

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
MAY 5, 2015**

5:30 p.m. Workshop:

- A) Androscoggin County Charter Amendments - 30 minutes**
- B) Budget Workshop - Review of LCIP items - 45 minutes**

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Proclamation - Bike to Work Day

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 3.

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. Approval of the Election Warrant calling for a Special Municipal Election to be held on Tuesday, May 12, 2015 for the School Budget Validation Referendum and Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct said election.
- * 2. Resolve Directing the City Administrator to take the necessary actions to accept the donation of property located at 986 Sabattus Street Rear.

REGULAR BUSINESS:

- 3. Public Hearing on a new liquor license application for Avant-Garde Maine, 186 Lisbon Street.
- 4. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Little Joe's Bar & Grill, 740 Sabattus Street.
- 5. Public Hearing on the renewal of a Special Amusement Permit for Live Entertainment for the Gridiron Restaurant, 1567 Lisbon Street.
- 6. Public Hearing and Final Passage regarding an amendment to the Parks & Recreation Ordinance to incorporate the new Riverside Greenway as a recognized city park.
- 7. Public Hearing and Adoption of the Resolve approving the Federal FY2015 Community Development Block Grant(CDBG) Action Plan Budget for submittal to the U.S. Department of Housing and Urban Development (HUD).
- 8. Final Budget Public Hearing for the Fiscal Year 2016 Municipal Budget.
- 9. Resolve Approving the FY16 Budget for the Lewiston School Department.
- 10. Resolve Approving the Final Adjustment to the Fiscal Year 2016 Municipal Budget.
- 11. Adoption of Municipal Budget Appropriation Resolve for Fiscal Year 2016.

12. Order Authorizing the City Administrator to provide city services and funding for City Non-Profit Organization Activities in accordance with the FY2016 City Council approved list.
13. Resolve Authorizing the Use of \$2,500 from the Farrar Fund for expenses related to basic necessary services for needy individuals.
14. Amendment of the Special Events Policy regarding city sponsored events.
15. Resolve Stating the Position of the Lewiston City Council and the Lewiston School Committee on certain proposals included in the Governor's Proposed State Budget.
16. Resolve Adding an Additional Section to the City and School Committee Resolve on the Proposed State Budget.
17. Reports and Updates.
18. Any other City Business Councilors or others may have relating to Lewiston City Government.

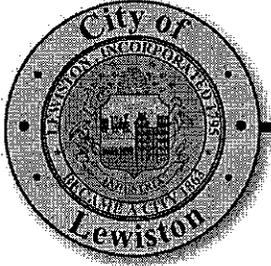
LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, MAY 5, 2015
5:30 P.M.
CITY COUNCIL CHAMBERS, LEWISTON CITY HALL

1. County Charter Issues – 30 minutes

The County Commissioners have scheduled a public hearing on a proposed amendment to the County charter dealing with salaries of elected officials. This has been a controversial issue since the County Budget Committee completed its work last December. Please see the attached memo discussing the proposed amendment, an alternative to it, and a separate suggested amendment addressing the authority of the budget committee. Also attached is a prior memo outlining some of the history and background to these issues.

2. Budget Workshop – Review of Capital Items – 45 minutes

At the last budget workshop, the Council reviewed various recommendations regarding capital items to be funded either through an appropriation from fund balance or our next bond authorization. This will allow us to continue and hopefully finalize those discussions.



EXECUTIVE DEPARTMENT

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

April 30, 2015

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

The County Commissioners will be holding a public hearing on May 6th on a proposed amendment to the County Charter dealing with compensation of public officials. The proposed amendment is:

"3.7 COMPENSATION

Salaries and benefits of all County elected officials shall be recommended by the Board and approved by a majority plus one vote of the full Budget Committee. Said salary shall constitute full compensation for all services. Notwithstanding the final authority of the Board of Commissioners over the adoption of the County budget under Section 5.5.4, no increase in the salaries of elected officials is effective without the approval of a majority plus one vote of the full Budget Committee. Reimbursement for reasonable expenses incurred in performance of the officials' duties may be allowed upon formal review and approval by the Board."

This approach may be workable. While it won't address the controversy from this budget cycle, it would require the Budget Committee to approve any increase in salaries of elected officials in the future, so the key issue of being able to raise one's own salary during a term in office is addressed. Note, however, that the proposed amendment no longer includes benefits. That may be a problem for some given the past history of the benefit issue.

THOUGHTS ON PROPOSED AMENDMENT

At the same time, there is an argument that this amendment is unnecessary because the Charter, as written, already gives the Budget Committee the authority to approve salaries and benefits. The argument made by the County's legal advisor that it does not appear to be based on the argument that the Commission's final authority over the budget (resulting from the Legislature's amendment of the Charter approved by the voters) over-rides the plain language of Section 3.7 – in effect, that the authority to budget encompasses the authority to set salaries, so the budget prevails. I believe this to be incorrect. The authority to set salaries stands alone and is not governed by the budget; rather, the budget is governed by the salaries that are approved.

Several examples from other settings might show this more clearly.

In Lewiston, the Council can vote to increase its members' salaries; however, that increase only takes effect after the next Council election. Hypothetically, a new Council could take office on January 1, 2016 and immediately vote to increase Council compensation. They could then budget for this increase in the budget that goes into effect on July 1, 2016. However, even if the increase is

budgeted, they cannot receive it because the charter specifies how their compensation is set. Alternatively, they could vote to increase salaries and fail to adjust the budget for the increase in the year it would take effect – i.e., following the next municipal election – and the newly elected Council would still receive the increase because it would be legally required by the charter.

This is even clearer in municipalities where a referendum is required to increase Council compensation. In those instances, the voters, in effect, take on the role of the County Budget Committee. If they do not agree to the increase, it doesn't happen, **EVEN IF THE MONEY IS BUDGETED FOR IT**. If they do increase the compensation, it does happen, **EVEN IF THE MONEY IS NOT BUDGETED**.

Another: If the Council approves a labor contract that increases wages for the unit, those wages get paid, even if not budgeted, and the overage must be covered by reductions elsewhere in the budget or by reducing the number of positions in the bargaining unit.

Anyway, point made. In my opinion, the authority to set salaries is separate and distinct from the authority to adopt a budget. As things currently stand, however, the only way to settle this disagreement is most likely through bringing a court action or through a legislative amendment to the Charter.

The specifics of this proposal may also be problematic. Its underlying premise is that the Board has and should have final authority over the adoption of the County budget. This seems to prejudge the on-going argument over that issue. Accepting the proposed language would appear to undercut the position that some in the municipal community have taken as to the intent of the charter commission that the budget committee be able to adjust budget line-items with an 11 vote majority and the implications of state law which says that even if a County adopts a charter, the Budget Committee must retain final budget approval.

Second, the wording is unnecessarily complex and could lead to confusion. Since the only authority the Budget Committee would have is to approve increases in salaries, why leave in the "Salaries and benefits of all County officials shall be recommended by the Board and approved by a majority plus one vote of the full budget Committee." This continues to imply some larger authority. Also, what is "a majority plus one"? As I read it, a majority (*the greater part or number; the number larger than half the total*) of a 14 member committee is 8, so a majority plus one is 9. I'm not sure I've ever seen such language in a foundational document, and it could lead to confusion.

PROPOSED SIMPLIFIED AMENDMENT

A simple version that avoids all of these issues might be:

"Notwithstanding any other provision of this charter, no adjustment to the salaries of all County elected officials shall become effective without the approval of a majority of the full budget committee. Said salary shall constitute full compensation for all services. Reimbursement for reasonable expenses incurred in performance of the officials' duties may be allowed upon formal review and approval by the Board."

Note that the underlined language, while not necessary in my opinion, clearly takes care of the argument that budget authority trumps salary setting authority.

By removing the specific reference to 5.5.4 in the proposed amendment, the presumption of the Commission's final budget authority is also removed, recognizing that there may be an effort to modify that section of the charter as well.

BUDGET COMMITTEE AUTHORITY

As noted above, the Commissioners propose to address only one of the two concerns that have been raised during the controversy over this year's county budget adoption process. The second concern is the authority of the budget committee over the budget. I remain of the opinion that the intent of the majority of the charter commission was that the Budget Committee, when acting with an 11 vote majority, would have final line item say and that this was the language of the posted charter which was approved by the voters. As a result, the legislative action that changed the budget committee into a solely advisory body constituted a substantive change that went beyond the stated intent of introducing only amendments either reflecting the intent of the Charter Commission or required to address practical issues necessary for implementing the charter.

I would suggest that the County Commission be asked to also place a second amendment on the ballot.

I've taken the liberty to draft something for review and comment. Under the following proposal, the budget committee, by majority vote, could make changes to the budget submitted to them by the Commissioners. Any such changes could be overruled by a 2/3rds vote of the Commissioners. The budget committee could then overrule the Commissioners' changes by an 11 vote supermajority.

This accomplishes several things. First, it provides for greater back and forth communication between the Commissioners and the budget committee. The initial changes made by the committee could be made by simple majority vote, eliminating the need to track those changes supported by the supermajority. This budget would then go back to the Commissioners who could reject any of the changes with a 2/3rds vote, ensuring that the budget committee was informed of the strength of feeling on the commission and the reasons for those feelings. This information would then be considered by the budget committee which could reject any change made by the Commissioners by a supermajority of 11. Second, I believe this process both reflects the intent of the majority of the charter commission and refines the process to bring greater clarity to it.

PROPOSED BUDGET ADOPTION AMENDMENT

The proposed language changes are:

5.5.3 Budget Review Process: The Budget Committee shall review the itemized budget submitted by the Commission, together with any supplementary materials prepared by the County Administrator, County Commission, or head of each county department or office. The Budget Committee shall prepare a proposed final budget, which may increase, decrease, or alter the Commission's proposed budget, provided that:

- a. The Budget Committee records in its minutes an explanation for any suggested change in the proposed budget as submitted by the Commission; and
- b. The total estimated revenues, together with the amount of county tax to be levied, equals the total estimated expenditures in the proposed final budget.

~~The Budget Committee shall have the authority to reject or modify any line item in the budget by the affirmative vote of 11 of its members. The Budget Committee's proposed budget shall include proposed salaries and benefits for elected officials.~~

5.5.34 Submission of Proposed Budget to Board: When the Budget Committee has completed its deliberations, it shall hold a public hearing to present its proposed budget not less than 30 days before the beginning of the fiscal year. Notice of the hearing must be given in all newspapers of general circulation within the County at least 10 days before the hearing. Written notice of the hearing and a copy of the proposed budget shall also be sent by regular or electronic mail or delivered in person to each of the municipal clerks in the county who shall be responsible for notifying the municipal officials in their municipalities of the proposed budget as well as the date and time of the budget hearing. After the public hearing, the Budget Committee may further increase, decrease, or alter the proposed budget based on information obtained during the public hearing. The proposed budget must be approved by a majority vote of the full budget committee membership not later than 20 days prior to the beginning of the county's fiscal year. The Board of Commissioners may not further increase, decrease, alter or revise the final budget as adopted by the Budget Committee except by a 2/3 vote of the full Board of Commissioners, such action to be taken at least 10 days prior to the beginning of the county's fiscal year. If the adopted final budget is changed by the Board of Commissioners, the Budget Committee may reject that change by the affirmative vote of 11 of its members, such action to be taken prior to the beginning of the county's fiscal year. Those actions shall be final and not subject to further action by either the Board of Commissioners or Budget Committee and shall finalize the adopted budget. ~~shall approve a final proposed budget and transmit the same to the Board for its approval.~~

5.5.45 Adoption of Budget; Tax Levy: ~~The Board has the authority to modify the proposed budget and the authority to adopt the final budget for the County. The Board shall act on the proposed budget in a timely fashion and, in any event, shall vote to adopt the final budget not later than 15 days prior to the end of the fiscal year. The budget as adopted shall be the final authorization for the assessment of county taxes which shall be apportioned and collected in accordance with 30-A M.R.S.A. § 706. A copy of the final approved budget shall be filed with the State Auditor as provided by law.~~

A complete marked up version of the proposed charter amendments is attached.

CONCLUSION

At this point, I am seeking direction from the Council on these issues. In particular:

- Is the approach to compensation suggested by the Commissioners acceptable?
- If so, is there a preference as to which amendment version is placed on the ballot, that proposed by the Commissioners or the modified version I've outlined above?
- Is their support for the proposed budget process amendment outlined above?
- Do you wish for me to provide this information to the Commissioners at the public hearing on May 6th?

PROPOSED COUNTY CHARTER AMENDMENTS

3.7 COMPENSATION

Notwithstanding any other provision of this charter, no adjustment to the salaries and benefits of all County elected officials shall become effective without the approval of a majority of the full be recommended by the Board and approved by a majority plus one vote of the full Budget Committee. Said salary shall constitute full compensation for all services. Reimbursement for reasonable expenses incurred in performance of the officials' duties may be allowed upon formal review and approval by the Board.

5.5 BUDGET COMMITTEE

5.5.1 General Procedures: The Board shall submit its proposed budget to the Budget Committee in a timely fashion and, in no event, later than 90 days prior to the beginning of the fiscal year. The Board shall provide the Committee with necessary clerical assistance, office expenses, and with meeting space, as well as access to County files and information needed to carry out its functions. Requests for such assistance shall be channeled through the County Administrator.

5.5.2 First Meeting of the Budget Committee: On the call of the Board, the Budget Committee shall, after public notice, hold a meeting at the County Building or at such other location as is designated in the call, at least 90 days prior to the commencement of the fiscal year. All meetings of the Budget Committee shall be open to the public except that the Budget Committee may hold executive sessions where permitted by 1 M.R.S.A. § 405 (the Freedom of Access Law). The Committee shall elect a chairperson from its membership and may also appoint such other officers as it may deem necessary. The Budget Committee may create such sub-committees as may be necessary to effectively perform its duties. A majority of the entire membership of the Budget Committee shall constitute a quorum.

~~The Budget Committee shall have the authority to reject or modify any line item in the budget by the affirmative vote of 11 of its members. The Budget Committee's proposed budget shall include proposed salaries and benefits for elected officials.~~

5.5.3 Budget Review Process: The Budget Committee shall review the itemized budget submitted by the Commission, together with any supplementary materials prepared by the County Administrator, County Commission, or head of each county department or office. The Budget Committee shall prepare a proposed final budget, which may increase, decrease, or alter the Commission's proposed budget, provided that:

- a. The Budget Committee records in its minutes an explanation for any suggested change in the proposed budget as submitted by the Commission; and

b. The total estimated revenues, together with the amount of county tax to be levied, equals the total estimated expenditures in the proposed final budget.

5.5.34 Submission of Proposed Budget to Board: When the Budget Committee has completed its deliberations, it shall hold a public hearing to present its proposed budget not less than 30 days before the beginning of the fiscal year. Notice of the hearing must be given in all newspapers of general circulation within the County at least 10 days before the hearing. Written notice of the hearing and a copy of the proposed budget shall also be sent by regular or electronic mail or delivered in person to each of the municipal clerks in the county who shall be responsible for notifying the municipal officials in their municipalities of the proposed budget as well as the date and time of the budget hearing. After the public hearing, the Budget Committee may further increase, decrease, or alter the proposed budget based on information obtained during the public hearing. The proposed budget must be approved by a majority vote of the full budget committee membership not later than 20 days prior to the beginning of the county's fiscal year. The Board of Commissioners may not further increase, decrease, alter or revise the final budget as adopted by the Budget Committee except by a 2/3 vote of the full Board of Commissioners, such action to be taken at least 10 days prior to the beginning of the county's fiscal year. If the adopted final budget is changed by the Board of Commissioners, the Budget Committee may reject that change by the affirmative vote of 11 of its members, such action to be taken prior to the beginning of the county's fiscal year. Those actions shall be final and not subject to further action by either the Board of Commissioners or Budget Committee and shall finalize the adopted budget. shall approve a final proposed budget and transmit the same to the Board for its approval.

5.5.45 Adoption of Budget; Tax Levy: ~~The Board has the authority to modify the proposed budget and the authority to adopt the final budget for the County. The Board shall act on the proposed budget in a timely fashion and, in any event, shall vote to adopt the final budget not later than 15 days prior to the end of the fiscal year. The budget as adopted shall be the final authorization for the assessment of county taxes which shall be apportioned and collected in accordance with 30-A M.R.S.A. § 706. A copy of the final approved budget shall be filed with the State Auditor as provided by law.~~

COUNTY CHARTER AND BUDGET COMMITTEE AUTHORITY

March 3, 2015

To: Interested Parties

Fr: Edward A. Barrett, Lewiston City Administrator

I would like to bring everyone up to date on what I have found in reviewing the issues surrounding the County Charter, its Budget Committee, and the outcome of this year's budget process.

One caveat before I begin. Much of the recent controversy has focused on the portion of the dispute involving the salary and benefits of County Commissioners. I believe that this is largely a distraction. The basic issue is a question of the authority of the Budget Committee vis-à-vis the County Commission in setting the budget and approving elected official salaries and benefits. What those salaries and benefits are should be debated on their substantive merits. The core question is which group has the authority to approve them.

BUDGET COMMITTEE AS "ADVISORY"

At the heart of the discussion is the role and authority of the budget committee. I believe I have discovered the source of the confusion.

The following is an excerpt from the January 26, 2012 minutes of the Charter Commission:

Section 5.5.2. It was noted that the Commission had constituted the Budget Committee as advisory and that should be made clear. It was moved and seconded to add language to the second paragraph of section 5.5.2 and change the word "adopt" to "approve" in the last sentence of 5.5.3. UNANIMOUS

This section of the minutes was a significant basis for the changes to the charter that Attorney Brian Dench proposed for the purpose of clarifying that the Budget Committee was advisory and had no final say in either approving elected official salaries and benefits or in having the final authority to revise line items in the budget proposed by the Commissioners through a super majority vote. This is clear from the discussion held between the Commissioners, Mr. Dench, and various members of the Charter Commission that occurred on April 3, 2013 at the meeting where the Commissioners voted to seek certain charter modifications from the legislature. It should be noted, however, that the minutes do not specify the language to be added to the second paragraph

As of April 3, 2013, it appears that Mr. Dench and some if not all of the County Commissioners who participated in that discussion were not aware of or had forgotten that a marked up version of the proposed Charter was also attached to the same email to which the minutes of the meeting were attached. That email from Charter Commission Secretary Chip Morrison, which was sent on January 27, 2012, the day after the Charter Commission meeting, was addressed to the members of the Charter Commission, including Commissioner Greenwood who was a Charter Commission member, County Commissioner Bell, and County Clerk Patricia

Fournier. The marked up version specified the language to be added to the second paragraph of section 5.5.1 as follows:

5.5.2 First Meeting of the Budget Committee:

...

The Budget Committee is advisory to the Board except that it shall have the authority to reject or modify any line item in the budget by the affirmative vote of 11 of its members. The Budget Committee's proposed budget shall include proposed salaries and benefits for elected officials.

It also included the revised language for section 5.5.3:

5.5.3 Submission of Proposed Budget to Board: ...

After the public hearing, the Budget Committee shall ~~adopt~~ approve a final budget and transmit the same to the Board.

Additions underscored deletions ~~struck through~~.

At the April 3, 2013 meeting, Mr. Dench noted that the minutes of the January 26, 2012 Charter Commission meeting specified that the Budget Committee was advisory. The Charter Committee members present at the meeting agreed. In fact, given the controversies that have resulted, remarkably little time was spent discussing this issue while others were discussed for far longer.

When the minutes are viewed in light of the actual changes proposed in the draft charter, it becomes apparent that Mr. Dench understood advisory in one light while the charter committee members understood it in a more nuanced way. In their view, the budget committee was to be advisory except for the "except that" language of which Mr. Dench was apparently unaware.

PUBLISHED CHARTER

From the April 3rd County Commission meeting discussion, it also became clear that the version of the charter that was distributed and published by the County prior to the charter election was not the final version. For some reason, an earlier draft document was used. This clearly added to the confusion.

The published document, which was sent to all of the municipalities in the County for posting, did not indicate that the Budget Committee was advisory. In addition, members of the Charter Commission also met with most, if not all, of the municipal elected officials prior to the Charter election to review the proposed charter and urge their approval.

The first community to hold such a meeting was Lewiston, where it took place on February 21, 2012, less than one month after the Charter Commission's January 26th meeting. Charter Commissioner Morrison and County Commissioner Makas appeared before the Council. Included in the Council workshop agenda was a copy of the proposed Charter supplied by Charter Commissioner and Secretary Morrison. The version supplied is exactly the same as the January 26, 2012 version referenced above and, therefore, includes the language that the Budget Committee would be "advisory, except that..."

I have reviewed the video of this City Council meeting. Chip Morrison, Richard Gross, and Richard Grandmason from the Charter Commission were present. Mr. Morrison presented an overview of the charter. During this overview, he stated: "Salaries of the County Commission are set by the Budget Commission. There was a pretty strong feeling that their salaries should be set by an independent body." When questioned by Councilor Butler regarding a potential overall increase in total salaries due to a larger commission, Mr. Morrison hypothesized that the salaries would go down with a county administrator, that salaries were up to the budget committee, and that there was no better watchdog than the county budget committee. When questioned about the budget process by Councilor Saddlemire, Mr. Morrison indicated that the budget would be prepared by the administrator, go to the board for review, and the board would then forward it to the budget committee. He noted the budget committee could overturn the Commissioners by a super majority vote. He recognized that this is less than the committee's current authority, but stated that if the Commissioners don't agree, the budget Committee prevails. The Sun Journal covered this meeting in an article published on February 23, 2012. That article linked to what appears to be the same January 26, 2012 version of the charter provided to the Council on February 21st. Although it is a clean version without mark ups, the language about the budget committee is the same. The text of the article included: "The charter also would let the county Budget Committee – a group appointed by local municipal governments – set the pay rate for the County Commission."

At least one other community to which a presentation was made also created a contemporaneous record of the meeting. The following is from the minutes of the August 20, 2012 meeting of the Livermore Falls Selectmen:

Richard Gross came to the board to give a presentation of the new Androscoggin County Charter. The county does not have a charter at present but was voted on last fall to propose one. There are 9 charter commission members. They met twice a month for the past 8 months. Their written document has been drafted and viewed by an attorney. It will be on the November ballot for a vote. The new Charter would incorporate 7 County Commissioners instead of 3. They will also create a County Administrator to organize and administrate the duties of the commissioners. Districts will be divided after 2013 to make each district proportionate with other's considering population of 13,000 to 16,000. The districts will be grouped by being contiguous on the map. Right now \$23,000 is divided between the 3 County Commissioners; this will change to be divided by 7. The County Administrator would be hired by the new Commissioners. The Budget Committee would decide all of this. They set the budget for the County. They are appointed by the County Commissioners.

Again, this indicates, although perhaps not exactly, a more than advisory role for the Budget Committee.

FINAL REPORT OF THE COUNTY CHARTER COMMISSION

The following excerpts from the Final Report of the Charter Commission also appear to bear on the issue:

Salaries of County Commissioners set by Budget Committee (3.7)

Charter Commissioners concluded that the salaries of elected county commissioners should be set by the independent budget committee that has a broad representation of municipal officials.

Maintain Budget Committee to review county finances (5.5)

Charter Commissioners continued the Budget Committee as the primary mechanism for setting the annual county budget. The current mechanism of selecting Budget Committee members was maintained resulting in a strong municipal presence on the Budget Committee. The Budget Committee will have the authority to reject or modify any line item in the budget by supermajority – eleven members.

While there is no mention of the Budget Committee as "advisory," there is specific mention of the Committee's authority to set elected county commissioners' salaries and to have the authority to reject or modify any line item in the budget by a supermajority – eleven members. This specification of authority implies that when acting in other ways, the Budget Committee would be advisory.

INTENT OF CHARTER COMMISSION

Based on what I have discovered to date, it seems clear that it was the intent of the Charter Commission that the Budget Committee be advisory except when 11 of its 14 members voted to change a line item and in regard to the requirement that it approve the salaries and benefits of elected officials. This is supported by the budget committee language shown in the charter

version attached to the January 26, 2012 minutes; the version of the charter provided to the Lewiston City Council at its February 23, 2012 meeting; the language included in the final report of the Charter Commission; and the minutes of the Livermore Falls Board of Selectmen excerpted above.

SIMILAR LANGUAGE IN VARIOUS CHARTER VERSIONS

Regardless of the version of the charter referenced, certain provisions have remained constant. These are Sections 3.7 and the excerpt from 5.5.2 as shown below:

3.7 COMPENSATION

Salaries and benefits of all County elected officials shall be recommended by the Board and approved by a majority plus one vote of the full Budget Committee. Said salary shall constitute full compensation for all services. Reimbursement for reasonable expenses incurred in performance of the officials' duties may be allowed upon formal review and approval by the Board.

5.5.2 First Meeting of the Budget Committee:

The Budget Committee shall have the authority to reject or modify any line item in the budget by the affirmative vote of 11 of its members. The Budget Committee's proposed budget shall include proposed salaries and benefits for elected officials.

It simply makes no sense to have such language in the charter if the role of the Budget Committee is solely advisory. To argue that the Committee is only advisory is to argue that the Charter Commission inserted meaningless language into the document. If the intent was for the Committee to be solely advisory, this language should have been struck from the document, either by the Charter Commission itself or when the subsequent legislatively directed changes were made.

CONFUSION INTRODUCED BY THE NEW LANGUAGE.

The following language was included in the charter after the legislature directed certain changes at the request of the County Commissioners:

5.5.3 Submission of Proposed Budget to Board: ... *After the public hearing, the Budget Committee shall approve a final proposed budget and transmit the same to the Board for its approval.*

5.5.4 Adoption of Budget; Tax Levy: *The Board has the authority to modify the proposed budget and the authority to adopt the final budget for the County. The Board shall act on the proposed budget in a timely fashion and, in any event, shall vote to adopt the final budget not later than 15 days prior to the end of the fiscal year.*

To the best of my knowledge, the underlined language, which was added at the direction of the legislature, never appeared in any version of the charter produced by the charter commission. The effect of this new language is to confuse the issue.

As noted above, the various versions of the charter contains a provision that the Budget Committee shall approve the salary and benefits of elected officials by a majority plus one vote (Section 3.7) and that the Committee shall have the authority to reject or modify any line item in the budget by the affirmative vote of 11 of its members (Section 5.5.2). The the new language of section 5.5.4 gives the board the authority to modify the proposed budget and the authority to adopt the final budget. So, the Budget Committee shall approve and modify Oops, but maybe not.

In his November 19, 2014 legal opinion to the Board of Commissioners, Mr. Dench stated in regard to Section 3.7: "The language itself is clear that this is merely a recommendation." And he is correct. However, the recommendation comes from the Commissioners, not from the Budget Committee. The language is quite clear, but in a different direction than is implied by Mr. Dench. "Salaries and benefits of all County elected officials shall be recommended by the Board and approved by a majority plus one vote of the full Budget Committee." Shall is "used in laws, regulations, or directives to express what is mandatory." Approve means "to give formal or official sanction to: ratify <Congress *approved* the proposed budget>" (Definitions from the Merriam-Webster on-line dictionary). The clear meaning of the words is that it is mandatory that the Budget Committee give official sanction and ratify the salaries and benefits of elected county officials. I can't see how this could be read in any other way and see no support for the position that "the language itself is clear that this is merely a recommendation."¹ Similarly, Section 5.5.2 again uses the word "shall" in speaking of the Committee's authority to reject (to refuse to believe, accept, or consider) or modify (to change some parts of (something) while not changing other parts) any line item in the budget by a vote of 11 of its members. Mr. Dench does not

¹ It should be noted that section 3.7 regarding setting the salaries of elected officials is found in a separate section of the charter than the section covering County finances (Section 5). This potentially gives rise to an argument that the authority to set salaries is a separate and distinct function of the budget committee related to but not a part of its role in the budget process. As such, it should be viewed as a stand-alone function as is the case in most municipal charters where distinct provisions exist regarding elected official salaries. That an action has budget implications does not mean such actions, be they setting salaries or approving multi-year contracts, are part of the budget process. Under the new language of the charter, the Commission is given the authority, correctly or incorrectly, to modify the budget presented by the budget committee, including those items changed by a supermajority vote. It does not, however, give the Commission the authority to increase their salaries absent budget committee approval.

address the meaning of this section; rather, he then moves on to reference the changed language of 5.5.4, language which I have not found in any draft version of the charter prepared by the Charter Commission.

While it can be argued that these provisions are in conflict, with two giving the Budget Committee authority that Mr. Dench argues section 5.5.2 overrules, it seems more reasonable to read these provisions as not in conflict, allowing the County Commission to modify any changes made by the Committee other than the salary and benefits of elected officials and those approved by an 11 vote Committee majority.

The charter sets up a range of possible actions by the Budget Committee:

- Mandatory approval of salaries and benefits by a majority plus one vote
- Recommended line item changes by a majority vote (which the Commission can accept or reject)
- Mandatory line item changes by a vote of 11 or more (which the Commission cannot change)

If the language of the January 26th version of the charter is used ("advisory, except"), any conflict or confusion disappears.

It makes no sense that the Charter Commission would have retained the language in Sections 3.7 and 5.5.2 if their intent was for the Budget Committee to be advisory in all matters.

WHAT WAS APPROVED BY THE VOTERS

While it is apparent that an incorrect version of the charter was presented to the voters, it is also apparent that the notion of a fully advisory Budget Committee was not included in that version nor was it explained as such in the final report of the Charter Commission or during the information provided to municipal officials during the referendum campaign.

At the April 3, 2013 County Commissioners meeting, there was significant discussion as to what the voters intended by adopting the new charter. Mr. Dench indicated that it was reasonable to assume, given the complexity of the document, that the voters intended to vote for the charter as it was intended to be by the Charter Commission (in Mr. Dench's view of what that intent was) and that "technical" corrections to bring it into line with what the Charter Commission intended were appropriate.

The argument that the voters supported a charter different from the posted version fails on several levels. First, as discussed above, the record clearly shows that the Charter Commission did not intend the Budget Committee to be purely advisory, so any charter amendment to make it so cannot be postured as a "technical" amendment. Second, I have been unable to find anything in the materials prepared by the Charter Commission or the presentations made to the municipal elected officials that indicated the Budget Committee was to be purely advisory.

Finally, the version of the charter posted at the various municipal offices and on the County's own web site, whether the final version or not, did not use the word advisory when referring to the Budget Committee.

The voters approved the version that was placed in front of them. Even if this version was the incorrect version and even if we grant for sake of argument that the intent of the Charter Commission actually was for the Committee to be totally advisory, HOW WERE THE VOTERS TO KNOW? To undertake a substantive amendment of a charter approved by the voters, that amendment should be presented to the voters at an election.

CHARTER AMENDMENTS DIRECTED BY THE LEGISLATURE

Following the April 23rd Commissioners' meeting, the legislature was asked by the County to amend the Charter. The bill summary included with this legislation, LD 1084, states: "After the charter was filed with the Secretary of State, it was realized that the wrong charter had been voted on; the changes included in this amendment were the intent of the charter commission and were presented by the county charter members at public presentations and at a county commission meeting." Similar statements can be found throughout the legislative history, starting with a May 16, 2013 letter signed by all three County Commissioners and addressed to Legislative Members.

The question of the intent of the Charter Commission members has been reviewed above and shows, based on not just the minutes but the charter version produced by the January 26, 2012 meeting, that the Charter Commission's intent was subsequently misconstrued by Mr. Dench and the County Commission.

The records that exist from the City of Lewiston and the Town of Livermore Falls do not support the statement that the charter members' public presentations were based on a version of the charter that limited the budget committee to a totally advisory role.

While there was conversation about intent at the Commission meeting of April 3rd (see above), it is not clear that the Charter Commission members and Mr. Dench were in actual agreement with what "advisory" meant in the context of that discussion. It should also be noted that Mr. Grandmaison from the Charter Committee requested additional time for the Charter Commission members to review the proposed changes, a request that was not honored due to time pressure perceived to be associated with the state legislative process.

As a result, due to miscommunications and misunderstandings throughout the process, the legislation subsequently adopted by the legislature directing the Commissioners to amend the charter as to the role of the budget committee constituted a substantive change, did not reflect the intent of the Charter Commission, and was not how the charter was presented to the public both at presentations to the County's communities and via the County's web site.

The legislative process that resulted in charter changes raises other issues.

- Can the Legislature, acting by resolve, authorize the county commissioners to adopt changes to a county charter notwithstanding the requirement of Title 30-A M.R.S.A. Section 1324 that a charter, or an amendment to a charter, be submitted to the voters of the county?
- Can the Legislature, acting by resolve, authorize the county commissioners to adopt changes to a county charter to give the county commissioners "the authority to modify the proposed budget" previously approved by the budget committee, in light of the language in general law requiring that a county budget "must first be approved by a majority vote of the finance committee." (See Title 30-A M.R.S.A. Section 1353. See also 30-A M.R.S.A. Section 1351(2), specifying: "In any event, no county may, by the adoption, amendment or revision of a charter, exercise any power or function which the Legislature has not conferred on that county either expressly or by clear implication by general or specific law. A county may not alter the statutory method of raising money for county expenditures.")

SUMMARY

To summarize:

- The County Commissioners, perhaps understandably, misconstrued the intentions of the Charter Commission;
- The charter as published by the County and presented to the County's municipal elected officials did not indicate the Budget Committee was totally advisory;
- The legislation that directed the Charter to be amended was rushed, providing inadequate time for the Charter Commission as a whole to meet and review it;
- The legislation made substantive changes to the charter that more appropriately should have been proposed through a referendum process;
- The new language regarding an advisory budget committee is in conflict with other provisions of the charter which, it can be argued, remain in effect. This has created the "confusion and lack of clarity" in the charter much discussed during the current controversy;
- Without the new language, the supposed lack of clarity and internal contradictions of the charter disappear.
- Even accepting the new language of the charter, the budget committee, per section 3.7, must approve elected official salaries. Nothing in the charter authorizes the Commissioners to change these salaries, even if the amount budgeted for them is increased. Setting salaries and budgeting for them are separate functions and authorities.

OPTIONS FROM HERE

There are a number of options that can be pursued at this point:

- Seek to reach an agreement between the municipalities and the county as to appropriate language on the authority of the budget committee and seek legislative approval, preferably through a Private and Special law, to ratify such language and, perhaps, the entire County Charter given other questions regarding its legal standing;
- Seek a court order clarifying the authority of the budget committee over wages and benefits and supermajority budget changes on the basis of:
 - The language of the charter's provisions in Section 3.7 and 5.5.2.
 - The legality of the legislature requiring the County Commissioners to modify the charter through a legislative resolve where a state law exists requiring amendments to be placed before the voters;
 - The legality of the legislature requiring a charter change to restrict the Budget Committee to an advisory role through resolve where state law requires the Committee to approve the final budget;

Even if the super majority language allowing the Budget Committee to override the County Commission is found to be in effect, the charter may be subject to a broader challenge for inconsistency with state law regarding the requirement that the budget must first be approved by majority vote of the Budget Committee.

- Propose an amendment to the County Charter addressing these issues. Amendments can be initiated either by the County Commissioners or through a petition process. To place an amendment on the ballot through petition requires signatures of registered voters equal to 10% of the number who voted in the last gubernatorial election.

WORKSHOP: B

FY2016 Budget

Capital Items funded thru Bond Issue

April 29, 2015

FY 2016 LCIP Projects		Amount	Defer	Bond	
Airport	Landside Terminal Parking Lot	350,000	350,000	-	
911	Radio Replacement	1,025,000	1,025,000	-	
Planning	Comp. Plan Implementation	100,000		100,000	
MIS	Telephone System	250,000		250,000	
MIS	Hardware Replacement	90,000		90,000	
MIS	Wireless Managed Switch & Audit Controls	54,250		54,250	
Fire	Chief's Car	31,000		31,000	
Police	SUV	25,000		25,000	
Police	3 Cruisers	77,400		77,400	
Fire	Central Station Paving Project	48,000		48,000	
PW-Buildings	Second Floor Interior Restoration	120,000		120,000	
PW-Buildings	Garage Wayfinding Signage	100,000	40,000	60,000	
PW-Highway	Street Maintenance	1,005,000		1,005,000	
	College St. - Montello to Stetson				215,000
	Main St. - Riverside to Ware				95,000
	Old Greene Rd. - Sabattus to Garcelon				95,000
	Montello St - Old Greene to Stanley				65,000
	Montello St - Gilmar to East				110,000
	Lincoln St. - Cedar to Gulley Brook				180,000
	Pauline St. - Webster to end				55,000
	Webster St. - Reservoir to Constance				15,000
	Hilltop Ave. - Webster to end				75,000
	Jean St. - Sabattus to Owen				100,000
PW-Highway	Road Rehab	720,000		720,000	
	Old Lisbon Rd. - Old Webster to 142 Old Lisbon				275,000
	Merrill Rd. - College - house #125				330,000
	Greenwood Lane - Old Green - 23 Greenwood				115,000
PW-Highway	Street Amenities	250,000	50,000	200,000	
PW-Highway	MDOT- River Rd. Reconstruction	225,000		225,000	
PW-Highway	Local Share of Cedar & Lisbon	50,000		50,000	
PW-Highway	Oxford St. - Cedar to Beech			315,000	
	CDBG funding			(240,000)	75,000
PW-O. Space	Riverfront Island Implementation	500,000	125,000	375,000	
PW-O. Space	Potvin Park Improvements	100,000	100,000	-	
PW-O. Space	Upper Franklin Lighting	151,250	151,250	-	
PW-O. Space	Kennedy Park Master Plan	372,000	372,000	-	
PW-M Garage	Vehicles*	1,713,500	865,800	847,700	
	Loader Backhoe				30,000
	Sand Screen				8,200
	Bucket Truck				235,000
	Vacuum Sweeper				260,000
	Hotbox				34,000
	Field Mower/2 Zero Turn Mowers and Trailor				63,500
	Bulldozer				217,000
PW-M Garage	Shop Equipment	53,500		53,500	
	Fume Extraction System				17,500

	Mig Welder			6,000
	DEF Fluid Dispensing Stations			6,000
	Updating & relocating the Oil Storage Facility			14,500
	150 Ton Shop Press			9,500
PW-S Waste	Landfill Road Maintenance	120,000		120,000
PW-S Waste	Landfill Security System	75,000	75,000	-
	Total General Fund Requests	7,605,900	3,154,050	4,526,850
	*Adjustments in estimates	23,300		
	Moved from the operating budget	(183,400)		
	Original LCIP amount	7,445,800		

School	Telephone System	250,000		250,000
School	Upper Franklin Lighting	151,250	151,250	-
School	New School Project	159,353		159,353
School	LMS Clock Tower	62,000	62,000	-
School	Crome Books Purchase (\$285 x 330)		(94,050)	94,050
School	LHS Electrical & Network Upgrade	246,300	(2,000)	248,300
School	Playground Upgrades	260,000		260,000
School	Montello School Roof Replacement	670,000		670,000
	Total School Requests	1,798,903	117,200	1,681,703
	Total Bonds	9,404,803	3,271,250	6,208,553
	Bond Limit	7,642,255		7,642,255
	Under/(Over) Limit	(1,762,548)		1,433,702
	Limit percentage			64.99%

Alternative Projects/Items:

PW-M Garage	Vehicles			262,000
	Upgrade Hydraulic Coupling System for Unit 501			12,500
	1 Ton 4x4 Pickup Truck w' Cap & onboard air compressor			49,000
	Telescopic Bucket Truck			182,000
	Boom Modifications to Unit 143 (Roadside Mower)			18,500
PW-Highway	Street Maintenance - beginning FY2017's work			670,000
	Stetson Rd. - Hogan to College			150,000
	College St. - Stetson Brook to Lemieux			200,000
	College St. - Campus to Vale			80,000
	College St. - Sabattus to Bates			110,000
	Oak St. - Park to Bates			65,000
	Crowley Rd. - Old Webster to 188 Crowley			65,000
	Total additions			932,000
	Total Bonds			7,140,553
	Bond Limit			7,642,255
	Under/(Over) Limit			501,702
	Limit percentage			74.75%

3 year average - \$9,552,818.47

PW Municipal Garage Vehicles & Equipment

Original Department Requested Amount \$ 1,713,500
 City Administrator's Recommended Amount \$ 847,700

DESCRIPTION	PROJECTED COST
<p>LOADER BACKHOE - UNIT 57 (1995) JCB Loader backhoe is being replaced due to age and condition. The unit is being replaced with the Water and Sewer Divisions unit 308 (2001) John Deere Loader Backhoe. The projected cost reflects the trade-in value to the Water & Sewer Division. The industry standard for life expectancy for backhoes is 15-20 years. The unit 57 is more than 25 years old and has incurred over \$14,000.00 in repairs over the last five years. Parts are not readily available to repair this machine.</p>	\$ 30,000
<p>Sand Screen - A Department request for the purchase of a 2" non motorized screen mainly for Winter Operations but also to screen other 2" materials such as crushed rock. Non motorized screens are not available for rent. This has been a safety issue identified by the PW safety committee with rocks and clumps being found on the screens of sander trucks that can fall off creating a hazard for other vehicles on the roadways. Additionally, cleaning these rocks and clumps from the screens became a fall protection safety issue for operators trying to do this. As a result a screen was identified as the best and safest way to address the concern.</p>	\$ 8,200
<p>BUCKET TRUCK- Unit 40 (2002) Chevrolet over head line truck is being replaced due to age and condition. In addition the manufacturer will no longer work on the unit due to the fact that it is past its useful life expectancy. The unit is more than 13 years old and has incurred over \$33,000.00 in repairs over the last five years. The truck is used to maintain the City's 3,400 street lights, the supporting wires and transformers and more than 50 traffic signals.</p>	\$ 235,000
<p>VACUUM SWEEPER - Unit 91 (1993) Johnson Mechanical Sweeper. This unit is being replaced due to age, condition and operational changes requiring a second sweeper. The industry standard for life expectancy for sweepers is 15 years. This unit is more than 23 years old and has incurred over \$30,000 in repairs over the last five years. The sweeper is needed to meet our MS4 program permit regulatory requirements.</p>	\$ 260,000
<p>HOT BOX - This addition to the fleet would add a second hot box and would greatly enhance our ability to repair potholes year around in a more timely and effective manner. These units have the ability to reheat left over asphalt left over from jobs during the summer construction season saving the city money as well. This method is far superior to the use of cold patch, which is only a temporary patch that does not last long. The problem with only having one hot box is it can't make enough hot mix to address all the potholes we see in a given day. Two of these units would make a huge difference.</p>	\$ 34,000
<p>FIELD MOWER - Unit 803 (2004) Jacobson Field Mower. This unit is being replaced due to age and condition. This unit has incurred over \$16,000 in repairs over the last five years. The mower decks are worn out and will need to be replaced at a cost of \$5,500.00. <u>Additional Info:</u> We are further evaluating this given the recent information offered by the Public Works Committee. Alternative mowers or a mini-rehab to extend the life of the current mower are being considered.</p>	\$63,500
<p>BULLDOZER - Unit 56 (1989) Dresser TD-15 Dozer is being replaced due to age and condition. Over the last five years the 27 year old unit has received over \$73,000.00 in repairs. The manufacturer no longer exists and parts are hard to come by. Those that are available come with a high price tag and other parts have to be made. Staff investigated renting this unit however outside rental costs and the use of this piece within public works suggests this option should not be pursued at this time. <u>Additional Info:</u> This winter the Dresser Dozer went down hard and is not economically repairable. This past winter we had to rent a bulldozer to push the snow at the snow dump with the total rental cost of more than \$16,000. We use this dozer in the summer to push excess fill material from construction sites at the former quarry off River Rd. We anticipate buying a used unit.</p>	\$217,000
City Administrator's Recommended Amount	\$847,700

PW Municipal Garage Vehicles & Equipment (cont)

Proposed Suggested Additions

DESCRIPTION	PROJECTED COST
<p>UPGRADED HYDRAULIC COUPLING SYSTEM FOR THE UNIT 501 - The coupling system is in need of replacement due to the unreliability and the costs related with repairing it. The hydraulic coupling system allows the loader to quickly and safely change from one attachment to another by using the hydraulic system of the unit to lock and unlock these attachments from the front of the unit. the bucket and coupling system has incurred over \$20,000.00 in repairs over the last five years. This does not include the damages to other loaders that have to fill in when it is down for repairs. This is the only unit designed to operate at the land fill, so the damages to other units are costly .</p>	\$12,500
<p>1-TON PICKUP TRUCK WITH CAP AND AIR COMPRESSOR- Unit 162 (2001) ford pick-up truck used for mobile welding services around the city. The industry standard for life expectancy for pickups is 10 years. This 15 year old unit is being replaced due to age and condition. This unit has incurred over \$4,500.00 in repairs over the last five years. This unit will require extensive body work in order to receive a sticker in the near future.</p>	\$49,000
<p>TELESCOPIC BUCKET TRUCK -This unit would be an addition to the fleet. Currently bucket trucks and lifts are rented by three crews at PW within the Parks and Arborist Divisions for tree work, jobs requiring an areal lift, Christmas lights, flagpole work and other outside structures they maintain. The Buildings Division could use it for window washing and for building maintenance assignments requiring the use of an aerial device. The PW Safety Committee has brought this up several times when issues arose with rental units. This unit would also serve as a back up for the Electrical Division when the unit 40 is down for repairs. On average year over \$15,000.00 has been expended in bucket truck rentals/lifts over the last 5 years. While bucket truck rentals would still occur on occasion dependent on assignment, the unreliability and condition of rentals has been considered unsafe and unproductive for the parks crews. <u>Additional Info:</u> As discussed in recent e-mails regarding rental of bucket trucks for Christmas decorations and treework, the economics do not support purchasing instead of renting. To meet the treework needs, we do need to consider renting a bucket truck longer during the summer months and we will be evaluating alternatives to reduce rental to support the Christmas decorations. As a result, the Department would support removing this replacement from the list. *</p>	\$182,000
<p>BOOM MODIFICATIONS TO UNIT 143 - The modifications are needed for this roadside mower. When traveling to and from job sites the unit is over 11' wide. This creates a hazard for itself and others. Costs related to boom problems are damage at approximately \$5,000.</p>	\$18,500
City Administrator's Suggested Additional Amount	\$262,000
*Department suggested adjustment	-\$182,000
Revised Suggested Additional Amount	\$80,000

PW Street Maintenance Paving

Original Department Requested Amount \$ 1,005,000
 City Administrator's Recommended Amount \$ 1,005,000

Street	From	To	Length (Ft)	Estimated Cost
College Road	Montello St.	Stetson Brook	3030	\$ 215,000
Main St.	Riverside	Ware	1000	\$ 95,000
Old Greene Road	Sabattus St.	Garcelon	1070	\$ 95,000
Montello Street	Old Greene Rd.	Stanley St.	830	\$ 65,000
Montello Street	Gilmar St.	East Ave.	1530	\$ 110,000
Lincoln Street	Cedar St.	Gulley Brook	2060	\$ 180,000
Pauline St.	Webster St.	End	850	\$ 55,000
Webster St.	Reservoir Ave.	Constance Ave.	330	\$ 15,000
Hilltop Avenue	Webster St.	End	1370	\$ 75,000
Jean Street	Sabattus St.	Owen St.	1730	\$ 100,000
City Administrator's Recommended Amount				\$ 1,005,000

Suggested Additional Streets

Street	From	To	Length (Ft)	Estimated Cost
College Road	Stetson Brook	Lemieux St	3080	\$ 200,000
College Road	Campus Ave	Vale St	910	\$ 80,000
College St	Sabattus St	Bates St	1050	\$ 110,000
Total Suggested Additional Streets				\$ 390,000

PW Road Rehabilitation

Original Department Requested Amount \$ 720,000
 City Administrator's Recommended Amount \$ 720,000

Street	From	To	Length (Ft)	Estimated Cost
Old Lisbon Rd	Old Webster Rd	142 Old Lisbon Rd	3,500	\$ 275,000
Merrill Rd	College Rd	House #125	2,200	\$ 330,000
Greenwood Lane	Old Greene Rd.	#23 Greenwood Ln	1,425	\$ 115,000
City Administrator's Recommended Amount				\$ 720,000

Suggested Additional Street Alternatives

Street	From	To	Length (Ft)	Estimated Cost
Park St*	Main St	Pine St	1,420	\$ 300,000
Total Suggested Additional Streets				\$ 300,000

* Includes adjusting curbs, installing ADA ramps and rehab of sidewalks

City Council Suggested Additional Street Alternatives

Street	From	To	Length (Ft)	Estimated Cost
Orange St	Sabattus St	Webster St	1,110	\$ 175,000
Sylvan St	Sabattus St	Webster St	1,500	\$ 220,000
Total City Council Suggested Additional Streets				\$ 395,000

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Approval of the Election Warrant calling for a Special Municipal Election to be held on Tuesday, May 12, 2015 for the School Budget Validation Referendum and Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct said election.

INFORMATION: Under the Maine State Statutes, the municipal officers shall issue an election warrant calling for a municipal election. The City Clerk will be conducting a special city election on May 12, 2015 for the purpose of voting in the School Budget Validation Referendum.

Recommendations on election related issues:

- A. That the hours for acceptance of registrations in person only, prior to the May 12th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, April 22 through May 11, 2015.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 7:00am, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.
- D. To appoint the City Clerk as the City's Election Warden and the Deputy Registrar of Voters as the City's Ward Clerk, for the May 12 election.

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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Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, May 12, 2015 for the purpose of voting for the School Budget Validation Referendum, and to approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Election :

- A. That the hours for acceptance of registrations in person only, prior to the May 12th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, April 22 through May 11, 2015.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 7:00am, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.
- D. To appoint the City Clerk as the City's Election Warden and the Deputy Registrar of Voters as the City's Ward Clerk, for the May 12 election.

WARRANT FOR SPECIAL MUNICIPAL ELECTION
CITY OF LEWISTON

County of Androscoggin, SS.

To Michael Bussiere, a constable of Lewiston, Maine: You are hereby required in the name of the State of Maine to notify the voters of the City of Lewiston of the election described in this warrant.

To all voters of the City of Lewiston: You are hereby notified that a Special Municipal Election in this municipality will be held on Tuesday, May 12, 2015, at the Longley Elementary School gymnasium, 145 Birch Street.

Said election being held for the purpose of voting on the School Budget Validation Referendum.

Ballot Question:

“Do you favor approving the Lewiston School Department budget for the 2015-2016 school year that was adopted at the May 5, 2015 Lewiston City Council budget meeting?”

The polls shall be opened at 7:00 a.m. and closed at 8:00 p.m.. Absentee ballots will be processed at the polls at 7:00 A.M., 6:00 P.M., and 8:00 P.M., if necessary.

Dated at Lewiston, Maine on May 5, 2015.

_____	_____
_____	_____
_____	_____
_____	_____

ATTEST: _____
Kathleen M. Montejo, MMC
City Clerk

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Resolve Directing the City Administrator to take the necessary actions to accept the donation of property located at 986 Sabattus Street Rear.

INFORMATION:

The City has received a request from a relative of the owner, Virginia Fisher, to donate this land to the City. This 3.52 acre parcel is located in the Neighborhood Conservation "A" (NCA district) and is essentially undevelopable having no frontage or access, is significantly impacted by shoreland zoning, flood plain, and wetlands, and has two sewer lines and a sewer manhole as part of a cross country sewer collection system. The current assessed value on this property is \$3,720. There are 12 abutters. Two of those abutting lots are owned by the City including undevelopable lot having no frontage and a second parcel adjacent to McMahan School on North Temple Street.

On April 13, 2015 the Planning Board voted unanimously to send a favorable recommendation to the City Council for the acquisition in the form of a donation of 986 Sabattus Street Rear.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERB/klm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve directing the City Administrator to take the necessary actions to accept the donation of property located at 986 Sabattus Street Rear.



CITY OF LEWISTON, MAINE

May 5, 2015

COUNCIL ORDER

Resolve, Directing the City Administrator to Take the Necessary Actions to Accept the Donation of the Property Located at 986 Sabattus Street Rear.

Whereas, the City has received a request from Abby Fisher, a relative of the owner of 986 Sabattus Street Rear, offering to donate this land to the City; and

Whereas, this 3.52 acre parcel is located in the Neighborhood Conservation "A" (NCA district) and is essentially undevelopable having no frontage or access, is significantly impacted by shoreland zoning, flood plain, and wetlands, and has two sewer lines and a sewer manhole as part of a cross country sewer collection system; and

Whereas, two abutting lots are owned by the City including an undevelopable lot having no frontage and a second parcel adjacent to McMahon School on North Temple Street; and

Whereas, on April 13, 2015, the Planning Board voted unanimously to send a favorable recommendation to the City Council to accept the donation of this property;

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 donation of the property located at 986 Sabattus Street rear.

March 10, 2015

Mr. Phil Nadeau

City Hall

27 Pine St.

Lewiston, Me. 04240

Dear Mr. Nadeau,

Thank you for taking the time to discuss with me my mother-in-law, Virginia Fishers' wishes regarding her lot (986 Sabbathus St.-rear; parcel 00003504).

Her husband Irving Fisher passed away in Feb. of 2009 and Virginia inherited this lot, although Irving is still listed as the owner. At that time, my sister -in-law, Beth Fisher, contacted your office to arrange to do what Virginia and Irving had wanted, but she requested a plaque to be placed there. I am sorry, I do not know more detail but unfortunately we never followed up on this. Virginia Fisher would still like to donate this lot to Lewiston. Irving was born in Lewiston and they both went to Bates, where they met, and so held on to their piece of Lewiston. She hopes the lot would be useful in some way to the City, perhaps because it is near a school. She does not want a plaque or anything other than to know she has done what she and her husband had intended to do.

Again, thank you for listening and looking into this for us, Abby Fisher

Contact information: P.O. Box 222
Bar Mills,
Maine 04004
Telephone: (207) 727-3593





CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Mayor and City Council
FROM: David Hediger, City Planner
DATE: April 15, 2015
RE: 986 Sabattus Street Rear – Fisher Land Donation

Pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code, the Planning Board shall review and make a recommendation to the city council with regard to the acquisition and disposition of all public ways, lands, buildings and other municipal facilities.

Staff has been directed to request a recommendation from the Planning Board for the acquisition of 986 Sabattus Street Rear. Administration received a request from a relative of the owner Virginia Fisher to donate this land to the city. This 3.52 acres parcel is located in the Neighborhood Conservation "A" (NCA district) and is essentially undevelopable having no frontage or access, is significantly impacted by shoreland zoning, flood plain, and wetlands, and has two sewer lines and a sewer manhole as part of a cross country sewer collection system. The current assessed value on this property is \$3,720. There are 12 abutters. Two of those abutting lots are owned by the City including undevelopable lot having no frontage and a second parcel land adjacent to McMahon School on North Temple Street.

On April 13, 2015 the Planning Board voted unanimously to send a favorable recommendation to the City Council for the acquisition in the form of a donation of 986 Sabattus Street Rear.

City staff recommends accepting the donation of this property given that it is not developable as it may be beneficial for future wetland mitigation or opens space associated with the school.

1:2400

RACHEL BLVD.

NORTH TEMPLE ST.

ROSLIN AVE.

FIRM Flood Map Panel 23001C0331E
Effective July 8, 2013

230

NWI TYPE PSS1E

NCA

LAURA ST.

NW TYPE PSS

FIRM Flood Zone
AE
NWI TYPE PUBH

BFE-213

BFE-213

Cond. 10

BAILEY AVE.

ROGER ST.

HB

SABBATTUS ST.

DRIVE

230





City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



MEMORANDUM

To: Ed Barrett, City Administrator
City Clerk's Office
City Council Members
Mayor Robert E. Macdonald

From: David Hediger

Date: April 15, 2015

Subject: Planning Board Action: Acquisition of 986 Sabattus Street Rear

The Planning Board took the following action at their public meeting held on April 13, 2015 regarding the acquisition of 986 Sabattus Street Rear.

The following motion was made:

MOTION: by **Walter Hill** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the acquisition in the form of a donation of 986 Sabattus Street Rear. Second by **Pauline Gudas**.

VOTED: 7-0 (Passed)

c: Planning Board Members

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LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing on a new liquor license application for Avant-Garde Maine, 186 Lisbon Street.

INFORMATION:

We have received an application for a liquor license application for Avant-Garde Maine, 186 Lisbon Street. The liquor license application is for malt & 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.

EAB/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 Avant-Garde Maine, 186 Lisbon Street.

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164**



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.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

RESTAURANT (Class I,II,III,IV)

HOTEL-OPTINONAL FOOD (Class I-A)

CLASS A LOUNGE (Class X)

CLUB (Class V)

TAVERN (Class IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL (Class I,II,III,IV)

CLUB-ON PREMISE CATERING (Class D)

GOLF CLUB (Class I,II,III,IV)

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.) <i>Nichole Bouyea</i> DOB: <i>2/16/81</i>			2. Business Name (D/B/A) <i>Avant - Garde Maine</i>		
DOB:					
DOB:			Location (Street Address) <i>186 Lisbon St</i>		
Address			City/Town <i>Lewiston</i> State <i>ME</i> Zip Code <i>04240</i>		
<i>137 Pond Rd.</i>			Mailing Address <i>137 Pond Rd.</i>		
City/Town <i>Lewiston</i>		State <i>ME</i>	City/Town <i>Lewiston</i>		State <i>ME</i> Zip Code <i>04240</i>
Telephone Number <i>207-402-0807</i>		Fax Number	Business Telephone Number <i>207 317 1295</i>		Fax Number
Federal I.D. #			Seller Certificate #		

3. If premises is a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

5. Is applicant a corporation, limited liability company or limited partnership? YES NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES NO

7. If manager is to be employed, give name: *N/A*

8. If business is NEW or under new ownership, indicate starting date: *5/30/15*

Requested inspection date: _____ Business hours: _____

9. Business records are located at:

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
Nichole A. Bouyea (Veilleux)	2/16/81	Lewiston ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)
 Lewiston, ME
 Nashua, NH

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: Hardy, Walt and Downing Real Estate Holding LLC 186 Lisbon St Lewiston ME 04241

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) 182 Lisbon St
 Retail/Restaurant Store Front

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.7 miles Which of the above is nearest? Basilica of St. Peter and Paul

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 4/23/15, 20____
Town/City, State Date

Nichole Bouyea
 Signature of Applicant or Corporate Officer(s)
 Nichole A. Bouyea
 Print Name

Please sign in blue ink

 Signature of Applicant or Corporate Officer(s)

 Print Name

**MAINE DEPT OF
PUBLIC SAFETY**

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



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

- Exact Corporate Name: Avant - Garde Maine LLC
Business D/B/A Name: _____
- Date of Incorporation: 3/26/15
- State in which you are incorporated: Maine
- If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: _____
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
Nichole Bourque	11 St Pierre St. Lewiston	2/16/81	100	Pres.
	16 Denise St Nashua NH			

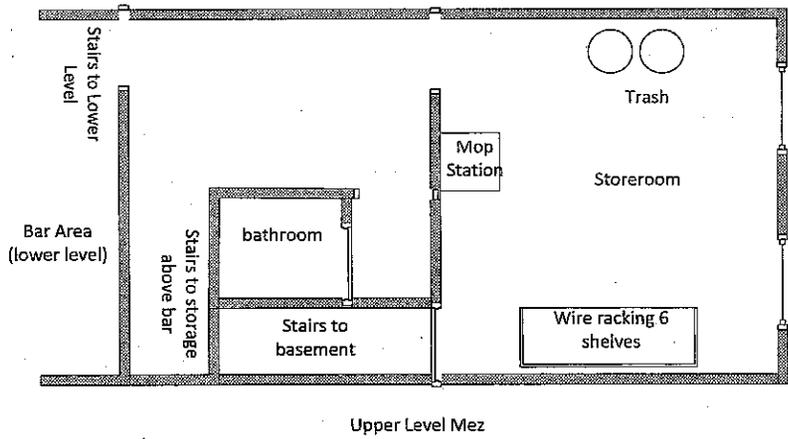
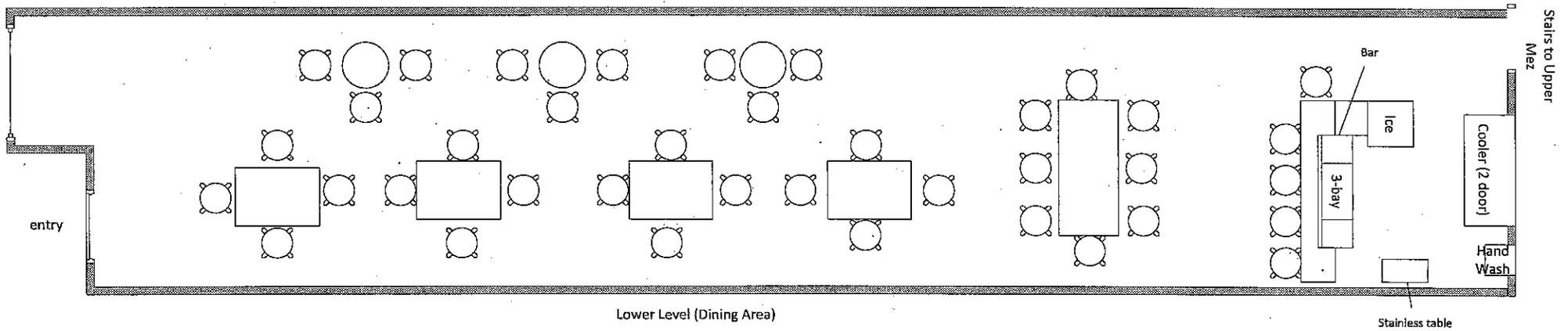
- What is the amount of authorized stock? 0 Outstanding Stock? 0
- Is any principal officer of the corporation a law enforcement official? Yes No
- Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes No
- If YES, please complete the following: Name: _____
Date of Conviction: _____ Offense: _____
Location: _____ Disposition: _____
Dated at: _____ City/Town _____ On: _____ Date _____

Nichole Bourque
Signature of Duly Authorized Officer

4/23/15
Date

Print Name of Duly Authorized Officer

Avant-Garde Maine – Floor Plan



Scale
1/4" = 1'



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: April 27, 2015

RE: Liquor License/Special Amusement Permit – **Avant-Garde Maine**

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

Avant-Garde Maine
186 Lisbon St.



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www.lewistonpd.org



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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, May 5, 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.

Avant-Garde Maine
186 Lisbon Street
Nichole Bouyea, owner

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Kathleen Montejo, MMC
City Clerk
Lewiston, Maine

PUBLISH ON: April 29, 30, & May 1, 2015

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

LEWISTON CITY COUNCIL
MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Little Joe's Bar & Grill, 740 Sabattus Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Little Joe's Bar & Grill, 740 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.

ERB/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 Little Joe's Bar & Grill, 740 Sabattus Street.

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

Date of Application: 4/9/15

Expiration Date: 4/10/15

- 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: Little Joe's Bar & Grill **Business Phone:** 783-8361

Location Address: 740 Sabbath St Lewiston, Me 04240

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

Mailing Address: 160 Lewiston Rd New Gloucester, Me 04260

Email address: peepingken@gmail.com

Contact Person: Kenneth Daigle Jr **Phone:** 344-5030

Owner of Business: Kenneth Daigle Jr **Date of Birth:** 3/8/77

Address of Owner: 15 Bartholomew St Lisbon, Me 04250

Manager of Establishment: Mehris Leighton **Date of Birth:** 11/4/70

Owner of Premises (landlord): Kenneth Daigle Jr

Address of Premises Owner: 84 New Gloucester Rd Durham, Me 04222

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): Gen's Lawn Shop
65 Wly St. Lewiston, Me 04240

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

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

Corporation Name: Little Trees Bar+Grill

Corporation Mailing Address: 160 Lewiston Rd New Gloucester, Me 04260

Contact Person: Melissa Leighton Phone: 240-5750

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

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

Please describe the type of proposed entertainment:

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

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

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

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

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

Signature: S/Melissa Leighton Title: Manager Date _____

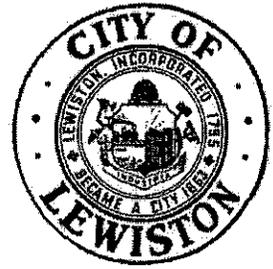
Printed Name: Melissa Leighton

Hearing Date: 5/5/2015



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 17, 2015

RE: Liquor License/Special Amusement Permit – **Little Joes**

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

Little Joes
740 Sabattus St.



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www.lewistonpd.org



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LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing on the renewal of a Special Amusement Permit for Live Entertainment for the Gridiron Restaurant, 1567 Lisbon Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Gridiron Restaurant, 1567 Lisbon Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Gridiron Restaurant, 1567 Lisbon Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 4-27-15

Expiration Date: 5-15-16

- 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: GRADICOR RESTAURANT Business Phone: (207) 777-6353

Location Address: ~~45 West Mines Overlook Dr~~ 1567 LIBBON ST LEWISTON

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

Mailing Address: 45 WEST MINES OVERLOOK DR MINES MC

Email address: GRADICOR0424@AOL.COM

Contact Person: SCHAN MARTIN Phone: 777-6353

Owner of Business: SCHAN MARTIN Date of Birth: 7-31-72

Address of Owner: 45 WEST MINES OVERLOOK DR MINES MC 04248

Manager of Establishment: SCHAN MARTIN Date of Birth: 7-31-72

Owner of Premises (landlord): DAN BORTON

Address of Premises Owner: HATCH RD AUBURN MC 04210

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

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

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

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

Corporation Name: Ghidiras Restaurant

Corporation Mailing Address: 45 West Main St Overlook Dr

Contact Person: Schwan Martin 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? 200 yards House

Please describe the type of proposed entertainment:

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

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

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

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

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

Signature: Schwan Title: MGR Date: 4-25-14

Printed Name: Schwan Martin

Hearing Date: 5-5-15



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: March 30, 2015

RE: Liquor License/Special Amusement Permit – **Grid Iron**

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

Grid Iron
1567 Lisbon St.



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www.lewistonpd.org



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LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing and Final Passage regarding an amendment to the Parks & Recreation Ordinance to incorporate the new Riverside Greenway as a recognized city park.

INFORMATION:

This is a housekeeping matter to add the new bike path/walking path along the Androscoggin River to the list of recognized city parks and recreational areas. The name of the new path is the Riverside Greenway and it opened last fall.

Note: Underlines are additions and strike-outs are ~~deletions~~.

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 amendment to the City Code of Ordinances, Chapter 54 "Parks and Recreation" regarding the addition of Riverside Greenway to the list of city parks, receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO PARKS AND RECREATION

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapters 54 of the Code of Ordinances of the City of Lewiston, Maine are hereby amended as follows:

CHAPTER 54

PARKS AND RECREATION

Sec. 54-8. Public drinking of alcoholic beverages prohibited.

(a) *Definitions.* As used in this section, the following terms have the following meanings:

Liquor means and includes any alcoholic, spirituous, vinous, fermented or other alcoholic beverage or combination of liquors and mixed liquors, intended for human consumption, which contains more than one-half of one percent of alcohol by volume.

Open container means not having a cap, stopper or other cover in place.

Public park, playground or recreational facility means any of the following city-owned or operated public fields, parks, playgrounds and recreational facilities:

- Chasey Park;
- Child's Park;
- Couture Park;
- Farwell School grounds;
- Franklin Pasture Athletic Complex;
- Gaslight Park;
- Holy Family athletic field;
- Judge Armand A. Dufresne, Jr. Plaza;
- Kennedy Park;
- Knox Street Park;
- Leeds Park;
- Lewiston Athletic Park;
- Lewiston Memorial Armory;
- Lincoln Street Boat Launch and Park;
- Lionel Potvin Park;
- Longley School grounds;

Marcotte Park;
Mark W. Paradis Park;
Martel School grounds;
Mayer Park;
McMahon School grounds;
Montello School grounds;
Pettengill School grounds;
Randall Road Softball Complex;
Raymond Park;
Ricker Park;
Riverside Greenway;
Simard-Payne Police Memorial Park;
Smiley Park;
St. Mary's playground (Oxford Street);
Sunnyside Park;
Veterans Memorial Park.

- (b) *Penalty.* A person is guilty of public drinking if he drinks liquor while at any public park or playground, unless at specific events authorized by the city council.
- (c) *Evidence.* The possession of an open container of liquor at a public park or playground is prima facie evidence of a violation of this section.

NOTE: Additions are underlined; deletions are ~~struck out~~.

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing and Adoption of the Resolve approving the Federal FY2015 Community Development Block Grant (CDBG) Action Plan Budget for submittal to the U.S. Department of Housing and Urban Development (HUD).

INFORMATION:

During previous Council meetings and workshops, the Council received the recommendation from the CDBG Review Committee regarding the FY15 CDBG budget and Action Plan, and voted to set the public hearing for the May 5, 2015 City Council meeting. HUD requires that final acceptance of this budget take effect a minimum of 45 days prior to the end of the fiscal year. The City Council is requested to take the following action:

- 1) Hear public comments on the proposed budget and Action Plan (see attached material).
- 2) Adopt the schedule of funds for the federal Fiscal Year 2015 CDBG budget as recommended by the Community Development Block Grant Review Committee.
- 3) Authorize the submission of the Action Plan to the Department of Housing and Urban Development.

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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- 1) To conduct a public hearing to receive public comments on the proposed CDBG FY2015 program budget.
- 2) To adopt the Resolve approving the FY2015 Community Development Block Grant Action Plan Budget for submittal to the U.S. Department of Housing and Urban Development.



**City of Lewiston Maine
City Council Resolve
May 5, 2015**



Resolve, Approving the Federal FY2015 Community Development Block Grant (CDBG) Action Plan Budget for Submittal to the U.S. Department of Housing and Urban Development (HUD).

Whereas, in accordance with applicable sections of 24 CFR Parts 91 and 570 and the City's Citizen Participation Plan, the City has provided citizens with adequate notice and opportunity to review and comment on its annual Action Plan budget; and

Whereas, the City Council has, on this date, conducted a public hearing and accepted public comments on the proposed Action Plan; and

Whereas, HUD requires that final local acceptance of the CDBG Action Plan budget take effect a minimum of 45 days prior to the end of Lewiston's fiscal year, which occurs on June 30, 2015;

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

The attached schedule of funds for the Federal Fiscal Year 2015 (FY14) CDBG budget (Action Plan) is hereby adopted, and City staff is hereby authorized to submit the FY2015 Action Plan to the U.S. Department of Housing and Urban Development as adopted.

Economic and Community Development

Lincoln Jeffers
Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: CDBG Budget and Action Plan for Federal FY 15
Date: April 29, 2015

Lewiston will receive \$777,025 in Community Development Block Grant Funds in Federal Fiscal Year 2015, which coincides with Lewiston's FY 16 budget. My April 4th memo to the Council on the Draft Budget (attached) provides background on the CDBG program and how it is administered. Federal CDBG requirements specify that the governing body of CDBG Entitlement Communities must submit its budget no later 45 days before the end of its fiscal year. This means Lewiston must submit its Action Plan and budget to HUD by May 15, 2014.

As was noted in my April 7th council workshop memo (attached), public participation is an important part of the decision making process in determining how each year's allocation of CDBG funds are invested. Lewiston utilizes a CDBG Citizens Advisory Committee (CAC) to review CDBG funding requests. This was an especially busy year for the CAC, in that in addition and prior to developing their CDBG funding recommendations for the coming year, they also actively engaged with the public, stakeholders, staff, and consultant to develop a new 5 year Consolidated Plan. Lewiston's *2015-2019 CDBG Consolidated Plan* was approved and adopted at the April 21st city council meeting.

Working to address the goals established in the new Consolidated Plan, the CAC reviewed and scored funding applications as to how well the request:

- Supports the 5 year Consolidated Plan goals
- Meets a critical unmet need in the community
- Is within the applicants capacity to carry out
- Is cost effective

Attached is the draft budget for utilization of CDBG Funds for the program year that starts July 1, 2015.

Public notice inviting comment was given and the Action Plan has been posted on the City's web site since April 3rd. The draft CDBG budget was presented to the council in a workshop on April 9th. To date, no public comments have been received other than those made at the council meeting. The public comment period ends May 5th.

Following is a summary of the CAC's recommendations:

1. Funding for **Social Service Agencies** is capped by HUD regulations at 15% of the combined total of the new grant allocation plus the prior year's program income. This year's cap is \$145,054. Historically, Lewiston has funded approximately 5% below the cap to insure program requirements are met. The CAC recommended funding 11 social service agencies as detailed on the budget sheet for a combined total of \$140,220, which is 3.3% below the cap. The process for determining which agencies CAC recommended for funding is detailed in my April 7th memo. Included in this category is \$57,000 for Lewiston's General Assistance office (GA), which, per HUD rules, must be funded under the agency category. The recommended GA funding is 25% less than what was approved last year. It will fund one GA position with benefits.
2. **Administration and Planning** is capped at 20% of the combined total of the new grant allocation plus projected program income for the year. This year's cap is \$197,005. The CAC recommends a total of \$183,079, with \$175,017 of that amount for administration (salaries, supplies, operational expenses, etc.) and \$8,062 for planning work to broaden the application and implementation of the Bridges Out of Poverty program
3. **Housing** – Lewiston is the managing partner of a three year \$3.4 million Green and Healthy Homes Initiative Lead Grant. At the time the grant was applied for each city committed \$70,000 of CDBG money as a match to the lead grant. As the grant moves forward to implementation, the amount of match required from each city may vary depending upon the number of units receiving grant funding in each community. For the coming year and taking into account the previous funds allocated for lead grant match, \$25,000 is needed from the new allocation to meet Lewiston's \$70,000 lead match obligation.

Housing rehabilitation office administration is recommended for \$75,688. This funds a portion of community development department staff salaries, office operational expenses, and a percentage of project fees paid to Community Concepts for construction management.

Community Concepts is the recipient of federal and other grant funding that is used to weatherize homes for low income homeowners. Those funding sources do not allow investment of weatherization dollars in a property if it has a leaky roof or significant electrical, plumbing, or other code issues. CAC is recommending \$100,000 be allocated for fixing those elements of low income homeowner rehab projects that cannot be funded with weatherization dollars. At the April 9th council workshop, there were some questions about how the weatherization

program works. Attached is a memo from Jayne Jochem that more fully explains the program and how it is integrated with city programs.

It is also recommended that CDBG continue to fund a code enforcement position dedicated to the CDBG target area.

4. **Infrastructure** – As the draft CDBG budget was being developed, several infrastructure projects were considered by CAC. Funding for Lisbon Street streetscape improvements to be done in concert with a state funded rehabilitation of the street and sidewalk was originally recommended for funding. That project has been delayed for a year. At the April 9th workshop, I suggested funding the conversion of downtown lighting to LED fixtures as a potential project, but that initiative is too far down the road to implementation to be able to meet HUD regulations for the utilization of CDBG dollars. As Ed Barrett explained at the April 28th council budget workshop, rebuilding the road and sidewalk on Oxford Street between Cedar and Beech Street is recommended for \$236,874 in CDBG funding toward a total project cost estimated at \$315,000.

The City Council is being asked to adopt a budget and action plan that will direct how the coming Federal FY 2015 CDBG allocation will be spent beginning July 1, 2015 and to authorize the City Administrator to submit the same to the U.S. Department of Housing and Urban Development.

**COMMUNITY DEVELOPMENT BLOCK GRANT
LEWISTON FY 2015-2016 BUDGET**

	(CFY2015) FFY2014	SCORES	(CFY2015) FFY2014	(CFY2015) FFY2014	(CFY2016) FFY2015	(CFY2016) FFY2015	(CFY2016) FFY2015
A. FY 15 Allocation (est.): \$	\$777,025						
Plus Contingency	\$50,000						
Less Social Services	(\$57,000)						
Less Enhanced Code Enforcement	(\$62,264)						
Less Rehab Admin: \$	(\$94,608)						
Less CD Admin: \$	(\$175,017)						
Total available for programs:	\$438,136						
B. FY 15 Program Income (FFY13)	\$190,000						
C. FY16 Projected Program Income							
Housing	\$84,000						
Commercial	\$94,000						
ESLP:	\$30,000						
Total FY14 Projected Program Income	\$208,000						
*Note: Program Income generated from CDBG Revolving Loan Pools cannot be used to fund other projects. It must be used to recapitalize the loan pools. However, total program income is used when determining the caps set for Administrative Expenses and Public Service Agency funding (CFR 24.200(g)) CFR24.201(e)(1). Program Income generated by the Economic Stimulus Loan Pool (ESLP), administered by the LAEGC is counted as CDBG program income							
Caps:							
CD: Administration - (20% of Entitlement \$):			\$155,405				
Public Services -							
15% x (Grant + FY15 Program Income):			\$145,054				
Administration & Planning -							
20% x (Grant + Projected FY16 Program Income):			\$197,005				

Economic and Community Development

Lincoln Jeffers
Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: **CDBG Budget and Action Plan**
Date: April 7, 2015

Background

The Community Development Block Grant (CDBG) program is a federal program created in 1974 to help states and communities combat poverty and assist in the development of viable urban communities. It is administered by the Department of Housing and Urban Development. The overarching goals of the program are to help provide the following, principally for persons of low and moderate income:

- Decent housing
- A suitable living environment
- Expanded economic opportunities

To achieve these goals, CDBG regulations set forth eligible activities and the national objectives that each activity must meet. As a recipient of CDBG funds, Lewiston is charged with ensuring that these requirements are met.

Lewiston has been a CDBG Entitlement Community since 1974. Entitlement Communities annually receive a funding allocation directly from HUD based on a formula established by Congress. Other communities in Maine designated as Entitlement Communities are Portland, Bangor, Auburn, Biddeford, and Cumberland County. The State of Maine also receives a funding allocation that is distributed by the state to other non-entitlement communities on a competitive, per project basis each year.

Since 2010 Lewiston's allocation has shrunk 25%, from \$1,040,235 in FY 2010 to \$777,025 in FY 2016. Over the last several years, funding allocations have been relatively steady, hovering around \$780,000 annually.

Planning and Goals

As an Entitlement Community, Lewiston must meet significant administrative and reporting requirements from HUD. Among those requirements is developing and adopting a 5 year strategic plan, known as the *Consolidated Plan*, which outlines how CDBG funds will be utilized over the term of the plan.

Public participation is an essential component of the development of a Consolidated Plan. Lewiston has a mayor appointed 7 member CDBG Citizen Advisory Committee (CAC) that last fall, along with staff and consultant, held six public meetings and numerous interviews with stakeholder groups to identify the most critical eligible needs to which Lewiston's CDBG funds should be targeted.

The draft Consolidated Plan was presented to the City Council on March 17th. It has been posted on the city's website since then for public comment. My memo from that Council meeting is attached, which summarizes the recommendations of the Consolidated Plan. Following is a very brief outline of how Lewiston has historically invested CDBG funds, some rules we must abide by, and goals for the coming five years, the first year of which is this funding cycle.

The bulk of Lewiston's CDBG funds are invested in or to the benefit of the residents of a Target Area, Census Tracts 201 -204 (map attached). Historically, the city has used its funds primarily on housing improvements, economic development, infrastructure improvements in the Target Area, and social services. So long as the broad national goals of the program are met - *developing viable urban communities by providing decent housing, a suitable living environment and expanding economic opportunities principally for persons of low and moderate income* - there is considerable flexibility in how the funds are spent. HUD rules limit spending to 20% for administration of the program and no more than 15% for social service agency funding.

The 2015 -2019 Consolidated Plan has 4 high priority, 3 medium priority and 1 low priority goals. They are:

High Priority

- A. Support people in their efforts to transition out of poverty
- B. Prevent homelessness
- C. Improve the safety and energy efficiency of the housing stock
- D. Reduce lead hazards in housing

Medium Priority

- A. Increase neighborhood pride through investment in infrastructure
- B. Promote jobs and economic growth
- C. Create more stable and diverse mixed income neighborhoods

Low Priority

- A. Support Fair Housing and increase housing choice.

Citizen Advisory Committee FY 2016 Funding Recommendations

In January of this year, the City issued a Notice of Funding Availability and invited social service providers and others to submit requests for CDBG funds. The CAC goes through an exhaustive review of the applications and interviews those with new programs or ones about which they have questions. The CAC then scores those applications based on how well each application meets the following criteria:

- a) Supports the 5 Year Strategic Plan and its goals (can score up to 35 points)
- b) Meets a critical unmet need (can score up to 35 points)
- c) Is within the applicants capacity to carry out (can score up to 20 points)
- d) Is cost effective (can score up to 10 points)

The scoring process has evolved and been fine-tuned by the CAC over the last few years to improve its objectivity. The integrity of the process has been maintained in each funding cycle, with improvements identified implemented in the following budget year.

Attached is the budget showing the Citizen Advisory Committee's recommendations for the city's CDBG spending in FY 2016. The City received 16 social service agency applications requesting \$279,642 in funding. CAC recommends spending \$140,220 on eleven social service agencies/programs including \$57,000 to fund one full time position with benefits in Lewiston's General Assistance Office. Lewiston's GA office provides front line assistance to help very low income residents meet their most basic needs, meeting the national objectives of providing decent housing and a suitable living environment.

The CAC developed their funding recommendations for the other 10 agencies based on the following formulas:

For those agencies that scored 79 or above:

Amount requested X score expressed as a % X 84%

For those agencies that scored 75 -78:

Amount requested X score expressed as a % X 50%

HUD calculates the 15% social service agency cap on the annual allocation plus the prior year's program income. The program income is estimated, and, accordingly, staff does not recommend funding all the way up to the cap. If loan repayments are less than projected, the cap could be exceeded, which would cause compliance and possible repayment issues with HUD. The recommended level of funding is 3.3% below the cap.

Administration

HUD regulations have a 20% cap on CD Office Administration and Planning. The recommended budget includes \$175,017 to fund staff salaries and costs of operation for the Community Development office and \$8,062 to fund a planning initiative lead by Community Concepts that will develop strategies to more broadly and deeply incorporate the Bridges Out of Poverty program in the area. Combined, the two programs are 7% (\$13,926) below the HUD cap. It should be noted that Economic and Community Development Department staff salaries and benefits are paid from a variety of federal grants and do not affect the General Fund.

Housing

Lewiston and Auburn received a three year, \$3.4 million lead and healthy homes grant. Lewiston is administering the grant. These funds will be spent in both Lewiston and Auburn. Properties that have received an abatement order for lead hazards from the State of Maine will be given priority for funding, after which projects will be funded on a first come, first served basis. Lewiston needs to provide a match of \$70,000 annually for that grant. In this round of funding, \$25,000 is needed to meet the first year's match requirement with the other \$55,000 being carried forward from previous allocations.

No new funds are requested for the city rehabilitation loan program. The program currently has \$220,000 available and receives approximately \$80,000 each year in program income, which helps keep the loan program capitalized. The CAC recommends that Community Concepts receive \$100,000 in funding to capitalize a grant program they administer that provides grants to very low income individuals for replacement of roofs, upgrading of electrical systems, or other improvements that must be made to allow weatherization grant funding to be invested in these owner occupied properties. This program benefits Lewiston's most needy homeowners, many of who are elderly.

Rehab Office Administration funds staff salaries and construction management services provided by Community Concepts for rehabilitation projects. The Community Concepts work is best farmed out. They work with city code enforcement to identify issues in buildings, then write the scope of services for improvements to be made, manage the bidding process, and ride herd during construction. Code enforcement personnel inspect and certify that improvements have been made prior to the release of CDBG funds.

Also recommended under Housing is \$64,164 for Enhanced Code Enforcement in the target area. Over the last several years, this position has been focused on identifying properties that needed to be demolished as well as working with property owners to bring their buildings into code compliance. In the coming year, it is expected that demolition work will play a diminishing role and that efforts to improve the remaining housing stock will increase.

Infrastructure

Public Works has a plan to retrofit the 577 decorative lights on Lisbon, Canal, and Lincoln Streets, replacing metal halide lamps with LED lamps at a cost of \$240,000. All of these lights are in the CDBG target area. At any given time, there are between 30 and 50 lights out. Replacing them will improve the lighting, safety, and quality of place in the downtown. The life expectancy of LED lamps is 29.1 years vs. 2.3 years with metal halide.

Conclusion

The CAC takes considerable time and care in developing their recommendations for the City Council. Their deliberations are always engaged and spirited with many viewpoints expressed. Their challenge is significant. This year, the total funding requests were 125% of the funds available. Agency requests were 193% of the funds available. The CAC's goal is to make recommendations to invest these scarce dollars in ways that will provide the most benefit to the city and its low to moderate income residents, following the guidelines of the *Consolidated Plan*.

While the CAC makes recommendations, the final decision on how CDBG dollars are invested is the City Council's.

Economic & Community Development



Lincoln Jeffers
Director



MEMORANDUM

DATE: April 10, 2015

TO: Lincoln Jeffers, ECDD Director; City Council and Citizens Advisory Committee

FROM: Jayne Jochem, Community Development Coordinator

SUBJECT: Background on funding request to fund CCI weatherization program

On February 25, 2014, the Lewiston City Council unanimously adopted the Green and Healthy Homes Initiative (GHHI), a national model for collaborative service delivery that was developed to leverage funding sources through its community partners to make homes lead safe, energy efficient, weatherized, well ventilated, pest free, safe, dry and well maintained.

Since then, the City's housing dollars have had more impact in the community by working in concert with the programs offered by other housing partners; resulting in more property owners being served.

The GHHI funding strategy is to align, braid, and coordinate federal, state, and local funding to create a single application for the homeowner with a coordinated eligibility among organizations. This keeps it simple for the homeowner to apply, receive a comprehensive assessment of their needs, and have multiple funding sources applied to meet their needs in a coordinated way. By working in this way, it does not matter whether the homeowner comes into the City or through Community Concepts, Inc. (CCI); they receive the resources they need to address the rehabilitation work. The GHHI strategy has many points of entry: in addition to accessing housing rehabilitation services through the city or other housing partner, the homeowner or renter could enter through the health system or the schools, if housing rehabilitation is needed to affect improved health outcomes for the household.

Community Concepts, Inc. through its Housing Services Division is one of the housing partners that bring additional resources to this effort not otherwise available to the City. CCI uses funds from the Department of Energy and the Department of Health and Human Services. CCI's weatherization program works in tandem with City housing programs. While the City's funding is targeted primarily in the downtown, CCI reaches homeowners that reside city-wide. In 2013, CCI's weatherization program was not

(207) 513-3126; TTY/TDD (207) 513-3008; FAX (207)795-5071; www.ci.lewiston.me.us

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



funded; as a result, the City had a spike in homeowner emergency rehabilitations (7 that year). We replaced roofs, furnaces, wiring and other items needing immediate attention, without the benefit of making the properties more energy efficient or weather tight.

In 2014, the City funded CCI's weatherization program in the amount of \$71,242. CCI's request was for \$80,000 that year. Utilizing the City's CDBG program to leverage weatherization and HEAP assistance, CCI served 12 homeowners of which 10 were below 50% of Median Family Income (MFI) and 2 were between 50-80% of MFI. The CDBG funding was matched with \$86,124.52 in other funding received through the Department of Energy and the Department of Health and Human Services. The City had only two emergency loans in 2014, one for a partial roof replacement and the other for a water main replacement. In both instances, the borrowers were over income for the CCI programs but were under the city's emergency loan cap of 120% of MFI.

In FY 15, the City Council followed the CAC recommendation to only fund CCI's request of \$70,000 at \$42,000 in order to free up CDBG funds for a pilot GHFI program run by Healthy Androscoggin. To date, using their other weatherization grant sources, CCI has completed 7 units and has completed energy assessments and is in the process of writing bid specs for 9 other homeowners. The \$42,000 in CDBG funding has resulted in 5 replacement roofs, knob & tube wiring replaced with modern electric, and plumbing and foundation repairs. This year, the City has had only one emergency roof repair. CCI already has 10 other very low income homeowners waiting to be assisted with FY 16 funding.

CCI serves the needs of very low-income households on fixed incomes, the majority of which are elderly. City money invested in the weatherization program significantly leverages other resources that result in better quality housing. Leveraging other partners funding sources has freed the City's funding to concentrate on the housing stock in the downtown. This year, the City has funded code improvements to 8 downtown buildings (20 units). The Loan Qualification Committee recently approved a loan to rehab 2 more buildings (4 units). CCI invested weatherization funding in the same properties.

Investing in CCI's weatherization program significantly leverages other funding sources resulting in better quality housing for Lewiston's most vulnerable citizens. The CCI program provides a channel to funnel CDBG dollars to income qualified homeowners outside of the downtown and compounds the results of the investment of those dollars by bringing other resources to bear. This allows the city's housing programs to be focused on viable properties in the downtown. If the CCI weatherization program was not funded, there would be increased demand on the City's housing programs to make emergency repairs that do not improve the longevity, efficiency, or affordability of the housing stock.

I ask that you please consider funding this program in full.



LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Final Budget Public Hearing for the Fiscal Year 2016 Municipal Budget.

INFORMATION:

The City Council schedules and conducts two public hearings regarding the budget to receive citizen input. An initial public hearing is held earlier in the budget review process and a final public hearing is held at the end of the budget review process, prior to the final budget approval.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This public hearing is part of the budget process to receive citizen input.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a final budget public hearing to receive citizen input and communication regarding the proposed Fiscal Year 2016 Municipal budget.

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Resolve Approving the FY16 Budget for the Lewiston School Department.

INFORMATION:

The Council has held several budget workshop sessions with the School Committee during the past few months. The final school budget was presented to the City Council on April 23 at a budget workshop.

This Council action would approve the School Committee budget which will then go to the School Budget Validation Referendum Election scheduled for Tuesday, May 12. Since the requested expenditure increase exceeds the Charter limitation, Council approval will require five affirmative votes for the budget to be approved.

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 approving the FY16 budget for the Lewiston School Department.



COUNCIL RESOLVE

Resolve, Approving the FY16 Budget for the Lewiston School Department

Whereas, pursuant to the City Charter, the Lewiston School Committee prepared and approved a FY16 budget for the Lewiston School Department that was submitted to the City Council in March; and

Whereas, subsequent to the receipt of this budget, the School Committee and the City Council have met to discuss and review it; and

Whereas, as a result of these discussions and information which has become available since the initial budget was approved, the School Committee has revised and amended the proposed budget; and

Whereas, the final budget approved by the School Committee reflects the discussions between the City Council and the Committee; and

Whereas, as proposed, the School budget exactly meets the local share property tax commitment required by state law; and

Whereas, any further reduction in this local share would result in a loss of state education aid of approximately \$2.50 for every \$1 reduction in local property tax support;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the Fiscal Year 16 budget approved by the Lewiston School Committee as outlined and detailed on the eighteen attached Lewiston School Department Budget Articles is hereby adopted subject to approval of the voters of the City of Lewiston at a budget validation referendum.

LEWISTON SCHOOL DEPARTMENT BUDGET ARTICLES

EXPENDITURE ARTICLES:

1. To authorize the Lewiston School Committee to expend \$22,545,416 for Regular Instruction for the fiscal year beginning July 1, 2015 and ending June 30, 2016.
2. To authorize the Lewiston School Committee to expend \$17,081,192 for Special Education for the fiscal year beginning July 1, 2015 and ending June 30, 2016.
3. To authorize the Lewiston School Committee to expend \$3,009,044 for Career and Technical Education for the fiscal year beginning July 1, 2015 and ending June 30, 2016.
4. To authorize the Lewiston School Committee to expend \$771,472 for Other Instruction, including Summer School and Extracurricular Instruction for the fiscal year beginning July 1, 2015 and ending June 30, 2016.
5. To authorize the Lewiston School Committee to expend \$3,717,480 for Student and Staff Support for the fiscal year beginning July 1, 2015 and ending June 30, 2016.
6. To authorize the Lewiston School Committee to expend \$1,208,436 for System Administration for the fiscal year beginning July 1, 2015 and ending June 30, 2016.
7. To authorize the Lewiston School Committee to expend \$2,632,106 for School Administration for the fiscal year beginning July 1, 2015 and ending June 30, 2016.
8. To authorize the Lewiston School Committee to expend \$3,320,638 Transportation and Buses for the fiscal year beginning July 1, 2015 and ending June 30, 2016.
9. To authorize the Lewiston School Committee to expend \$6,412,196 for Facilities Maintenance for the fiscal year beginning July 1, 2015 and ending June 30, 2016.
10. To authorize the Lewiston School Committee to expend \$3,327,730 for Debt Service and Other Commitments for the fiscal year beginning July 1, 2015 and ending June 30, 2016.
11. To authorize the Lewiston School Committee to expend \$16,000 for All Other Expenditures for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

REVENUE ARTICLES:

12. To see what sum the City will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$63,781,890) and to see what sum the City will raise as the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, §15688.

Statutory Recommendation \$18,766,947

School Committee Recommendation \$17,669,081

Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the City must raise in order to receive the full amount of state dollars. Note: Per PL2009, Chapter 571, the amount recommended by the school committee as the required local share for the FY2015-2016 budget may be no less than 94.15% of the Title 20-A, Section 15688 amount, in order to receive the full amount of State subsidy.

13. To appropriate the sum of \$998,023 for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12. *Explanation: Non-state-funded debt service is the amount of money needed to repay the annual payments on Lewiston's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the City Council.*

14. To raise and appropriate the sum of \$0 in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, section 15690.

Explanation: The additional local funds are those locally raised funds over and above the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the City's budget for educational purposes.

TOTAL SCHOOL OPERATING BUDGET ARTICLE:

15. To authorize the Lewiston School Committee to expend the sum of \$64,041,710 for the fiscal year beginning July 1, 2015 and ending June 30, 2016 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

OTHER REVENUES

- 16. To authorize the Lewiston School Committee to expend additional State, Federal and other funds received during the fiscal year 2015-2016 for school purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated.
- 17. To authorize the Lewiston School Committee to accept the categories of funds listed below as provided by the Maine State Legislature.

<u>CATEGORY</u>	<u>ESTIMATED AMOUNT</u>
Title I A Disadvantaged	\$2,475,000
Title IIA Teacher Quality	\$ 329,000
Title III ELL	\$ 153,000
Local Entitlement, Part I School Age and Part 2, Preschool Age	\$1,281,000
Carl D. Perkins Vocational and Applied Technology Education Act of 1990	\$ 214,000
Title I - School Improvement	\$ 595,000
21 st Century Learners	\$ 129,000
Adult Basic Education	\$ 101,000
Adult Ed Civics Grant	<u>\$ 38,000</u>
	\$5,315,000

ADULT EDUCATION:

- 18. To appropriate the sum of \$677,122 for adult education for the fiscal year beginning July 1, 2015, and ending June 30, 2016, and to raise the sum of \$440,862 as the local share for adult education, with authorization to expend any additional incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

SUBJECT TO REFERENDUM VOTE

Lewiston Public Schools
2015 - 2016 Draft Budget Report

02/13/15

	FY14 Actual	REVISED FY14 Budget	FY15 Budget	Proposed FY16 Budget	Budget Change \$	%
Article 5: Student & Staff Support						
Guidance	\$1,017,319	\$980,024	\$977,382	\$1,012,820	\$35,438	3.6%
Health Services	\$618,301	\$488,768	\$526,606	\$537,761	\$11,155	2.1%
Library	\$579,518	\$535,961	\$537,628	\$540,167	\$2,539	0.5%
Technology	\$714,292	\$722,860	\$811,649	\$900,607	\$88,958	11.0%
Curriculum and Staff Training	\$431,859	\$475,169	\$481,046	\$726,125	\$245,079	50.9%
Total Student and Staff Support	\$3,261,289	\$3,202,782	\$3,334,311	\$3,717,480	\$383,169	11.5%
Article 6: System Administration						
	\$1,148,201	\$1,150,345	\$1,187,636	\$1,208,436	\$20,800	1.8%
Article 7: School Administration						
	\$2,500,045	\$2,500,572	\$2,552,508	\$2,632,106	\$79,598	3.1%
Article 8: Student Transportation						
Transportation Admin.	\$44,801	\$41,003	\$47,734	\$48,212	\$478	1.0%
Regular Instruction	\$1,519,477	\$1,544,277	\$1,603,661	\$1,651,755	\$48,094	3.0%
Special Education	\$1,121,869	\$1,093,289	\$1,217,182	\$1,411,116	\$193,934	15.9%
Summer School & Alternative Ed	\$135,462	\$157,508	\$205,044	\$209,555	\$4,511	2.2%
Total Student Transportation	\$2,821,609	\$2,836,077	\$3,073,621	\$3,320,638	\$247,017	8.0%
Article 9: Facilities Maintenance						
Operation & Maintenance of Plant	\$4,146,314	\$4,106,720	\$4,268,457	\$4,588,581	\$320,124	7.5%
Debt Service	\$2,513,164	\$2,552,558	\$1,691,149	\$1,823,615	\$132,466	7.8%
Total Facilities Maintenance	\$6,659,478	\$6,659,278	\$5,959,606	\$6,412,196	\$452,590	7.6%
Article 10: Debt service (major capital construction)						
	\$2,847,348	\$2,850,998	\$3,422,905	\$3,327,730	(\$95,175)	-2.8%
Article 11: Other						
	\$15,152	\$16,000	\$16,000	\$16,000	\$0	0.0%
Total - GENERAL FUND	\$66,268,691	\$58,213,487	\$60,528,033	\$64,041,710	\$3,513,677	5.8%
Article 18: Adult Education						
	\$649,943	\$636,196	\$649,943	\$677,122	\$27,179	4.2%
Total All Articles	\$66,918,634	\$58,849,683	\$61,177,976	\$64,718,832	\$3,540,856	5.8%
Other Adult Education:						
Fees, Grants, and Contract Revenue	\$114,577	\$160,000	\$180,000	\$180,000		
Instructional & Admin Expenses	\$112,892	\$160,000	\$180,000	\$180,000		

LEWISTON CITY COUNCIL
MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Resolve approving the Final Adjustments to the Fiscal Year 2016 Municipal Budget.

INFORMATION:

Prior to final budget adoption, the Council must review and approve all adjustments to the proposed budget. The attached listing represents adjustments that the Council has already reviewed and discussed during budget workshops. The City Administrator and the Finance Director will be available to answer questions regarding the proposed budget adjustments.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The budget adjustments are presented to Council to provide various budget alternatives.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the Resolve approving the final adjustments to the Fiscal Year 2016 Municipal Budget.



**City of Lewiston Maine
City Council Resolve
May 5, 2015**

RESOLVE, Approving the Final Adjustments to the Fiscal Year 2016 Municipal Budget

Whereas, in accordance with the Charter, the City Administrator presented his proposed Fiscal Year 2016 budget to the City Council on March 24, 2015; and

Whereas, since then, the City Council has met on numerous occasions to review the various departmental budgets and to discuss changes to the Administrator's proposal; and

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

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

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

Now, therefore, Be it Resolved by the City Council of the City of Lewiston that

the following Final Budget Adjustments Summary for Fiscal Year 2016, is hereby approved:

	Dept.	Account #	Description	Amount
1	41220	4050500	Office Equipment	750
2	41310	4015000	Legal	6,260
3	41510	3393610	PILOT - Chamber	5,000
4	41510	3711500	Other Reimbursements	3,779
5	41520	4057100	Acquisition & Demolition	100,000
6	41550	4028801	Lien Recording/Discharge	760
7	41600	4026200	Maintenance	(3,959)
8	41600	4050500	Office Equipment	5,400
9	41600	4050500	Office Equipment	1,000
10	41600	4050500	Office Equipment	1,700
11	41610	4011000	Salaries	23,760

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

12	41710	4011000	Salaries	(1,000)
13	41910	4058000	Building & Structures	1,000
14	41930	4028808	Sweeping Services	280
15	41940	4028808	Sweeping Services	280
16	41940	4058000	Building & Structures	16,000
17	41950	4028808	Sweeping Services	410
18	41960	4028808	Sweeping Services	380
19	41970	4028808	Sweeping Services	380
20	41970	4058000	Building & Structures	10,000
21	42110	4032000	Gas	185
22	42120	4011000	Salaries	38,000
23	42120	4032000	Gas	2,055
24	42130	4011000	Salaries	65,000
25	42130	4011000	Salaries	(31,358)
26	42130	4011000	Salaries	31,358
27	42130	4032000	Gas	18,740
28	42210	4032000	Gas	490
29	42220	4032000	Gas	3,785
30	42220	4052500	Public Safety Equipment	1,000
31	42220	4052500	Public Safety Equipment	4,750
32	42220	4052500	Public Safety Equipment	3,500
33	42230	4032000	Gas	290
34	42250	4032000	Gas	410
35	42290	4053000	Household Equipment	4,000
36	42410	4011000	Salaries	6,000
37	42910	4032000	Gas	700
38	43210	4026200	Maintenance	(3,000)
39	43210	4057000	Other Betterments	2,500
40	43310	4057003	Other Bet. - Guardrails	4,000
41	43340	4057000	Other Bet. - Sidewalks	20,000
42	43380	4057000	Other Betterments	18,000
43	43430	4057000	Other Betterments	78,500
44	43510	4057000	Other Betterments	(11,842)
45	43510	4057000	Other Betterments	5,500
46	43510	4057000	Other Betterments	4,130
47	43810	4019200	Billing - Cash	(142,935)
48	43810	4032000	Gas	37,525
49	43810	4032000	Gas	199,452
50	43910	4058000	Building & Structures	35,000
51	44210	4011000	Salaries	33,560
52	45190	3622000	Rent	5,940
53	45590	3626001	Rent of Facilities	600
54	48110	4049000	LA Airport	9,610
55	48110	4049000	LA Airport	1,890
56	48130	4043000	911 Contribution	20,482
57	49210	4046004	Health Insurance	(8,863)
58	49210	4046004	Health Insurance	8,863
59	49310	4044001	MEPERS	(9,630)

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60	49310	4044001	MEPERS	3,940
61	49310	4044004	Def Comp	1,008
62	49310	4044500	FICA	2,570
63	49310	4044500	FICA	1,285
64	49310	4044500	FICA	(455)
65	49310	4044600	Severance Pay	19,444
66	49510	4043000	Donations - Flags	(2,500)
67	49610	4049000	Tax Sharing	300
68	49710	4011000	Salary Reserve	1,785
69	49910	4015000	Other Misc.	12,255
70	49910	4050500	Office Equipment	2,500
			Total General Fund	672,499
71	60500	6062001	Gas	6,670
72	60700	4011000	Salaries	(2,320)
			Total Water Fund	4,350
73	62500	6062001	Gas	3,965
74	62700	4011000	Salaries	(2,320)
			Total Sewer Fund	1,645
75	64700	4011000	Salaries	(2,320)
76	64700	6063402	CS - Collections	(3,779)
			Total Stormwater Fund	(6,099)

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Adoption of Municipal Budget Appropriation Resolve for Fiscal Year 2016.

INFORMATION:

This action is the final phase of the budget adoption for the municipal budget. The attached information defines the Appropriation Resolve.

Please note, per the City Charter, five or more affirmative votes are required for the passage of this Resolve.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EVAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Municipal Budget Appropriation Resolve for Fiscal Year 2016.



COUNCIL RESOLVE

RESOLVE, Making an Appropriation for Municipal Budget Year 2016

Be It Resolved by the City Council of the City of Lewiston that the sum of forty-three million four hundred twenty-five thousand three hundred and seventy-seven dollars (\$43,425,377) is hereby appropriated in the General Fund for the municipal year 2016 in accordance with the schedule of appropriations; and

Be It Further Resolved by the City Council of the City of Lewiston that, in addition to such other revenues as are estimated to be available to meet the above appropriations including the Homestead and Business Equipment Tax Exemption reimbursement, the sum of thirty-two million three hundred forty thousand nine hundred seventy-seven dollars (\$32,340,977) be raised by assessment upon the estates of the inhabitants of the City of Lewiston and upon the estates of non-resident proprietors within said City for the present municipal year; and

Be It Further Resolved by the City Council of the City of Lewiston that the sum of eleven million eighty-four thousand four hundred dollars (\$11,084,400) be appropriated as non-tax revenues in the General Fund for the municipal year 2016 in accordance with the schedule of appropriations; and

Be It Further Resolved by the City Council of the City of Lewiston that the list of tax assessments upon the estates in Lewiston for all city taxes, together with all assessments and charges made under the provisions of the Maine Revised Statutes annotated, Title 30A, Section 3406 and 3442 to 3445 inclusive, and the City's due proportion of the County Tax in the amount of two million three hundred seventy-two thousand seven hundred and forty-five dollars (\$2,372,745) for the period of July 1, 2015 through June 30, 2016 shall be committed by the Assessor to the Finance Director and one-half of said taxes shall be due and payable on the 15th day of September 2015 with the remaining one-half of said taxes due and payable on the 15th day of March 2016; and

Be It Further Resolved by the City Council of the City of Lewiston that interest at the maximum State approved rate of 7% per annum for fiscal year 2016 shall be collected on the first half of said taxes from September 16, 2015, if not voluntarily paid to the Finance Director on or before September 15, 2015, and on the second half of said taxes from March 16, 2016, if not voluntarily paid to the Finance Director on or before March 15, 2016; and

Be It Further Resolved by the City Council of the City of Lewiston that in each case, said interest shall be added to and become a part of said taxes; and

Be It Further Resolved by the City Council of the City of Lewiston that the Treasury Manager/Tax Collector is authorized to accept payments of uncommitted taxes and to pay to the taxpayer interest from the date of payment to the commitment date at a rate of 0% and

that refunds for overpayments or abatements shall be paid to the taxpayer with interest from the date of payment to the date of abatement or refund, whichever is earlier, at an interest rate of 2.00%; and

Be It Further Resolved by the City Council of the City of Lewiston that the Treasury Manager/Tax Collector shall apply all payments to the oldest balance due to the City on that account regardless of any instructions the customer/taxpayer may give. If, however, a lien has matured, the Treasury Manager/Tax Collector may not accept payment on that account unless a workout agreement is in place or approval has been granted by the Finance Director to accept payment. If a customer/taxpayer has more than one account, any payment shall be applied to the oldest balance due; and

Be It Further Resolved by the City Council of the City of Lewiston that the appropriation for municipal year 2016 for the following Enterprise Funds is hereby authorized and approved: the Water Fund in the amount of \$5,319,677, the Sewer Fund in the amount of \$5,428,412, and the Stormwater Fund in the amount of \$2,752,412; and

Be It Further Resolved by the City Council of the City of Lewiston that the appropriation for municipal year 2016 for the following Special Revenue Funds is hereby authorized and approved: the Tax Increment Financing Fund in the amount of \$700,071, the Recreation Activity Fund in the amount of \$128,030 with further authorization to pursue the offering of a new wrestling program, the Lewiston Mill Redevelopment fund in the amount of \$497,809, and the Police Drug Forfeiture Fund in the amount of \$75,596; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally accepts and appropriates any cash contributions received during this budget year to the appropriate department and purpose for which such contribution has been made and where such contribution is equal to or less than \$10,000; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any grants from the State of Maine, the Government of the United States of America, or any other organization received during this budget year where such grant is equal to or less than \$25,000, such appropriation to become effective upon formal Council action to accept such grant; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any insurance proceeds received during this budget year to the appropriate department for the purpose of repairing or replacing the damaged property where such amount is equal to or less than \$50,000, such appropriation to become effective upon receipt of funds; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any Municipal Garage revenues in excess of the amount expended at the end of the fiscal year to be included in the General Fund Municipal Garage Vehicle Reserve Account; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized from the library's permanent endowment fund in accordance with the

recommendation of the Library Board of Trustees and to the extent that the City Administrator determines that such an appropriation is in accordance with existing City and Library policies; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized to transfer the amount of \$6.62 or the current State reimbursement rate per snowmobile registration to the Hillside Snowmobile Club. Payment will be made annually to the Hillside Snowmobile Club by June 30, 2016; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized to transfer the amount of 20% of net timber harvesting revenue, if any, to the Community Forestry Fund in accordance with City Ordinance 78-45. Payment will be made annually to the Community Forestry Fund by June 30, 2016; and

Be It Further Resolved by the City Council of the City of Lewiston that the City Administrator is hereby authorized to take such actions and to enter into such agreements as may be necessary to realize the personnel savings required by the Fiscal Year 2016 municipal budget; and

Be It Further Resolved by the City Council of the City of Lewiston that this budget reflects anticipated intergovernmental revenues from the State of Maine in accordance with existing law and that the budget proposed by the Governor recommends various changes to municipal support programs and the homestead exemption program that may negatively affect this budget and require additional appropriations or budget adjustments. In the event that the final adopted state budget affects municipal revenues or expenditures, the total Fiscal Year 16 tax commitment is hereby additionally increased in an amount equal to the reductions in such state revenues or the required increase in municipal expenditures. If necessary and within sixty (60) days of the adoption of the state budget, the City Council shall determine the proportion of this additional tax commitment that shall be offset by reductions in the various General Fund expenditure accounts; and

Be It Further Resolved by the City Council of the City of Lewiston that the City Council deems it necessary to adopt a budget which exceeds the percent increase of the Gross National Product-Implicit Price Deflator, and hereby waives the provisions of Section 6.07(h) of the City Charter.

(NOTE – Five or more affirmative votes are required for the passage of this Resolve.)

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Order Authorizing the City Administrator to provide city services and funding for City Non-Profit Organization Activities in accordance with the FY2016 City Council approved list.

INFORMATION:

The City Council has received and reviewed the list of requested donations and in-kind support from various non-profit agencies. This agenda item is to approve the City Administrator's recommendations for city support regarding a monetary donation as well as an in-kind donation for the upcoming programs and events. In-kind donations include city support such as overtime costs for Public Works and Police Department staff as well as a waiver of permit fees and use of city equipment such as jersey barriers, snow fencing, trash cans and so forth.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

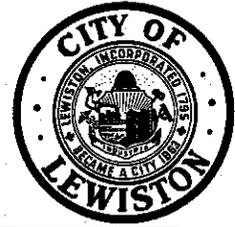
REQUESTED ACTION:

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To approve the Order authorizing the City Administrator to provide city services and funding for City Non-Profit Organization Activities in accordance with the FY2016 City Council approved list.



**City of Lewiston, Maine
City Council Order
May 5, 2015**



ORDER, Authorizing the City Administrator to Provide City Services and Funding for City Non-Profit Organization Activities in Accordance with the FY2016 City Council Approved List.

Whereas, the City of Lewiston has a history of providing support services and limited cash contributions for a variety of activities that will enhance our city's quality-of-life and provide certain non-profit organizations a source of revenue to support programming available to eligible Lewiston residents; and

Whereas, the organizations who will receive FY2016 city support have complied with the application requirements set forth in the "Charitable Organization Support Policy;" and

Whereas, requests for such City support have been reviewed by the City Council as a part of the FY2016 budget process;

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

the City Administrator is authorized to direct city departments to provide applicable city support services and to issue cash payments outlined in the attached "Lewiston Charitable Donations – Summary of Requests for FY2016", less the \$50 application fee and licenses and permits in accordance with the City's Special Events Policy; and

Be It Further Ordered That

The City Policy restricting the loaning of tables and chairs be waived for Advocates for Children and the Great Falls Balloon Festival.

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Resolve Authorizing the Use of \$2,500 from the Farrar Fund for expenses related to basic necessary services for needy individuals.

INFORMATION:

The Farrar Fund is an endowment fund that was established to provide medical and dental services for the residents of Lewiston who are not able to meet their own needs. These residents are usually not eligible for other forms of aid and would otherwise go without needed services and products such as eyeglasses, dentures, prescription drugs, etc.

The Council is requested to authorize the Director of Social Services to expend up to \$2,500 from this account in the coming year, a similar amount to past years. This amount will include interest earned in the past year supplemented by interest earnings accumulated and retained over time. Fund principal in the amount of \$18,551.07 is to be maintained in perpetuity.

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 use of up to \$2,500 from the Farrar Fund for the expenses of basic necessary services for Lewiston residents where such costs are not covered by other assistance programs and as determined by the Director of Social Services.



**City of Lewiston Maine
City Council Resolve
May 5, 2015**



Resolve, Authorizing the Use of \$2,500 from the Farrar Fund for Costs of Basic Necessary Services for Needy Individuals.

Whereas, the City of Lewiston was left an endowment to provide for medical and dental expenses for needy individuals; and

Whereas, in 2008, the City Council authorized the use of these funds, as determined by the Social Services Director, to provide basic, necessary services to those individuals whose income is no greater than 185% of the federal poverty level; and

Whereas, fund principal in the amount of \$18,551 is to be maintained in perpetuity; and

Whereas, due to the low rate of return on investments, it is anticipated that the demand for service will exceed the adopted procedure of only utilizing the prior year's investment earnings; and

Whereas, the past year's appropriation of \$2,500 is again recommended with additional funding for this amount over and above the interest earned in the prior year coming from interest earnings accumulated and retained over time;

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

the Social Services Director is authorized to spend up to \$2,500 from the Farrar Fund, the same amount as last fiscal year.



Finance Department

Heather Hunter
Director of Finance/Treasurer
hhunter@lewistonmaine



TO: Mayor Robert Macdonald
And Members of the City Council

FROM: Heather Hunter, Finance Director

SUBJECT: **Farrar Fund Expenditures**

DATE: April 29, 2015

Annually the City Council is requested to approve the use of the accumulated investment earnings from the Farrar Fund. On May 10, 2001, the City Council voted to authorize the use of these funds for medical and dental expenses incurred in the Social Services budget. Prior to this date, it was budgeted in the Public Health budget.

In 2008, the Council voted to authorize that these funds be used for charitable needy purposes, as determined by the Social Services Director, to provide basic necessary services to those individuals whose income is no greater than 185% of the federal poverty level. This action allows for the funds to be used for essential basic needs. However, in the recent past the majority of the assistance has been with prescription medication due to the overwhelming demand. These clients are not covered by Maine Care or any other insurance program and, after the City provides rent and utility assistance, their overall General Assistance maximum has been met.

As of April 29, 2015, the principal balance of \$18,551.07 has been maintained in perpetuity and the accumulated interest earnings amount to \$20,125. In accordance with the adopted procedure, anticipated expenditures in excess of the prior year's interest earning of \$57.17 must be approved by Council. Although the need is far greater, it is requested that the City Council authorize a \$2,500 limit for fiscal year 2016.

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Amendment of the Special Events Policy regarding city sponsored events.

INFORMATION:

The L/A Veterans Council organization has sponsored and coordinated three city wide events for many years: Memorial Day parade, Flag Day ceremony and Veterans Day ceremony. The city staff is recommending that these events be considered city sponsored events due to the nature of the celebrations as well as other factors. Staff is also recommending the Joint Cities Holiday Celebration also be included as a city sponsored event.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

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To amend Policy Manual Number 87, the Special Events Policy, to classify certain annual events as city sponsored events, as recommended by the Deputy City Administrator.

(Note - Full copy of the amendment is attached; new proposed language is underlined.)

The Special Events Policy is amended through the insertion of the underlined paragraph below entitled Officially Sponsored City Events:

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 require to pay for fees which include, but are not limited to, processing/park-use fees, permits, and staff time.

OFFICIALLY SPONSORED CITY EVENTS

The following events are specifically considered to be officially sponsored City events: the Joint Cities Holiday Celebration; Memorial Day Parade; Flag Day Ceremony; and Veterans Day Ceremony. As such, co-sponsoring organizations will not be responsible for providing liability insurance or for permitting and licensing such events. City staff will prepare the applications for these events in consultation with co-sponsoring organizations, including the Lewiston Auburn Veterans Council, which will remain the sole contact for organizing the Memorial Day, Flag Day, and Veterans Day ceremonies, and the Joint Cities Holiday Committee. Though these events will be official city events, the funding for these events will be processed through the charitable contributions budget process and subject to annual City Council review and approval.

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



The Office of
Deputy City Administrator
Phil Nadeau
MEMORANDUM

TO: Mayor and City Council
FR: Phil Nadeau
CC:
RE: Proposed Special Events Policy Amendment
DT: April 21, 2015

Administration is submitting amended language to the Special Events Policy in response to several issues which have arisen following the City Council's adoption of the new Special Events Policy.

Recently, the Veterans Council submitted their Special Events Application for the 3 annual veteran events that have become traditions here in Lewiston: 1) the Memorial Day Parade (typically held on the Saturday of Memorial Day weekend in May); 2) the Flag Day flag disposal ceremony held every June at Veterans Park; and 3) the November Veterans Day Review which takes place at the Lewiston Armory.

The application for the FY16 Veterans Day events were submitted after March 1st and have caused the events that are organized by the Veterans Council to be scheduled as a stand-alone agenda item for the City Council to review and approve. Secondly, it appears that the Veterans Council has no formal non-profit status and may have been organized solely as an incorporated entity here in Maine but not formally filed as an approved non-profit by the IRS. This and the fact that the Veterans Council will have annually difficulties in raising money to cover liability insurance for three separate events each year has resulted in Administration re-thinking the events sponsored by both the Veterans Council and the committee that organizes the Joint Cities Holiday Celebration.

The proposed amendment recognizes the veterans and the holiday celebration events as "officially sponsored" city events. This will do three very important things:

- It will establish all these events as city sponsored activities and relieve these organizations of the liability and funding for any permitting/licensing for the events.
- Though these events will be official city events, the funding for these events will require that they be processed through the charitable contributions budget process. The City Council will review all these events annually and must approve what is proposed through the application process each year.

- City staff will prepare the applications for these events in consultation with the Veterans Council, who will remain the sole contact for organizing these events, and will work with the Joint Cities Holiday committee who is currently charged with the event.

Only the current Veterans Council events and the Joint Cities Holiday Celebration have gained this “officially sponsored” recognition in the proposal. New events that are proposed by either group will require that the Council both approve the events as an amendment to the Policy and approve the funding as part of the annual budget review process.

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT:

Resolve Stating the Position of the Lewiston City Council and the Lewiston School Committee on certain proposals included in the Governor's Proposed State Budget.

INFORMATION:

The City Council has discussed the proposals included in the Governor's State Budget on several occasions since its introduction. At a recent workshop to discuss the School Department Budget, the request was made that a resolve be prepared on the state budget that could be adopted by both the Council and the School Committee. That has been done. The following two resolves address the major elements of the Governor's budget that would impact the City and School Department. It has been separated into two resolves recognizing that Councilor Cloutier has a conflict of interest on issues affecting her employer, a non-profit organization.

The School Committee voted on this Resolve at their meeting of April 27.

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 adopt the Resolve stating the position of the Lewiston City Council and the Lewiston School Committee on certain proposals included in the Governor's Proposed State Budget.



COUNCIL and SCHOOL COMMITTEE RESOLVE

Resolve, Stating the Position of the Lewiston City Council and the Lewiston School Committee on Certain Proposals Included in the Governor's Proposed State Budget.

Whereas, the Governor has proposed a state budget for the coming biennium that includes proposals likely to have a significant impact on the City, its School Department, and its residents; and

Whereas, the legislature is now evaluating these proposals and developing a final state budget; and

Whereas, it is essential that the state be made aware of the position and concerns of the City regarding those elements of the budget likely to impact Lewiston and particularly those that might impact the property tax burden of our community; and

Whereas, the Governor's proposals are wide ranging and comprehensive, affecting all major areas of the state's tax structure and include elements worthy of support as well as items of concern; and

Whereas, public education and the intellectual and physical development of children and young adults is essential to Maine's future; and

Whereas, the voters of Maine in 2004 overwhelmingly approved a referendum requiring the State of Maine to fully fund 55% of the cost of public education in order to ensure a strong public school system; and

Whereas, the commitment to fund 55% of the cost of public education has never been met, forcing local communities to shoulder most of the costs of maintaining Maine's schools often forcing increases in local property taxes;

Now, therefore, be it resolved by the City Council and School Committee of the City of Lewiston that

1. Revenue Sharing. We oppose the elimination of revenue sharing. With the cuts made in previous state budgets to this program, Lewiston is losing \$4 million in revenue this year based on the statutory formula. As this program has been repeatedly cut, we have eliminated staff, cut services to the breaking point, and are operating on a city budget that is \$900,000 less than it was in Fiscal Year 2009, yet we still have been required to pass on property tax increases as a direct result of reduced revenue sharing and growing unfunded mandates. Should revenue sharing be eliminated, municipalities must

be provided with other revenue sources to replace it so that we can avoid increasing property taxes on some or all of our residents.

2. Homestead Exemption. We oppose the elimination of the homestead exemption for those under 65. Just as with some of our seniors, some of those under 65 are struggling, even those who might not qualify for the property tax fairness credit. At the same time, some seniors are perfectly capable of meeting their property tax obligations without assistance. A simple age based distinction does not take into account the individual financial circumstances of those in either age group.
3. BETE to BETR Conversion. Converting property to the BETR program will result in significant and mounting property tax losses to the City over the four year phase out period, extending and contributing to the on-going financial issues we face. In addition, this conversion would impact personal property taxes received from property within TIF districts, placing a burden on communities that have used these revenues to underwrite bonds to support infrastructure expansions to promote economic development or those who invest a portion of these funds in their economic development efforts. We would propose and support eliminating retail property from the program. Since no new non-retail property is allowed into the program, we would recommend it simply be allowed to melt away through attrition. We're seeing about a 15% annual revenue reduction in this program, so an end date might also be established when any remaining property simply returns to its prior non-reimbursed status. This would phase out the state's reimbursement to these businesses over time without compressing the impact of lost municipal revenue into a four year period.
4. General Assistance Formula Change. The net effect of the proposed formula change to state reimbursement for General Assistance will be, on average and over time, an increase in the percentage of program costs paid for by municipalities, especially the larger service centers where the majority of those eligible for the program are found. Lewiston has long been recognized for operating an effective and cost efficient program, and we oppose picking up an additional portion of the costs of what is a state mandated program. We believe it is time for the state to take over the operation of General Assistance and integrate it into its other economic support programs. If the state does not take over the program, we oppose transferring any additional costs to local governments. Changing the formula will add to the hardships faced by certain local governments during a time when income growth is stagnant and unemployment rates remain high.
5. Sales Tax Base Expansion/Income Tax Reduction. We support the general concept of expanding the sales tax base and the overall effort to find ways to export a greater percentage of the sales tax to non-Maine residents. Base expansion will bring greater stability to state government revenues. In addition, additional sales tax revenues can be used to bring about greater balance between state sales and income taxes and be used to address the concern that elements of the current income tax system are detrimental to the state's overall economic development. We do not support any proposals, however, that would result in the property tax increasing as an overall percentage of the property/sales/income taxes in the state or increase the property tax burden on our citizens.

6. Funding Public Education. The cost of education in the current budget proposal has gone up by \$68 million, but state aid is only going up by \$20 million. This is leading to an unprecedented required local mill rate for education of 8.48 mills, a major and unsustainable cost shift onto local property taxpayers. We call upon the Maine legislature and Governor Paul LePage to recognize the will of the voters as expressed by statewide referendum and fully fund the state's commitment of 55% of the cost of public education. In this budget, state share has dropped to just over 46%.
7. Teacher Retirement. In 2013, the state shifted normal teacher retirement costs onto local taxpayers. Normal retirement costs are going from \$29.8 million this year to \$37.3 million in 2016 – a 25 percent increase in one year. Teacher retirement is not subject to local bargaining and is fully controlled by the Legislature and the state. Therefore, teacher retirement costs should be borne by the state as was the case prior to 2013.
8. Notification. This Resolve will be forwarded to the Androscoggin County Legislative Delegation, the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Education on Cultural Affairs, the Joint Standing Committee on Taxation, legislative leadership, and Governor Paul LePage.

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT:

Resolve Adding an Additional Section to the City and School Committee Resolve on the Proposed State Budget.

INFORMATION:

This is Part Two of Agenda Item 15 regarding the Resolve to related to the State Budget. This agenda item includes a section to the Resolve regarding Tax Exempt Property.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/klm

REQUESTED ACTION:

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To adopt the Resolve Adding an Additional Section to the City and School Committee Resolve on the Proposed State Budget.



City of Lewiston, Maine

May 5, 2015

COUNCIL AND SCHOOL COMMITTEE RESOLVE

Resolve, Adding an Additional Section to the City and School Committee Resolve on the Proposed State Budget

Be it resolved by the City Council and the School Committee of the City of Lewiston that

The attached statement on the proposal to reduce the property tax exemption for certain non-profit organizations is hereby approved and shall be added to the City and School Committee Resolve on the Proposed State Budget.

Tax Exempt Property. Of all the alternatives for local revenue collection, revenue sharing remains the most equitable and fair system for recognizing the additional burden of services on municipalities of all sizes and geographic locations. Extending property taxes or some form of service fee system to tax exempts might be one part of the solution to replace revenue sharing should it be eliminated. Since municipalities are not all the same, however, this would be effective for some, but not for those with few or any significant non-profit organizations. As a result, a mix of revenue alternatives would need to be developed to provide most or all municipalities with a replacement revenue stream. Alternatives might include a local option sales tax, a service fee system for non-profits along the lines of a proposal that has been introduced to allow fees for a fire service based on building square footage, a local option real estate transfer tax, and the proposal to transfer the telecommunications tax to municipalities.