Exhibit B Buildings, and has begun proceedings pursuant to 17 M.R.S. § 2851 *et seq.* to take action on orders of demolition for the Exhibit B Buildings.
- B. FT agrees to consent to any request for condemnation of the Exhibit B Buildings.
- C. The City and FT agree that the demolition and removal of any Exhibit B Buildings shall occur as soon as reasonably possible after a final decision or consent giving Code Enforcement the right to demolish and remove the Exhibit B Buildings. The City will be responsible for contracting for the demolition and removal of any Exhibit B Building, but agrees to receive suggestions and advice from FT. Further, before FT shall be required to pay any costs associated with any such contract for demolition and removal, such contract shall be provided to FT for its approval, which approval will not be unreasonably withheld, conditioned or delayed, except with regard to those contracts described on Exhibit D, which shall be deemed approved by FT upon execution of this Agreement. Failure of FT to approve a contract within 5 days of transmittal to FT shall be deemed an approval of the

contract. The Parties recognize that the City is required to go through the competitive bidding process regarding the demolition and removal of any Exhibit B Building. In conjunction with the demolition and removal of any Exhibit B Building, the City shall be responsible for removal of all demolition debris, shall cause suitable and appropriate fill to be brought in to the land so as to assure a stable and level grade; and shall cause all debris to be disposed of in a manner compliant with all applicable laws and regulations.

- D. FT is responsible for paying a total of 50% of the Demolition Costs incurred pursuant to contracts as described in Section C above, under the terms that follow. Within 30 days of an invoice from the City, FT will pay the City a) 25% of the costs of environmental mitigation, demolition, site stabilization, removal of demolition debris, and disposal (collectively, the "Demolition Costs") for any Exhibit B Building located entirely on land owned by FT, and b) 25% of the Demolition Costs for any Exhibit B Building located partly on land owned by FT (indicated by footnote 1 on Exhibit B), adjusted by the pro-rata share of the portion of the Dangerous Buildings on land owned by FT, as determined by a survey obtained by FT. FT will not be obligated to pay the remaining 25% of the Demolition Costs of properties entirely on FT owned land, or 25% of the pro-rata share of the Demolition Costs for properties partially located on FT owned land, until the Planning Board has approved the subdivision of the land as detailed in Section II, such approval has become final by the expiration of all appeals, and thirty (30) days has elapsed after such approval has become final. FT's aggregate liability under this Agreement for the combined costs of a) and b) shall be subject to a cap of \$100,000.

II. Subdivision of the Land

- A. Within thirty days of the Effective Date of this Agreement, FT shall engage, at its expense, a surveyor and/or other consultant (the "Surveyor") to prepare a plan of subdivision of the Land (the "Plan").
- B. The Plan shall provide for a lot for each of the Buildings that are primary residential structures, subject to the following restrictions:
1. Each lot shall contain no more than one primary structure and auxiliary structure(s), historically associated with that structure; and
 2. Each lot shall have a minimum lot size equal to the yard area historically used for and by the current owner of the primary structure (an "Owner"), with the final determination of the lot size

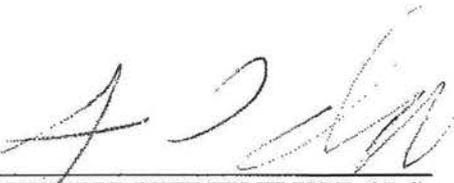
and boundaries for each lot to be made by FT in its reasonable judgment.

- C. The Plan shall be subject to the approval of the City, which shall not be unreasonably withheld or conditioned.
- D. Ownership of the Land that is not subdivided under the Plan into lots shall be retained by FT.
- E. Code Enforcement and the City Administrator will join in FT's application to the City Planning Board to approve the Plan.
- F. If the City's current Zoning Ordinance does not permit subdivision pursuant to the Plan, or if the Planning Board denies FT's application, Code Enforcement and the City Administrator will propose an amendment to the City's Zoning Ordinance to allow the subdivision, and will diligently pursue the adoption of such amendment.
- G. Within 3 months of the approval of the Plan, FT will begin offering the Owner of each primary structure the opportunity to buy the lot on the Plan on which his or her primary structure is located (the "Owner's Lot"). Offers by FT shall be upon such reasonable terms and conditions as FT may determine from time to time. FT shall hold any offer it makes open for acceptance by an Owner for not less than 15 days, or for such longer period as FT may determine in its sole discretion. FT may limit the number of property sales made each year so as to minimize its tax liability.
- H. If an Owner chooses not to purchase the Owner's Lot, FT shall retain ownership of the Owner's Lot. If FT has not sold the Owner's Lot, and the Building on such Lot requires demolition within four years of subdivision approval, the City and FT will each pay 50% of Demolition Costs with reimbursement due to the entity that paid for the demolition within 30 days of invoicing by the other party. For demolitions that occur more than four years after subdivision approval the costs shall be paid by the Building Owner or FT, if FT then retains ownership of the land upon which the Building is located, with no contribution from the City.
- I. All work to be performed in connection with the subdivision of the Land shall be done at FT's expense, with no contribution from the City.

III. Other Terms and Conditions

- A. This Agreement is without prejudice to the Parties' respective positions regarding the responsibility to demolish any other buildings on property owned by FT, except as otherwise provided in this Agreement.
- B. Notwithstanding any other provision of this Agreement (excluding, however, Section III-C from the effect and operation of this subsection B) of this Agreement, in no event shall the Parties, by reason of any of their respective acts or omissions relating to any of their obligations under this Agreement, be liable in contract, tort, warranty, negligence, strict liability or otherwise for any special, indirect, incidental or consequential damages arising out of or in connection with this Agreement, or the performance, non-performance or breach thereof; provided, however, that nothing in this Article III shall be deemed a waiver of claims for injunctive relief, specific performance and direct damages.
- C. The City shall indemnify and hold FT and its agents, servants, officers, directors, employees, and affiliates harmless from and against any loss, cost, liability, claim, damage, expense (including, without limitation, all out-of-pocket expenses, reasonable attorneys' fees, disbursements and costs), penalty, or fine (collectively "Damages") incurred in connection with any claim or cause of action arising from or in connection with or related to the actions of the City undertaken pursuant to this Agreement, including the demolition of the Buildings described in Exhibit B. FT shall indemnify and hold the City and its agents, servants, officers, directors, employees and affiliates harmless from and against any Damages incurred from or in connection with or related to (i) FT's acts or omissions regarding the Land and Buildings and (ii) FT's agreements and understandings with Building Owners.
- D. Each Party represents and warrants that (a) it is an entity or municipality, as the case may be, duly organized, validly existing and in good standing under the laws of the State of Maine; (b) it has the necessary power and authority to enter into and perform its obligations under this Agreement; (c) it has duly authorized the person signing this Agreement to execute this Agreement on its behalf; (d) upon execution, this Agreement will be a legal, valid and binding obligation of such Party, enforceable against such Party in accordance with its terms; and (e) the execution and delivery of this Agreement and its performance by such Party will not violate, result in a breach of or conflict with any law, rule, regulation, order, or decree applicable to such Party, its organizational documents or the terms of any other agreement binding on such Party, except that to the extent that any obligations of the City hereunder require approvals by municipal officials or bodies, including, without limitation, the Planning Board and Zoning Board of Appeals, or require approvals of State agencies, such obligations are contingent upon obtaining the necessary approvals.

- E. The Parties understand and agree that no Party is an agent, employee, contractor, vendor, representative or partner of any other Party, that (except as expressly set forth in writing) no Party shall owe a fiduciary duty to any other Party, that no Party shall hold itself out as such to third Parties and that no Party is capable of binding any other Party to any obligation or liability without the prior written consent of the other Party. Neither the execution and delivery of this Agreement, nor consummation of the transactions contemplated hereby, shall create or constitute a partnership, joint venture, or any other form of business organization or arrangement between or among the Parties.
- F. In the event of any breach or threatened breach of this Agreement by any Party hereto, the other Party shall be entitled to equitable relief through an injunction in addition to any other rights and remedies available to it. In addition, in any court or arbitration proceeding initiated with respect to a dispute arising under this Agreement, the court, or the arbitrator appointed to hear and adjudicate such dispute, shall have authority to enter an award of reasonable attorneys' fees and expenses to the prevailing Party, should the court or the arbitrator, as the case may be, find and determine that any factual or legal claim or defense asserted by the non-prevailing party shall, as to factual assertions, have been asserted without reasonable evidentiary support, and as to legal claims, asserted without reasonable basis in law (such finding and determination referred to as the "Claim Determination"). If the court or the arbitrator, as the case may be, makes such a Claim Determination, then the court or arbitrator may award to the prevailing Party reasonable legal fees and expenses as necessary to compensate the prevailing Party for the attorneys' fees and costs incurred by it by reason of such legal or factual claims or defenses.
- G. The terms and provisions contained in this Agreement constitute the entire agreement between the Parties with respect to the subject matter hereof. This Agreement supersedes and terminates all previous undertakings, representations and agreements, both oral and written, between the Parties with respect to the subject matter of this Agreement.
- H. This Agreement may not be amended or modified except by written agreement executed by each of the Parties hereto.
- I. Except for claims for equitable relief, including claims for specific performance, all disputes arising in connection with or under this Agreement shall be finally adjudicated by arbitration, using the JAMS Streamlined Arbitration Rules and Procedures then in effect (the "Rules") by an arbitrator appointed in accordance with the Rules. The proceedings shall be held in Lewiston, Maine.



FRANKLIN PROPERTY TRUST, LLC
By: Stanley Sclar
Its: Manager

CITY OF LEWISTON
By: Edward Barrett
Its: Administrator

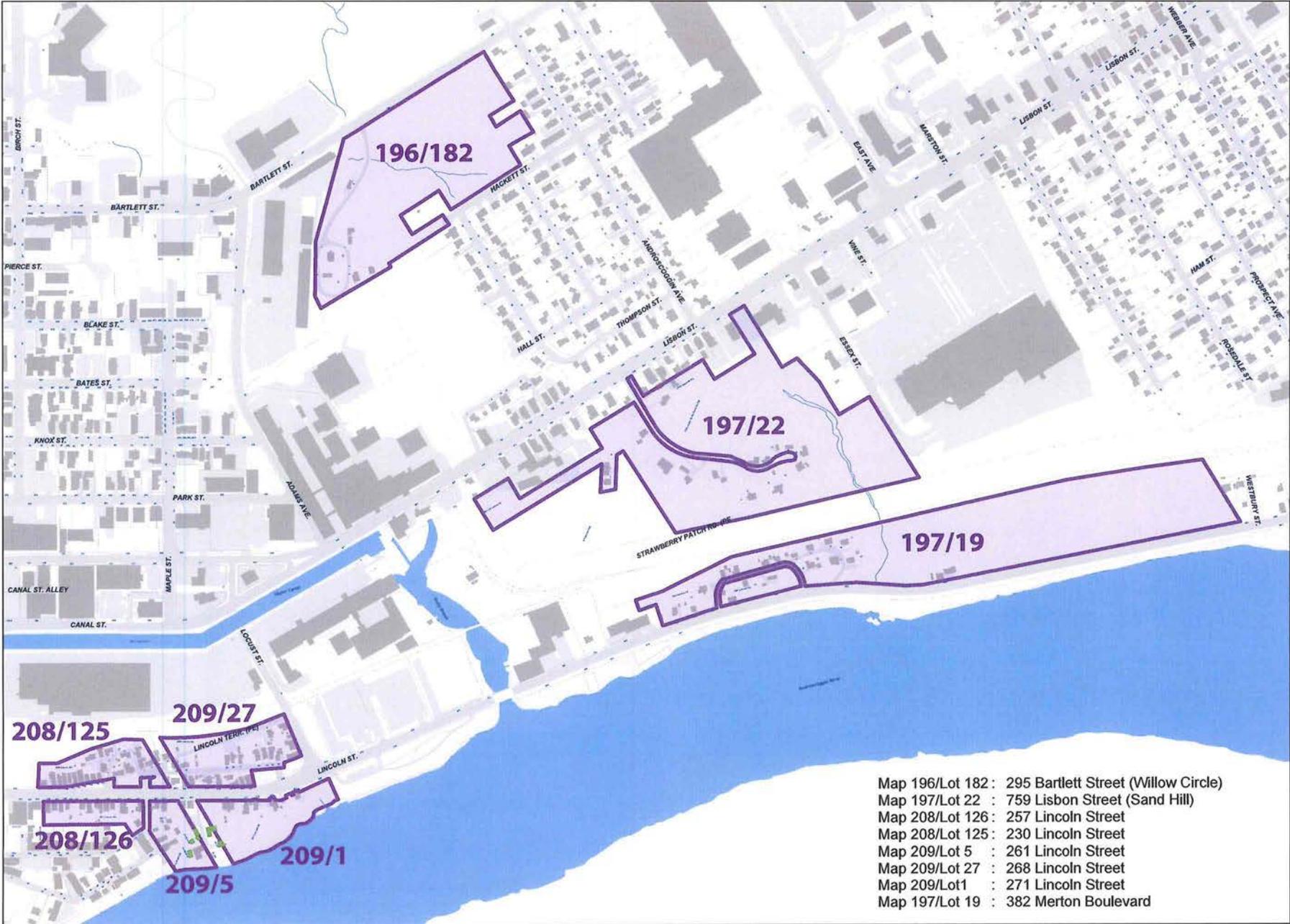


Exhibit "A"
Franklin Agreement

July 2014
 Not to Scale

- Map 196/Lot 182 : 295 Bartlett Street (Willow Circle)
- Map 197/Lot 22 : 759 Lisbon Street (Sand Hill)
- Map 208/Lot 126 : 257 Lincoln Street
- Map 208/Lot 125 : 230 Lincoln Street
- Map 209/Lot 5 : 261 Lincoln Street
- Map 209/Lot 27 : 268 Lincoln Street
- Map 209/Lot1 : 271 Lincoln Street
- Map 197/Lot 19 : 382 Merton Boulevard



EXHIBIT B

1. 7 Lincoln Drive¹
2. 233 Lincoln Street
3. 245 Lincoln Street
4. 248 Lincoln Street
5. 251 Lincoln Street
6. 264 Lincoln Street¹
7. 266 Lincoln Street¹
8. 271 Lincoln Street^{1,2}
9. 390 Lincoln Street
10. 398 Lincoln Street
11. 162 Oxford Street
12. 267 ½ Lincoln Street^{1,2}
13. 66 River Street²
14. 68 River Street²
15. 2 Summer Street
16. 7 Willow Circle

¹Building(s) is/are partially located on FT land, and partially on the land of a third party.

²Buildings to be demolished as depicted on Exhibit C

Exhibit C

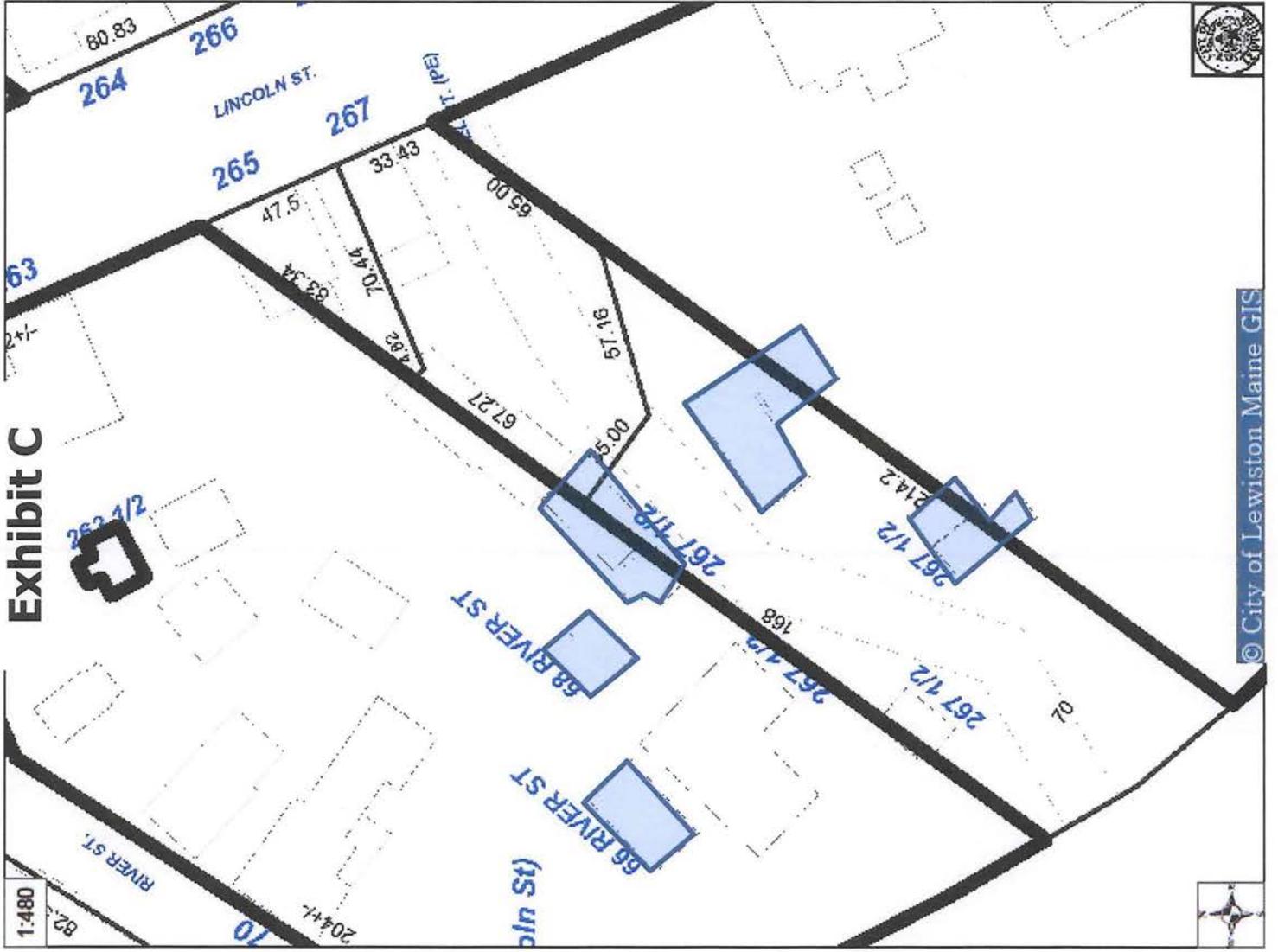


Exhibit D

The following Buildings are not subject to the requirements of Section I-C of the Agreement, provided the Demolition Costs do not exceed the amounts set forth below, because the contracts for the Demolition Costs have been signed:

1. 2 Summer Street: maximum Demolition Costs = \$8,735
2. 390 Lincoln Street: maximum Demolition Costs = \$3,300
3. 398 Lincoln Street: maximum Demolition Costs = \$6,460

LEWISTON CITY COUNCIL

MEETING OF JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Order accepting the proposal from St. Laurent Housing Associates Limited Partnership for purchase of the city owned properties at 139 Bartlett Street and 116 & 122 Pierce Street and 155 Bartlett Street.

INFORMATION:

The City currently owns these four parcels of vacant land. They were to be conveyed to St. Laurent Housing Associates under a joint development agreement where St. Laurent agreed to construct 29 units of affordable housing. The Council action to approve the joint development agreement was subsequently overturned by the public by referendum. Given that the City has no need to retain ownership of these properties and doing so will involve some City expense in terms of mowing and maintaining the property, the Council authorized that these properties be offered for sale through the formal bid process. The bid proposal was issued on December 5, 2014, an ad was placed in the Sun Journal, a notice was placed on our website, and over 20 owners of nearby properties were notified that these parcels were available. One bid was received from St. Laurent Housing Associates. This bid met all requirements and exceeded the minimum bid established by the City of \$7,500 for 139 Bartlett and \$30,000 for the three contiguous properties (116 & 122 Pierce St. and 115 Bartlett St). The bid from St. Laurent totaled \$61,000.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order accepting the proposal from St. Laurent Housing Associates Limited Partnership for purchase of the city owned properties at 139 Bartlett Street and 116 & 122 Pierce Street and 155 Bartlett Street.



COUNCIL ORDER

Order, Accepting the Proposal from St. Laurent Housing Associates Limited Partnership for Purchase of the City Owned Properties at 139 Bartlett and 116 and 122 Pierce and 155 Bartlett

Whereas, the City currently owns the properties at 116 and 122 Pierce and 139 and 155 Bartlett; and

Whereas, the City has no need to retain ownership of these properties, which will require on-going maintenance and expense; and

Whereas, in conjunction with the subsequently abandoned Volunteers of America Project proposed for this area, the Planning Board provided an affirmative recommendation to the Council as to the disposition of these properties in August 2013; and

Whereas, consistent with the City's Property Disposition Policy and at the direction of the City Council, these properties were offered through the formal bid proposal process; and

Whereas, a formal request for proposals was issued on December 5, 2014, advertised in the Lewiston Sun Journal and through the City's web site, and individual notices were sent to over 20 property owners in the general area of the land offered for sale; and

Whereas, on December 23, 2014, one proposal was received from St. Laurent Housing Associates Limited Partnership; and

Whereas, this proposal met all of the requirements set forth by the City and exceeded the minimum bid of \$7,500 for 139 Bartlett and \$30,000 for 155 Bartlett and 116 and 122 Pierce;

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

The City Administrator is hereby authorized to take the necessary steps to accept the offers of St. Laurent Housing Associates Limited Partnership for the purchase of the property at 139 Bartlett in the amount of \$15,500 and the properties at 116 and 122 Pierce and 155 Bartlett for \$45,500.

CITY OF LEWISTON, MAINE

SALE & REUSE OF 139 BARTLETT, 155 BARTLETT, 122 PIERCE AND 116 PIERCE STREETS

RFP #: 2015-002

PROPOSAL DUE DATE: December 23, 2014 @ 4:00 PM

PROPOSAL FORM

TO: Norman Beuparlant, Director of Budget/Purchasing
City of Lewiston
City Hall, 27 Pine Street
Lewiston ME 04240

Dear Sir:

The undersigned hereby declares that he/she has carefully examined the proposed Sale and Reuse of City Owned land items and that he/she proposes and agrees, if the proposal is accepted, to complete the transaction on the item(s) proposed.

ITEM 1:

Location Address	139 Bartlett Street
Price Offered	\$ 15,500. ⁰⁰
Reuse of Property (use separate sheet if applicable)	Please see attached.

ITEM 2:

Location Address	155 Bartlett Street, 122 Pierce Street & 116 Pierce Street
Price Offered	\$ 45,500. ⁰⁰
Reuse of Property (use separate sheet if applicable)	Please see attached.

Bid Deposit Amount: \$ 6,100.⁰⁰ (minimum 10% of the total amount of bid) include appropriate security: Certified Check, Cashier's Check or Bond (personal and business checks not accepted). Sign the proposal form in ink before returning it to the Director of Budget/Purchasing. Please return in a clearly marked sealed envelop with Bid Name and Number on the front.

Item 1: \$ 1,550.00 Item 2: \$ 4,550.00

NOTE: Minimum Bid Item 1: \$7,500
 Minimum Bid Item 2: \$30,000

Minimum security bid deposit: Item 1 \$750; Item 2 \$3,000 and Aggregate \$3,750 in the form of Certified Check, Cashier's Check or Bid Bond only.

The City Council reserves the right to accept or reject any and all proposals.

NAME	St. Laurent Housing Associates Limited Partnership
SIGNATURE	<i>Phyllis T. St. Laurent</i>
PRINTED/TYPED NAME	Phyllis T. St. Laurent
TITLE	General Partner
LEGAL ADDRESS	1180 Lisbon Street Lewiston, ME 04240
MAILING ADDRESS	P.O. Box 11 Lewiston, ME 04240
DATE	Dec. 23, 2014
TELEPHONE #	207-782-1810 / 207-576-9393 (mobile)
FAX #	207-576-0457
E-MAIL ADDRESS	ps-t47@roadrunner.com

Please attach any other supporting materials required by the request for proposal or which you believe would be helpful in the evaluation of your proposal.

St. Laurent Housing Associates Limited Partnership
1180 Lisbon Street P.O. Box 11
Lewiston, ME 04240

December 23, 2014

Mr. Norman Beuparlant
Director of Budget/Purchasing
City of Lewiston
City Hall, 27 Pine Street
Lewiston, ME 04240

Re: RFP #2015-002
Sale & Reuse of 139 Bartlett, 155 Bartlett, 122 Pierce and 116 Pierce Streets

Dear Mr.Beuparlant:

St. Laurent Housing Associates proposes to use 139 Bartlett, 155 Bartlett, 122 Pierce and 116 Pierce Streets to rebuild the 29 units of rental housing owned by the Partnership that were lost to fire in May, 2013. The Partnership currently owns the four lots at 145 and 149 Bartlett Street as well as 110 and 114 Pierce Street, the land that previously held the 29 units know as Pierce Place. Reductions in the residential density in this neighborhood now require the additional land offered in this RFP to meet current zoning requirements.

We intend to reuse the land to provide a housing community that is in keeping with the surrounding neighborhood and that sets an example of good architecture and urban planning. The attached plans show the concept that we will be presenting to the Planning Board if we are successful in obtaining the required land. To compare the proposed redevelopment to what existed on those lots prior to the fire, please note that there were 56 units in the seven buildings containing up to 170 bedrooms. Our proposal reduces this to 29 units with a total of 77 bedrooms. We will also provide a large community room, laundry room and site office. The community space will host events for the entire neighborhood. The final plan will of course be subject to further discussions with and approval by the Planning Board.

St. Laurent Housing Associates has both the technical capacity and the financial capacity to complete the proposed project. The Partnership is working with development consultant Jim Hatch of Developers Collaborative. Mr. Hatch has successfully completed a dozen rental housing projects financed through MaineHousing, including the recent historic renovation of the former Healy Asylum on Ash Street.

Financing for the reconstruction will come from a combination of insurance proceeds from the fire and sources provided by MaineHousing. The Partnership has obtained a Term Sheet for construction financing from Bangor Savings Bank as well as a Letter of Interest for equity investment from Northern New England Housing Investment Fund. These sources are contingent upon obtaining subsidy financing from MaineHousing. Each year MaineHousing holds a competitive financing round for development of affordable rental housing. We have recently been notified that our application is one of those approved by MaineHousing for 2015 funding and we expect to receive a Notice To Proceed from them in January. The details of the various financing commitments are confidential, but can be provided for review if further proof of financial capacity is required.

St. Laurent Housing Associates is prepared to move forward with the redevelopment of the site as soon as an award is made by the City. We will start with formal application to and review by the Planning Board. Once the land use permits are finalized we can proceed with design and development of bid documents. Depending on how long it takes the City to complete the review of proposals, the development could be under construction as early as July, 2015. We anticipate a one-year construction schedule with completion and occupancy in summer of 2016. The property will be back on the tax roles and contributing annual taxes estimated at \$37,000 annually.

The Prospective Purchaser is St. Laurent Housing Associates Limited Partnership. As suggested by the name, this is a limited partnership whose General Partner is Phyllis T. St. Laurent. On behalf of the Prospective Purchaser I certify that I have read and understand all conditions concerning the reuse of the site as outlined in the invitation for proposals, RFP #2015-002, and this proposal is made in accordance with the invitation.

Respectfully submitted,

A handwritten signature in blue ink that reads "Phyllis St. Laurent, G.P." The signature is written in a cursive style.

Phyllis St. Laurent, General Partner



	TOTAL AREA	SF PER DWELLING	IMPERVIOUS
PARCEL A	11,250 SF	1,865 SF	70%
PARCEL B	13,750 SF	1,250 SF	70%
PARCEL C	15,000 SF	1,250 SF	68%

- SITE PLAN 4/ GENERAL NOTES**
1. SETBACKS - 10' AT SIDE AND REAR
NONE AT FRONT
 2. OFF STREET PARKING PROPOSED - 32
 3. TOTAL # OF UNITS - 29
1BR - 3 UNITS
2BR - 9 UNITS
3BR - 12 UNITS
4BR - 5 UNITS
 4. TOTAL SITE AREA = 8 - 50 X 100 LOTS
40,000 SF

Site Plan
1" = 20'-0"

Pierce Place
Lewiston, Maine
St. Laurent Housing Associates
Limited Partnership

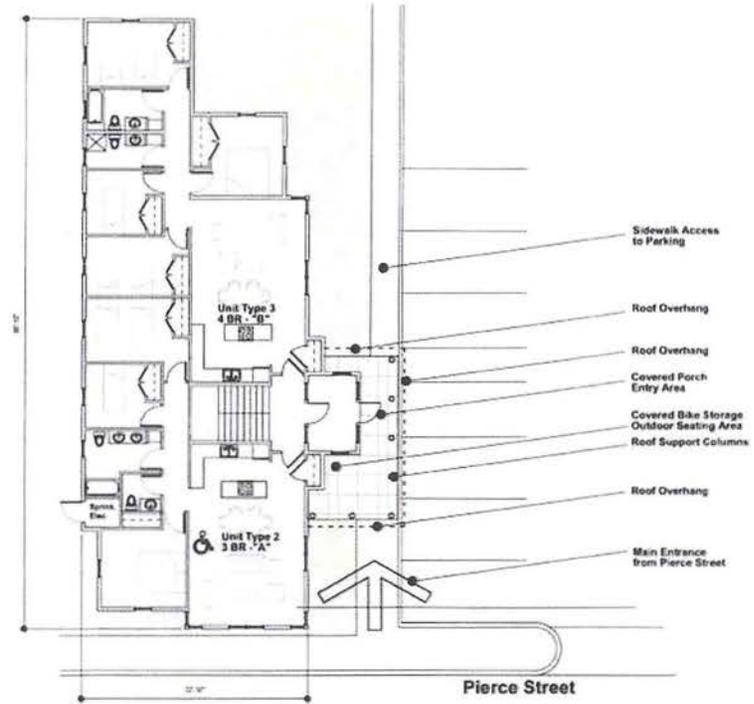
Winton Scott Architects
Conceptual Design Drawings

September 16, 2014

L1.1



Second & Third Floor Plans
1/16" = 1'-0"



Ground Floor Plan
1/16" = 1'-0"

- Sidewalk Access to Parking
- Roof Overhang
- Roof Overhang
- Covered Porch Entry Area
- Covered Bike Storage
- Outdoor Seating Area
- Roof Support Columns
- Roof Overhang
- Main Entrance from Pierce Street

Legend
 "A" - Accessible Dwelling Unit
 "B" - Adaptable Dwelling Unit
 "C" - Not Covered Dwelling Unit

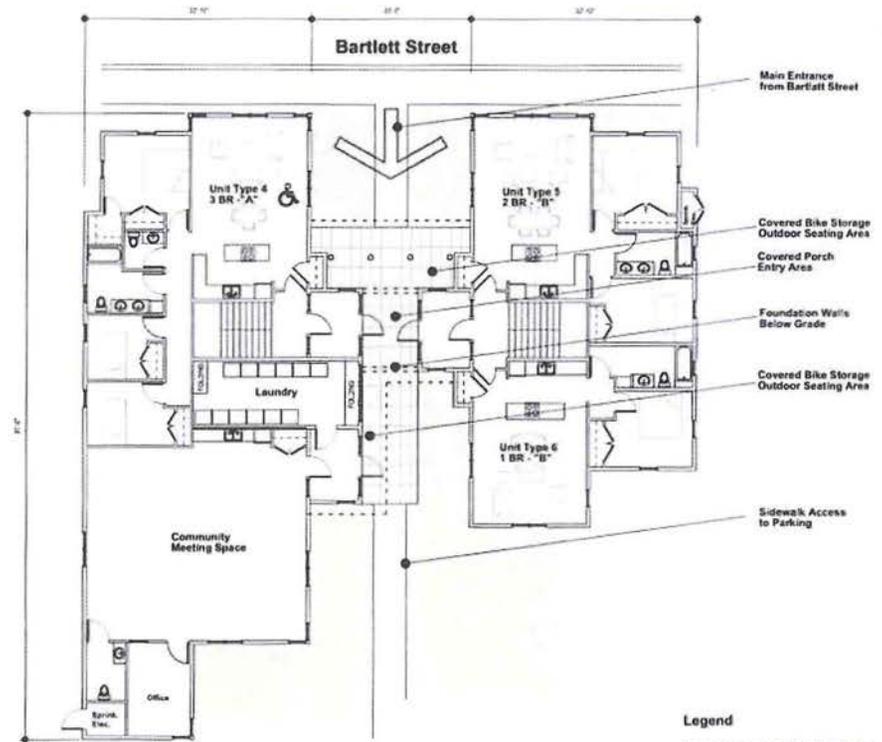
**Building 1
 Floor Plans**
 1/16" = 1'-0"
**Pierce Place
 Lewiston, Maine**
 St. Laurent Housing Associates
 Limited Partnership
 Winton Scott Architects
 Conceptual Design Drawings

September 15, 2014
 October 3, 2014
 October 8, 2014

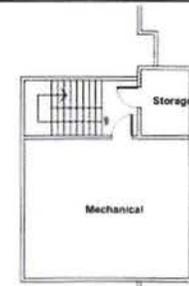
A1.1



Second & Third Floor Plans
1/16" = 1'-0"



Ground Floor Plan
1/16" = 1'-0"



Basement Plan
1/16" = 1'-0"

Legend
 "A" - Accessible Dwelling Unit
 "B" - Adaptable Dwelling Unit
 "C" - Not Covered Dwelling Unit

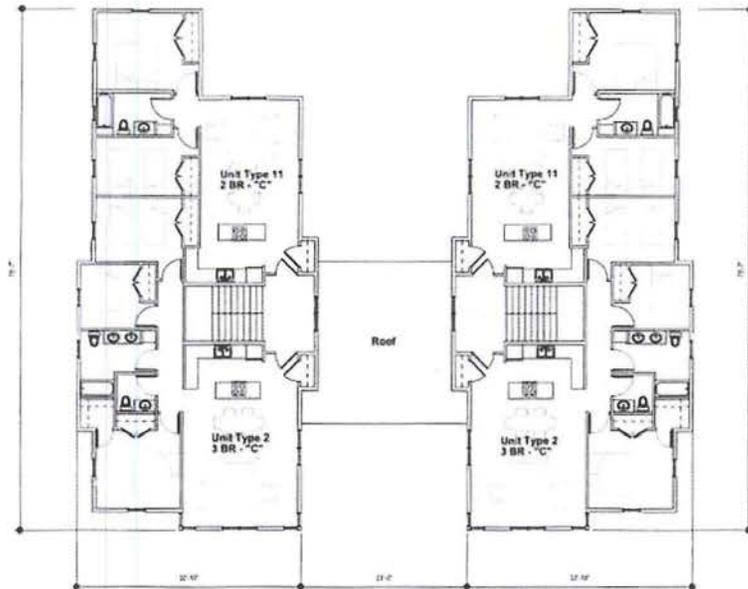
Building 2 Floor Plans
1/16" = 1'-0"

Pierce Place
 Lewiston, Maine
 St. Laurent Housing Associates
 Limited Partnership

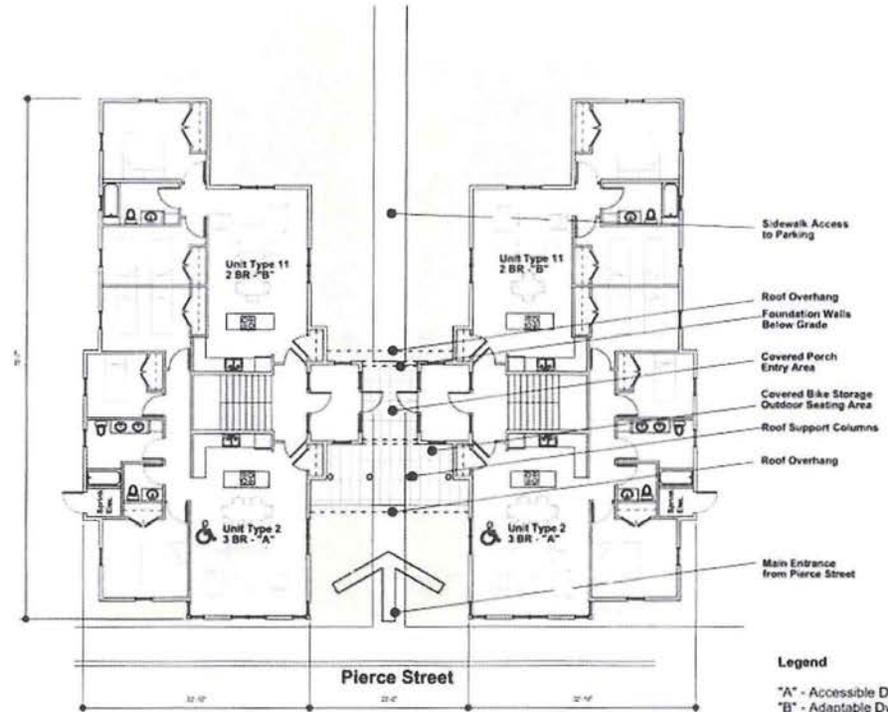
Winton Scott Architects
 Conceptual Design Drawings

September 15, 2014
 October 3, 2014
 October 8, 2014

A1.2



Second & Third Floor Plans
1/16" = 1'-0"



Ground Floor Plan
1/16" = 1'-0"

- Legend**
- "A" - Accessible Dwelling Unit
 - "B" - Adaptable Dwelling Unit
 - "C" - Not Covered Dwelling Unit

**Building 3
Floor Plans**
1/16" = 1'-0"

Pierce Place
Lewiston, Maine
St. Laurent Housing Associates
Limited Partnership

Winton Scott Architects
Conceptual Design Drawings

September 15, 2014
October 3, 2014
October 8, 2014

A1.3



Pierce Street Elevations

1/16" = 1'-0"

Pierce Place
 Lewiston, Maine
 St. Laurent Housing Associates
 Limited Partnership

Winton Scott Architects
 Conceptual Design Drawings

September 15, 2014
 October 3, 2014
 October 8, 2014

A2.1



City of Lewiston
Finance Department

Norman Beauparlant, Director of Budget/Purchasing



RFP 2015-002

Sale & Reuse of 139 Bartlett, 155 Bartlett, 122 Pierce and 116 Pierce Streets

December 5, 2014

Sir/Madam:

Sealed proposals will be received in the office of the Purchasing Agent on **Tuesday, December 23, 2014 until 4:00 p.m.** for the **Sale & Reuse of 139 Bartlett, 155 Bartlett, 122 Pierce and 116 Pierce Streets.**

Special Note: Bid proposal will have two (2) Items:

Item 1: 139 Bartlett Street

Item 2: 155 Bartlett Street, 122 Pierce Street and 116 Pierce Street.

The Lewiston City Council reserves the right to accept or reject any and all proposals.

Please use a clearly marked envelope with "Sale & Reuse of 139 Bartlett, 155 Bartlett, 122 Pierce and 116 Pierce Streets" when submitting your proposal. **Only sealed proposals will be accepted. Faxed proposals will not be considered.**

Sincerely,

Norman J. Beauparlant
Director of Budget/Purchasing

NJB/syt

CITY OF LEWISTON, MAINE

SALE & REUSE OF 139 BARTLETT, 155 BARTLETT, 122 PIERCE AND 116 PIERCE STREETS

RFP #: 2015-002

PROPOSAL DUE DATE: December 23, 2014 @ 4:00 PM

This is an invitation for proposals to purchase and reuse property at 139 Bartlett, 155 Bartlett, 122 Pierce and 116 Pierce Streets owned by the City of Lewiston. The property is being offered for sale and reuse by the City as a means to enhance development in the area.

Background:

The City acquired ownership of the four (4) parcels identified as 139 Bartlett Street, 155 Bartlett Street, 122 Pierce Street and 116 Pierce Street as part of a joint development agreement authorized by the Lewiston City Council. With the joint development agreement no longer in place, the City Council at its meeting of December 2, 2014 has authorized soliciting proposals for the sale and reuse of the parcels (map of parcel locations attached).

SECTION I: GENERAL INSTRUCTIONS

- 1.1 A complete written purchase and reuse proposal shall be submitted to the City of Lewiston, attention of the Director of Budget/Purchasing, City Hall, 27 Pine Street, Lewiston, Maine 04240, not later than **4:00 p.m. on Tuesday, December 23, 2014**. Proposals received after that time and date shall not be accepted.
- 1.2 Interested parties may bid on both Item 1 and Item 2 or may bid on either one of the two (2) items.
- 1.3 The City of Lewiston City Council will review and award or reject proposals within sixty (60) days of their submission.
- 1.4 Each proposal submitted shall be accompanied by a certified check, cashier's check or bond made payable to the City of Lewiston in the amount of **ten (10%) percent** of the total amount offered. The required proposal deposit shall be applied to the purchase price for the successful proposal or shall be returned within ten (10) days of the selection of a proposal. If any proposer fails to abide by his/her proposal, the bid security will be forfeited to the City.
- 1.5 The City has established the following minimum bid on each item as follows:

Item 1: 139 Bartlett Street	\$7,500
Item 2: 155 Bartlett Street, 122 Pierce Street & 116 Pierce Street	\$30,000
- 1.6 Each proposal shall include the legal name of the prospective purchaser and a statement whether the prospective purchaser is a sole proprietor, a partnership, or a corporation. If a corporation, the corporation shall also give the state of incorporation and have a corporate seal affixed.

- 1.7 Each proposal shall be signed by the person or persons legally authorized to bind the prospective purchaser to a contract.
- 1.8 The prospective purchaser, in his/her proposal, shall signify that he/she has read and understands all conditions concerning the reuse of the site, as outlined in this invitation for proposals and that his/her proposal is made in accordance with the invitation.
- 1.9 The prospective purchasers, in submitting the proposal, shall agree and so state in the proposal that no person acting for or employed by the City of Lewiston has a direct or indirect financial interest in the proposal or in any portion of the profits which may be derived therefrom.
- 1.10 No prospective purchaser will be permitted to withdraw a proposal for a period of sixty (60) days. All proposals will remain valid and binding for that period of time.
- 1.11 For questions regarding proposal requirements and to arrange a site visit, contact Norman Beauparlant, Director of Budget/Purchasing at Telephone: (207) 513-3040; Fax (207) 784-2959; or e-mail nbeauparlant@lewistonmaine.gov.
- 1.12 The City of Lewiston reserves the right to select a proposal and sell the subject property based upon its conclusion as to what is in the best interest of the City, taking into consideration the price offered and the intended use of the property. The City Council reserves the right to refuse any and all proposals.

SECTION II: INFORMATION FOR INTERESTED PARTIES

- 2.1 The parcels being offered for sale is described as follows:

Item 1:

Property:	139 Bartlett Street
Approximate Acreage	0.11 acres
Map/Lot	196-128
Zoning	DR (Downtown Residential)
Minimum Bid:	\$7,500

Item 2:

Property:	155 Bartlett St, 122 Pierce St & 116 Pierce St
Approximate Acreage	0.33 acres
Map/Lot	155 Bartlett Street: 196-124 122 Pierce Street: 196-111 116 Pierce Street: 196-110
Zoning	DR (Downtown Residential)
Minimum Bid:	\$30,000 (for the three (3) contiguous properties)

- 2.2 Reuse or redevelopment of property must comply with all applicable City ordinance requirements, including Zoning and Land Use codes.
- 2.3 The proposed reuse for the subject property will be a consideration in judging what the City deems to be the most acceptable proposal.

- 2.4 Closing on all sales transactions will be within 90 days of award unless otherwise requested and approved by the City prior to award of bid.
- 2.5 If prospective purchasers require additional information contact:

Norman Beauparlant, Director of Budget/Purchasing
City Hall, 27 Pine Street
Lewiston, Maine 04240
Tel. #: 207-513-3040
Fax #: 207-784-2959
e-mail: nbeauparlant@lewistonmaine.gov

Questions will be answered or confirmed in writing. Proposers should not rely on any statements, oral or written, which are not made as an addendum to this "Request for Proposals".

SECTION III: CONTENTS OF THE PROPOSAL

- 3.1 The proposal shall contain the price being offered for the purchase of this property and also shall include the proposed use of the parcel being bid.
- 3.2 Submitted proposals shall provide specific details on the proposed reuse of this site. The provision of additional data, exhibits, statements, drawings, etc., is recommended to ensure a total understanding and proper evaluation of each proposal by the City.
- 3.3 The proposal shall include proof of the submitter's financial ability to undertake said proposal and shall include a time line for completion.

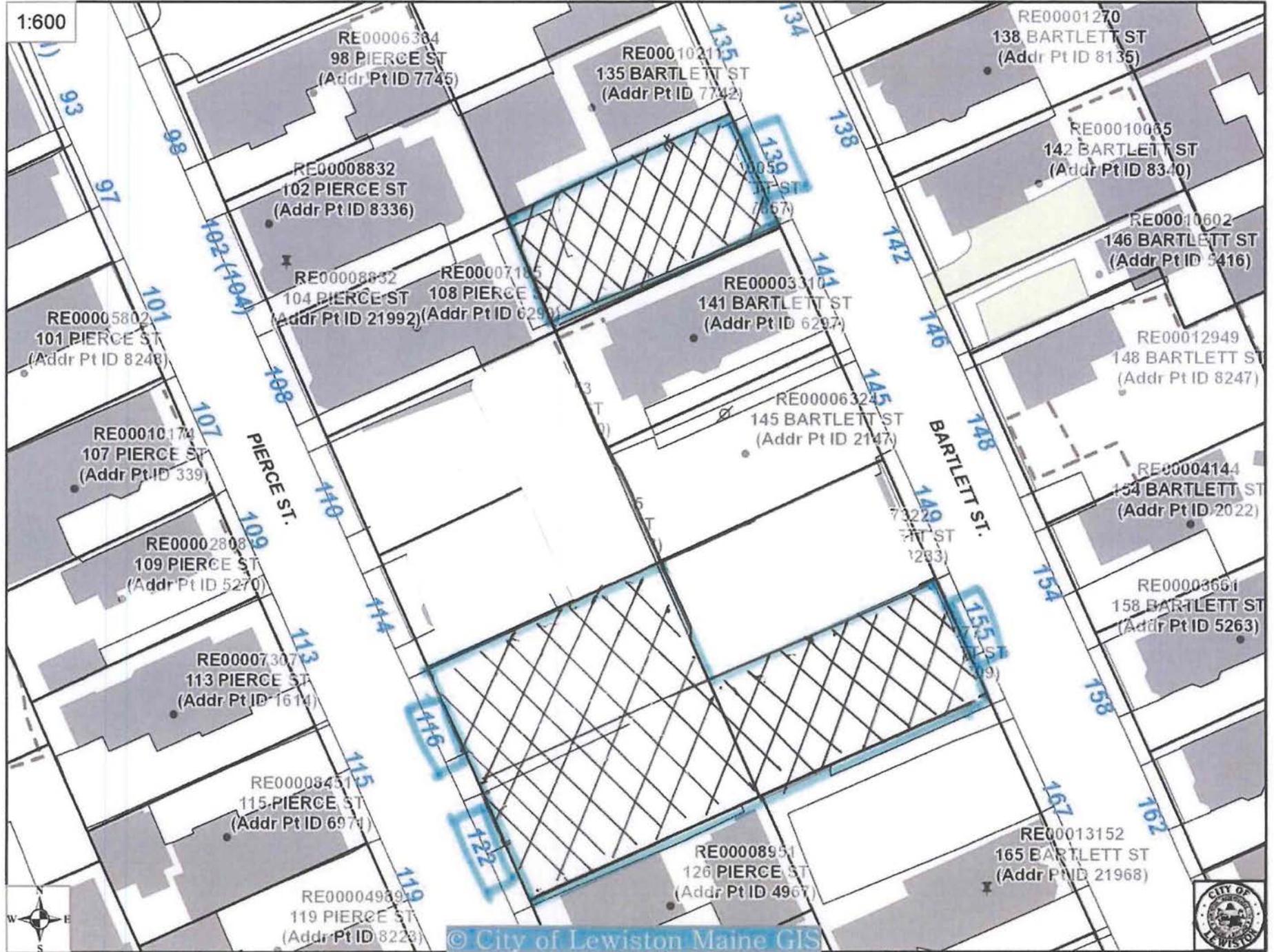
SECTION IV: NEGOTIATION AND EXECUTION OF CONTRACT

- 4.1 Negotiation is intended to result in a contract for the sale and subsequent reuse of the site deemed to be most beneficial to the public and in the best interest of the City.
- 4.2 The contract for the sale and reuse of this site will be executed only after final approval by the Lewiston City Council. The successful bidder will be required to undergo Development Review before the Lewiston Planning Board or Development Review Committee as a condition of conveyance of the property.
- 4.3 **At closing, the City will deliver a Municipal Release Deed with conditions, if applicable, which will cover negotiated requirements. There may also be a covenant which establishes the time period for the project to be completed.**

SECTION V: RESERVATION OF RIGHTS

- 5.1 The City reserves the right to waive or disregard any informality, irregularity or deficiency in any proposal received.
- 5.2 The City reserves the right to accept or reject any or all proposals received.

1:600



RE00006384
98 PIERCE ST
(Addr Pt ID 7745)

RE00010211
135 BARTLETT ST
(Addr Pt ID 7742)

RE00001270
138 BARTLETT ST
(Addr Pt ID 8135)

RE00008832
102 PIERCE ST
(Addr Pt ID 8336)

RE00010035
142 BARTLETT ST
(Addr Pt ID 8340)

RE00008832
104 PIERCE ST
(Addr Pt ID 21992)

RE00007185
108 PIERCE ST
(Addr Pt ID 6299)

RE00003310
141 BARTLETT ST
(Addr Pt ID 6297)

RE00010602
146 BARTLETT ST
(Addr Pt ID 8416)

RE00005802
101 PIERCE ST
(Addr Pt ID 8248)

RE00006324
145 BARTLETT ST
(Addr Pt ID 2147)

RE00012949
148 BARTLETT ST
(Addr Pt ID 8247)

RE00010174
107 PIERCE ST
(Addr Pt ID 339)

BARTLETT ST.

RE00004144
154 BARTLETT ST
(Addr Pt ID 2022)

RE00002808
109 PIERCE ST
(Addr Pt ID 5270)

RE00003661
158 BARTLETT ST
(Addr Pt ID 5263)

RE00007307
113 PIERCE ST
(Addr Pt ID 1614)

RE00008451
115 PIERCE ST
(Addr Pt ID 6974)

RE00008951
126 PIERCE ST
(Addr Pt ID 4967)

RE00013152
165 BARTLETT ST
(Addr Pt ID 21968)

RE00004939
119 PIERCE ST
(Addr Pt ID 8223)



CITY OF LEWISTON, MAINE

SALE & REUSE OF 139 BARTLETT, 155 BARTLETT, 122 PIERCE AND 116 PIERCE STREETS

RFP #: 2015-002

PROPOSAL DUE DATE: December 23, 2014 @ 4:00 PM

PROPOSAL FORM

TO: Norman Beauparlant, Director of Budget/Purchasing
City of Lewiston
City Hall, 27 Pine Street
Lewiston ME 04240

Dear Sir:

The undersigned hereby declares that he/she has carefully examined the proposed Sale and Reuse of City Owned land items and that he/she proposes and agrees, if the proposal is accepted, to complete the transaction on the item(s) proposed.

ITEM 1:

Location Address	139 Bartlett Street
Price Offered	\$
Reuse of Property (use separate sheet if applicable)	

ITEM 2:

Location Address	155 Bartlett Street, 122 Pierce Street & 116 Pierce Street
Price Offered	\$
Reuse of Property (use separate sheet if applicable)	

Bid Deposit Amount: \$ _____ (minimum 10% of the total amount of bid) include appropriate security: Certified Check, Cashier's Check or Bond (personal and business checks not accepted). Sign the proposal form in ink before returning it to the Director of Budget/Purchasing. Please return in a clearly marked sealed envelop with Bid Name and Number on the front.

NOTE: Minimum Bid Item 1: \$7,500
 Minimum Bid Item 2: \$30,000

Minimum security bid deposit: Item 1 \$750; Item 2 \$3,000 and Aggregate \$3,750 in the form of Certified Check, Cashier's Check or Bid Bond only.

The City Council reserves the right to accept or reject any and all proposals.

NAME	
SIGNATURE	
PRINTED/TYPED NAME	
TITLE	
LEGAL ADDRESS	
MAILING ADDRESS	
DATE	
TELEPHONE #	
FAX #	
E-MAIL ADDRESS	

Please attach any other supporting materials required by the request for proposal or which you believe would be helpful in the evaluation of your proposal.

December 5, 2014

Legal Advertisements
Lewiston Sun/Journal/Sunday
Lewiston ME 04240
Fax #: 784-3062

RE: Advertisement

Dear Venise:

Attached please find an advertisement we would like printed in the Saturday, December 6, 2014 edition of your newspaper. Please send me a proof and cost via e-mail.

Please print in one column:

	5 ½ point legal
X	Box Display Ad

Please bill us at the address below, to my attention.

Sincerely,

Norman J. Beuparlant
Director of Budget/Purchasing

NJB/syt

City of Lewiston, Maine

Notice of Advertisement

Sale of Various City Parcels

Bid #: 2015-002

Due Date: Tuesday, December 23, 2014 by 4:00 p.m.

Proposals from interested parties will be received at the Office of the Director of Purchasing until **4:00 p.m., Tuesday, December 23, 2014** for sale of various City parcels.

Proposals will be reviewed by City staff, which will make a recommendation to the City Council on acceptance or rejection.

Maps are included in the bid specifications on the City website at www.lewistonmaine.gov.

Each proposal submitted **must** be accompanied by a certified check, cashier's check or bond made payable to the City of Lewiston in the amount of ten (10%) percent of the total amount offered. Personal or business checks **will not** be accepted. The proposal shall describe in detail the proposed reuse of the site including a time line for implementation of the proposed use.

Proposal documents may be accessed and downloaded from the City web site (above). Bids are posted under the Division of Purchasing Bids and Awards. Questions should be made by e-mail to nbeauparlant@lewistonmaine.gov or telephone to Norman Beauparlant at 207-513-3040.

The City of Lewiston expressly reserves the right to accept or reject any and all proposals.

Item 1: Single Lot

Address	Map/Lot	Zoning	Description
139 Bartlett Street	196-128	DR	Land only

Item 2: 3 Lot Package

Address	Map/Lot	Zoning	Description
155 Bartlett Street	196-124	DR	Land only
122 Pierce Street	196-111	DR	Land only
116 Pierce Street	196-110	DR	Land only

Date: 12/05/14

Norman J. Beauparlant
Director of Budget/Purchasing

**City of Lewiston, Maine
Notice of Advertisement**

Sale of Various City Parcels

Bid #: 2015-002

Due Date: Tuesday, December 23, 2014 by 4:00 p.m.

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The City of Lewiston expressly reserves the right to accept or reject any and all proposals.

Item 1: Single Lot			
Address	Map/Lot	Zoning	Description
139 Bartlett Street	196-128	DR	Land only

Item 2: 3 Lot Package			
Address	Map/Lot	Zoning	Description
155 Bartlett Street	196-124	DR	Land only
122 Pierce Street	196-111	DR	Land only
116 Pierce Street	196-110	DR	Land only

Date: 12/05/14

Norman J. Beauparlant, Director of Budget/Purchasing

\$ 195.98

Bid Name: Sale/Reuse of 139 Bartlett, 155 Bartlett, 122 Pierce & 116 Pierce Streets
Bid Number: 2015-002
Bid Due Date: Tuesday, December 23, 2014 by 4:00 P.M.
Mandatory Pre-Bid: none
Advertised Date: Friday, December 5, 2014
Requesting Dept: Finance
Submittal Location: Lewiston City Hall, Purchasing Dept., 27 Pine Street, Lewiston ME 04240

Contractor	Address	City	State	Zip Code	Telephone	E-Mail
Alijabbari, Ahmad & Mirmoezzi, Mahin	5 St. Tekakwitha Drive	Lewiston	ME	4240		
Arel, Donald & Celine	50 Old Farm Road	Lewiston	ME	04240		
Bluehorizon LLC	533 Turner Street	Auburn	ME	04210		
Carbonneau, Daniel & Ronda	109 Pierce Street	Lewiston	ME	04240		
Dobson, Stanley	280 Presumpscot Street	Portland	ME	04103		
Dufour, Denis & Robin	P O Box 295	McFalls	ME	04256		
Gendell, Michael & Helene	16 Cliff Street	Auburn	ME	04210		
Girsch, Robert & Dawn	29 Belfield	Portland	ME	04103		
Granite Properties LLC	51 Hillsdale Street	Auburn	ME	04210		
Hatch, Jim	248 Lower Round Pond Rd	Bristol	ME	04539	756-5763	jimhatch212@gmail.com
Investment Properties LLC	474 Fort Hill Road	Gorham	ME	04038		
Kilimanjaro LLC	P O Box 256	Auburn	ME	04210		
Kirouac Properties LLC	30 Acadia Avenue	Lewiston	ME	04240		
M J L D Properties LLC	21 Wintergreen Circle	Windham	ME	04062		
Miacomet Private Equity LLC	134 Main Street Ste. 3	Lewiston	ME	04240		
Ryan, Robert	22 Circle Drive	Lewiston	ME	04240		
Six Sigma Property LLC	10 Higgins Lane	So. Portland	ME	04106		
Solis Corporation	P O Box 7065	Lewiston	ME	04243		
St. Laurent Housing	91 Dyer Road	Lewiston	ME	04240	576-9393	
St. Laurent, Phyllis	91 Dyer Road	Lewiston	ME	04240	576-9393	pst47@roadrunner.com
Tremblett, Robert & Claudine	27 Myrtlebank Avenue	Dorchester	MA	02124		

LEWISTON CITY COUNCIL
MEETING OF JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Order authorizing the Finance Director to use \$3,475,000 of the City's Fund Balance to pay off the 2005B Taxable Colisee Bonds.

INFORMATION:

Since it is the City Council's desire to reduce the debt burden placed upon the taxpayers of the City, the Finance Director is recommending the City payoff a bond from 2005 which would result in a cash savings of over \$1,000,000. Please see the memorandum from Finance Director Heather Hunter for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EPB/kmm

REQUESTED ACTION:

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

To approve the Order authorizing the Finance Director to use \$3,475,000 of the City's Fund Balance to pay off the 2005B Taxable Colisee Bonds.



**City of Lewiston Maine
City Council Order
January 6, 2015**



Order, Authorizing the Finance Director to Use \$3,475,000 of the City's Fund Balance to Pay Off the 2005B Taxable Colisee Bonds.

Whereas, at 12.66% of general fund revenues, the City's general fund unassigned balance currently exceeds the Council established policy ceiling of 12%; and

Whereas, April 15, 2014, the City's 2005B Taxable Colisee bonds, which carry a 5.15% interest rate, become callable; and

Whereas, as of that date, the balance on these bonds will be \$3,475,000; and

Whereas, paying off this debt would result in a cash savings of \$1,051,149 and a present value savings of \$2,081,032; and

Whereas, subsequent to the use of unassigned fund balance to pay off this debt, the remaining fund balance of \$9,880,807, or 9.32% of general fund revenues, will continue to exceed the Council established policy floor of 8% by \$1,396,901; and

Whereas, it is the City Council's desire to reduce the debt burden placed upon the taxpayers of the City of Lewiston;

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

the Finance Director is hereby authorized to pay off the 2005B Taxable Colisee Bonds on April 15, 2015 through the use of \$3,475,000 of the City's fund balance.



City of Lewiston Finance Department

Heather A. Hunter, Finance Director



TO: Mayor Macdonald and Members of the City Council
FROM: Heather Hunter, Finance Director
SUBJECT: Colisee Debt Payoff
DATE: December 30, 2014

During your December 16th workshop, I presented the City's general fund financial results as of June 30, 2014 and offered a debt reduction opportunity for your consideration.

To recap the financial results, the City's combined unassigned fund balance is \$13,355,807 broken down between the City's \$13,866,547 and the School's (\$439,682) balance. This amount is 12.66% of general fund's revenues and transfers in, or \$629,948 above the 12% fund balance policy ceiling.

Given the City Council's desire to reduce the debt burden placed on our taxpayers, the City has taken a multi-faceted approach to reach this goal. First, the Council has reduced the debt limitation percentage to 80% of the average amount of annual debt being retired over the previous three fiscal years. Second, a \$50,000 floor has been established for financing projects through debt. A more rapid principal payoff schedule has been adopted, which reduces overall financing costs. Lastly, the Council has authorized a series of debt refundings which have produced a \$6.4 million present value savings.

The 2005B Taxable Colisee bonds become callable on April 15, 2015. The outstanding debt as of June 30, 2014 includes principal totaling \$3,720,000 and \$1,236,623 of interest. Paying this issue in full on the call date will produce a cash savings of \$1,051,149 and a present value savings of \$2,081,032 given the current interest rate environment. FY2016 debt service requirements will be reduced by \$433,224 if this issue is paid off.

If this course of action is authorized, the City's fund balance would decrease by \$3.475 million (a \$245,000 principal payment is already programmed in the current budget), leaving the fund balance coverage at 9.32% or \$1,396,901 above the policy floor.

Although I fully support this action, I must caution you that you will **not** be able to rely on fund balance to support FY2016's budgeted capital expenditures as we have been able to

do over the last two fiscal years. However, should debt be required to fund additional FY2016 capital items, the City will still benefit from the proposed payoff given that the taxable rate for the bonds to be repaid is 5.15% and the estimated tax exempt rate for any new bonds is projected at 2.36%.

Staff recommends that the attached order authorizing paying off the Colisee debt be approved by the City Council.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Resolve authorizing the Transfer of \$3,070,000 of surplus utility bond proceeds.

INFORMATION:

The Finance Director and the Public Works Director are recommending the transfer of funds regarding surplus utility bond proceeds. The projects they are recommending for funding include: Water Storage Tanks, Water Distribution Main Replacement, Combined Sewer Overflow Mater Plan and North Lisbon Road Storm Drain. Please refer to the Finance Director's memorandum for an outline of this recommendation.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve authorizing the Transfer of \$3,070,000 of surplus utility bond proceeds.



**City of Lewiston Maine
City Council Order
January 6, 2015**

RESOLVE, Authorizing the Transfer of \$3,070,000 of Surplus Utility Bond Proceeds.

WHEREAS, LA Water Treatment Program proceeds totaling \$1,480,000 and LA Water Storage proceeds totaling \$90,000 have been determined to be surplus due to the indefinite deferral of the algaecide treatment of Lake Auburn; and

WHEREAS, the Jepson Brook Drainage sewer and stormwater project produced surplus proceeds of \$550,000 for each utility due to the highly competitive bids received; and

WHEREAS, the State's delay in approving the next phase of the Hart Brook Water Quality stormwater project has jeopardized the City's ability to comply with the Internal Revenue Service's arbitrage spend-down requirements on the funds borrowed for this purpose; and

WHEREAS, reprogramming these bond proceeds will reduce the amount of utility borrowing required for FY16; and

WHEREAS, reprogramming will also simplify the task of developing and presenting the FY16 Lewiston Capital Improvement Program and ensure that projects are not inadvertently included in bond authorizations for several different years;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON that there is hereby transferred: \$1,570,000 in surplus water bond proceeds to fund a water storage project in the amount of \$212,000 and various distribution main replacement projects in the amount of \$1,358,000; \$550,000 in surplus sewer bond proceeds to fund \$500,000 in CSO sewer separation projects and the CSO 15 Year Master Plan totaling \$50,000; and \$950,000 in surplus stormwater bond proceeds to fund \$500,000 in CSO sewer separation projects, the CSO 15 Year Master Plan totaling \$50,000, and the \$400,000 North Lisbon Road Storm Drain project.



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: **Project Budget Transfer Request**
DATE: December 30, 2014

In preparation for the FY2016 Lewiston Capital Improvement Program (LCIP) presentation on January 13th, Dave Jones and I reviewed all of the available utility fund bond proceeds for potential reprogramming. Such reprogramming is sometimes necessary to ensure that the City meets IRS spend down requirements. It also allows us to reduce the level of future borrowing by using unspent proceeds from previous bonds. In total, \$3,070,000 was identified as available for reprogramming.

The following transfers are recommended:

Fund & Year	From	Amount
Water-2014	LA Water Treatment	250,000
Water-2015	LA Water Treatment	1,230,000
Water-2015	LA Water Storage	90,000
Sewer-2014	Jepson Brook Drainage	550,000
SWater-2014	Jepson Brook Drainage	550,000
SWater-2015	Hart Brook Water Quality	400,000
	Total	3,070,000
	To	Amount
	Water Storage Tanks	212,000
	Distribution Main Replace.	38,000
	Distribution Main Replace.	1,320,000
	CSO Separation	500,000
	CSO 15 Year Master Plan	50,000
	CSO Separation	500,000
	CSO 15 Year Master Plan	50,000
	N. Lisbon Rd. Storm Drain	400,000
	Total	3,070,000

The approved emergency algaecide treatment at Lake Auburn (LA Water Treatment and LA Water Storage) was not needed given the positive condition of Lake Auburn this past year. These surplus proceeds are available to fund the proposed FY2016 water storage tank and distribution main replacement projects. (See below for an explanation of projects.) Approving this transfer will significantly minimize the need to issue water bonds in FY2016. To avoid authorizing and issuing bonds on an emergency basis for potential future critical Lake Auburn emergency response projects, we will be requesting that you once again authorize such a project in FY16 but that we not actually issue bonds for it until and unless it is deemed necessary.

The Jepson Brook Drainage sewer and stormwater projects were completed significantly under budget due to extremely competitive construction bids. We are requesting that the surplus funds be reprogrammed to complete projects that would otherwise be part of the FY2016 LCIP funding. This includes various combined sewer separation projects and the EPA/DEP required CSO 15 year master plan. Again, this will minimize the need to bond both sewer and stormwater projects.

Given delays in the State approval process for the various phases of the Hart Brook Water Quality Project, we are requesting these FY2015 funds be transferred to the North Lisbon Road Storm Drain Project. This will allow the City to comply with the IRS arbitrage spend-down requirements. The Hart Brook Water Quality Project will be included again with the FY2016 LCIP requests.

Reprogramming these funds in advance of considering the FY16 capital plan will eliminate any potential for confusion or double funding of projects and will simplify staff's work on both the LCIP and the annual bond authorization.

Dave Jones and I would be happy to address any questions or concerns you may have about these transfer requests.

PROJECT DESCRIPTIONS

Water Storage Tanks

This will install water mixers in each of the Webber Avenue water storage tanks (\$64,000 per tank) and externally clean and paint the dome of each tank (\$42,000 each).

Since installation of the in-tank water mixers in the Ferry Road storage tanks, we have experienced better chlorine residuals inside the tanks with better water quality results. We have observed little ice formation during the winter, which cause scour and damage to the interior concrete walls of the tanks. The mixers have decreased cleaning and flushing costs required to maintain tank operation during the warmer summer months.

Water Distribution Main Replacement

These projects are part of a master plan to upgrade and reinforce the City's water system which calls for spending about \$1.7 million per year on main replacement. Projects have been prioritized and scheduled. The program improves water quality, increases fire flows, reduces

pumping costs, allows more flow to areas experiencing economic development, and provides continued reinforcement for night time refill of storage facilities. This is critical for meeting the revised Disinfectants By-Products Rule and other Safe Drinking Water Act amendments that were promulgated in April of 2006. Additionally, it will eliminate dead end bleeders and mitigate taste and odor problems associated with unlined cast iron pipes and use of chloramines as part of the disinfection program.

Combined Sewer Overflow Master Plan

The City will soon be completing its initial 15 year combined sewer overflow master plan. EPA/DEP will require that a new plan be developed and implemented over the next fifteen years. This project will fund the initial necessary consultant work on such a plan.

North Lisbon Road Storm Drain

While investigating the drainage system in this area for the Gould Street Storm Drain project (FY 2014 LCIP), we discovered that the existing 36" storm drain located in the vacant lot at 1811 Lisbon St. had completely failed. Large sinkholes have developed in the vacant lot due to the failed system and the existing outfall from the 36" system no longer functions. Because this system has failed, storm water entering the culvert at 1 North Lisbon Road backs up and has recently caused the road to over top and wash out. This project will abandon the failing system (currently located on private property) and will install a new storm drain in North Lisbon Road beginning at the North Lisbon road culvert and continuing across Lisbon St to an existing junction box that will be replaced as part of the FY2014 Gould Road Storm Drain project.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Annual Appointments to various city boards and committees.

INFORMATION:

Every year, there are various appointments to the city boards and committees that need to occur. Mayor Macdonald has made his appointments and these will be announced at the Council meeting.

Appointments to the 911 Committee, Airport Board of Directors, Lake Auburn Watershed and Library Board require a confirmation vote by the Council. The Mayor has made his nominations for these openings and a vote of the Council is required to confirm these appointments.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Appointments to boards and committees is a policy decision of the Council.

ERB/1/6/15

REQUESTED ACTION:

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- 1) To receive the Mayor's appointments to various Boards and Committees.
- 2) To approve the Mayor's nominations and to appoint:
 - A) City Auditor Heather Hunter to the 911 Committee for a two year term,
 - B) Edouard Plourde to the Auburn/Lewiston Airport Board of Directors for a three year term,
 - C) Joseph Grube to the Lake Auburn Watershed Protection Committee for a three year term, and
 - D) Jennifer Carleton, Edward Walworth and Noel Madore each to a three year term on the Library Board of Trustees.

COMMITTEE APPOINTMENTS – JANUARY 2015

MAYOR'S COMMITTEE APPOINTMENTS

No Council confirmation necessary

Community Forestry Board:

Richard Shea – three year term

Finance Committee:

Paul Robinson – three year term

Historical Preservation Review Board:

John Milo – full member - three year term

Fredda Wolf – full member - three year term

Planning Board:

Sandra Marquis – full member- 5 year term

MAYOR'S NOMINATIONS THAT REQUIRE COUNCIL CONFIRMATION:

911 Committee:

Heather Hunter, Finance Director – 2 year term

Auburn/Lewiston Airport Board of Directors:

Edouard Plourde – three year term

Lake Auburn Watershed Protection Committee:

Joseph Grube – three year term

Library Board of Trustees:

Jennifer Carleton – three year term

Edward Walworth – three year term

Noel Madore – three year term

LEWISTON CITY COUNCIL
MEETING OF JANUARY 6, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT:

Executive Session to discuss Real Estate Negotiations 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/1/6mm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.