

# LEWISTON CITY COUNCIL WORKSHOP AGENDA

**Tuesday, March 10, 2015**

**City Council Chambers**

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

Pledge of Allegiance to the Flag.  
Moment of Silence.

### **WORK SESSION**

1. Presentation by John Holden on Process for Developing a Lewiston-Auburn Economic Development Strategy - 30 minutes
2. Proposed Amendment to Purchasing Policy - 30 minutes
3. Franklin Property Subdivision - 30 minutes
4. Adopting Demolition Protocol as a City Policy - 15 minutes
5. Execution Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
TUESDAY, MARCH 10, 2015  
6:00 P.M.  
CITY COUNCIL CHAMBERS, LEWISTON CITY HALL

1. Presentation by John Holden on Process for Developing a Lewiston-Auburn Economic Development Strategy (30 minutes)

One of the major tasks outlined in the Scope of Work agreement between the cities of Lewiston and Auburn and the Lewiston Auburn Growth Council is the development of a regional economic development strategy. LAEGC plans to kick off this effort later this month, and its president, John Holden, would like to discuss the process and plan for undertaking this effort.

2. Proposed Amendment to Purchasing Policy (30 minutes)

The Finance Committee has completed its review of the City's purchasing policy and is suggesting some changes. A marked up version showing the proposed changes is attached. City staff has reviewed the proposal and has some concerns regarding two of the recommended changes: the composition of selection committees to be used to evaluate responses to proposals for professional services contracts and the procedure to be used to award those contracts. The award provisions conflict with the regulations we must follow when projects involve federal and MDOT funds.

3. Franklin Property Subdivision (30 minutes)

As you are aware, the City and Franklin Property Trust have reached an agreement that will allow certain structures located on Franklin land to be demolished and for building owners to buy the land they currently lease under their buildings. Planning and Code staff have been evaluating how best to proceed with dividing the land for sale to the building owners. Before proceeding, we want to review the recommended approach with you. Please see the attached memo from Gil Arsenault.

4. Adopting Demolition Protocol as a City Policy (15 minutes)

The City has an established protocol which we follow when the City demolishes a property. In addition, Code has developed a guidance document which is provided for private demolitions which includes a combination of code requirements and best practice recommendations. These documents have been developed over time through conversations with interested parties including the Neighborhood Housing League, Community Concepts, and Healthy Androscoggin. Healthy Androscoggin, with whom we have been working closely on the current lead grant, has requested that we consider adopting these guidelines as a formal city policy to provide them with a greater status and ensure that they remain in place should city personnel associated with our demolition program change over time. Copies of the protocol and guidance documents are attached.

5. Executive Session – Economic Development Issue

2



## EXECUTIVE DEPARTMENT

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

March 5, 2015

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: Finance Committee Recommended Revisions to Purchasing Policy

The Finance Committee has completed its review of the City's Purchasing Policy and recommended certain changes. A copy showing the proposed changes is attached.

The Committee recommended few changes to the policy; however, it is recommending significant changes to the process of selecting consultants for professional services including architect, engineer, and other consultant. The specific changes involve the composition of the selection committee and the procedure to be followed in opening bids and awarding contracts. Each of these will be discussed separately below.

### Selection Committee

The current policy (Section 3.5.2) identifies the voting members of the Selection Review Committee as:

- o City Administrator (or designee),
- o City Engineer,
- o Two members of the Finance Committee,
- o Head of the most concerned City Department, and
- o Director of Budget/Purchasing

The Finance Committee is recommending the following:

- o City Administrator (or designee) as non-voting Chair,
- o City Engineer (or designee) to act as non-voting member to provide technical expertise and understanding of the work requirements
- o Two Lewiston residents (may include Lewiston City employees) who are knowledgeable of the subject, but will not be directly involved with the work once awarded,
- o Two Finance Committee members, and
- o One current City Councilor

As I understand it, this change was proposed out of concern that certain city staff might have a conflict of interest when responding firms employ individuals previously employed by the City or due to existing relationships between City staff and individual firms and their employees. Please note that the Council has adopted a Code of Ethics that governs city employees that includes a section on contracts and purposes and which would apply to staff involvement in a selection committee or any element of the purchasing process. A copy of that section is attached below. While two City staff would serve as non-voting members under the Finance Committee recommendation, they would have limited direct say in the selection process. Given the expertise available on City staff (7 licensed engineers), we would

recommend that staff continue to play a full role in the selection of consultant services, including full voting rights on the selection committee, especially since the selection committee is advisory to the Finance Committee which retains the authority to award any contract.

On a more minor point, expanding the size of the Committee and adding two citizens will potentially create scheduling difficulties, both in the initial constitution of the Committee and in arranging meetings. While possible, it will take time to identify two knowledgeable citizens willing to serve. As we have found with the Public Works Committee, conflicting schedules can also make it difficult to arrange meetings.

Finally, I would recommend that the Director of Public Works be substituted for the City Engineer. The Director is in a better position to identify who within his organization has the appropriate expertise to participate in the selection process. We would, therefore, propose the following membership:

- City Administrator (or designee) as Chair,
- Public Works Director (or designee) to provide technical expertise and understanding of the work requirements
- Two Finance Committee members, and
- One current City Councilor

#### Award of Contract for Architect, Engineering, and Consulting Services

The current language of the policy outlines a procedure where the first step is reviewing the qualifications of firms to determine and rank those deemed to be qualified to perform the work. Once the most qualified firm has been selected, the selection committee opens that firm's separately submitted fee statement, reviews it, and negotiates compensation that is fair and reasonable to the City. If agreement cannot be reached, the process moves to the next most qualified firm.

The proposed language in section 3.5.2.2 states: "*Once the adequately qualified firms have been established, the Selection Review Committee shall open the sealed fee statements of the firms deemed to be adequately qualified.*" The proposed language in section 3.5.4 goes on to state: "*Once the Selection Review Committee has selected those firms adequately qualified for a specific project, the Committee shall review the fee statements and make a recommendation to the City Finance Committee for consideration.*"

The proposed language is in conflict with the procedures required for federal and state professional services contracts and risks this funding. As an example, the Federal Highway Administration provides the following requirements for negotiating professional services contracts:

Competitive negotiation (as specified in 23 U.S.C. 112 (b)(2)(A) and 23 CFR 172.5 (a)(1)) is based on qualifications based selection procedures (as specified in 40 U.S.C. 1101-1104 (Brooks Act)) and is the primary method of procurement for engineering and design related services using FAHP funding.

The Brooks Act requires the selection of engineering and design related services on the basis of demonstrated competence and qualifications for the type of professional services required and negotiation of a fair and reasonable compensation. The qualifications based selection procedures prescribed in the Brooks Act require public announcement/advertisement of all

requirements for the desired services (as specified in 40 U.S.C. 1101 and 23 CFR 172.5(a)(1)). The Brooks Act further requires evaluation of current statements of qualifications, performance data, and statements regarding the proposed project or services submitted by prospective consulting engineering firms. Contracting agencies shall then select and rank a minimum of three firms based on demonstrated competence and qualifications in accordance with the established/advertised criteria (as specified in 40 U.S.C. 1103)

Upon completion of the qualifications based evaluation and ranking of proposals, the contracting agency initiates negotiations with the most highly qualified firm to arrive at a fair and reasonable compensation for the solicited services which considers the scope, complexity, professional nature, and estimated value of the services to be rendered (as specified in 40 U.S.C. 1104). If the contracting agency and most highly qualified firm are unable to negotiate a fair and reasonable contract, the agency may formally terminate negotiations and undertake negotiations with the next most qualified firm, continuing the process until an agreement is reached. (underlining added for emphasis)

The Maine DOT Local Project Administration Manual & Reference Guide requires "*Engineering and architectural consultants for federal-aid projects must be chosen based on qualifications, and **not price.***" (The DOT requirements include this bold lettering). The DOT requirements go on to say "*The RFP for contracts of \$25,000 or more must specify that price proposals be submitted separately from technical proposals and sealed. The RFP also must state that price shall not be considered in ranking and evaluation of consultants.*" (The underlining is DOT's.) These requirements go on to indicate that only the price proposal from the highest rated firm be opened and negotiations begin.

This same procedure applies to a wide range of federal agencies and funding sources.

This is the same process the City has been using to select consultants. As a result, we recommend this proposed change to the City's Purchasing Policy not be approved since it would potentially put certain state and federal funding sources at risk.

## EXERPT FROM CITY CODE OF ETHICS

### 4.0 CONTRACTS, PURCHASES AND EMPLOYMENT

4.1 No City employee shall participate directly, by means of deliberation, approval, disapproval, or recommendation, in the purchase of goods or services for the City, or in the award of any contracts with the City, except as permitted under the solicitation provisions in Section 4.3 of this Policy, the City's Purchasing Regulations, and the laws of the State of Maine, where, to his or her knowledge, there is a financial interest, personal interest, or special interest, other than that possessed by the public generally in such purchase or award, or held by:

4.1.1 That individual or a member of his or her immediate family;

4.1.2 A business in which that individual or a member of his or her immediate family serves as an officer, director, trustee, partner, or employee in a supervisory or management position; or

4.1.3 Any other person or business with whom or with which that individual or a member of his or her immediate family does business, is negotiating to do business, or has an arrangement concerning future employment.

December 29, 2014

To: Lewiston City Council

From: Lewiston Finance Committee

Re: City of Lewiston Purchasing Policy

Some months ago, the City Council recommended a review of the city's Purchasing Policy with the goal of addressing a number of concerns voiced from staff, councilors and committee members, while at the same time refining the policy narrative in a manner that would produce a more equitable and less ambiguous document.

Among a myriad of relatively minor adjustments, the committee recommends one rather significant change, as proposed to the Committee by the Finance Director. This change eliminates the Selection Review Committee process for Auditing contract bids. The Finance Committee itself would assume this responsibility, within the clarified guidelines set forth in this revised policy.

The remaining changes address definitions, governance, greater emphasis on budgetary cost and clarifications and/or grammatical adjustments that will assist in the practical application of the policies.

We present to you the working copy (with changes shown for reference) in addition to the final version being submitted for your consideration of approval.

Respectfully,

Michael Marcotte  
Finance Committee Chair

# PURCHASING POLICY

## Proposed Changes 12/15/14

- Sec. 1 **PURCHASING POLICY ESTABLISHED:** In accordance with provisions of the Charter and Code of Ordinances of the City of Lewiston, Maine, the Finance ~~Director~~ **Committee**, with the approval of the City Council, hereby establishes this Purchasing Policy to set forth the duties and responsibilities of the Finance Director or his/her designee and establishes purchasing procedures.
- Sec. 2 **DEFINITIONS:** For the purpose of this policy the following terms, phrases, words and derivations shall have the meaning given herein unless the context in which they are used clearly requires a different meaning.
- 2.1 **PURCHASING:** Purchasing includes purchasing, renting, leasing or otherwise obtaining supplies or services.
- 2.2 **SUPPLIES:** Supplies shall mean and include all supplies, materials and equipment.
- 2.3 **SERVICES:** Services shall mean and include all telephone, gas, water, electrical and power services, laundry and cleaning service, insurance, leases or rentals of all grounds, buildings, offices, space or equipment required by the using agency, or leased or rented by the City to others, the repair or maintenance of equipment or real property owned by, or the responsibility of the City, infrastructure repair, replacement or construction, building construction, building repair or renovation.
- 2.4 **USING AGENCY:** Using agency shall mean any department, division, agency, committee or other unit in the City government, using supplies or procuring services.
- 2.5 **RESPONSIVE:** bid is submitted in the required format and with the appropriate bid security when required by the bid documents.
- 2.6 **RESPONSIBLE BIDDER:** bidder has the ability and resources to perform the work called for in the bid documents. Further defined in Section 3.1.6.1 Lowest Responsible Bidder.
- 2.7 **PUBLIC EXIGENCY:** sudden and unexpected happening requiring immediate attention.
- Sec. 3 **PURCHASING PROCEDURES:** The Finance Director or his/her designee shall be responsible to supervise the purchase or contracting of all supplies and contractual services requisitioned by any City Department or its divisions in accordance with purchasing procedures prescribed herein.
- 3.1 **FORMAL COMPETITIVE BIDS:** All supplies and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed ten thousand dollars (\$10,000), shall be purchased by formal competitive bids from the lowest responsible bidder, after due notice inviting proposals.

## PURCHASING POLICY

### Proposed Changes 12/15/14

- 3.1.1 **PREPARATION:** Preparation of the invitation for bids shall describe the requirements of the City clearly, accurately and completely, but avoiding unnecessarily restrictive specifications or requirements which might unduly limit the number of bidders.
- 3.1.2 **NOTICES:** Notices inviting bids shall be prominently displayed on a public bulletin board in the City building and shall be made available on request to news media. When deemed appropriate, or otherwise required, the Finance Director or his/her designee shall place an advertisement in a local newspaper of general circulation in Lewiston and other newspapers or publications. ~~deemed appropriate.~~
- 3.1.3 **BID DEPOSITS:** Bid bonds will be required on all construction projects when the estimated value of work to be done exceeds \$50,000 or when deemed necessary by the Finance Director or his/her designee or required by federal regulations, and that said bid deposits shall be prescribed in the public notice inviting bids. Bid deposits shall be a minimum of ten (10%) percent for bids under \$500,000. Surety of the unsuccessful bidders shall be returned by the Director after the bid has been awarded. A successful bidder shall forfeit any surety required by the Director upon failure on his/her part to enter into a contract within ten (10) days after the award.
- 3.1.4 **PERFORMANCE AND PAYMENT BONDS:** When the estimated value of work to be done is in excess of \$100,000 or, when deemed necessary by the Finance Director or his/her designee, a 100% performance bond and payment bond will be required and shall be prescribed in the public notice inviting bids or proposals.
- 3.1.5 **BID OPENING PROCEDURE:** ~~Sealed~~ bids shall be submitted ~~sealed~~ to the Director and shall be identified as a bids on the envelope. Openings shall be in public at the time and place stated in the public notices. A record of bids shall be kept by the Director of all bids submitted and such record shall be open to public inspection during regular business hours.
- 3.1.6 **AWARDS OF CONTRACT:** Upon recommendation of the Director, all formal bids shall be awarded by the Finance Committee.
- 3.1.6.1 **LOWEST RESPONSIBLE BIDDER:** Contracts shall be awarded to the lowest responsible bidder. ~~In determining the lowest responsible bidder in addition to price, the following shall be considered~~ In addition to price, the following shall be considered in determining the lowest responsible bidder:
- 1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
  - 2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
  - 3) The character, integrity, reputation, judgement, experience and efficiency of the bidder;
  - 4) The quality of performance of previous contracts or services;

## PURCHASING POLICY

### Proposed Changes 12/15/14

- 5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services;
- 6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services;
- 7) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- 8) The ability of the bidder to provide maintenance and service for the use of the subject of the contract; and
- 9) The number and the scope of conditions attached to the bid.

3.1.6.2 **AWARD TO OTHER THAN LOW BIDDER:** When the award is not given to the lowest bidder, a statement of the reasons for placing the order elsewhere shall be prepared and filed with the papers relating to the transaction.

3.1.6.3 **PREFERENTIAL TREATMENT:** Local vendors shall not be granted preferential treatment except if all bids received are for the same total amount or unit price, quality and service being equal.

3.1.6.4 **TIE BIDS:** If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded first to a local bidder and second to an in-state bidder. If neither of the above applies, the contract shall be awarded to one of the tie bidders by drawing lots in public.

3.1.6.5 **REJECTION OF BIDS:** The Finance Committee, upon recommendation of the Director, shall have the authority to reject any and all bids when bids are deemed non-responsive, token, collusive or otherwise non-acceptable, and such action is in the best interest of the City.

3.2 **EMERGENCIES:** When the public exigency will not permit the delay incident to advertising, the City Administrator, acting with the advice of the Director, may authorize immediate negotiated purchases of supplies or services necessary to protect the best interest of the City. Awards done as emergencies shall be documented and forwarded to the Finance Committee.

3.3 **FORMAL COMPETITIVE BIDS IMPRACTICAL:** Services for which it is impractical or impossible to obtain competition because of the specialized and professional nature of these services, their purchase shall be effected in accordance with the procedures set forth.

3.3.1 **“WAIVER OF COMPETITION”:** may be authorized by the Finance Committee when the services or items are:

- 1) A single source item;
- 2) Must meet compatibility requirements with existing equipment owned by the City or by a contracted third party;
- 3) A specialized service with only one vendor available; or
- 4) A product or service is unique and easily established as one of a kind.

3.3.2 **“DOCUMENTATION”:** The Director will document such waiver in as much detail as possible to show justification for each waiver.

## PURCHASING POLICY

### Proposed Changes 12/15/14

- 3.3.3 "AUTHORIZATION": After review of criteria and of documentation, the Finance Committee may authorize a waiver of competition.
- 3.4 NEGOTIATION PROCEDURES AND POLICIES: Negotiated procurements shall be a competitive basis to the maximum practical extent. Whenever supplies or services are procured by negotiation, price quotation or other evidence of reasonable prices and other vital matters deemed necessary by the Director shall be solicited from the maximum number of qualified sources of supplies or services, consistent with the nature of and requirements for the supplies or services to be purchased, in accordance with the basic policies set forth below.
- 3.4.1 DECENTRALIZED PURCHASES: At the discretion of, and subject to, the review and approval of the Director, department heads or their authorized representatives may effect purchases in amounts not to exceed \$1,000.00. The Director shall issue such rules and regulations and prescribe such forms as he/she deems necessary to control such purchases. He/she may also permit exceeding this monetary limitation in those instances where price, terms, conditions and contractors have been predetermined by his/her establishing open-end (estimated requirement type) contracts.
- 3.4.2 PURCHASING CARD PROGRAM: Upon the recommendation of a department head, and subject to, the review and approval of the Director, department employees may effect purchases using a City of Lewiston purchasing card. The amount of any one purchase shall not exceed \$1,000.00 per transaction. The Director shall issue such rules and regulations and may prescribe such forms as he/she deems necessary to control such purchases. The Purchasing Card shall be used for the sole benefit of the City of Lewiston.
- 3.4.3 PURCHASES - NOT TO EXCEED \$2,000: When the Director or his/her designee considers prices to be fair and reasonable and the total amount of a purchase does not exceed \$2,000, procedures and documentation will be simplified to the maximum degree possible. He/she shall establish such rules of procedure for such purchase as he/she feels necessary to insure against abuse of the public's best interest.
- 3.4.4 PURCHASE - \$2,000 - \$10,000 : Negotiated purchases exceeding \$2,000 but not exceeding \$10,000 in total cost, will be supported by a record of price quotation from at least three (3) competitive sources or adequate explanations justifying the absence of such competition. Such quotation may be obtained in writing, verbally, or by such other means as may be prescribed by the Director or his/her designee as appropriate to the circumstances.
- 3.5 AUDITING, ARCHITECT, ENGINEER AND CONSULTANT SERVICES - POLICY AND PROCEDURES: It is the policy of the City to publicly announce all requirements for such services and to award contracts on the basis of demonstrated competence and qualifications for the type of professional services required, the technical merits of offers and the price for which services are to be rendered.

## PURCHASING POLICY

### Proposed Changes 12/15/14

- 3.5.1 FEES: Sealed fee statements shall be submitted at the same time as the proposal. No municipal contracts shall be awarded wherein the fee is stated as a percentage of the project cost. The preferred method of establishing a fee shall be that of a firm fixed fee. Other methods may, at the discretion of the Finance Committee, be employed if it is impossible to arrive at a firm fixed fee.
- ~~3.5.2 SELECTION: The Director or his/her designee shall request firms engaged in the lawful practice of their profession to submit a statement of qualifications and performance data. If the anticipated fee exceeds \$50,000, this data shall be evaluated by a committee consisting of, at a minimum, the City Administrator or his designee (acting as chairman), City Engineer, two members of the Finance Committee, head of the most concerned City department, and the Director of Budget/Purchasing. The Selection Committee shall conduct discussions with preferably no less than three (3) firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services, and then shall select therefrom, in order of preference whenever possible, no less than three (3) firms deemed to be adequately qualified to provide the services required. Once the order of preference has been established, the Selection Committee shall open the sealed fee statements of the firms deemed to be adequately qualified.~~
- 3.5.2 SELECTION: The Director or his/her designee shall request firms engaged in the lawful practice of their profession to submit a statement of qualification and performance data.
- 3.5.2.1 AUDITING: If the anticipated fee exceeds \$50,000, the data shall be evaluated by the City Finance Committee. The City Finance Committee shall conduct discussions with no less than three (3) firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services, and then shall select therefrom, no less than three (3) firms deemed to be adequately qualified to provide the services required. Once the adequately qualified firms have been established, the City Finance Committee shall open the sealed fee statements of the firms deemed to be adequately qualified.
- 3.5.2.2 ARCHITECT, ENGINEER AND CONSULTANT SERVICES: If the anticipated fee exceeds \$50,000, the data shall be evaluated by a Selection Review Committee consisting of, at a minimum, the City Administrator (or designee) to act as non-voting Chairperson, two (2) Lewiston residents (may include Lewiston City employees) who are knowledgeable of the subject, but will not be directly involved with the work once awarded, two (2) City Finance Committee members and one (1) current City Councilor. The Selection Review Committee shall conduct discussions with no less than three (3) firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services, and then shall select therefrom, no less than three (3) firms deemed to be adequately qualified to provide the services required. Once the adequately qualified firms have been established, the Selection Review Committee shall open the sealed fee statements of the firms deemed to be adequately qualified. Exceptions to the size of the Selection Review Committee must be granted by the Finance Committee. Members of an expanded Selection Review Committee shall be residents of Lewiston and will be assigned by the City Administrator.

## PURCHASING POLICY

### Proposed Changes 12/15/14

- 3.5.3 INSURANCE AND BONDS: All firms selected as being adequately qualified must provide evidence of insurance covering their entire scope of operation for any "error or omissions" resulting from their endeavors. The amounts of such insurance coverage shall be commensurate with the magnitude of the project under consideration and shall be established by the Director. Should timely performance be a matter of importance to the City, the firm selected may be requested to furnish an acceptable performance bond and/or such other form of surety as may be mutually agreed upon to insure adherence to a mutually agreed upon time schedule.
- ~~3.5.4 NEGOTIATION OF FEES: Once the Selection Committee has selected and rated those firms adequately qualified for a specific project and has reviewed the fee statements, the committee shall negotiate a contract with the highest rated firm at compensation which they determine to be fair and reasonable to the City. In making this decision, they shall take into account the estimated value of the services to be rendered, the scope, complexity and professional nature thereof. Should the committee be unable to negotiate a satisfactory contract with the firm considered to be the highest rated at a fee which the committee determines to be fair and reasonable, they will undertake negotiations with the second rated firm. Failing accord with the second firm, they will undertake negotiations with the third rated firm. Should the committee be unable to negotiate a satisfactory contract with any of the rated firms, they shall select and rate additional firms and shall continue negotiations in accordance with this section until an agreement is reached.~~
- 3.5.4 RECOMMENDATION OF CONTRACT FROM SELECTION REVIEW PROCESS: Once the Selection Review Committee has selected those firms adequately qualified for a specific project, the Committee shall review the fee statements and make a recommendation to the City Finance Committee for consideration. The City Finance Committee shall receive all documentation regarding the firms deemed to be adequately qualified for the purpose of making an award. The City Finance Committee, upon recommendation of the Selection Review Committee, shall have the authority to reject any and all bids when bids are deemed non-responsive, token, collusive or otherwise non-acceptable, and such action is in the best interest of the City.
- 3.5.5 SMALL PROJECTS: In those instances wherein the fee does not exceed \$50,000, the procedures outlined in Section 3.5.2.2 (~~selection~~) may be simplified by the Director after consultation with the City Administrator, selecting no less than ~~and rating the three (3) adequately qualified firms~~ for the purpose of making an award ~~with whom he/she may negotiate for a fair and reasonable fee~~. A complete record of the ~~his/her~~ reasons for recommending a firm ~~selecting the qualified firms and the negotiation proceedings~~ shall be part of the record reviewed by the Finance Committee if the contract exceeds \$10,000.
- 3.6 AWARD: All contracts wherein the fee exceeds \$10,000 shall be reviewed and awarded by the Finance Committee.
- 3.7 AMENDMENTS TO CONTRACTS: Amendments to contracts may be authorized by the Finance Committee when it can clearly document that the additional services are part of the original intent of the base contract and are made necessary by changes not known at the time of the base contract.

## PURCHASING POLICY

### Proposed Changes 12/15/14

- 3.8 DISQUALIFICATION OF BIDDERS: The Finance Committee may authorize the disqualification of a bidder/vendor from bidding on City contracts for up to twelve (12) months upon the formal recommendation of the Director and in accordance with procedures set forth.
- 3.8.1 CITY DEPARTMENT OR CONSULTING ENGINEER REQUEST DISQUALIFICATION OF BIDDER/VENDOR: for one or more of the following:
- A) Default on their bid, quotation, contract or purchase order;
  - B) Failure to comply with specification of contract documents;
  - C) Failure to supply the item as required by the specifications.
  - D) Documented history of poor performance.
- \* The Bidder/Vendor shall be notified, in writing, by the Director prior to a recommendation for disqualification being forwarded to the Finance Committee.
- 3.8.2 DISQUALIFIED BIDDER/VENDOR: may apply for reinstatement after period of disqualification has elapsed. The Director of Budget/Purchasing recommends to the Finance Committee on reinstatement of Bidder/Vendor.
- 3.8.3 BIDDER/VENDOR: shall have the right to appeal to the City Council for a reversal or reinstatement.
- 3.9 REQUISITION: Purchases involving the immediate encumbrance of City funds shall be made only on a written/electronic requisition submitted by the department. Purchase of less than ~~\$50.00~~ \$1,000 will not require Purchase Orders.
- 3.9.1 REVISORY POWER IN AGENT: The Director or his/her designee shall examine each requisition and shall have the authority to revise it as to quantity, quality or estimated cost; but revision as to quality shall be only with the concurrence of the using agency or, if agreement cannot be reached, with concurrence of the City Administrator.
- 3.10 APPROPRIATION REQUIRED: No purchase of supplies or services not provided for in the annual appropriation resolve, shall be made unless by specific order of the City Council. Once the purchase has been authorized by the Director or his/her designee. The funds shall be immediately encumbered.
- 3.11 UNAUTHORIZED PURCHASES: Except as herein provided, or as may be specifically authorized by the City Council or the Director, it shall be unlawful for any City employee or official to purchase any supplies or services other than in accordance with these policies.
- 3.12 SALE OF PROPERTY: The Director or his/her designee shall be responsible for the sale of all municipal property (real or personal) which is no longer used or has become obsolete, worn out or scrapped.

**PURCHASING POLICY**  
**Proposed Changes 12/15/14**

- 3.12.1 NOTICE: Department heads of all using agencies shall notify the Director or his/her designee, at such times and in such form as he/she may prescribe, reports of all surplus material available within their respective department.
- 3.12.2 TRANSFER: The Director shall have the authority to transfer surplus property to other using agencies.
- 3.12.3 SALE PROCEDURE: All sales which have an estimated dollar value over \$5,000 shall be sold at a public auction or through formal competitive bids. Sales from \$1,000 to \$5,000 shall be supported by price quotations from three (3) competitive sources or adequate explanation justifying the absence of such competition. Sales estimated at less than \$1,000 shall be conducted in the most economical manner and in the best interest of the City.
- 3.12.4 DONATION: All items which might be donated to another town, municipality or non-profit organization shall require prior approval of the City Council.

**Sec. 4 MISCELLANEOUS PROVISIONS**

- 4.1 GIFTS AND GRATUITIES: Officers and employees of the City are expressly prohibited from accepting from any person, firm, corporation or organization, any rebate or gift that would directly affect the purchase of goods or services for the City. ~~except where given for the use or benefit of the City.~~
- 4.2 COOPERATIVE PURCHASING: The Director or his/her designee shall have the authority to join other units of government (federal, state, county, municipal subdivisions, including quasi-municipal agencies) in cooperative purchasing plans when the best interests of the City would be served thereby and such action is in accordance with and pursuant to law and City Purchasing Policy.

# MEMORANDUM

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

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

RE: Franklin Property Trust, LLC Division of Land

DT: March 5, 2015

On December 16, 2014 Franklin Property Trust, LLC (FT) and the City of Lewiston (City) entered into an agreement regarding the demolition of a number of dangerous buildings located wholly or partly on land owned by FT. In addition to said dangerous buildings, the agreement contained provisions for the subdivision of FT land. The agreement states that at its expense FT shall engage a surveyor and/or other consultants to prepare a plan of subdivision of the land. The plan shall be subject to the approval of the City, which shall not be unreasonably withheld or conditioned. The agreement also states that, 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.

FT has a number of individual lots that contain privately owned residential structures. The owners of the homes lease the land their homes occupy. In that the home owners are deemed to be tenants-at-will, conventional financing for the sale/acquisition and/or for home improvements is unavailable. FT's purpose to subdivide their land is to provide the option to each home owner to purchase the land under and immediately around their homes. It is staff's understanding that there are approximately ninety-three (93) individual residential structures located on FT land. Eighty (80) of which are single-family detached dwellings, ten (10) are two-family dwellings, and three (3) are three-unit multi-family dwellings.

The FT lots at issue are located in the following zoning districts: Mill, Riverfront, Neighborhood Conservation "A", Urban Enterprise, and Community Business. In addition, a number of the lots are located in the Androscoggin River floodway and are also subject to shoreland zoning.

Staff, in consultation with the City Attorney, has determined that the division of FT land into individual house lots does not require subdivision approval as the land was developed with homes prior to the enactment of State Subdivision Law. A subdivision by Maine Law is defined as the division of a tract or parcel of land into three or more lots within any five year period that begins on or after the enactment of subdivision law (i.e.

September 23, 1971). This definition applies whether the division is accomplished by sale, lease, development, buildings, or otherwise. I should note that subdivision law is complex and that there are a number of exemptions to this definition.

Appendix A, Article V. Section 3(c) of the Zoning and Land Use Code, hereinafter referred to as the Code, states that no division of land shall be made whereby any lot created thereby is smaller than the minimum size required for the district in which said lot is located, or has less frontage, setback or yard space than the minimum required. Given this language, the majority of the proposed individual house lots will not satisfy one or more of the minimum required space and bulk requirements (i.e. frontage, setbacks, yards, etc.). Therefore, staff is of the opinion that, in order to satisfy the FT/City agreement, the City needs to amend the Code to allow for the creation of new "lawfully" nonconforming lots. If the Code is amended, most of the proposed new lots will be "lawfully" nonconforming. The lots will be nonconforming as they will not satisfy one or more of the following minimum requirements of the districts where they are located: frontage, setbacks, yards, and related requirements.

Appendix A, Article VI of the Code contains provisions for nonconforming lots, nonconforming uses, etc. Specifically, Article VI Section 3 of the Code contains provisions for nonconforming structures. If a nonconforming structure is damaged or destroyed by fire, flood, lightning, wind, structural failure or any other cause to an extent that equals or exceeds eighty (80) percent of the market value, it may be reconstructed only in conformance with the space and bulk regulations of the district in which it is located. In many cases, given frontage and setback requirements it will likely be impossible to replace a home damaged by eight (80) percent or more. Therefore, any persons planning to make investments to any home on a nonconforming lot should have adequate insurance and understand that, in the event that the home is damaged by eighty (80) percent or more, they will likely not be able to rebuild.

City Planner David Hediger and I have been working with Michael F. Gotto of Stoneybrook Consultants, Inc. who has been retained by FT to prepare a plan to subdivide land owned by FT for the purpose of creating individual house lots. I should note that Mr. Gotto has made clear to staff that, as FT's agent in this matter, he objects to any new amendment or amendments that would result in the creation of nonconforming lots as it makes redevelopment of individual lots more difficult, if not impossible. The Zoning and Land Use Code provides some flexibility for nonconforming lots, structures, and uses; however, any amendment that would result in these lots being conforming conflicts with accepted zoning practice. In addition, it would grant special status to these lots that are not provided to existing nonconforming lots throughout the City. The goal of zoning is to restrict rather than to create any nonconformity.

Given this, we recommend that the properties created when land is sold to building owners be treated as non-conforming (except in those instances where sufficient land is available to meet current code requirements). This will allow the land to be sold without requiring that it be subdivided in accordance with our current ordinance and will eliminate the necessity for Planning Board approval. However, this approach will place

certain restrictions on many of these properties going forward including prohibiting any building expansions that will increase the non-conformity and restricting the buildings from being reconstructed should they be damaged by 80% or more as measured by market value.

At the end of this memorandum I have included case law that addresses nonconformity that you may find interesting.

Mr. Hediger and I will be in attendance at the March 10, 2015 workshop to answer any questions that you may have.

Thank you.

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## **Case Law Regarding Nonconformance**

### **Gradual Elimination**

“The spirit of zoning ordinances is to restrict rather than to increase any nonconforming uses and to secure their gradual elimination. Accordingly, provisions of a zoning regulation for the continuation of such uses should be strictly construed and provisions limiting nonconforming uses should be liberally construed. The right to continue a nonconforming use is not a perpetual easement to make a use of one’s property detrimental to his neighbors and forbidden to them, and nonconforming uses will not be permitted to multiply when they are harmful or improper.” *Lovely v. Zoning Board of Appeals of City of Presque Isle*, 259 A.2d 666 (Me. 1969); *Shackford and Gooch, Inc. v. Town of Kennebunk*, 486 A.2d 102 (Me. 1984); *Total Quality, Inc. v. Town of Scarborough*, 588 A.2d 283 (Me. 1991); *Chase v. Town of Wells*, 574 A.2d 893 (Me. 1990); *Two Lights Lobster Shack v. Town of Cape Elizabeth*, 1998 ME 153, 712 A.2d 1061.

### **Phased Out Within Legislative Standards**

“Nonconforming uses are a thorn in the side of proper zoning and should not be perpetuated any longer than necessary. Nevertheless, the rights of the parties necessitate that this policy be carried out within legislative standards and municipal regulations.” *Lovely, supra*; *Frost v. Lucey*, 231 A.2d 441 (Me. 1967); *Oliver v. City of Rockland*, 1998 ME 88, 710 A.2d 905.

### **Expansion of Nonconforming Use**

Where the original nature and purpose of an existing nonconforming use remain the same, and the nonconforming use is not changed in character, mere increase in the amount or intensity of the nonconforming use within the same area does not constitute an improper expansion or enlargement of a nonconforming use,” where the language of the ordinance prohibits the extension or enlargement of a nonconforming use or the change of that use to a dissimilar use. *Frost, supra*; *Boivin v. Town of Sanford*, 588 A.2d 1197 (Me. 1991); *W.L.H. Management*

*Corp. v. Town of Kittery*, 639 A.2d 108 (Me. 1994); *Turbat Creek Preservation, LLC v. Town of Kennebunkport*, 2000 ME 109, 753 A.2d 489.

An increase in the amount of time that a nonconforming use is conducted does not constitute the expansion or extension of the nonconforming use, in the absence of language in the ordinance to the contrary. *Frost, supra*; *Trudo v. Town of Kennebunkport*, 2008 ME 30, 942 A.2d 689.

### **Expansion of Nonconforming Structure**

“Any significant alteration of a nonconforming structure is an extension or expansion. When an ordinance prohibits enlargement of a nonconforming building, a landowner cannot as a matter of right alter the structure, even if the alteration does not increase the nonconformity.” *Shackford and Gooch, Inc. v. Town of Kennebunk*, 486 A.2d 102 (Me. 1984).

Where a portion of a structure is nonconforming as to setback or height, expanding another portion of the structure to “line it up” or “square it off” constitutes an expansion which increases the nonconformity, absent language in the ordinance to the contrary. *Lewis v. Town of Rockport*, 1998 ME 144, 712 A.2d 1047; *Lewis v. Maine Coast Artists*, 2001 ME 75, 770 A.2d 644.

### **Replacement**

There is no inherent right on the part of a landowner to replace an existing nonconforming structure with a newer one of the same or larger dimensions. That right hinges on whether the ordinance expressly allows it. This is true even where the original building was destroyed by fire or natural disaster. *Inhabitants of Town of Windham v. Sprague*, 219 A.2d 548 (Me. 1966).

The court also has held that when a unit is moved from an existing mobile home park, the park owner doesn’t automatically have a right to bring in a replacement unit without a permit, absent clear language in the ordinance to the contrary. *LaBay v. Town of Paris*, 659 A.2d 263 (Me. 1995).

### **Nonconforming ("Grandfathered") Uses, Structures, and Lots**

Provisions dealing with nonconforming lots, structures and uses must be included in a zoning ordinance in order to avoid constitutional problems. Such provisions commonly are called "grandfather clauses." They typically define a "nonconforming use or structure" as a use or structure which was legally in existence when the ordinance took effect, but which does not conform to one or more requirements of the new ordinance. (The mere issuance of a permit under a prior ordinance generally does not confer "grandfathered" status by itself. *Thomas v. Board of Appeals of City of Bangor*, 381 A.2d 643, 647 (Me. 1978). The use or structure must be in actual existence and have been legal when the new ordinance takes effect in order to be "grandfathered" *Town of Orono v. LaPointe*, 698 A.2d 1059 (Me. 1997). *Nyczepir v. Town of Naples*, 586 A.2d 1254, 1256 (Me. 1991).)

Non-conforming uses and structures generally are allowed to continue and be maintained repaired and improved; however the ordinance usually contains language limiting expansion or replacement. "Nonconforming lots" are generally defined in an ordinance to mean lots which were legal when the ordinance took effect and for which a deed or plan was on record in the Registry of Deeds. Such lots generally do not meet the lot size or frontage requirements or both of the new ordinance. However, the new ordinance generally allows them to be used for certain purposes as long as other requirements can be met. Maine law establishes the following rules relating to nonconforming uses, structures, and lots. These court-made rules must be read in light of the specific language of the nonconforming use or lot provision of a given ordinance in order to determine whether the court decisions cited below apply in your municipality.



**\*Franklin Property Trust Land - Lewiston, Maine**



**Legend**

-  Public Easements
-  Franklin Land
-  Zoning - Conditional
-  Zoning Districts

\*Map has been clipped to extents of all Franklin Property Land within City for clarity.



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Franklin Property Trust Land - Lewiston, Maine  
 Lincoln Steet/Drive Properties  
 Aerial Photo April 2013

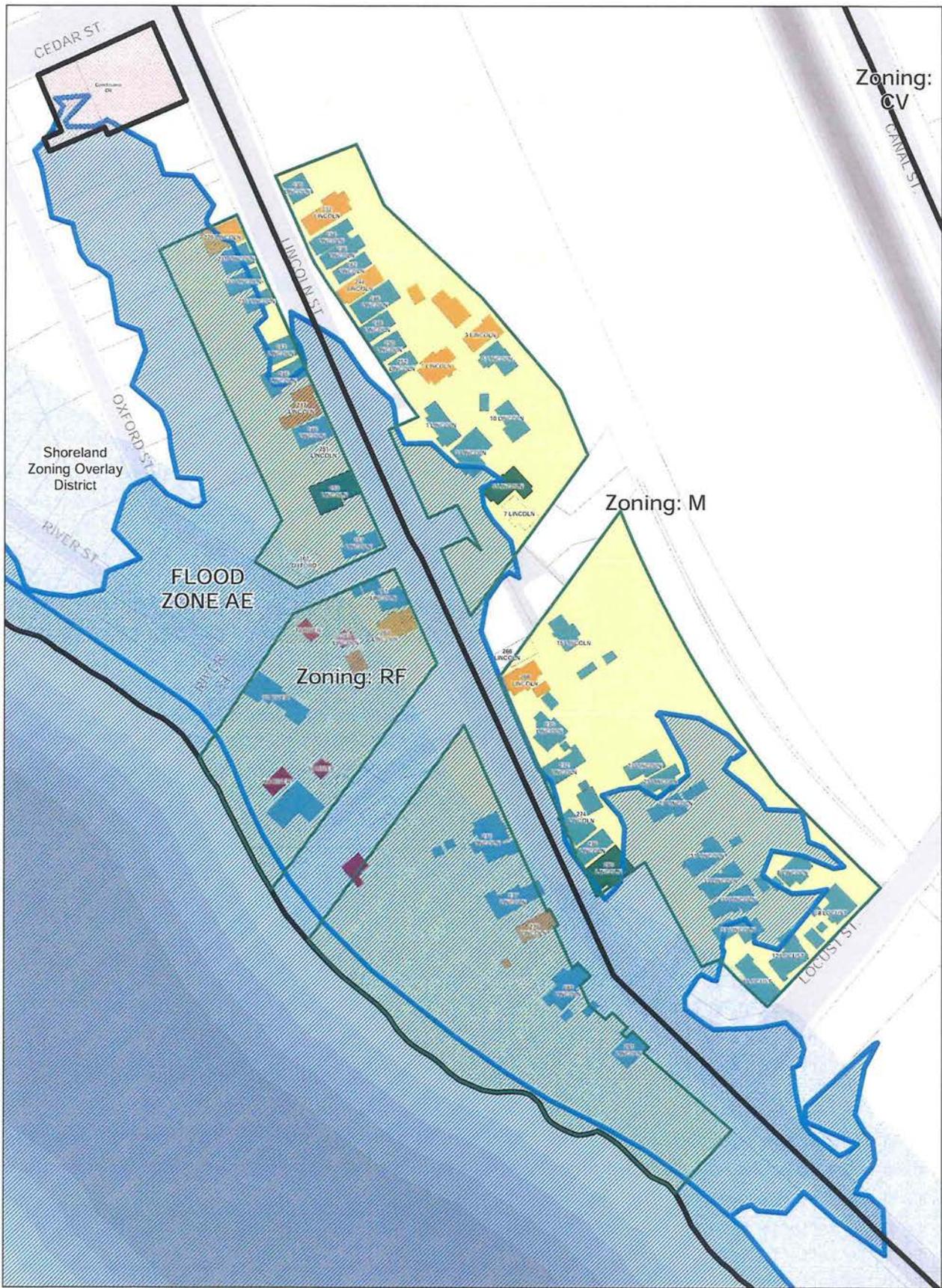
1 inch = 50 feet

Legend

-  Single Family and Accessory Structures on Franklin Property Land
-  Two Family and Accessory Structures on Franklin Property Land
-  Three Family and Accessory Structures on Franklin Property Land
-  Non-Residential Use Buildings on Franklin Property Land
-  Franklin Land



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**Franklin Property Trust Land - Lewiston, Maine**  
**Lincoln Steet/Drive Properties**  
 Zoning Districts and Flood Hazard Areas

1 inch = 50 feet

- Legend**
- Single Family and Accessory Structures on Franklin Property Land
  - Two Family and Accessory Structures on Franklin Property Land
  - Three Family and Accessory Structures on Franklin Property Land
  - Non-Residential Use Buildings on Franklin Property Land
  - Franklin Land
  - Zoning Districts
  - Shoreland Zoning
  - Flood Zones A and AE



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**Franklin Property Trust Land - Lewiston, Maine**  
**Lincoln Steet/Merton Blvd & Sand Hill Road Properties**  
 Aerial Photo April 2013

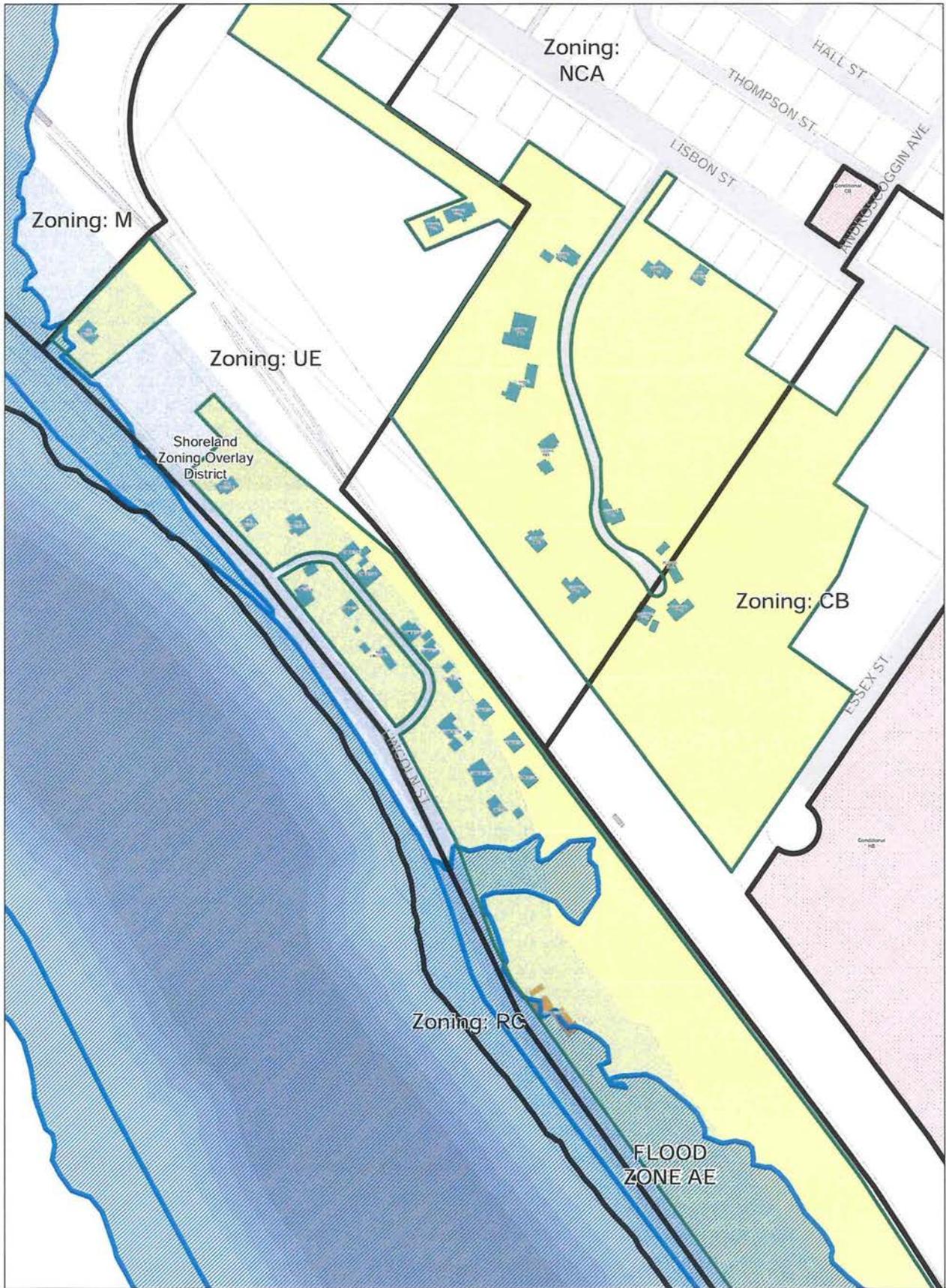
1 inch = 80 feet

**Legend**

-  Single Family and Accessory Structures on Franklin Property Land
-  Two Family and Accessory Structures on Franklin Property Land
-  Three Family and Accessory Structures on Franklin Property Land
-  Non-Residential Use Buildings on Franklin Property Land
-  Franklin Land



© Project & Report by GSI Environmental Services, Inc. 04/2013



**Franklin Property Trust Land - Lewiston, Maine**  
 Lincoln Steet/Merton Blvd & Sand Hill Road Properties  
 Zoning Districts and Flood Hazzard Areas

1 inch = 80 feet

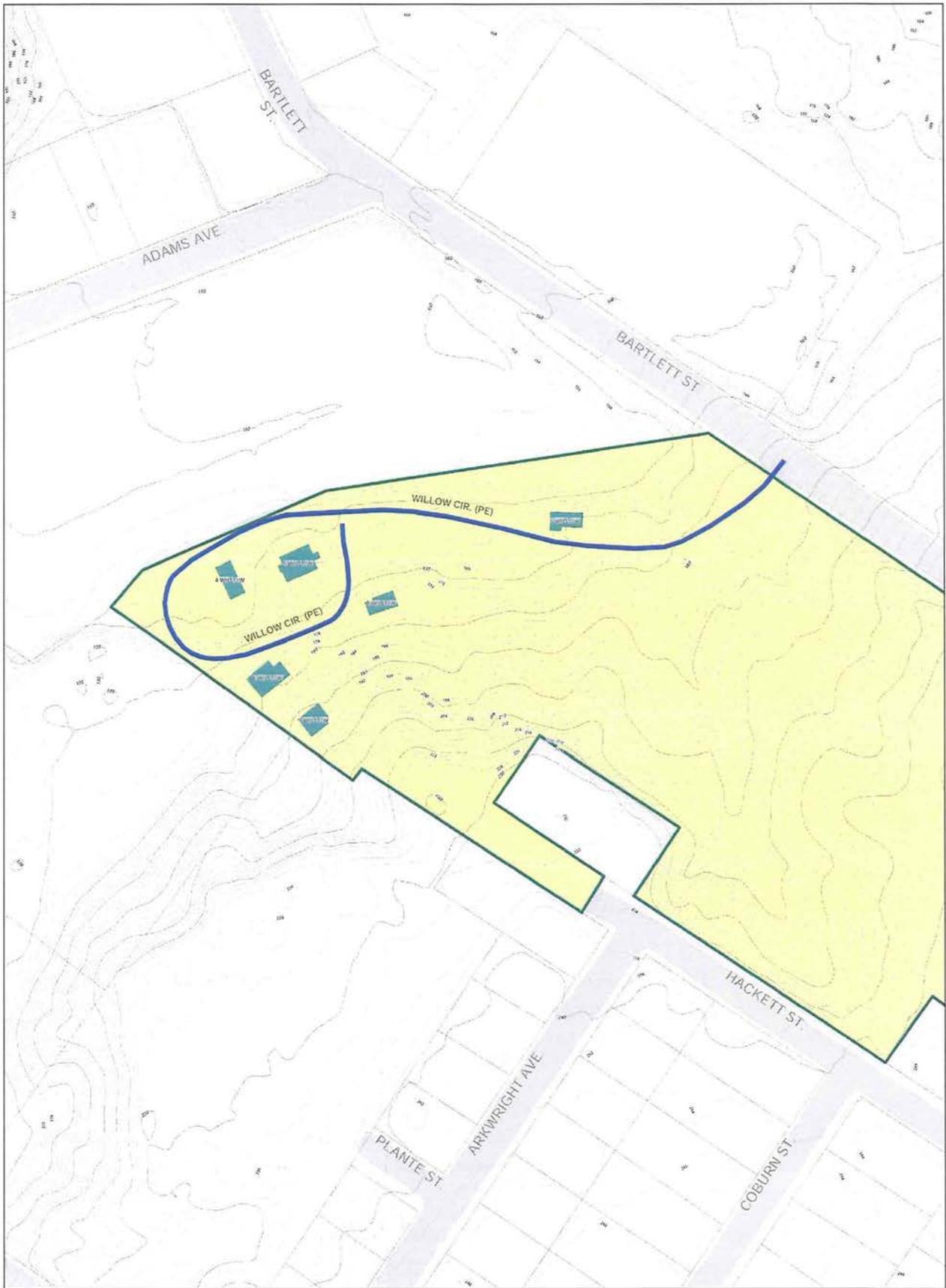
**Legend**

- Single Family and Accessory Structures on Franklin Property Land
- Two Family and Accessory Structures on Franklin Property Land
- Three Family and Accessory Structures on Franklin Property Land
- Non-Residential Use Buildings on Franklin Property Land
- Franklin Land
- Shoreland Zoning
- Zoning Districts
- Flood Zones A and AE



City of Lewiston, Maine





## Franklin Property Trust Land - Lewiston, Maine

### Willow Circle Parcel

#### Building Use and Topographic Map

1 inch = 50 feet

**Legend**

- |  |  |
|--|--|
|  Single Family and Accessory Structures on Franklin Property Land |  Franklin Land    |
|  Two Family and Accessory Structures on Franklin Property Land    |  10' Topo Contour |
|  Three Family and Accessory Structures on Franklin Property Land  |  2' Topo Contour  |
|  Non-Residential Use Buildings on Franklin Property Land          |  Public Easements |



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## Demolition Protocol

### For the City of Lewiston

The following protocol is hereby implemented for projects in the City of Lewiston that involve the demolition of structures to reduce the generation and potential release of lead dust and debris into the adjacent area:

#### Required for Both City and Private Demolitions

All demolitions in the City of Lewiston must comply with the following:

- The owner/contractor shall secure the site prior to demolition.
- Prior to the commencement of demolition activity, the owner/agent shall provide the code enforcement office with the following:
  - A completed demolition permit accompanied by the requisite fee (fee may be waived on municipal projects).
  - Sign-offs for utility disconnects from the natural gas and electric companies and the municipal sewer and water department. Sign-offs from cable and telephone companies are optional.
  - Documentation of hazardous material assessment and abatement in accordance with Maine Department of Environmental Protection regulations.
- The owner/agent shall notify Dig-Safe seventy-two (72) hours prior to initiating any demolition activity.
- Contractors shall follow the procedures for handling and disposing of all regulated materials as required by the State of Maine.
- Demolitions shall comply with all applicable state and federal regulations.
- All demolition and debris will be removed from site in trucks that have the proper covering screens as required by City Ordinance.
- wind and water erosion shall be done in accordance with the following:
  - **302.10.1 Demolition.** On any premises located in the Downtown Residential District, the Neighborhood Conservation "B" District, the Centreville District, and the Riverfront District, the following provisions shall apply to demolition activity commencing on or after March 31, 2014 resulting in vacant premises:
    - Temporary erosion and sediment control measures in keeping with the applicable best management practices as per the above referenced document shall be in place on premises in these districts as necessary during and after the completion of demolition activity.
    - Permanent erosion and sediment control measures shall be in place within thirty days after the completion of demolition activity in these districts and shall be achieved with topsoil spread at a minimum compacted depth of 4 inches in keeping with the applicable best management practices as per the above referenced document.
    - Premises shall be barricaded within thirty days after the completion of demolition with boulders one cubic yard or larger placed around the entire perimeter of the premises at intervals of not less than six feet apart. The purpose for this provision is to discourage the unlawful use of any vacant premises for parking, storage, or related activity; however, such uses may be established subject to permitting.

#### Exceptions:

1. The code official may waive the requirement for the use of topsoil as the permanent soil stabilization method when determined that some other permanent soil stabilization best management practices method would be more appropriate for a given premises. Any such waiver must be requested in writing.

2. The code official may extend the thirty day provision for the installation of topsoil as the permanent soil stabilization method when determined that the redevelopment of the subject premises will likely occur within twelve months after the completion of demolition or when it is impractical due to fall and winter conditions. Any such waiver must be requested in writing.

3. The code official may waive the requirement for the placement of boulders in whole or in part when it can be demonstrated that structures on adjoining premises, topography, existing or proposed permanent fences, or other barriers are of such a nature to achieve the purpose of this section. Any such waiver must be requested in writing.

- **302.10 Erosion and sediment control.** When determined by the code official that soil erosion is occurring or is likely to occur beyond the premises or into a protected natural resource as defined by M.R.S.A, Title 38 § 480-B, erosion and sediment control measures shall be installed in accordance with the Maine Erosion and Sedimentation Control BMPs Pub. No. DEPLW0588, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, (March 2003). Where required, erosion control measures must be maintained until the site is permanently stabilized. Permanent erosion and sediment control measures shall be achieved with topsoil spread at a minimum compacted depth of 4 inches in keeping with the applicable best management practices as per the above referenced document. Lawfully established agricultural fields shall be exempt from this section.

**Exception:**

- The code official may waive the requirement for the use of topsoil as the permanent soil stabilization method when determined that some other permanent soil stabilization best management practices method would be more appropriate for a given premises. Any such waiver must be requested in writing.

**Demolition Practices for City of Lewiston**

All demolition project undertaken by the City of Lewiston must comply with the following:

- Due to the age of the properties being demolished, presume that there is lead-based paint in the property.
- Except in emergency circumstances, the City will notify Neighborhood Housing League (NHL) at least 10 days prior to the commencement of demolition. The NHL shall inform residents, businesses and other organizations within a 300 foot radius of the site of the planned demolition activities. The City will print color flyers describing the precautions that are recommended to be taken to minimize lead exposure. The City will post warning signs on the properties to be demolished during the 10 days prior to demolition and will post signs alerting traffic on the day of demolition.
- The City of Lewiston will provide NHL with brochures regarding its HEPA vacuum program. This program is for anyone interested in using the HEPA vacuum to minimize dust exposure following demolition.
- The Contractor shall maintain control of the site from the start of demolition until completion. If equipment or debris is left on the demolition site overnight, the Contractor will be responsible to secure the site and prevent entry.
- The State of Maine requirements for handling and disposing of regulated materials will be provided to the Contractor when the bid is awarded and the contract for demolition signed.
- Buildings shall be demolished in as safe and orderly way as possible. Neighboring properties must be policed every day for any demolition debris.
- During the course of the demolition project, when temperatures are above freezing the contractor shall practice dust control by wetting down the building and its debris during the active part of the demolition and loading the debris onto the transport vehicle.

- Temperature and other weather conditions shall be given consideration when scheduling demolitions during the winter months.
- The contractor shall prevent the accumulation of mud and fill material on streets and sidewalks from erosion and vehicles exiting the site.
- The Contractor shall establish direct routes to final disposal site(s) to minimize impact on residential areas.
- Demolition sites shall be loamed, seeded and mulched when directed by the City after consideration of the planned future use. Outside of the four zoning districts previously mentioned, barricading of the site shall be left to the discretion of the City on a case-by-case basis.

#### Recommended Demolition Practices for Privately Owned Property

The following best practices are recommended for all projects in the City of Lewiston that involve the demolition of privately owned structures to reduce the generation and potential release of lead dust and debris into the adjacent area:

- Presume due to the age of the properties being demolished that there is lead based paint in the property.
- Ten (10) days prior to the commencement of demolition, the owner should place signs on the property being demolished that identifies the date and time of demolition.
- The Contractor should maintain control of the site from the start of demolition until completion. If equipment or debris is left on the demolition site overnight, the Contractor should secure the site and prevent entry
- The City of Lewiston will provide the private owner with brochures regarding its HEPA vacuum program. This program is for anyone interested in using the HEPA vacuum to minimize dust exposure following demolition.
- Buildings should be demolished in as safe and orderly way as possible and in compliance with all state and federal regulations. Neighboring properties should be policed every day for any demolition debris.
- During the course of the demolition project, when temperatures are above freezing the contractor should practice dust control by wetting down the building and its debris during the active part of the demolition and while loading the debris onto the transport vehicle.
- Temperature and other weather conditions should be given consideration when scheduling demolitions during the winter months.
- Contractor should establish direct routes to final disposal site(s) to minimize impact on residential areas.

# LEWISTON CITY COUNCIL

MEETING OF MARCH 10, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

## SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue 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:

State statutes define the purposes for entering into an executive session.

*EA13/kmm*

## 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 an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.