

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
JUNE 2, 2015**

6:00 p.m. Workshop - Discussion of County Charter/Proposed Charter Amendment - 30 minutes

6:30 p.m. Executive Session - To discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

6:35 p.m. Executive Session - Pursuant to MRSA Title 1, section 405 (6) (A) to discuss a personnel mater.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.

Moment of Silence.

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 5.

REGULAR BUSINESS:

1. Public Hearing and Final Passage regarding an amendment to the Parks & Recreation Ordinance to incorporate the new Pettingill School Park as a recognized city park.
2. Public Hearing and Final Passage regarding an amendment to the Animals Ordinance pertaining to the addition of Pettingill School Park.
3. Amendments to the City Policy Manual for miscellaneous fees regarding a waiver of fees for some reports issued the Police Department.
4. Order Authorizing Application and Acceptance of Funds from the U.S. Department of Justice - Edward Byrne Justice Assistance Grant Program.
5. Request from the Greek Festival organizers to borrow "no parking" signs for use during their Festival.
6. Order Authorizing execution of a Municipal Quitclaim Deed for real estate located at 5 Moody Street.
7. Reports and Updates.
8. Any other City Business Councilors or others may have relating to Lewiston City Government.
9. Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
10. Executive Session to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION PROVIDED TO THE ANDROSCOGGIN COUNTY COMMISSIONERS
BY EDWARD A. BARRETT, CITY ADMINISTRATOR, CITY OF LEWISTON
PUBLIC HEARING ON ANDROSCOGGIN COUNTY CHARTER AMENDMENT
MAY 5, 2015

Members of the Androscoggin County Commission:

The proposed Charter Amendment on Compensation now under consideration is as follows:

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.

I remain of the opinion that this amendment is unnecessary because the Charter, as written, already and specifically gives the Budget Committee the authority to approve salaries and benefits. The County's legal advisor's argument that it does not appear to be based on the position 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 current 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 is 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 they would be legally required by the charter to receive it.

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.

First, we would simply ask that the Commissioners acknowledge and accept what the Charter clearly states in Section 3.7: "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." This is absolutely clear, and I have yet to hear a coherent explanation of why this language doesn't govern.

While this remains our general position, I have also had the opportunity to discuss this proposed change with Lewiston's elected officials and, in an effort to resolve issues, a majority of them appear willing to accept a change to the language of Section 3.7 with several conditions and modification.

First, the underlying premise of the amendment is that Section 5.5.4 over-rides Section 3.7, a premise we do not accept. 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: "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 for the budget committee. 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.

Third, the proposed amendment, unlike Section 3.7, excludes benefits.

PROPOSED SIMPLIFIED AMENDMENT

A simple version that addresses all of these issues is:

"Notwithstanding any other provision of this charter, no adjustment to the salaries and benefits of 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 introductory phrase, 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 Commission's final budget authority is also removed, recognizing that that section of the charter should also be modified.

BUDGET COMMITTEE AUTHORITY

Lewiston's elected officials remain deeply concerned that the Commissioners are proposing to address only one of the two controversies that arose over the Charter and budget process this year. The second is the authority of the budget committee over the budget. Our opinion remains 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, This was the language of the posted charter approved by the voters. The action of the state legislature that directed the County to change the budget committee into a solely advisory body constituted a substantive change that went beyond the then Commissioners' stated intent of introducing only amendments that either reflect the intent of the Charter Commission or which were required to address practical issues necessary for implementing the charter.

We, therefore, are asking that you place a second amendment on the ballot.

Under the following proposal, the budget committee, by majority vote, would have the authority to change line items in the budget submitted 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, something which I have heard this Commission support. The initial changes made by the budget committee could be made by simple majority vote, eliminating the need to track those changes supported by a 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 would retain the authority to reject any change made by the Commissioners by a supermajority of 11, completing the budget process. Second, I believe this proposal both reflects the intent of the majority of the charter commission and refines and brings greater clarity to the budget process.

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.~~

Lewiston's elected officials appear ready to support the proposed change that I have presented to Section 3.7 of the Charter if you also agree to place a second question on the November ballot that clarifies the authority of the budget committee and re-establishes its ability to make final line item budget changes subject to an 11 vote super majority.

I have separately provided a draft of both proposed amendments. In addition, I would ask that the attached document which I prepared titled COUNTY CHARTER AND BUDGET COMMITTEE AUTHORITY and dated March 3, 2015 be accepted and placed into the record of this hearing.

In conclusion, I urge you to place the revised language of Section 3.7 and the amended language for the budget adoption process before the County's voters this November. While this language may not be acceptable to everyone, I believe that proceeding in this manner will put these issues behind us and allow us to move forward, unencumbered, to meet the challenge of implementing this new era in County government.

LEWISTON CITY COUNCIL
MEETING OF JUNE 2, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:30pm

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

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

LEWISTON CITY COUNCIL

MEETING OF JUNE 2, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:35pm

SUBJECT:

Executive session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Entering into executive session is permitted and defined under Maine State Statutes.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an executive session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

LEWISTON CITY COUNCIL

MEETING OF JUNE 2, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

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

INFORMATION:

This agenda item is to add the new Pettingill School Park to the list of recognized city parks and recreational areas. There are also some housekeeping matters such as the removal of Chasey Park (more of a greenspace than a true park) and the addition of the Geiger School grounds.

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/klmm

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 Pettingill School Park 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. 54-7. Unlawful to be in the following city parks during certain hours; exception.

It shall be unlawful for any person to be or remain in ~~Chasey Park~~, Franklin Pasture Athletic Complex, Gaslight Park, Judge Armand A. Dufresne, Jr. Plaza, a section of Kennedy Park bounded by Spruce Street, Park Street, and the extension of Chestnut Street to Bates Street, Knox Street Park, Leeds Park, Lewiston Athletic Park, Lincoln Street Boat Launch and Park, Lionel Potvin Park, Marcotte Park, Mark W. Paradis Park, Mayher Park, Pettingill School Park, Randall Road Softball Complex, Raymond Park, Ricker Park, Simard-Payne Police Memorial Park, Smiley Park, St. Mary's playground (Oxford Street), Sunnyside Park and Veterans Memorial Park in the city between the hours of 9:00 p.m. and 5:00 a.m., unless such person is in lawful employment, participating in a program or activity sponsored or authorized by the city.

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;

Geiger School grounds;

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;
Petteingill School Park 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.

Sec. 54-10. Smoking on athletic fields during certain times, and on city playgrounds and in certain parks prohibited.

No. 15-
Effective:

Smoking and all other use of tobacco products will not be permitted on city-owned athletic fields for the period commencing one half-hour prior to and for the duration of any city or school department scheduled or sanctioned activity or event.

Smoking and all other use of tobacco products in Mark W. Paradis Park, Pettingill School Park and all city-owned playground areas, to include playgrounds, aquatic areas, skateparks and basketball courts as outlined in Section 14-39 (c) is prohibited.

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

LEWISTON CITY COUNCIL

MEETING OF JUNE 2, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing and Final Passage regarding an amendment to the Animals ordinance pertaining to the addition of Pettingill School Park.

INFORMATION:

This amendment is to add the Pettingill School Park playground and basketball court areas to the list of locations where dogs are not permitted.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/um

REQUESTED ACTION:

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That the proposed amendment to the City Code of Ordinances, Chapter 14 "Animals", Article IX "Public Land, Parks and Playgrounds: Control or Prohibition of Domestic Animals", receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO CITY PROPERTY

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 14 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 14

ANIMALS

ARTICLE IX. PUBLIC LANDS, PARKS AND PLAYGROUNDS: CONTROL OR PROHIBITION OF DOMESTIC ANIMALS

DIVISION 2. CITY PROPERTY

Sec. 14-39. Parks, cemeteries, playgrounds and athletic fields.

- (c) All domestic animals shall not be permitted in the following public parks and playground areas: Lionel Potvin Park, St. Mary's Playground (Oxford Street), Marcotte Park playground area, Kennedy Park playground area, Knox Street Playground, Mark W. Paradis Park, Pettingill School Park playground area and basketball court, River Valley basketball courts and Sunnyside Park playground area.

Note: additions are underlined; deletions are ~~struck out~~.

CITY DEPARTMENT MISCELLANEOUS FEES AND PENALTIES

All Departments

Notary Services-per document (<i>Lewiston residents only</i>)	\$5.00
Photocopies - first page(except library or unless otherwise specified)	1.00
Photocopies - second or more pages(except library or unless otherwise specified)30
Postage & Handling Fee for Documents - Standard First Class.	3.00

Assessing Department

Copy of Tax Roll	\$60.00
Photocopies	1.25

City Clerk's Department

Administering oath as a Dedimus Justice	\$ 5.00
DVD of Council Meetings, per DVD.	20.00
Genealogy Research.	6.00
Lineage verification fee for the purchase of certified copies.	2.00
Voter Card.	5.00
Wedding Ceremonies	75.00
Zoning and Land Use Code.	30.00

Finance Department

Bad check fee	\$35.00
Faxes	1.25
Quitclaim Execution Fee	50.00

Fire Department

Fire report, per page	\$ 2.75
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Planning Department

Color maps	\$10.00
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Police Department

Accident reports	\$10.00
Cassette tapes	2.75
Contractor meter bag, per day	6.00
Faxed accident reports	10.00
Fingerprints	6.00
Hourly research rate - Clerical	15.00
Hourly research rate - Police	30.00
Photocopies & narrative reports, per page	2.75
Photo printout & disk	5.50
VHS Tape copies	7.50

Note: The fees associated with obtaining a copy of a report of a crime, in which the person requesting copy is a Lewiston resident and it is determined that there is a substantial likelihood that a crime indeed occurred and the person requesting is the reported victim of the crime, may be given consideration to have all or in part be waived with request, at the discretion of the Chief of Police, or authorized designee.

LEWISTON CITY COUNCIL

MEETING OF JUNE 2, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Order Authorizing Application and Acceptance of Funds from the U.S. Department of Justice - Edward Byrne Justice Assistance Grant Program.

INFORMATION:

The Lewiston and Auburn Police Departments have an opportunity to receive \$40,959 in federal grant funds. These funds are available annually. In the past, these grant funds have been used to purchase surveillance camera equipment, computer upgrades, bicycle patrol unit and provide specialized training.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To approve the Order to authorize city staff to apply for and accept funds from the U.S. Department of Justice - Edward Byrne Justice Assistance Grant Program.



City of Lewiston Maine
City Council Resolve
June 2, 2015



**Order, Authorizing Staff to Apply for and Accept Funds Through
the Edward Byrne Memorial Justice Assistance Grant**

WHEREAS, the Lewiston and Auburn Police Departments are eligible to apply for a joint Byrne Memorial Justice Assistance Grant in the amount of \$40,959; and

WHEREAS, in order to apply for these funds, the City must accept the funds if they are awarded and provide opportunities for public feedback and the proposed uses of these funds; and

WHEREAS, the agencies involved will meet and discuss how to spend their portions of this grant as outlined in the attached material from the Chief of Police;

NOW THEREFORE, Be It Ordered by the City Council of the City of Lewiston that staff is hereby authorized to apply for and accept funding through the Edward Byrne Memorial Justice Assistance Grant program subsequent to the receipt, if any, of public feedback on the proposed uses of these funds.



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



To: Mayor Robert Macdonald
Members of the City Council
Edward Barrett, City Administrator
Kathy Montejo, City Clerk

From: Michael Bussiere, Chief of Police

Date: May 14, 2015

Re: 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

We have recently received notification from the Department of Justice's Bureau of Justice Assistance of the local solicitation award for the Cities of Lewiston and Auburn for 2015. The JAG Program, administered by the Bureau of Justice Assistance (BJA) and authorized under Public Law 109-162, is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states and local governments with funding necessary to support a range of program areas including law enforcement, crime prevention and education, planning, evaluation and technology improvement, among others.

The Lewiston Police Department has agreed to be the fiscal agent for the participants listed below.

Total Eligible Joint Allocation:	\$40,959
Lewiston:	\$27,750
Auburn:	\$13,209
Androscoggin County:	N/A separate funding received thru State

As per the grant application, we need to make this available for review by the governing body and provide the public an opportunity to comment.



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www.lewistonpd.org



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LEWISTON CITY COUNCIL
MEETING OF JUNE 2, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Request from The Greek Festival organizers to borrow "no parking" signs for use during their Festival.

INFORMATION:

The Greek Festival Committee organizers are requesting to borrow from the City of Lewiston 10 "no parking" signs for use during their annual Festival in town. The Council has supported similar requests in the past. The signs are from the Public Works Department and Director Dave Jones works with the festival organizers on such issues are liability, damage, etc. Passage is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends support of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the request from The Greek Festival organizers to borrow ten "no parking" signs from the Lewiston Public Works Department for use during their annual Festival on September 10, 11 and 12, 2015.



The Office of
Deputy City Administrator
Phil Nadeau
MEMORANDUM

TO: Mayor and City Council

FR: Phil Nadeau

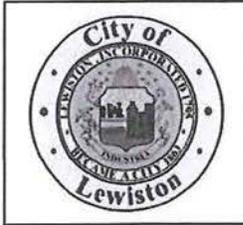
CC:

RE: Greek Festival Request for Signs – Charitable Donation

DT: 6.2.15

Holy Trinity Greek Church failed to submit their FY16 Charitable Donation request within the required time for City Council review as part of the FY16 charitable donations Special Events Policy process. As such, the application is being placed on the agenda for your action.

The request for services is very limited in that they are asking only for the use of eight to ten no parking signs to post on areas of Hogan Road near the church. They will pick up the signs and return to Public Works.



Special Event Application

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

LTA Greek Festival

Event Name

Sept 10, 11, + 12 (2015)

Requested Event Date

- All organizations or individuals seeking to utilize any city-controlled property such as streets, sidewalks, parking areas or parks for any activity or event with 25 people or more must complete this application.
- All requests that result in the use of city staff/services/assets to support an event or activity on city-controlled or private property may require the organization/individual to pay for fees that include, but are not limited to, processing/park-use fees, permits and staff time.
- For any organization/individual requesting the City Council to waive fees for any city permits, fees or staff time, the organization/individual must submit this application no earlier than January 1st and no later than March 1st for events that will occur in the next fiscal year beginning on July 1st.

Failure to file a "Charitable Funding Request" (Schedule B of this form)

by March 1st will require the filing of this application in the same year of the event; that the application be filed between March 2nd and September 1st; and that it be approved by the City Council.

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

- All items highlighted in grey with an asterisk (*) in Section 2 of this application must be completed to the City's satisfaction **no later than 45 days prior to the event** given possible public hearing requirements. All applicable fees **must be paid no later than thirty (30) days prior to event.**
- The City of Lewiston shall reserve the right to deny any application if the information in the application is incomplete; conflicts with city policies, ordinances, events or city services; contains information that is inaccurate or fraudulent; or appears to violate local, state or federal law.

Application Date: 4/20/15'

STAFF USE ONLY
EVENT FILE NO.: FY160028

SECTION 1 GENERAL EVENT INFORMATION

1. Name of host organization/individual legally responsible for event:

Holy Trinity Greek Orthodox Church David Rivet
Host Organization Name of Person Responsible for Event

2. Is the applicant a legal non-profit? Yes No

If "Yes," please enclose a copy of the IRS Form 990 filed in the year preceding the date of this application. If the applicant has not yet filed a 990, please attach a copy of the IRS letter awarding your non-profit status. **If "No," 100% of all applicable fees must be paid.**

3. Will you or your organization be paid by another non-profit agency to raise money for their organization? Yes No

If "Yes," provide a *signed statement* and with *financial information* from the non-profit indicating how much money they may receive for this event and/or received if the event was held last year.

4. Name of Contact Person for Event: David Rivet + Mike Coramites

5. Title of Contact Person: Festival Chairperson

6. Mailing Address: 155 Hogan Road

7. Daytime Telephone: 207-689-2062 Cell: 207-577-2162

8. Email Address: rivetando@gmail.com

9. Contact Name and Cell Phone Number **DURING** the Event:

Name: David Rivet Cell: 207-577-2162

10. Name of Event: L + A Greek Festival

11. Type of Event (walk, festival, concert, etc.): Festival

12. Location of Event: 155 Hogan Road

13. Day of Event: _____ Date of Event: _____ Rain Date (if applicable): _____

9/10 Thurs 4-8 pm
11th Fri 11-10 pm
12th Sat 11-10 pm

14. Times of Event: Actual Start-time: _____ Actual End-time: _____

Start-time including set-up: _____ End-time including clean up: _____

15. Estimated Attendance: 3,000 - 4,000 Open to the Public: Yes No

16. By Invitation Only: Yes No If "Yes," Required Age for Admission: _____

DESCRIPTION OF EVENT

Please describe what will occur during your event

1) Church Tours	3) Treasure Hunt / Pottery / Art Projects
2) Greek Food + Dining	4) Greek Market -

SECTION 2 EVENT DETAILS & POSSIBLE PERMITTING

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

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

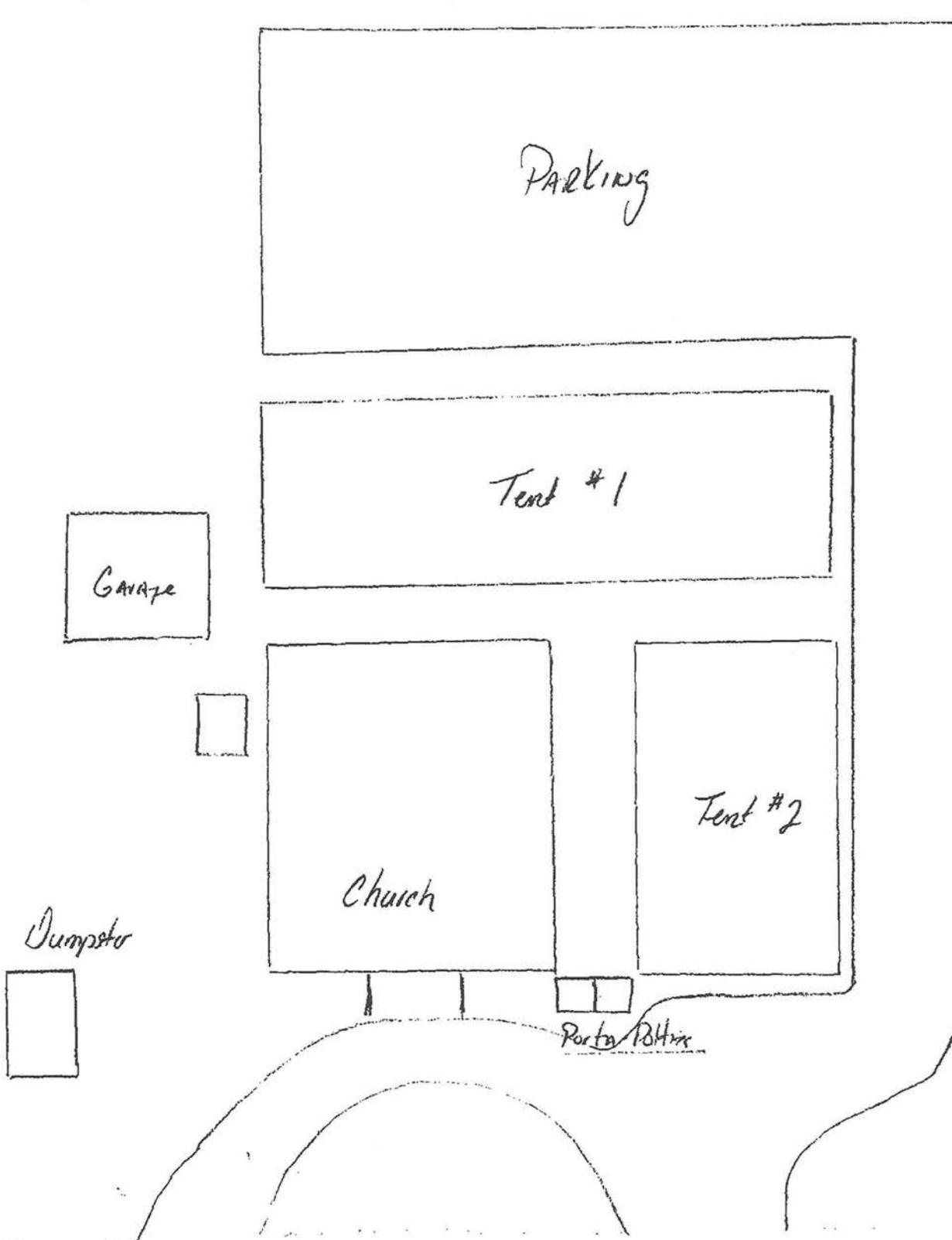
	Permit Fee	Permits and/or Event Requirements	YES	NO
A	NP & FOR PROFIT	If you answered "Yes" in Section 1, Item 2 of this form and you are seeking City Council approval to waive any applicable fees, YOU MUST COMPLETE THIS SECTION AND SCHEDULE B of this form. All other events must complete this section only.		
B	CITY PROCESSING FEE	If the event requires city staff inspection and/or the use of city-owned public space, please complete SCHEDULE A of this application.	✓	
C	Separate fee and permit may be required \$50 (3) days	FOOD: Will food or beverages be <u>given away</u> ? (Indicate yes or no to the right) Type of Food: _____ Type of Beverage: _____ Will food or beverages be <u>sold</u> ? (Indicate yes or no to the right) Type of Food: <u>Greek</u> Type of Beverage: <u>Hot/Salad</u> <i>Note - A food service license may be required.</i>	✓	
D	Separate fee and permit may be required \$39 (7) days plus \$21 background check	NON-FOOD ITEMS: Will products be <u>given away</u> ? (i.e. t-shirts, crafts, CDs, etc.) (Indicate yes or no to the right) Type of Items: _____ Will products be <u>sold</u> ? (i.e. t-shirts, crafts, CDs, etc.) (Indicate yes or no to the right) Type of Items: <u>Pottery T-Shirts / Art Projects</u> <i>Note - A peddling permit may be required.</i>	✓	
E	*\$50/event	* LIVE MUSIC PERFORMED BY ONE OR MORE PEOPLE: (yes or no) If "Yes," Please Describe: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		
F	\$17/day	Will SOUND AMPLIFICATION be needed? (yes or no) Please check one: Microphone _____ Speaker System: _____ Other: _____		

G	Required Fee: \$17/day Required permit: \$25/day	ALCOHOLIC BEVERAGES: Will alcoholic beverages be served at the event? (indicate yes or no to the right) If yes, please describe: Beer + Wine	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
H	Separate fee and permit required \$180/day	CARNIVAL: Will carnival rides be offered? (indicate yes or no to the right) If yes, attach a copy of the state permit (if applicable). A city permit is also required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I	Separate permit required	FIREWORKS: Will there be a fireworks display? (indicate yes or no to the right) If yes, a permit from the State Fire Marshal and the Lewiston Fire Department is required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	COMMENTS	Permits and/or Event Requirements	YES	NO
J	COMMENTS:	RUN/WALK/CYCLE MAP – Will event involve participants doing a walk-a-thon, road race, etc? If yes, provide map of staging areas, actual route and where event will terminate and a business owner contact plan and attach to this application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
K	COMMENTS:	PARADE MAP: Will there be a parade? (indicate yes or no to the right) If yes, provide a route map which will include staging areas, actual parade routes, and where parade will terminate, and also provide a business owner contact plan. <i>Note – A permit from the Police Department is required.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
L	COMMENTS:	FESTIVAL ZONE DESIGNATION: (Complete SCHEDULE A)	<input type="checkbox"/>	<input type="checkbox"/>
M	COMMENTS:	PARK MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, hand washing facilities, stage, first-aid, parking, etc.? (indicate yes or no to the right) Note: This is a mandatory requirement for this application and must be included with the application form.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N	COMMENTS:	TENT/AWNING/CANOPY SIZE: Will you be setting up a tent, awning or canopy? If yes, list size and height. Size: <u>60x100</u> Height: <u>LTA Tent.</u> NOTE: TENTS/AWNINGS ON PUBLIC/PRIVATE PROPERTY MUST HAVE CERTIFICATES SHOWING THAT THE MATERIALS ARE FLAME RETARDENT. COPIES OF THE CERTIFICATION MUST BE PROVIDED TO THE FIRE DEPARTMENT PRIOR TO THE EVENT.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
O	COMMENTS:	REST ROOM/HAND-WASHING FACILITIES: Events with attendance of 200 persons or more lasting longer than 3 hours must provide portable restrooms, hand-washing or sanitizing stations at the ratio of (1) restroom for each 200 persons in attendance, one-third of which must meet ADA specifications (CITY WILL NOT PROVIDE NOR FUND PORTA POTTY SERVICES PLEASE LIST ON PARK MAP/DIAGRAM IN ITEM M ABOVE)	No. of Porta Potties Required <u>2</u>	No. of hand-washing stations required
P	COMMENTS:	ROAD/INTERSECTION CLOSURE MAP: Will any roads need to be closed to accommodate your event? (yes or no) If yes, please provide a map of what roads, alleys, sidewalks, etc. will be closed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

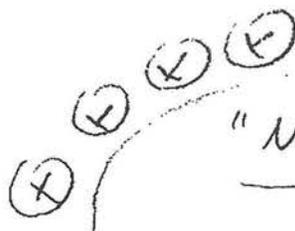
4/26/15

Holy Trinity Greek
Festival

155 Hugan Rd
Lewiston, Me.



Hugan Rd



"No-Parking Signs"

"Not to Scale"

			YES	NO
Q	COMMENTS:	MATERIALS/EQUIPMENT TO BE DRIVEN OR PARKED at CITY PARK or PARKING LOT PROPERTIES – MAP/DIAGRAM: <i>Please provide separate list and map details.</i>		/
R	COMMENTS:	PARKING ACCOMMODATIONS: What will be the anticipated need for parking? _____ What is your parking plan? <input type="text"/>		/
S	COMMENTS:	WASTE DISPOSAL: You are required to clean up after the event and to ensure that you have adequate containers, trash bags, etc. to pick up all waste. If the location does not have adequate containers for the event, will city assistance be required? (indicate yes or no to the right) <i>40 yd - Dumpster -</i>	/	
T	COMMENTS:	FIRST AID FACILITIES: Please list location on PARK MAP/DIAGRAM as required in Item M above.		/
U	COMMENTS:	CERTIFICATE OF INSURANCE: If your event utilizes any public space, the city may require a Certificate of Insurance from your or sponsoring organization naming the City of Lewiston as the insured party. <i>(See Section 3)</i>		/
V	COMMENTS:			

Please note that you will be contacted by city staff if your event requires additional permitting.

SECTION 3 INSURANCE REQUIREMENTS

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

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

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

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

SECTION 4 CONDITIONS OF EVENT APPROVAL

I acknowledge/understand that:

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


Signature of Applicant

David B. Rivet
Printed Name

4/20/15
Date Submitted

SCHEDULE A PROCESSING FEE AND PUBLIC SPACE USAGE

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

\$50 PROCESSING FEE (Non-waivable and Non-refundable):

This payment will secure the date(s) and use of the public space for the event.

MUST BE PAID WITH FULLY COMPLETED APPLICATION

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

- **80% discount** for Lewiston-based non-profit organizations
- 50% discount** for out-of-town non-profit fundraisers
- 34% discount** out-of-town non-profit events

EVENT NAME: _____

EVENT DATE: _____

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

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

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

Kennedy Park (no fee)

Veterans Park (no fee)

Marcotte Park (no fee)

Potvin Park (no fee)

Raymond Park (no fee)

Sunnyside Park (no fee)

Other City-owned public space (i.e., roads, sidewalks, etc.)

Road(s): _____ Other: _____

Sidewalk(s): _____ Other: _____

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

1. Zone Outline: (submit map)
2. Business Owner Contact Plan
3. Reason for Festival/Event Zone Designation (below):

TOTAL PROCESSING AND APPLICABLE PARK USE FEES: \$ _____

All checks made payable to "**City of Lewiston.**"

SCHEDULE B CHARITABLE FUNDING REQUEST

APPLICATION DEADLINE FOR CITY COUNCIL ACTION: MARCH 1ST

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

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

1. Name of Event: _____
2. Are you requesting a cash donation? Yes ____ No ____ How much? _____
3. Does your application require any in-kind support from the city relative to city properties, resources, assets, or departments? Yes ____ No ____
4. **If you answered "Yes" in item 3 above, PRIOR TO SUBMITTING YOUR APPLICATION, please have your application reviewed by the applicable city staff listed below to ensure the value of the City's in-kind support.** You must contact each department to verify that the department will or will not be required to service the event. Staff will enter the estimated value of each department's in-kind services.
(Use separate sheet to provide details if necessary.)

DEPARTMENTS	IN-KIND REQUEST Please list department staff hours/cost estimate and/or permits & licenses	(THIS COLUMN FOR STAFF ONLY) Date of email contact w/cost info	(THIS COLUMN FOR STAFF ONLY) - Estimated cost of services/permits/lic or staff hours
City Clerk – permitting & licensing - Kathy Montejo – kmontejo@lewistonmaine.gov 207-513-3021	Dept.: _____ Staff Hours: _____ Cost Estimate: _____ Permits & Licenses: _____		
Code Enforcement – food & electrical inspections - David Hediger – 207-513-3125 dhediger@lewistonmaine.gov	Dept.: _____ Staff Hours: _____ Cost Estimate: _____ Permits & Licenses: _____		
Fire – certifications, permits & facility inspections - Paul Ouellette – 207-513-3002 pouellette@lewistonmaine.gov	Dept.: _____ Staff Hours: _____ Cost Estimate: _____ Permits & Licenses: _____		

LEWISTON CITY COUNCIL

MEETING OF JUNE 2, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 5 Moody Street.

INFORMATION:

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

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 5 Moody Street. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payment of a tax lien in the amount of \$38.17 has been received in full. Should the Council approve this order, the quitclaim will be issued to the owners.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 5 Moody Street.



**City of Lewiston Maine
City Council Order
June 2, 2015**

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 5 Moody Street.

WHEREAS, the owners, Tamara L. Hull and Michael N. Harnden, failed to pay their real estate tax bills on a timely basis at 5 Moody Street (Tax Map 175, Lot 72, Parcel 00-002360); and

WHEREAS, a tax lien was filed on June 13, 2012 (Book 8417 Page 199) and matured on December 13, 2013 in the amount of \$938.17; and

WHEREAS, payment was received in full on May 20, 2015;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON, that a quitclaim for 5 Moody Street be issued to release the City's interest in the property to the owners.

LEWISTON CITY COUNCIL
MEETING OF JUNE 2, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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

LEWISTON CITY COUNCIL
MEETING OF JUNE 2, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABIKMM

REQUESTED ACTION:

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