

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
JUNE 16, 2015**

6:00 p.m. Workshop

- A. Commuter Bus Service Between Lewiston & Auburn and Portland - 30 minutes
- B. Reconfiguration of Court Street in Auburn - 30 minutes

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Presentation of Lewiston Fire Association Scholarship

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 6

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. Amendment to the Traffic Schedule regarding loading zones on Lisbon Street.
- * 2. Amendments to the Solid Waste Policy.
- * 3. Resolve adjusting the Salary Schedule for the Non-Union Employees and directing certain changes to the City's Personnel Rules and Regulations regarding non-union employee benefits.
- * 4. Accepting a Public Easement at the southerly terminus of Old Chadbourne Road.

REGULAR BUSINESS:

- 5. Public Hearing on a new liquor license for Bear Bones Inc., 43 Lisbon Street.
- 6. Public Hearing for approval of an Outdoor Entertainment Permit for the Liberty Festival and establishment of the Festival Zone.
- 7. Public Hearing for approval of outdoor concerts sponsored by L/A Arts at Dufresne Plaza.
- 8. Public Hearing for approval of an Outdoor Entertainment Permit for the Lewiston Farmers Market concerts and establishment of the Market Zone.
- +8b. Public Hearing for approval of outdoor concerts in conjunction with the Great Falls Brewfest at Simard Payne Park.
- 9. Public Hearing & First Passage for Land Use Code Amendments to permit the division of lots, that contain more than one principal structure, to individual house lots.
- 10. Condemnation Hearing for the building located at 84 Walnut Street.

11. Resolve authorizing legal action against Androscoggin County regarding certain elements of the County Charter relating to Elected Official Compensation and Benefits and the authority of the County Budget Committee.
12. Resolve expressing the support of the City Council of the City of Lewiston for the process now underway to develop a plan and charter for the possible consolidation of the Cities of Lewiston and Auburn for presentation to the voters in November 2016.
13. Reports and Updates - Court Ruling regarding state reimbursement of General Assistance benefits to Asylees.
14. Any other City Business Councilors or others may have relating to Lewiston City Government.
15. Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
16. Executive Session 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
WORKSHOP AGENDA
TUESDAY, June 16, 2015
6:00 P.M.
CITY COUNCIL CHAMBERS, LEWISTON CITY HALL

1. Commuter Bus Service Between LA and Portland – 30 minutes

In February 2013, the City Council approved a resolve in conjunction with the Cities of Auburn and Portland in support of commuter service between LA and Portland. One element of that effort included the potential of commuter bus service. The regional transportation planning agencies in LA and Portland have worked with Portland's METRO bus operation to undertake a feasibility study for such a service. Greg Jordan, METRO's General Manager, will be present on Tuesday to present the results of this study.

2. Reconfiguration of Court Street in Auburn – 30 minutes

The City of Auburn has been discussing the potential reconfiguration of Court Street to modify traffic lane assignments. One alternative would be a three lane section from Turner Street to the rail crossing; a second would retain two lanes outbound from Lewiston and reduce in-bound traffic to a single lane. ATRC and the Maine Department of Transportation have been reviewing traffic models to evaluate the impact of such a change and I understand that Auburn is working with an independent traffic engineer for the same purpose. Maine DOT has requested that the City of Lewiston review and comment on the proposals. Representatives from MDOT will be available on Tuesday and the City of Auburn has been notified of this discussion. Please see the attached memo from Dave Jones that provides further background.

METRO

Greater Portland Transit District

TO: Lewiston City Council

FROM: Greg Jordan - Metro General Manager

DATE: June 11, 2015

SUBJECT: Evaluation of Transit Service Connecting Lewiston-Auburn and Portland

In 2012, the cities of Portland, Auburn and Lewiston each passed resolutions expressing support for studying public transit options that would connect Maine's two largest urban areas. Following a 2014 joint meeting between the Greater Portland Transit District (Metro) and the Lewiston-Auburn Transit Committee, Metro was asked to lead an effort to evaluate public transit alternatives that would connect the Lewiston-Auburn urban center with downtown Portland.

The purpose of this memo is to update the City Council on the status of the related Portland North project, progress on the Lewiston-Auburn to Portland study and request feedback from Council.

METRO OVERVIEW

Metro is a transit district authorized by state statute. Metro's member communities include the town of Falmouth and the cities of Portland and Westbrook. Bus service is provided to varying levels in each of these communities as well as in portions of South Portland.

Metro's 70 employees and 32 buses provide 850,000 annual revenue miles of service on 8 bus routes that span the greater Portland region. Metro's 8 bus routes accommodate 1.5 million boardings per year. Weekday span of service is approximately 5:30 a.m. to 10:30 p.m. with weekday headways ranging from 20-60 minutes. Current weekend service is considerably lower than weekday service. Several service improvements and customer enhancements will be launched beginning this summer and through next spring:

Table 1: Metro Service Improvements

Service/Customer Improvement	Launch Date/Period
• Launch of unlimited access bus passes for Portland's 3 high schools.	July 2015
• Improvements to Sunday service.	August 2015
• Integration of Route 3 and 6 to create high frequency corridor	August 2015
• Expansion to full weekday service on four (4) minor holidays.	Fall 2015
• Real-time bus arrival information.	Fall 2015
• Thirty (30) new bus shelters installed over the next 12 months.	Fall 2015-Summer 2016
• Portland North Express Service	Spring 2016

UPDATE ON PORTLAND NORTH PROJECT

In 2013, the towns of Freeport and Yarmouth approached Metro to study bus service options that would connect those towns' urban villages and adjacent residential areas with Portland. The starting points for that study included the Greater Portland Council of Government's (GPCOG) *Portland North Study* (2011) and the City of Portland's *Portland Peninsula Transit Study* (2008) as well as the regional transit services in place today that connect Biddeford-Saco to Portland and accommodate 62,000 annual boardings.

In 2014, Metro staff with GPCOG assistance studied the ridership potential and concluded the service was viable. With formal concurrence by the towns of Freeport and Yarmouth as well as support by Metro's Board of Directors to launch a pilot project, Metro applied for and was awarded federal funding from two sources:

1. **The Federal Transit Administration's 5307 Formula Program** – As the Metropolitan Planning Organization (MPO) for the Portland region, the Portland Area Comprehensive Transportation System (PACTS) has the responsibility for programming FTA's 5307 Formula funds and manages a competitive process for awarding discretionary funding to new projects.
2. **The Federal Highway Administration's Congestion Mitigation and Air Quality Program (CMAQ)** - The Maine Department of Transportation has the responsibility for receiving and programming CMAQ funding awarded to the state by FHWA.

Following an extensive public outreach process and oversight by a task force comprising town, citizen and Metro representatives, the "Portland North" project is in the final design and vehicle procurement phase and is scheduled to launch in late spring 2016.

Figure 1: Portland North Route Alignment

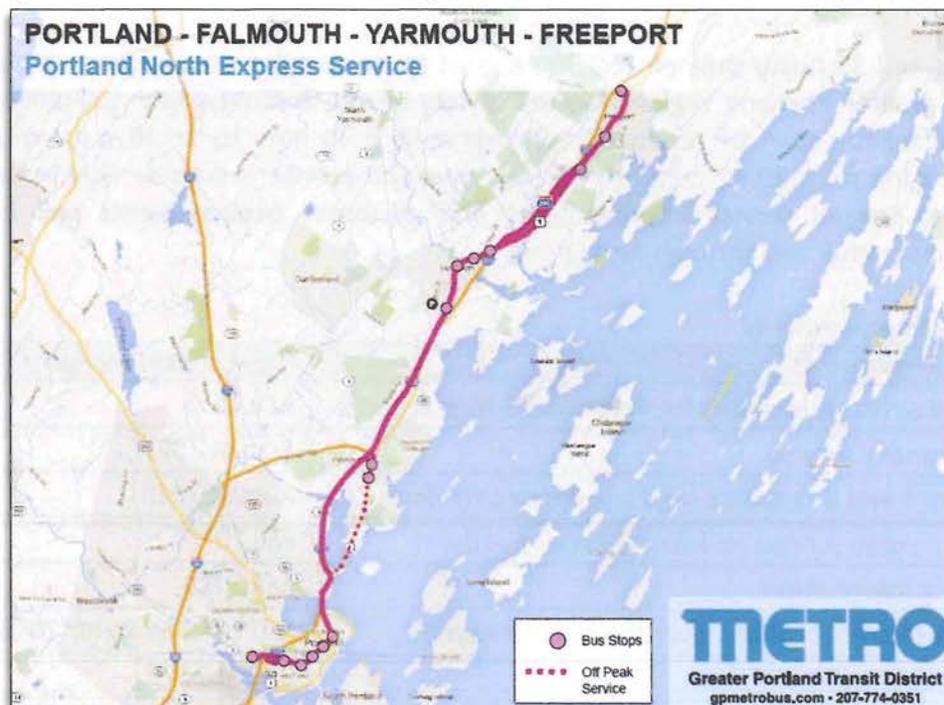


Figure 2: Portland North Service Elements

Major Service Elements	General Vehicle Type
<ul style="list-style-type: none"> • 9 Bi-directional weekday Trips from 6 a.m. to 7 p.m. • 4-5 Bi-directional Saturday Trips from 9a.m. to 7 p.m. • Integration with Amtrak Downeaster • Mid-size, low floor buses • Limited stops • Midday service to Falmouth • Late spring 2016 start date 	

LEWISTON-AUBURN TO PORTLAND STUDY

A task force comprised of representatives from the city of Lewiston, city of Auburn, the Lewiston-Auburn Transit Committee and Metro kicked off a preliminary study during the spring of 2015. The study is limited to evaluating the possible public bus transit route alignments connecting the two regions, understanding the potential ridership demand, and generating operating and capital cost scenarios.

The task force settled on the following major tasks and general timeframes for completion:

Table 2: Major Tasks

Task	Target	Status
1. Secure local funding commitments for planning assistance	Winter 2015	Complete
2. Develop route alternatives and preliminary operating/capital needs	Spring 2015	Complete
3. Secure consultant assistance for ridership estimation	Summer 2015	In progress
4. Develop ridership estimates for different service alternatives	Summer 2015	Pending
5. Finalize operating, capital needs assessment and budget development	Fall 2015	Pending
6. Develop possible funding strategies	Fall 2015	Pending
7. Complete final report	Fall 2015	Pending

If the study demonstrates the potential for a well-used and cost-effective transit service, then the applicable governing bodies may wish to consider next steps which would include:

- Public and stakeholder involvement on transportation needs and desires;
- More extensive analysis and planning around service design elements;

Option 2 – Lewiston-Auburn to Portland via SR 136 and I-295 with intermediate stops in Freeport and Yarmouth

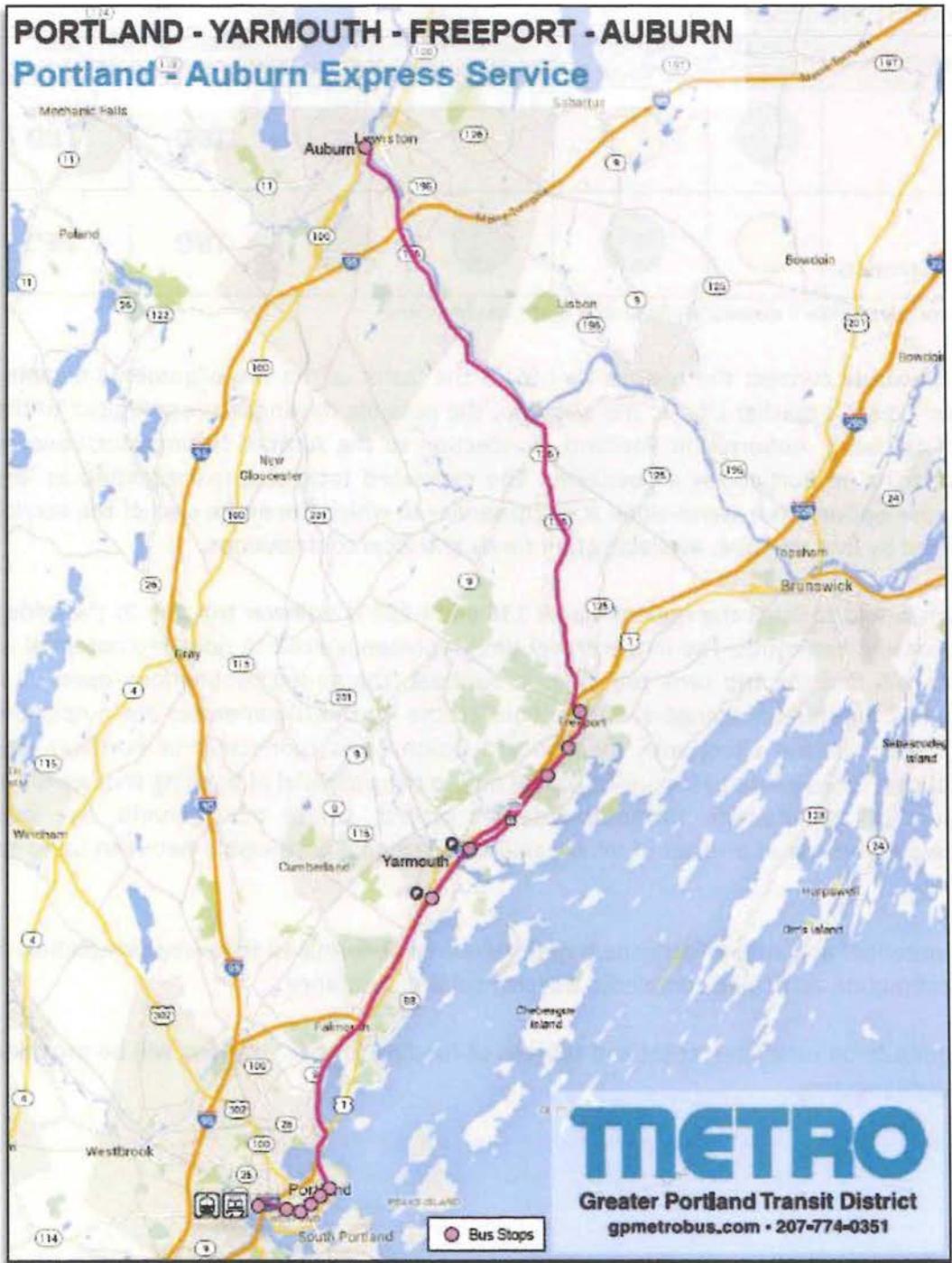


Table 3 presents a high level trade-offs evaluation of the two alternatives.

Table 3: Preliminary Evaluation

Route Alignments	Travel Time	Access to Destinations	Inter-modal Connections	Est. Total Cost	Ridership Potential	Cost-Effectiveness
Option 1 I-95 Corridor					TBD	TBD
Option 2 SR 136 & I-295 Corridors					TBD	TBD

Green = more favorable; Yellow = moderately favorable; Red = less favorable

Option 1, which would connect the regions via I-95, is the faster of the two alignments meaning passengers can expect a quicker trip. In this scenario, the possible destinations are limited to the downtowns of Lewiston, Auburn and Portland. Connection to the Amtrak Downeaster/Concord Coach Lines terminal in Portland is a possibility. The estimated total cost is designated as less favorable because option 1 is a stand-alone start-up service in which the entire cost of the service would be covered by fare revenue, available grant funds and local contributions.

Option 2, which would connect the regions via SR 136 and I-295 is a slower trip due to the added stops in Freeport and Yarmouth. The longer travel time represents a risk to ridership potential as some residents will find the trip time too long. In contrast, the added destinations open up a broader market of potential passengers. Connections to the Amtrak/Downeaster are possible in both Freeport and Portland along with the Concord Coach Lines connection in Portland. The estimated total cost is designated as more favorable due to the potential of building the Lewiston-Auburn segment off the existing Yarmouth-Freeport project. Under this scenario, the local contributions would be less as a result of what could be a regional partnership between up to six (6) communities.

The ridership potential and cost-effectiveness metrics will be determined following completion of the ridership estimation task to be completed with consultant assistance.

Orders of magnitude on estimated costs and sources of funding for both options will be provided at the City Council meeting.



Department of Public Works

David A. Jones, P.E.

Director



June 10, 2015

Mayor and Members of the City Council

Re: June 16, 2015 Workshop on Court Street Reconfiguration in Auburn

We suggested a workshop was warranted to bring the City Council up to date on a proposal to reconfigure Court Street between Turner St and the railroad tracks from four (4) lanes (2 travel lanes in each direction) to three (3) lanes (1 travel lane in each direction and a center turn lane). As background the following is a time line of this issue:

Auburn Court Street Project Timeline	
Date	Event
4/21	Auburn City Council briefed by Eric Cousens (Auburn Planning) regarding Build Maine Conference and 3 proposed "Tactical Urbanism" projects (2 on Main St and 1 on Court Street). The project on Court St involved changing the section of the street between Turner St and the railroad tracks from 4 travel lanes (2 in each direction) to a 3 lane roadway with 2 travel lanes and a center left turn lane and adding parking on the north side of the street. (Information provided to the Auburn Council is attached.)
4/22	Sun Journal article published on the proposed projects (received lots of negative comments on the web-site and has since had several letters to the editor critical of the Court St project)
4/23	ATRC Policy Committee meeting held. Under Other business Lewiston & others in attendance expressed concern about the Court Street project. Questioned whether a traffic study had been performed? Questioned what the impacts might be? Requested ATRC do modeling and that Maine DOT be involved in the review process.
5/1	ATRC completed the modeling for the proposed Court St project and provided it to Maine DOT. Also invited reps from the Policy Committee to come see the model.
5/4	Auburn Council again briefed by Eric Cousens. Nobody in attendance mentioned anything about the concerns expressed at the ATRC Policy Committee or the modeling that had been done. The City Council approved the projects understanding they were waiting on approval from Maine DOT for the Court Street project. (Information provided to the Auburn Council is attached.)
5/18	Auburn Staff viewed the traffic model results at ATRC and recognized the impact would not be acceptable. They suggested an alternative to maintain two travel lanes from Lewiston through Minot Ave and have only one travel lane going from the RR tracks to Turner street (towards Lewiston). This would eliminate the center turn lane, but maintain the parking on the north side of Court St in this section.
5/19	Maine DOT contacted Mayor of Auburn indicating the project proposed in April had significant impacts to traffic especially in Lewiston and that a much more rigorous public process would be needed before Maine DOT could support this type of project on Court St.
5/21	Maine Build Conference held (nothing was done on Court Street)
5/27	Lewiston City Staff requested if Maine DOT and ATRC reps could attend a workshop with the Lewiston City Council to review the model and potential impacts to traffic in Lewiston as a result of the Auburn Court St project.
5/28	ATRC completed a draft of the revised traffic model and provided it to Maine DOT requesting some assistance on a glitch that was occurring in the model. It appears the revision would decrease the impacts to traffic in Lewiston.
	Auburn Staff questioned ATRC model and hired their own consultant to review the traffic model and potential impacts. They are still talking about implementing the original concept.

The ATRC traffic model showed the original concept would have significant impact on traffic in Lewiston and would result in traffic being backed up on Main St to back beyond the hospital (CMMC). It appears the revised option would have very little traffic impact in Lewiston.

We requested both ATRC and Maine DOT folks attend the workshop to show the Council the model results and identify for the Council the potential impacts of both the original concept and the alternative option. My understanding is Auburn City Council voted 7-0 to implement the original concept at their May 4th meeting pending approval from Maine DOT. Maine DOT has expressed concern and suggested a much more rigorous public discussion be held before they could approve Auburn's request. This workshop could be part of that public discussion.



David A. Jones, P.E.
Director of Public Works
City of Lewiston

City of Auburn, Maine
"Maine's City of Opportunity"

Presented to Auburn
City Council at their
meeting on 4/21/15

Office of Planning and Development

To: Mayor LaBonte and the Auburn City Council
From: Eric Cousens, Deputy Director, Planning and Development
Date: April 17, 2015
RE: Proposed Tactical New Urbanist Projects

On May 20 and 21, A "Build Maine" Conference will present ways to build economically stronger, more successful towns and cities in Maine through strategic, high impact investments. The Conference is sponsored by the Congress for New Urbanism, Smart Growth Maine, the Municipal Association (MMA), and the Maine Real Estate & Development Association (MEREDA). Planning Professionals involved in the conference and representing the Congress for New Urbanism are interested in creating tactical events in Auburn that publically illustrate some of the principles of New Urbanism.

City Staff has been discussing these proposals and meeting internally to consider issues with the timing, safety, public notice, technical capacity and the feasibility of implementing these tactical New Urbanist projects during the week of May 20-21st. Staff would like to present additional information at the Tuesday, April 21st Council Workshop and get feedback from the Mayor and Council with a possible decision by Council on May 5th.

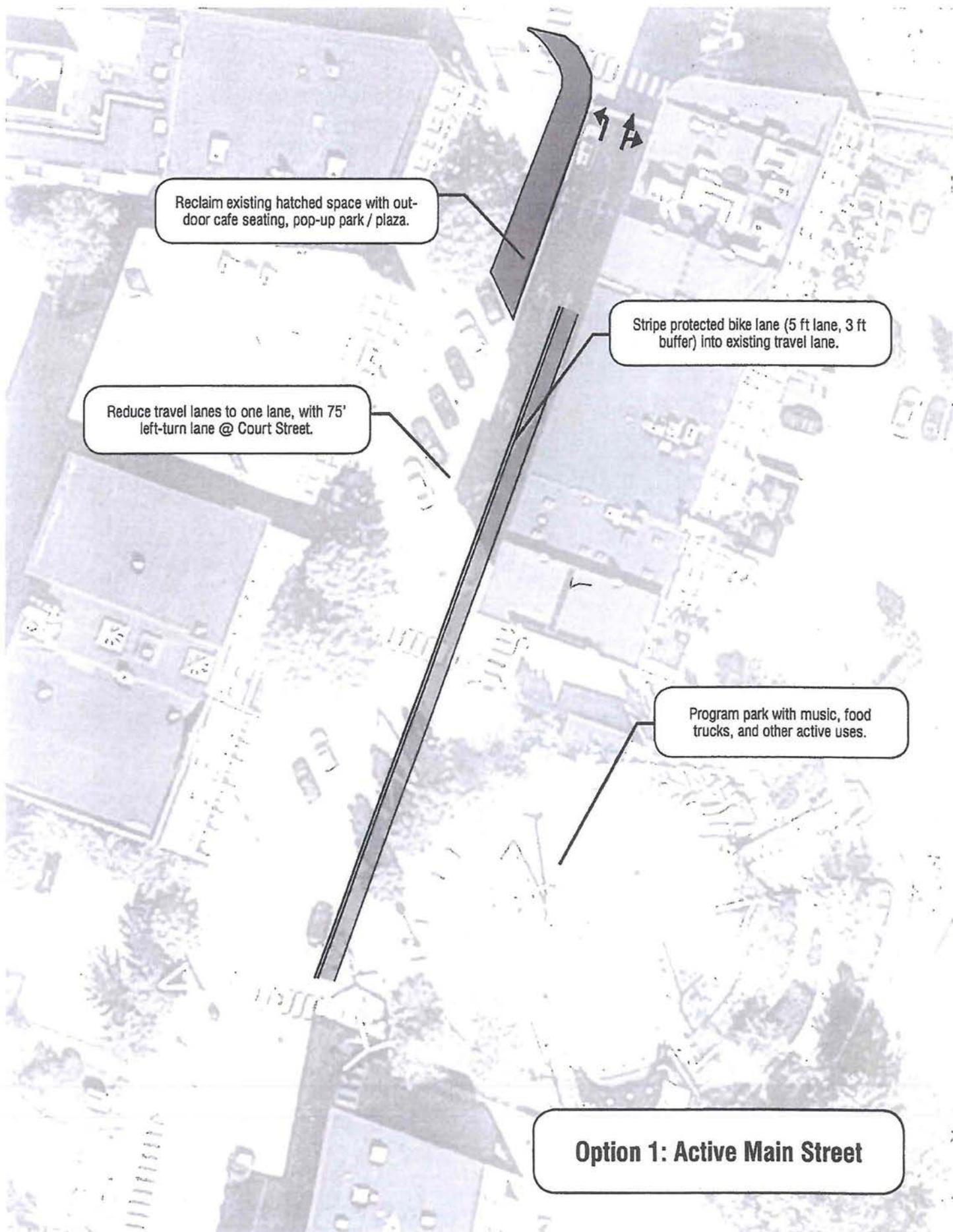
Attached with this memo are 3 proposals

- Option 1- Active Main Street.
- Option 2- 2 way Main Street.
- Option 3- Court Street Road Diet.

Cc: File

60 Court Street • Suite 104 • Auburn, ME 04210
(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6625 Fax
www.auburnmaine.org

4-21-1 of 4



Reclaim existing hatched space with outdoor cafe seating, pop-up park / plaza.

Stripe protected bike lane (5 ft lane, 3 ft buffer) into existing travel lane.

Reduce travel lanes to one lane, with 75' left-turn lane @ Court Street.

Program park with music, food trucks, and other active uses.

Option 1: Active Main Street



Allow for two-way traffic on Main and left turns from Court onto Turner. Adjust signals to allow for additional turning movements.

Replace slip lane with striping or sod to create rational 4-way intersection. Add signage to direct trucks to Turner Street or Union Street.

Modify arrows to reflect new turning movements, using either traffic tape or temporary paint.

Black out all white lines with temporary black paint. Add new parking lane and lane striping with traffic tape or temporary paint. Add sharrow stencils to lanes.

Option 2: Two-Way Main Street



Option 3: Court Street Road Diet

4/21 - 4 of 4

*Presented to Auburn City Council
at their 5/4/2015 meeting*

**City Council
Information Sheet**

City of Auburn



Council Workshop or Meeting Date: 5/4/15

Resolve 03-05042015

Author: Eric Cousens, Deputy Director of Planning and Development

Subject: Tactical Urbanism – Court and Main Streets

Information: On May 20 and 21, A “Build Maine” Conference will present ways to build economically stronger, more successful towns and cities in Maine through strategic, high impact investments. The Conference is sponsored by the Congress for New Urbanism, Smart Growth Maine, the Municipal Association (MMA), and the Maine Real Estate & Development Association (MEREDA). Planning Professionals involved in the conference and representing the Congress for New Urbanism are interested in creating tactical events in Auburn that publically illustrate some of the principles of New Urbanism, promote complete and vibrant streets and encourage downtown redevelopment.

City Staff has been discussing these proposals and meeting internally to consider issues with the timing, safety, public notice, technical capacity and the feasibility of implementing these tactical New Urbanist projects during the week of May 20-21st. We presented some options to the Council on April 21st and the Council generally supported staff investigating some of them further for this meeting. We have since been in discussion with Maine DOT and will likely not have a final answer from them in time for action on May 4th regarding adding on-street parking to Court Street and transitioning to three lanes with a center turning lane.

We are asking that the Council approve the use of Festival Plaza for programming that will increase pedestrian activity during the Build Maine event and may include food trucks and sidewalk café space; Along the one-way section of Main Street, potential additional parking and use some parking areas as tactical urbanism demonstration space or sidewalk café space and to allow staff to engage further with businesses and residents to gauge support for on-street parking along Court while we continue to pursue the MDOT approval of the Court Street Striping changes.

Depending on feedback from Maine DOT we may ask the Council to vote on allowing a Court Street Road Diet, as depicted on the attached street plan.

Advantages: Promote downtown development and activity during the Build Maine Event and encourage it for the future. Calming traffic, creating parking and using parking as a buffer between traffic and pedestrians is critical to the success of our downtown.

Disadvantages: Investing time into this takes away from other items, but this is a very worthwhile effort.

City Budgetary Impacts: None at this point, beyond what is already budgeted. Build Maine will work on much of this at no cost and staff has a small budget for downtown programming related to economic development. Striping costs will be the same or slightly different than what is already planned for the area. The timing of the striping is the only potential increase, if it cannot be completed as part of an existing trip to complete striping work in Auburn and requires a separate mobilization there could be an increased cost of \$2,000. We would make every attempt to either include it in an existing trip or get our \$2,000 worth of striping by adding work to cover the mobilization charge.

5-4-1085

Staff Recommended Action: Allow the Build Maine demonstration on Main Street and Festival Plaza and allow staff to engage further with businesses and residents to gauge support for on-street parking along Court while we continue to pursue the MDOT approval of the Court Street Striping changes.

Previous Meetings and History: April 21, 2015 Communications.

Attachments: Court Street Road Diet Sketch, Traffic Counts Screen Shot, Historical Articles regarding the removal of on-street parking along Court Street.

Court Street Road Diet



INSTALLATION DETAILS

Install: Wednesday, May 20th, 10:00 PM
Take Down: Friday, May 22nd, 7:00 PM

Parking Lane: Request that City Hall employees and Courthouse employees to park their cars on the street Thursday morning.

Turn Arrows: Determine number and location of required center turn arrows. Consider applying sharrow stencils to travel lanes. Pre-make with traffic tape stencils.

MARKETING

Press Release: Published May 13
Signage: Auburn Highway Signs

INSTALL TEAM

Auburn Public Works
Bates Students
Public Works Staff from other communities
Bike Coalition of Maine
Build Maine participants
DOT

5/4 3085

5/4 - 40/S

http://www.avcog.org/index.asp?links=1000

Androscoggin Valley C... eLibrary - Docket Sheet eLibrary File List

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Home > Programs > AIRC > Traffic Data > Traffic Counts

Traffic Counts

Maine Traffic Counts 2011 - 2013

View larger map

AADT: Average Annual Daily Traffic. AADT is the total number of vehicles you would expect to go by this location in a day as a total of both directions (assuming the road allows traffic in both directions.)

3:31 PM 4/28/2015

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 03-05042014
(Option 2)

WHEREAS, The Build Maine Conference is an opportunity to showcase the latest in downtown development planning and take advantage of the thoughts and ideas of national experts that are in town for the conference and interested in doing a promotional project;

WHEREAS, the Auburn City Council is committed to improving and revitalizing our downtown and promoting complete streets for historic preservation, economic vitality, quality of life and increased property values;

THEREFORE RESOLVED, the Auburn City Council encourages the Build Maine staff and City staff to collaborate on programming and tactical urbanism projects for festival Plaza and along Main Street that includes food trucks, outdoor café and retail space for local businesses and food trucks during the Build Maine Event on May 20-21.

FURTHER RESOLVED to allow staff to engage further with businesses and residents to gauge support for on-street parking along Court Street while we continue to explore the MDOT approval of the Court Street Striping changes.

5/4 - 525

LEWISTON CITY COUNCIL
MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Amendment to the Traffic Schedule regarding loading zones on Lisbon Street.

INFORMATION:

The proposed traffic schedule amendment will change the time of a loading zone area on Lisbon Street to accommodate businesses in this block. City staff is in support the request and recommend Council adoption.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATS/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve an amendment to the Traffic Schedule to regarding loading zone areas on Lisbon Street, as outlined in the attached memorandum.

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Change Lisbon Street Loading Zone Time
Date: June 9, 2015

The mix of downtown businesses is evolving. There are many more restaurants, retail, and personal service establishments than there were even 5 years ago. With this evolving mix, the rules governing the utilization of on street parking needs to evolve to best meet the sometimes competing needs of a diverse mix of businesses.

The loading zone in front of FISC (160 Lisbon Street) is restricted to commercial vehicles Monday – Friday from 6 am to 3 pm. Having a 9 hour zone reduces the amount of on street parking available for retail, restaurant, and service type businesses. Discussion among businesses in the area has resulted in a request to adjust the loading zone time to 6 am to 11 am. This is agreeable to both Forage and FISC, the two businesses that most heavily utilize parking on this side of the street. Reducing the loading zone time frame will make two more parking spaces available for customer use during peak retail/restaurant business hours.

Staff recommends your approval of this traffic schedule amendment.



POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



DATE: June 11, 2015

TO: Traffic Schedule Review

FROM: Sgt. David Chick, Inspector of Police

Subject: Traffic Schedule Amendment – Chapter 70 Section 177
Loading Zones

Per request coming through Code and Planning Office on behalf of mediating issues regarding use of parking spaces (loading zone) and providing greater availability for patron customers. FISC and Forage Market operate in the same block area, and both businesses have some need of commercial loading/unloading deliveries. The design was for a shared space being designated loading zone. Forage Market conducts a lunchtime dining business, and is seeking amendment to accommodate more short-term parking convenient for patron customers. It is noted that FISC retains a loading zone space on the Ash St side of their location of which they maintain an exclusive use.

Accordingly the following amendment to the Traffic Schedule is forwarded for review to be offered to the Council for consideration.

Section 3 – Loading Zones

LISBON STREET Even numbered side, east side, beginning at a point 75' from the southeasterly corner of Ash St. and Lisbon St. and extending southerly on Lisbon St. a distance of 60'; or (2) delineated parking spaces and angular indent (Restricted to commercial vehicles Monday-Friday 6:00 am to ~~3:00 pm~~ 11:00 am) 30 Minutes.
AMEND by City Council – 8/14/2012, Vote #

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

If this amendment is approved, this would require Public Works department to modify sign(s) and marking(s) pertaining to the intended "Loading Zone" and time frame which it is in effect. The co-existing one-hour parking applies otherwise.



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism Integrity Compassion Dedication Pride Dependability



POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



David K. Chick

David Chick
Inspector of Police

cc: **Michael Bussiere**
Ed Barrett – City Hall; Phil Nadeau – City Hall; Lincoln Jeffers – City Hall;
Kathy Montejo – City Clerk; Steve Murch – Public Works; Paul Ouellette – Fire



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POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



These images further portray some of the practiced use for retaining an almost exclusive exercise over these spaces which are intended to be shared. (The van and cones are managed by FISC; seeking to secure the spaces and prevent general parking from encroaching.) The majority of the time it is FISC retaining use of these spaces. Several communications have resulted seeking to encourage more use of the Ash St side loading zone; especially after the morning deliveries. The proposed change will benefit the business of Forage Market on Lisbon St, and retain that other loading zone (Ash St) for FISC to continue their deliveries the remainder of their business day.



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LEWISTON CITY COUNCIL
MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Amendments to the Solid Waste Policy.

INFORMATION:

This is a housekeeping item to correct some typographical errors that appear in the Solid Waste policy. No substantive changes are being proposed, just corrections to errors that are listed in the policy language.

The proposed changes are supported by the Public Works Director and the Solid Waste Superintendent and passage is recommended.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the proposed amendments to the Solid Waste Policy as recommended by the Public Works Director and the Solid Waste Superintendent.

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

SOLID WASTE POLICY

Solid Waste - Fee Schedule

The following schedule of fees shall be charged for use of the City's Solid Waste Facility (Facility) and services rendered by the City's Department of Public Works (DPW). A Facility employee shall determine whether a vehicle entering the Facility contains a full or partial load and the fees listed below will be adjusted accordingly:

- A. Vehicles with an "ePass" or an "abbreviated ePass"(as defined in Section 62-11 of the City of Lewiston Code of Ordinances) will not be charged for waste disposal of those materials identified on the "ePass" or an "abbreviated ePass" up to the limit as set on the "ePass" or an "abbreviated ePass". When material is brought to the Facility and the "ePass" or an "abbreviated ePass" is presented, it will be entered into the Facility's Scale Management System to identify that material being disposed. Once all items of a particular type on the "ePass" or an "abbreviated ePass" have been used, any additional waste material brought to the Facility will be paid for at the rates identified in the following sections. Failure to present the "ePass" or an "abbreviated ePass" to the Scale House Attendant will result in charges for the disposal of the waste material.
 - "Abbreviated ePass" \$10.00
 - First "ePass" \$20.00
 - Second "ePass" \$40.00

- B. All vehicles, which do not have a valid Punch Pass for the type of materials to be disposed and compaction vehicles shall be weighed and charged a unit price of:
 - \$95.00/Ton

 - The minimum disposal charge shall be:
 - \$7.00

- C. All vehicles with special waste shall be weighed and charged (in addition to the \$95.00/ton disposal fee) a State surcharge of:
 - \$2.00/Ton

 - All vehicles with special waste shall be weighed and charged (in addition to the \$95.00/ton disposal fee and the \$2.00 State surcharge) a City surcharge of:
 - \$11.00/Ton

- D. All vehicles hauling commercial, or construction debris shall be subject to a minimum charge of:
 - \$8.00/Ton

- E. All vehicles containing only recyclables and/or scrap metal, as defined in Chapter 62 of the City Code of Ordinances:
 - NO FEE

- F. Scale Weights (includes Commercial & Waste Haulers, as defined):
 - \$10.00/vehicle weight

SOLID WASTE POLICY

- G. All vehicles not having a valid punch pass for the following waste materials will be charged at the identified rate:
- | | |
|--|--------------|
| Wood Waste | \$ 90.00/Ton |
| Asphalt, bricks, concrete (without rebar) | 6.00/Ton |
| Asphalt shingles and sheetrock (March – October) | 79.00/Ton |
| Asphalt shingles and sheetrock (November – February) | 90.00/Ton |
| Bulky Waste | 79.00/Ton |
| 20# Propane Tanks | 3.00/Ton |
| Refrigerant containing appliances | 11.00/Ton |
| Batteries (Non-Universal Waste) | NO FEE |
| Waste Oil | NO FEE |
| Florescent lights | NO FEE |
- H. All mixed loads containing recyclables mixed with solid waste as determined by the Superintendent or his designee: \$180.00/Ton
- I. Tires from all commercial and residential vehicles will be accepted as follows:
- | | |
|-------------------|--------------|
| Up to 16” w/o rim | \$ 3.00/tire |
| Up to 16” w/rim | \$ 6.00/tire |
| >16” to 24” | \$ 6.00/tire |
| over 24” | \$22.00/tire |
- J. Exceptions: No fees shall be levied on the City (includes all City departments, agencies and school district) for the disposal of solid waste, as defined.
- K. Waste Collection and Disposal from Multi-Unit Apartment Buildings, as defined in Section 62-11 of the City Code of Ordinances: \$170.00 per dwelling unit per year. In cases where the Multi-Unit Apartment Building is owner occupied the fee on the owner’s dwelling unit will be waived.
- L. One time application fee for Multi-Unit Apartment Buildings not receiving waste collection service provided by the City, as of July 1, 2006: \$100.00

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

LEWISTON CITY COUNCIL

MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Resolve adjusting the Salary Schedule for the Non-Union Employees and directing certain changes to the City's Personnel Rules and Regulations regarding non-union employee benefits.

INFORMATION:

This Resolve will adjust the salary schedule for non-union personnel by 1.5% retroactive to payroll checks issued on January 7, 2015. It will also increase from 75 to 80 the number of accrued sick leave days that are paid to employees upon retirement, bringing this group of employees more into line with other employee groups. Finally, it directs staff to revise the City's Personnel Rules and Regulations so that the Maine Municipal Health Trust's PPO 500 plan will become the base employee health insurance plan offered by the City to its non-union employees.

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 adjusting the Salary Schedule for the Non-Union Employees and directing certain changes to the City's Personnel Rules and Regulations regarding non-union employee benefits.



COUNCIL RESOLVE

Resolve, Adjusting the Salary Schedule for Non-Union Employees and Directing Certain Changes to the City's Personnel Rules and Regulations Regarding Non-Union Employee Benefits.

Be it Resolved by the City Council of the City of Lewiston that the pay scale for non-union employees is hereby adjusted upward by 1.5%, such adjustment to be retroactive to payroll checks issued on January 7, 2015.

Be it Further Resolved that the section of the City's Personal Rules and Regulations dealing with employee entitlement upon retirement to receive payment for one half of accrued sick leave up to a maximum of 75 days is hereby amended to increase the 75 days to 80 days.

Be it Further Resolved that effective January 1, 2016, the Maine Municipal Health Trust's PPO 500 plan shall become the base employee health insurance plan offered by the City to its non-union employees, and the City Administrator is directed to take the necessary steps and prepare the necessary amendments to the Personnel rules and Regulations to allow this change to be implemented as of that date.

LEWISTON CITY COUNCIL

MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Accepting a Public Easement at the southerly terminus of Old Chadbourne Road.

INFORMATION:

At the time this area was subdivided, the plans called for constructing a turnaround at the dead end of Old Chadbourne Road. This project was subsequently abandoned due to the presence of ledge near the surface and the associated increase in projected costs. Since the planned public road was never constructed or accepted, lots abutting this planned turnaround are nonconforming in that they do not have the required road frontage. This can be rectified by accepting a public easement equal in extent to the original proposed turnaround. Note that the City has no obligation to construct, maintain, repair, or provide public services in this easement. Its purpose is to simply bring the abutting lots into conformity with our Land Use Code. Public Works Recommends your approval.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA 13/14mm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To accept a Public Easement at the southerly terminus of Old Chadbourne Road.



Department of Public Works

David A. Jones, PE
Director



DATE: June 9, 2015

TO: Edward Barrett, City Administrator

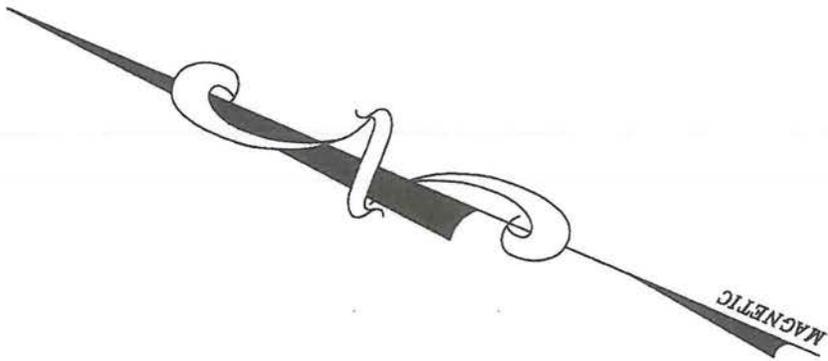
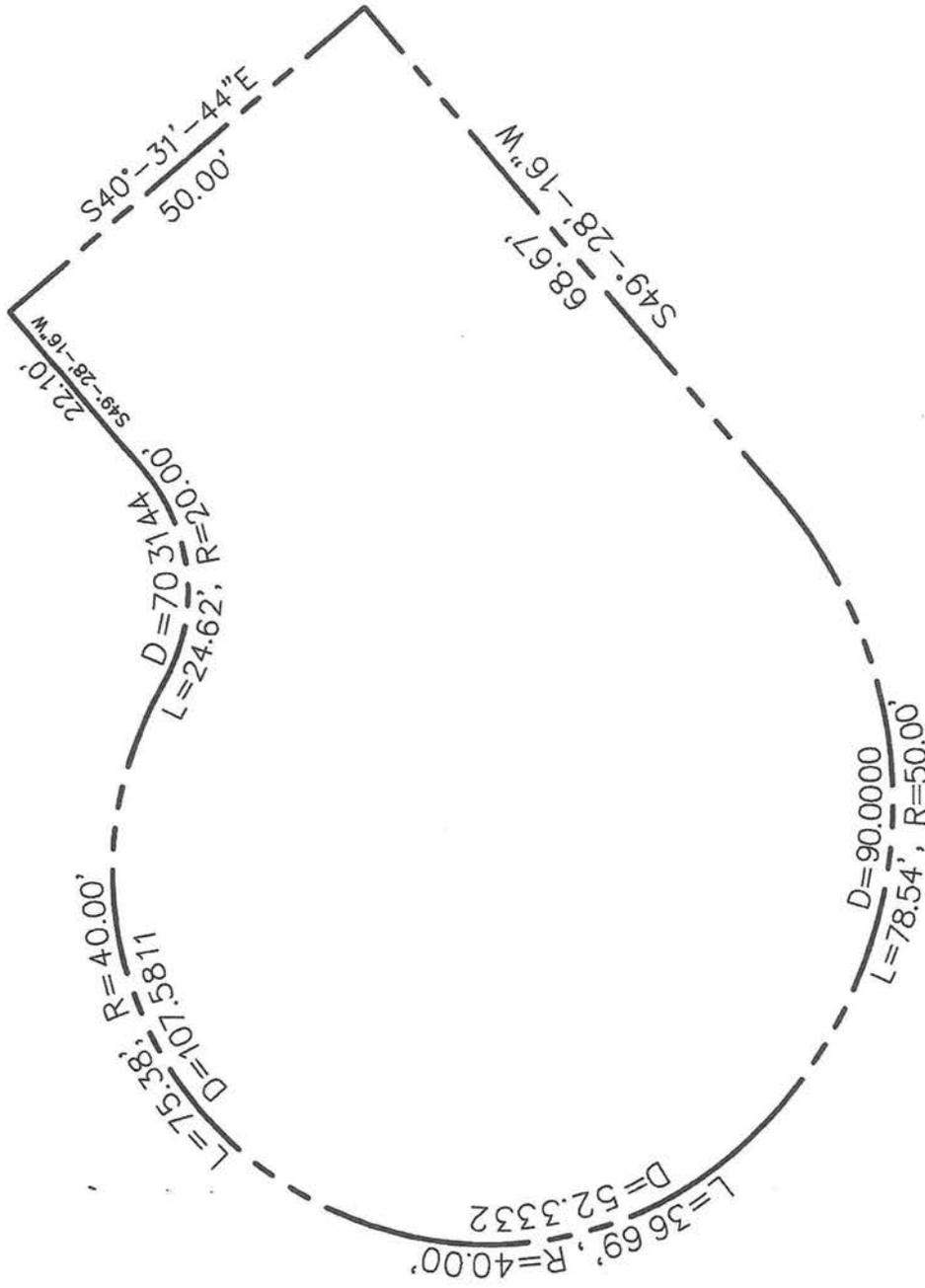
FROM: David Jones, P.E. Public Works Director
Richard C. Burnham, P.E., City Engineer

SUBJECT: Old Chadbourne Road Public Easement

Public Works recommends that the City Council accept a Public Easement at the Southerly terminus of Old Chadbourne Road. A description of this Public Easement and a map is attached as exhibit 'A'. The property is presently owned by the City and was originally intended to be constructed as a turnaround. Ledge at the surface caused construction costs to be too high and the project was abandoned. If the project had been completed, the turnaround would have been accepted as part of the public way.

As you can see from the attached aerial photograph, this public easement is necessary to provide adequate lot frontage for a single family home that was permitted and build under the assumption that the City's property would become a part of the public way. Since this did not happen, the lot is non-conforming since it lacks the required frontage on a public way. This Public Easement will provide adequate frontage for this lot to conform to our ordinance requirements without measurable costs to the City.

The City has no obligation to construct, maintain, repair, or provide public services in this public easement.



N.T.S.

Old Chadbourne Rd.

Turnaround - Public Easement

Beginning on the end of the southeasterly line of the Old Chadbourne Road as per the layout dated March 18, 1957 at the City of Lewiston Clerk's Office;

Thence running South $49^{\circ}-28'-16''$ West a distance of sixty-eight and sixty-seven hundredths (68.67) feet to an iron pin;

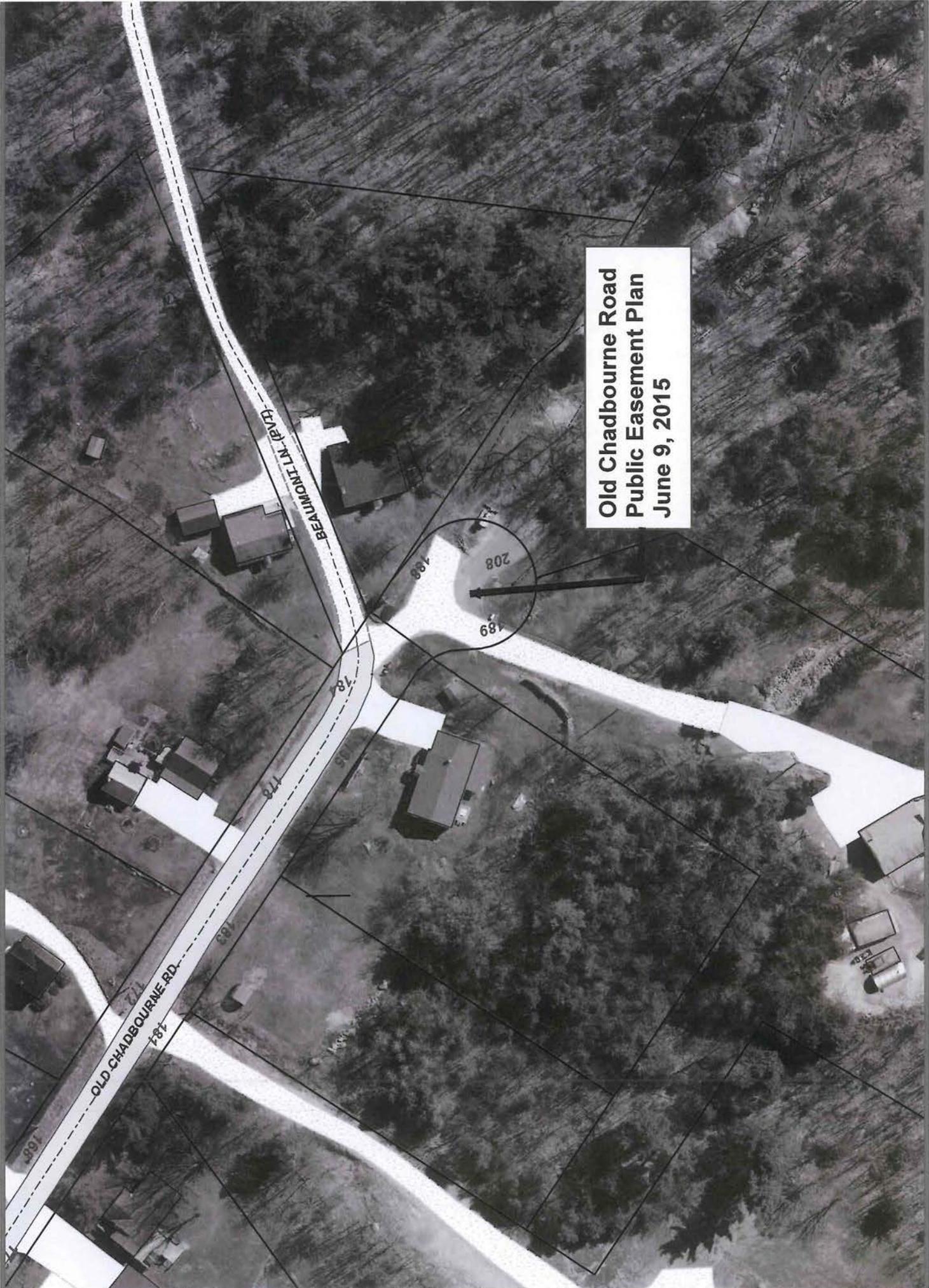
thence in accordance with the following curve table:

<u>No.</u>	<u>Delta</u>	<u>Radius</u>	<u>Length</u>
C1	$90^{\circ}-00'-00''$	50.00'	78.54'
C2	$52^{\circ}-33'-32''$	40.00'	36.69'
C3	$107^{\circ}-58'-11''$	40.00'	75.38'
C4	$70^{\circ}-31'-44''$	20.00'	24.62

thence North $49^{\circ}-28'-16''$ East a distance of twenty-two and one tenth (22.10) feet to the end of the northwesterly line of Old Chadbourne Road:

thence South $40^{\circ}-31'-44''$ East a distance of fifty (50) feet to the POINT OF BEGINNING.

Old Chadbourne Road
Public Easement Plan
June 9, 2015



LEWISTON CITY COUNCIL
MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing on a new liquor license application for Bear Bones Inc., 43 Lisbon Street.

INFORMATION:

We have received an application for a liquor license application for Bear Bones, Inc., 43 Lisbon Street. The liquor license application is for malt only.

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 Bear Bones Inc., 43 Lisbon Street

BUREAU OF ALCOHOLIC BEVERAGES DIVISION OF LIQUOR LICENSING & ENFORCEMENT

DIVISION USE ONLY	
LICENSE NUMBER: <u>SMB-54</u>	CLASS:
<u>5-7-15</u>	DEPOSIT DATE:
AMT. DEPOSITED: <u>50-</u>	BY: <u>Hand</u>
<u># 523</u>	CK/MO/CASH:

RECEIVED

MAY 04 2015

BABLO
LIQUOR LICENSING & ENFORCEMENT



PRESENT LICENSE EXPIRES _____

APPLICATION FOR SMALL BREWERY

\$50.00

Check Payable: Treasurer State of Maine

The undersigned hereby applies for a Small Brewery License to produce malt liquors containing 25% or less Alcohol by volume not to exceed 50,000 gallons per year or their metric equivalent.

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.)	2. Business Name (D/B/A)
DOB:	<u>Bear Bones Beer</u>
<u>Bear Bones Inc</u> DOB: <u>4/22/2013</u>	
DOB:	Location (Street Address) <u>43 Lisbon St</u>
Address	City/Town <u>Lewiston</u> State <u>ME</u> Zip Code <u>04240</u>
City/Town State Zip Code	Mailing Address <u>43 Lisbon St</u>
City/Town State Zip Code	City/Town <u>Lewiston</u> State <u>ME</u> Zip Code <u>04240</u>
Telephone Number Fax Number	Business Telephone Number <u>207.200.1324</u> Fax Number <u>N/A</u>
Federal I.D. #	Federal basic permit number.

2. Is applicant a corporation, limited liability company or limited partnership? Yes No

If YES, complete Supplementary Questionnaire

3. Business records are located at: _____

4. Is/Are applicant(s) citizens of the United States? Yes No

5. Is/Are applicant(s) citizens of the State of Maine? Yes No

6. If a corporation, does any officer, director or stockholder of said corporation have in any way an interest, directly or indirectly, as a director or stockholder in any other corporation which is a holder of a wholesale license granted by the State of Maine?

Yes No.

7. Is the applicant directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person, association, or corporation holding a liquor license granted by the State of Maine?

Yes No

8. Each applicant shall file with the application a list giving the name and address of each wholesale dealer authorized to distribute products and designate the exclusive territory assigned to each wholesale dealer. Attach a distributor territory form or additional information outlining the exclusive territory for each wholesaler and the products they may distribute within the area.

9. Will you maintain an additional location for on-premise consumption?

Yes No

Name of Premise D/B/A _____

Address: _____ State _____ Zip Code _____

Telephone: _____ Name of Manager _____

Type of Premise _____

10. List name, date of birth, place of birth for all applicants and managers. Give maiden name, if married.

Name in Full (Print Clearly)	DOB	Place of Birth
BEN DINGMAN	3/12/1984	Lewiston, ME
ADAM B TUURI (formerly Adam B Cox)	11/9/1983	Lewiston, ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Dingman - ~~805 River Rd~~ Leeds, ME
Tuuri - Lewiston ME - Gardiner ME

11. 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:

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, Maine on April 28th, 20 15
Town/City, State Date

Adam B Tüürri Please sign in blue ink
President/CEO
Signature of Applicant or Corporate Officer(s)

Adam B Tüürri
Print Name

EB Secretary & Treasurer
Signature of Applicant or Corporate Officer(s)

EBEN DINAMAN
Print Name



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: June 4, 2015

RE: Liquor License/Special Amusement Permit – **Bear Bones Beer**

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

Bear Bones
43 Lisbon St.



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

CITY OF LEWISTON

PUBLIC NOTICE

A hearing on the following liquor license application will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, June 16, 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.

Bear Bones, Inc.
43 Lisbon Street
Eben Dingman & Adam Tuuri, owners

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

Kathleen Montejo, MMC
City Clerk
Lewiston, Maine

PUBLISH ON: June 10, 11, & 12, 2015

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

LEWISTON CITY COUNCIL

MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for the Liberty Festival and establishment of the Festival Zone.

INFORMATION:

The Liberty Festival is finalizing plans for their annual Independence Day celebration in the Twin Cities. Typically, the Festival features live music concerts outside in the city parks and this year's plans will be similar. The Council is asked to approve the standard Outdoor Entertainment Permit for the Festival. From July 3 - 6, there will be musical concerts and other activities in Veteran's Memorial Park and Simard Payne Park.

In addition, the Council is asked to approve the "Festival Zone" as outlined on the attached map. This allows the organizers the authority to control the food and product sales vendors participating in the Festival.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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1) To conduct a public hearing on an application from the Independence Day Committee for outdoor musical concerts to be held at Veteran's Memorial Park, Simard Payne Park and surrounding areas on July 3, 4, 5, and 6, as part of the Liberty Day Festival, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Independence Day Committee for the outdoor music concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

2) To establish the Liberty Festival Zone as outlined on the attached map, to grant authorization for the Independence Day Committee to allow peddlers and/or vendors within the Zone during Festival activities and to prohibit any peddlers and/or vendors in the defined area who are not authorized by the Independence Day Committee.

SECTION 1 GENERAL EVENT INFORMATION

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

Liberty Festival

Host Organization

Cathy McDonald

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: Cathy McDonald

5. Title of Contact Person: President

6. Mailing Address: PO Box 97, Lewiston, Me 04243

7. Daytime Telephone: 207-212-8227 Cell: 207-212-8227

8. Email Address: liberty.festival@aol.com or cathyymmcdonald@aol.com

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

Name: Cathy McDonald Cell: 207-212-8227

10. Name of Event: Liberty Festival

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

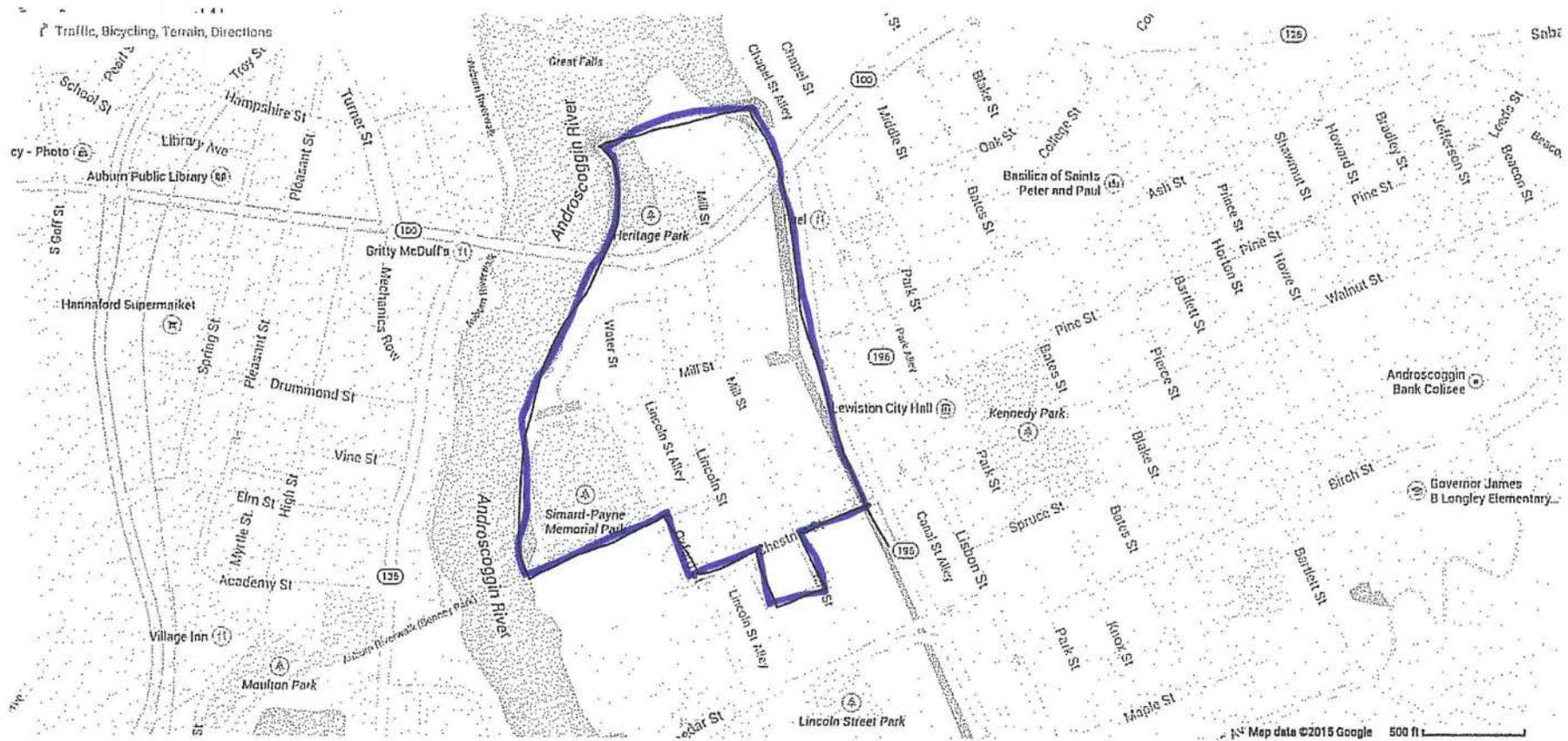
12. Location of Event: Veterans Park, Longley Bridge, Simard Payne Park and surrounding area

13. Day of Event: Friday, Saturday Date of Event: 7/3 - 7/6 Rain Date (if applicable): 7/6 - 7/7

14. Times of Event: Actual Start-time: 7/3 - 6pm Actual End-time: 7/6 - 6 pm
Start-time including set-up: 7/2 - 12pm End-time including clean up: 7/6 - 9pm

15. Estimated Attendance: 10,000 Open to the Public: Yes No

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



Liberty Festival 2015

LEWISTON CITY COUNCIL

MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing for approval of outdoor concerts sponsored by L/A Arts at Dufresne Plaza.

INFORMATION:

L/A Arts has submitted an application requesting permission to hold outdoor concerts on City property. They plan to hold evening outdoor concerts at Dufresne (Courthouse) Plaza on the last Friday of each month between May-September to be held in conjunction with the Lewiston Art Walk. L/A Arts has been hosting outdoor concerts within the City for several years and these have been well attended.

Per the City Code, an outdoor concert cannot be held on city property without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Recreation Department, Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EARB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from L/A Arts for the evening outdoor concerts to be held at Dufresne Plaza on May 29, June 26, July 31, August 28 and September 25, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to L/A Arts for the outdoor concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

SECTION 1 GENERAL EVENT INFORMATION

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

L/A Arts _____ Joshua Vink, Executive Director _____
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: Joshua Vink _____

5. Title of Contact Person: Executive Director _____

6. Mailing Address: 221 Lisbon Street _____

7. Daytime Telephone: 207-782-7228 _____ Cell: 347-678-3236 - Emergencies O _____

8. Email Address: josh.vink@laarts.org _____

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

Name: Joshua Vink _____ Cell: 347-678-3236 - Emergencies Only _____

10. Name of Event: Artwalk Lewiston/Auburn _____

11. Type of Event (walk, festival, concert, etc.): Artwalk and Concerts/Performances _____

12. Location of Event: Lisbon Street, Lewiston _____

13. Day of Event: Last Friday Date of Event: May-Sept Rain Date (if applicable): N/A _____

14. Times of Event: Actual Start-time: 5:00 p.m. Actual End-time: 8:30 p.m.
Start-time including *set-up*: 9:00 a.m. End-time including *clean up*: 10 p.m.

15. Estimated Attendance: 250-1,000 Open to the Public: Yes _____ No _____

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

LEWISTON CITY COUNCIL

MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for the Lewiston Farmers Market concerts and establishment of the Market Zone.

INFORMATION:

The Lewiston Farmers Market is planning to sponsor and host musical performances at their market location to attract more patrons to the market, as well as for the enjoyment of the vendors. The Market is held on Sundays from 10am - 1pm from May 25 - October 25 and is located at the municipal parking lot on the corner of Lincoln Street and Main Street, adjacent to Bates Mill 5. The musical performances will vary from guitar players to a jazz ensemble and will occur occasionally throughout the summer and fall. Please see the attached application for additional event details

In addition, the Council is asked to approve the "Market Zone" as outlined on the attached map. This allows the organizers the authority to control the food and product sales vendors participating in the Market.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/klm

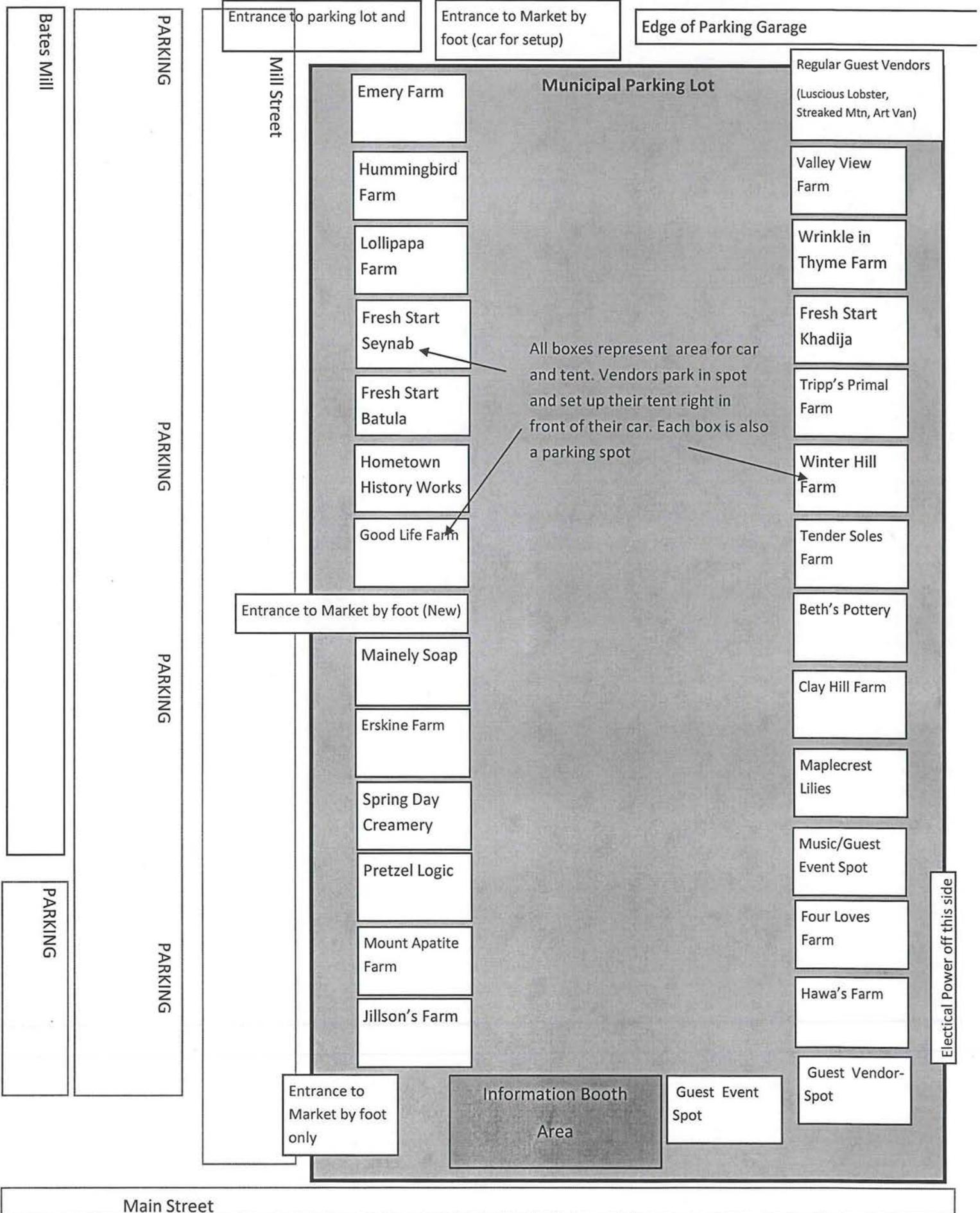
REQUESTED ACTION:

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1) To conduct a public hearing on an application for an outdoor entertainment event for the Lewiston Farmers Market concerts, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Lewiston Farmers Market Association for outdoor music concerts for the Market, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

2) To establish the Farmer's Market Zone as outlined on the attached map, to grant authorization for the organizers to allow peddlers and/or vendors within the Zone during Market activities and to prohibit any peddlers and/or vendors in the defined area who are not authorized by the Market.

LAYOUT MAP OF FARMERS' MARKET (Not to Scale)



LEWISTON CITY COUNCIL

MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8B

SUBJECT:

Public Hearing for approval of outdoor concerts in conjunction with the Great Falls Brewfest at Simard Payne Park.

INFORMATION:

Baxter Brewing Company has submitted an application requesting permission to hold outdoor concerts on City property. They plan to hold outdoor music entertainment at Simard Payne Park on Saturday, June 20 during the Great Falls Brewfest. Estimated attendance is 2,400 people and the event coordinators have been working with the State Liquor Enforcement Department regarding rules and regulations.

Per the City Code, an outdoor concert cannot be held on city property without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Recreation Department, Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

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 conduct a public hearing on an application from Baxter Brewing Company for the outdoor music concerts to be held at Simard Payne Park on Saturday, June 20, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to Baxter Brewing Company for the outdoor concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

SECTION 1 GENERAL EVENT INFORMATION

1. Name of host organization/individual legally responsible for event:
Baxter Brewing Co. Luke Livingston
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: Luke Livingston

5. Title of Contact Person: President

6. Mailing Address: P.O. Box 603 Auburn, ME 04212

7. Daytime Telephone: 333-6769 x. 3680 Cell: (207)240-0180

8. Email Address: Luke@BaxterBrewing.com

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

Name: Luke Livingston Cell: (207)240-0180

10. Name of Event: Great Falls Brewfest

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

12. Location of Event: Simard-Payne Park

13. Day of Event: Saturday Date of Event: 6/20/15 Rain Date (if applicable): _____

14. Times of Event: Actual Start-time: 12:00pm Actual End-time: 5:00pm
Start-time including set-up: 10:00am End-time including clean up: 6:00pm

15. Estimated Attendance: 2,400 Open to the Public: Yes No _____

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

LEWISTON CITY COUNCIL
MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Public Hearing & First Passage for Land Use Code Amendments to permit the division of lots, that contain more than one principal structure, to individual house lots.

INFORMATION:

This agenda item reflects the suggested amendments to the Land Use Code regarding the nonconforming lots within the Franklin Property Trust land. The Council held a workshop on this issue recently and the Planning and Code Enforcement staff have prepared the Code amendments to address the issues.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to Appendix A, Article V. "Administration and Enforcement" and Article VI "Nonconformance", of the City Zoning and Land Use Code, concerning the division of lots that contain more than one principal structure to individual house lots, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting.

MEMORANDUM

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

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

RE: Franklin Property Trust, LLC Division of Land

DT: June 11, 2015

Consistent with the Franklin Property Trust, LLC and the City of Lewiston agreement dated December 16, 2014, staff has prepared the requisite amendments to the Zoning and Land Use Code to permit the division of Franklin Property Trust land. If enacted, the proposed amendments will permit the division of lots that contain three or more principal structures in residential use constructed prior to the enactment of State Subdivision Law (i.e. September 23, 1971) limited to single-family detached dwellings, two-family dwellings, and three-unit multifamily dwellings. Currently, it is not possible to divide a number of such lots given use, space and bulk, and parking standards. These amendments will allow for the creation of lots that would not otherwise comply with space and bulk standards and where the principal residential structures would not otherwise satisfy space and bulk standards and/or parking requirements.

These provisions primarily address the plight of a number of individual owners of single-family detached dwellings, two-family dwellings and three-unit multifamily dwellings situated on leased land whereby conventional financing is not available for either the purchase or maintenance of such real estate. These standards will in part serve to improve real estate in a number of locations throughout the City and will help address neighborhood deterioration. In addition, these provisions provide for a relaxation of existing standards that regulate the replacement of such principal residential structures that will be situated on nonconforming lots, nonconforming uses, and uses that do not comply with parking provisions. As proposed, these amendments will be applicable throughout the community.

Staff will be in attendance at the June 16, 2015 Council meeting to address any questions that you may have.

Thank you.

**AN ORDINANCE PERTAINING TO THE DIVISION OF LOTS AND THE
RECONSTRUCTION OF RESIDENTIAL BUILDINGS**

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the code of ordinances of the City of Lewiston, Maine is hereby amended as follows:

Article V. Administration and Enforcement

Sec. 3. General provisions.

- (a) All buildings and other structures shall be so located and arranged on lots as to provide safe and convenient access for fire protection, servicing and off-street parking and loading located on the premises. No building or structure may be constructed or erected on any lot which does not have at least fifty (50) feet of frontage or twenty-five (25) feet of frontage for lots located in the Centreville and Mill Districts.

However, lots of record that existed prior to December 9, 1987, which were legally established having less than fifty (50) feet of frontage, may apply for a variance pursuant to Article VIII, section 4(2) of this Code in order to have a building or structure constructed or erected on said lot.

- (c) No division of land shall be made whereby any lot created thereby is smaller ~~that~~ than the minimum size required for the district in which said lot is located, or has less frontage, setback or yard space that the minimum required, except as provided by Article VI and subsections (w) and (z), below.

In addition, the following criteria apply to the creation of all lots unless demonstrated adequately to the reviewing authority that the application of one (1) or more of the following criteria is not practical:

- (1) If a lot on one (1) side of a stream, road, or other similar barrier fails to meet the minimum lot size required by the zoning ordinance, it may not be extended to the other side of the barrier to meet the minimum lot size or for the purposes of individual, on-site waste disposal.
- (2) Lots in which parcels of land such as narrow strips are used or are joined to other parcels to meet minimum lot size or frontage requirements, or other reconfiguration of parcels which create irregular-shaped lots (examples of such lots are illustrated in the Site Plan Review Ordinance and Design Guidelines) are prohibited.
- (3) For all proposed lots the lot width shall be at least equal to the minimum frontage requirement.

- (4) All proposed lots must be able to completely contain within its boundaries an area as would be defined by a circle with minimum diameter equal to the required minimum frontage for the district.
- (5) To the extent possible, lots will be oriented in order to make maximum use of direct sunlight and where feasible, side lot lines shall be at right angles to street lines (or radial to curving street lines.)
- (e) Except as provided in subsection w and z below, no lot may be reduced in size if, as a result, the setbacks, yards, or other open spaces are smaller than prescribed by this Code. No setback, yard, or other open space may be counted as required open space for more than one (1) building.
- (z) Notwithstanding Appendix A, Article XI Section 23 of this Code, single lots developed with three or more principal structures in residential use may be divided to create new lots for each of the individual principal structures in residential use provided that the following provisions can be met and satisfied:
 1. All principal residential structures on a given lot were constructed prior to the enactment of State Subdivision Law (i.e. September 23, 1971).
 2. All principal residential structures on a given lot are limited to single-family detached dwellings, two-family dwellings and three-unit multifamily dwellings.
 3. All new lots must to the greatest extent practicable comply with the applicable space and bulk requirements of Appendix A, Article XI Section 23 of this Code.
 4. The approval of the code enforcement director is required to ensure that to greatest extent practicable new lots comply with the applicable space and bulk requirements of Appendix A, Article XI Section 23 of this Code.

Article VI. Nonconformance

Sec. 3. Nonconforming structures

- (b) *Reconstruction.* A nonconforming structure which is damaged or destroyed by fire, flood, lightning, wind, structural failure or any other cause to an extent less than 80 percent of the market value of the structure at the time of such damage or destruction may be reconstructed as it existed; but if the damage equals or exceeds 80 percent of the market value, it may be reconstructed only in conformance with space and bulk regulations of the district in which it is located.
 - (1) A residential structure which is located in a shoreland area and is nonconforming because it; (a) does not meet the current space and bulk standards of the zoning district; or (b) does not meet the shoreline setback as outlined under article XII, subsection 2(d)(1), and which is damaged or destroyed by 50 percent or less of

the market value of the structure before such damage or destruction, excluding normal maintenance or repair, may be reconstructed, in place, as it existed. However, if the structure is removed, or damaged or destroyed by more than 50 percent of the market value of the structure before such damage or destruction, it may be reconstructed or replaced, provided that a permit is obtained within one year of the date of said removal, damage or destruction, and that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the code enforcement director. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

- (2) In determining whether the building enlargement, reconstruction or replacement meets the setback requirements, as outlined under article XII, subsection 2(d)(1), to the greatest practical extent, the following criteria shall be considered:
- a. The size of the lot;
 - b. The slope of the land;
 - c. The potential for soil erosion;
 - d. The location of other structures on the property and on adjacent properties;
 - e. The location of the septic system, and other on-site soils suitable for septic systems; and
 - f. The type and amount of vegetation to be removed in order to accomplish the enlargement, reconstruction or replacement.

Notwithstanding Article VI, Section 2, Article XII, Section 17(d) and the above sections, a nonconforming structure limited to a single-family detached dwelling, two-family dwelling, or three-unit multifamily dwelling damaged or destroyed by fire, flood, lightning, wind, structural failure or other cause to an extent of 80 percent or more of the market value of the structure at the time of such damage or destruction may be reconstructed as it existed. Any reconstruction of a nonconforming single-family detached dwelling, two-family dwelling, or three-unit multifamily dwelling shall be the same size or less than the previous structure. Any reconstruction permitted by this subsection shall begin within one year and completed within two years of the date of such damage or destruction. The board of appeals may extend the period for reconstruction upon a showing that work could not begin or be completed for reasons outside the control of the owner. The request to the board must be filed before the expiration of the applicable time and not more than a one year extension shall be granted.

Sec. 4. Nonconforming uses.

- (f) *Replacement of nonconforming use.* A nonconforming use which is damaged or destroyed by fire, flood, lightning, wind, structural failure or other cause to an extent less

than 80 percent of the market value of the structure at the time of such damage or destruction may be reconstructed as it existed; but if the damage equals or exceeds 80 percent of the market value, it may be reconstructed, upon the receipt of development approval and a building permit, only in full conformance with the space and bulk regulations of the district in which it is located. Any reconstruction of a nonconforming use shall be the same size or less than the previous structure, and the intensity of use shall not be increased. Any reconstruction permitted by this subsection shall ~~be begun~~ begin within one year and completed within two years of the date of such damage or destruction. The board of appeals may extend the period for reconstruction upon a showing that work could not begin or be completed for reasons outside the control of the owner. The request to the board must be filed before the expiration of the applicable time and not more than a one year extension shall be granted.

Notwithstanding Article VI, Section 2, Article XII, Section 17(d) and the above section, a nonconforming use limited to a single-family detached dwelling, two-family dwelling or three-unit multifamily dwelling damaged or destroyed by fire, flood, lightning, wind, structural failure or other cause to an extent of 80 percent or more of the market value of the structure at the time of such damage or destruction may be reconstructed as it existed. Any reconstruction of a nonconforming single-family detached dwelling, two-family dwelling, or three-unit multifamily dwelling shall be the same size or less than the previous structure, and the intensity of use shall not be increased. Any reconstruction permitted by this subsection shall be begun within one year and completed within two years of the date of such damage or destruction. The board of appeals may extend the period for reconstruction, upon a showing that work could not begin or be completed for reasons outside the control of the owner. The request to the board must be filed before the expiration of the applicable time and not more than a one year extension shall be granted.

REASONS FOR PROPOSED AMENDMENTS

The purpose for these amendments is to allow for the division of lots that contain three or more principal structures in residential use constructed prior to the enactment of State Subdivision Law (i.e. September 23, 1971) limited to single-family detached dwellings, two-family dwellings, and three-unit multifamily dwellings. Currently, it is not possible to divide a number of such lots given use, space and bulk and parking standards. These amendments will permit the creation of lots that would not otherwise comply with space and bulk standards and where the principal residential structures would not otherwise satisfy space and bulk standards and/or parking requirements. These provisions primarily address the plight of a number of individual owners of single-family detached dwellings, two-family dwellings and three-unit multifamily dwellings situated on leased land whereby conventional financing is not available for either the purchase or maintenance of such real estate. These standards will in part serve to improve real estate in a number of locations throughout the City and will help address neighborhood deterioration. In addition, these provisions provide for a relaxation of existing standards that provide for the replacement of such principal residential structures that will be situated on nonconforming lots, nonconforming uses and uses that do not comply with parking provisions.

CONFORMANCE WITH COMPREHENSIVE PLAN

The City Council hereby determines that the changes to the Zoning and Land Use Code are in conformance with the Comprehensive Plan for the following reasons:

1. Enhance the image of Lewiston and its proud heritage by improving the gateways to the City, enhancing the visual quality of the riverfront and the canal system, and fostering the continued conversion of vacant space to productive reuses that will contribute to the revitalization of the entire Downtown and City (Historic Preservation, Goals, #3).
2. Encourage and promote safe, affordable, decent housing opportunities for all Lewiston citizens (Housing, Goals, #1).
3. Continue to allow a wide range of housing types in the Zoning and Land Use Code, and explore the need and feasibility of expanding the opportunity for the creation of single and two-family homes, multi-family housing, mixed-use housing, and mobile homes through code amendments and rezoning's (Housing, Policy 1, Strategy H1).
4. Continue to update the City Ordinances to better plan for growth and incorporate incentives for development which achieve important community goals including the prevention of "sprawl" (Long Range Planning, Policy 3).
5. Encourage and promote affordable, decent housing opportunities for all Lewiston citizens and continue to allow a diverse range of housing types in the community (Long Range Planning, Policy 5).

LEWISTON CITY COUNCIL

MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Condemnation Hearing for the building located at 84 Walnut Street.

INFORMATION:

The City has begun the process for condemnation of the property at 84 Walnut Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

The agenda background material pertains to the condition of this property. The City Attorney will be present on Tuesday evening to assist the City Council with the condemnation hearing and to advise accordingly.

PLEASE NOTE - The background material for this agenda item is included in a separate binder that was distributed with the meeting agenda binder.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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1) To conduct a hearing to determine if the building located at 84 Walnut Street has met the dangerous building statutes as defined in Title 17, sec. 2851 et all.

If it is determined that the building does meet the dangerous building criteria, then the Council is asked :

2) With regard to the property at 84 Walnut Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

MEMORANDUM

To: Mayor McDonald; Lewiston City Council
From: Gildace Arsenault, Director, Lewiston Planning Department
Date: June 16, 2015
RE: Dangerous Building Hearing for 84 Walnut Street

Dear Mayor and City Council,

At the Council meeting on June 16, 2015, the Planning Department will be presenting evidence as to why 84 Walnut Street is a dangerous building within the meaning of 17 M.R.S. § 2851. We will be requesting that the Council find that this property is a dangerous building and order that it be demolished.

To assist your decision I have included the following materials for each property:

- Documents establishing the identity of the current owner;
- The Notice of Hearing and proof of service on the owners and any party in interest;
- Previous correspondence, notices, citations to the owner, consent judgments, if any;
- Photographs depicting the dilapidation at the property; and

At the meeting, the Planning Department will present this evidence as well as testimony showing why this property is dangerous and should be demolished. I will also prepare for the Council proposed findings of fact, conclusions of law, and proposed order of demolition.

LEWISTON CITY COUNCIL MEETING
JUNE 16, 2015
DANGEROUS BUILDINGS HEARING
84 WALNUT STREET
CITY OF LEWISTON PLANNING DEPARTMENT EXHIBITS

84 WALNUT STREET

OWNERSHIP DOCUMENTS

WARRENTY DEED WITH COVENANT

Maine Statutory Short Form

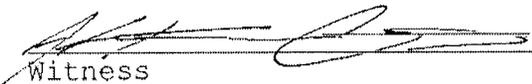
KNOW ALL MEN BY THESE PRESENTS, Life of Riley Properties, LLC, of South Portland, Maine for consideration paid, grants to **Cirrus Capital LLC**, whose mailing address is 186 Foreside Rd, Cumberland Maine, 04110, with covenants, the real property in Lewiston, County of Androscoggin, State of Maine, described as follows:

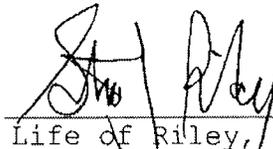
A certain lot or parcel of land with any buildings thereon Described in Schedule A. attached hereto and incorporated Herein by reference.

WITNESS my hands and seals this 21st day of November, 2012.

MAINE REAL ESTATE
TRANSFER TAX PAID

Signed, sealed and delivered in
Presence of


Witness



Life of Riley, LLC
Steve Riley, Managing Member

State of Maine
County of Cumberland

Then personally appeared the above-named Steve Riley Manager of Life of Riley, LLC with the authority to convey said real estate acknowledged the foregoing instrument to be their free act and deed.

Before me,

ALEXANDREA CORBRAN
Notary Public, State of Maine
My Commission Expires October 19, 2019



Notary Public/Attorney at Law
Commission expires: 10/19/19

SEAL

EXHIBIT
A

EXHIBIT A

The Land referred to in this Commitment is described as follows:

84 Walnut Street, Lewiston, Maine:

A certain lot or parcel of land, situated at 84 Walnut Street in Lewiston, County of Androscoggin and State of Maine, with the buildings thereon, bounded and described as follows:

Commencing at the northeasterly corner of Howe and Walnut Streets; thence running northerly on Howe Street fifty (50) feet; thence running at a right angle easterly one hundred (100) feet; thence at a right angle southerly fifty (50) feet to Walnut Street; thence by said Walnut Street westerly one hundred (100) feet to the point of commencement. Subject to the restriction that no buildings erected thereon shall be placed nearer the line of Walnut Street than twelve (12) feet or near the line of Howe Street than ten (10) feet.

94 Howe Street, Lewiston, Maine:

A certain piece or parcel of land with all the buildings situated at 94 Howe Street, Lewiston, County of Androscoggin and State of Maine, bounded and described as follows:

Commencing at a point in the easterly line of Howe Street at the northwesterly corner of land conveyed by Franklin Company to Daniel T. Mitchell by Deed No. 451 dated May 14, 1870; thence running easterly by the northerly line of said Mitchell's land one hundred (100) feet to land conveyed by Franklin Company to Samuel Hyde by Deed No. 346 dated February 24, 1868; thence northerly at a right angle by said Hyde's land and land conveyed by Franklin Company to Francis F. Cook by Deed No. 478 dated November 16, 1870, one hundred (100) feet to the southeasterly corner of land conveyed by Franklin Company to Gustavus S. Bean by Deed No. 647 dated August 28, 1876; thence westerly at a right angle by the southerly line of said Bean's land one hundred (100) feet to Howe Street; thence southerly at a right angle by the easterly line of Howe Street one hundred (100) feet to said Mitchell's land and point of beginning.

Subject to the restriction that no building erected thereon shall be placed nearer the line of Howe Street than ten (10) feet.

SR

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

(H-LYDEN.84WS.PFD/H-LYDEN.84WS/6)

**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Cirrus Capital, LLC
c/o Shawn Lyden
Maine Capital Mortgage
4 City Center, Third Floor
Portland, Maine 04101

Advantage Mortgage Services, Inc.
c/o James W. Brannan, Esq.
15 Limerock Street
Rockland, Maine 04841

Community Concepts Finance Corporation
c/o John S. Kaminski, Esq.
84 Marginal Way, Suite 600
Portland, Maine 04101

Petrov, LLC
c/o Andrew J. Kull, Esq.
85 Exchange Street, Fourth Floor
Portland, Maine 04101

84 WALNUT STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

June 16, 2015
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 84 Walnut Street, Lewiston, Maine, identified as Lot 289 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 8545, Page 180, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: April 30, 2015

Kathleen M. Montejo
Kathleen M. Montejo, City Clerk



STATE OF MAINE
ANDROSCOGGIN, ss

4/30, 2015

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

Kelly Brooks
Notary Public / Attorney at Law
Kelly Brooks

NOT exp 9/11/2018

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
84 WALNUT STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.

On 5-5, 2015 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same on Community Concepts Finance Corporation, c/o John S. Kaminski, Esq.

Community Concepts Finance Corporation
c/o John S. Kaminski, Esq.
84 Marginal Way, Suite 600
Portland, ME 04101

Costs of Service:

Service:	\$	<u>16.00</u>
Travel:	\$	<u>8.40</u>
Postage:	\$	<u>60</u>
Other:	\$	<u>5.00</u>
 TOTAL:	\$	<u>30.00</u>

Erin D. Bernard
Signature
D/Sheriff
Agency



NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Cirrus Capital, LLC
c/o Shawn Lyden
Maine Capital Mortgage
4 City Center, Third Floor
Portland, Maine 04101

Advantage Mortgage Services, Inc.
c/o James W. Brannan, Esq.
15 Limerock Street
Rockland, Maine 04841

Community Concepts Finance Corporation
c/o John S. Kaminski, Esq.
84 Marginal Way, Suite 600
Portland, Maine 04101

Petrov, LLC
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85 Exchange Street, Fourth Floor
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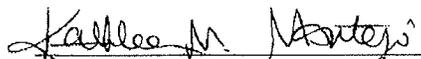
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If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: April 30, 2015


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

4/30, 2015

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.


Notary Public / Attorney at Law

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
84 WALNUT STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.

On 5-5-15, 2015 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same on Petrov, LLC, c/o Andrew J. Kull, Esq.

Petrov, LLC
c/o Andrew J. Kull, Esq.
85 Exchange Street, Fourth Floor
Portland, ME 04101

Costs of Service:

Service:	\$	<u>16.00</u>
Travel:	\$	<u>8.40</u>
Postage:	\$	<u>60</u>
Other:	\$	<u>5.00</u>
TOTAL:	\$	<u>30.00</u>

Sweeney A. Rinaldi
Signature

D/Sheriff
Agency



NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

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c/o Shawn Lyden
Maine Capital Mortgage
4 City Center, Third Floor
Portland, Maine 04101

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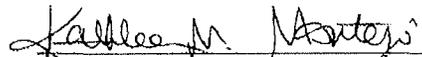
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If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

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ANDROSCOGGIN, ss

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Notary Public / Attorney at Law

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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Cirrus Capital, LLC
c/o Shawn Lyden
Maine Capital Mortgage
4 City Center, Third Floor
Portland, ME 04101

Costs of Service:

Service:	\$ <u>16.00</u>
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Samuel Renaud
Signature

DJ. Shuff
Agency



NOTICE OF HEARING
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Dangerous Buildings

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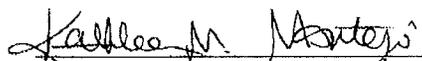
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If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: April 30, 2015


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

4/30, 2015

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.


Notary Public / Attorney at Law

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Cirrus Capital, LLC
c/o Shawn Lyden
Maine Capital Mortgage
4 City Center, Third Floor
Portland, Maine 04101

Advantage Mortgage Services, Inc.
c/o James W. Brannan, Esq.
15 Limerock Street
Rockland, Maine 04841

Community Concepts Finance Corporation
c/o John S. Kaminski, Esq.
84 Marginal Way, Suite 600
Portland, Maine 04101

Petrov, LLC
c/o Andrew J. Kull, Esq.
85 Exchange Street, Fourth Floor
Portland, Maine 04101

84 WALNUT STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

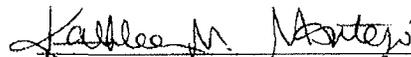
June 16, 2015
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 84 Walnut Street, Lewiston, Maine, identified as Lot 289 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 8545, Page 180, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: April 30, 2015


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

4/30, 2015

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.


Notary Public / Attorney at Law

CITY
CORRESPONDENCE

CITY OF LEWISTON
CODE ENFORCEMENT
CITY BUILDING
27 PINE STREET
LEWISTON, MAINE 04240
(207) 513-3125 EXT. 3226

NOTICE OF CONDEMNATION/PLACARDING
VIA FIRST CLASS & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
POSTED AT SITE

May 3, 2012

Life of Riley Properties, LLC
P.O. Box 2342
South Portland, Maine 04106

RE: 84 Walnut Street

Map 195 Parcel 289

Dear Owner(s):

It has come to the attention of this office that the building at 84 Walnut Street is vacant and has suffered severe deterioration making it unfit for occupancy due to violation(s) of the provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). The violations include but are not limited to the following: The exterior finish materials are severely deteriorated needing replacement and/or substantial rehabilitation. The porches are severely deteriorated and in need of demolition and/ or replacement. Parts of the heating system have been removed and must be replaced. The windows are severely deteriorated with damaged counterbalances, broken panes and worn so as to not provide for an effective seal from the elements. The building is without required utilities and facilities for habitation.

I hereby condemn and placard the building and property at 73 Bartlett Street as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-110.1 et seq, , IPMC-302.1 et seq, IPMC-304.1 et seq, IPMC-305.1 et seq, IPMC-306.1 et seq, IPMC-402.2 et seq, IPMC-504.1 et seq, IPMC-505.1 et seq., IPMC-506.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq, IPMC-604.1 et seq, IPMC-605.1 et seq, IPMC-703.1 et seq and PMC-704.1 et seq of the Code of Ordinances of the City of Lewiston. You are hereby ordered to **immediately** ensure this building is secured from unauthorized entry. You are to make substantial repairs, with all appropriate permits issued by this office, or to demolish this building, leaving the property in manner to the satisfaction of this office by no later than June 15, 2012.

The City of Lewiston may order the demolition of this building pursuant to the provisions of the Maine Revised Statutes, Title 17, Chapter 91, Subchapter 4, Dangerous Buildings, Section § 2851, if the building is not maintained secured or is a threat to public safety and a nuisance.

The above-mentioned property will be placarded and may not be re-occupied until proper abatement of



all violations and rehabilitation has been completed. An inspection shall be conducted to confirm compliance. At such time the condemnation order and placarding shall be discontinued pursuant to the above referenced Code Section IPMC-108.4.1 stating "the code official shall remove the condemnation and placarding whenever the defect or defects upon which the Condemnation and Placarding were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code."

Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

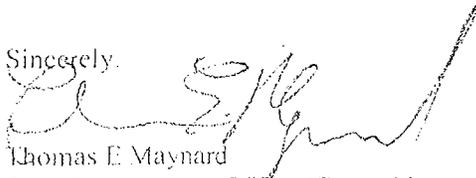
In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) for the first citation and you will be reordered to abate the outstanding violations in the previous Notices and Orders. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and twenty five dollars (\$225.00), the third is four hundred and twenty five dollars (\$425.00), the fourth and subsequent citations are eight hundred and fifty dollars (\$850.00), and penalties are cumulative. In the future, if any of the above violations are repeated, you are not entitled to receive any further notification, and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq. and § 3758-A et seq. as amended. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a fine of up to two thousand, five hundred dollars (\$2,500.00) per violation, per day, the payment of court costs and the City's legal fees.

You may appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the Director of Planning and Code Enforcement within ten (10) days of receipt of this notice. This petition shall be submitted on a form provided by this office along with the one hundred and fifty dollar (\$150.00) appeal fee. Should you fail to appeal you will be barred from any opportunity to contest or challenge the terms of this Notice and Order in any further legal proceedings.

If you sell, transfer or lease this property, you must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations pursuant to Section IPMC-107.6 of the Property Maintenance Code. You must also furnish this office with a signed notarized statement from the grantee, mortgagee, transferee or lessee acknowledging receipt of any orders or notices and fully accepting responsibility for the abatement of said violations.

Sincerely,



Thomas E. Maynard
Code Enforcement Officer/Constable

c: Gildace J. Arsenault, Director of Planning & Code Enforcement

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

**CITY OF LEWISTON
CODE ENFORCEMENT
CITY BUILDING
27 PINE STREET
LEWISTON, MAINE 04240
(207) 513-3125 EXT. 3226
NOTICE OF CONDEMNATION/PLACARDING
VIA FIRST CLASS & CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

July 31, 2013

Cirrus Capital, LLC
186 Foreside Road
Cumberland Foreside, Maine 04110

RE: 84 Walnut Street
Map 195 Parcel 289

Dear Owner(s):

The building at 84 Walnut Street is vacant and has suffered severe deterioration making it unfit for occupancy due to violation(s) of the provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). On May 3, 2012, a condemnation was issued to Life of Riley Properties, LLC with no action taken to correct the condition of this property and this office has discussed with you the need for abatement of violations. Some of those violations include but are not limited to the following: The exterior finish materials are severely deteriorated needing replacement and/or substantial rehabilitation. The porches are severely deteriorated and in need of demolition and/ or replacement. Parts of the heating system have been removed and must be replaced. The windows are severely deteriorated with damaged counterbalances, broken panes and worn so as to not provide for an effective seal from the elements. The building is without required utilities and facilities for habitation.

I hereby condemn and placard the building and property at 84 Walnut Street as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-110.1 et seq, , IPMC-302.1 et seq, IPMC-304.1 et seq, IPMC-305.1 et seq, IPMC-306.1 et seq, IPMC-402.2 et seq, IPMC-504.1 et seq, IPMC-505.1 et seq,, IPMC-506.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq, IPMC-604.1 et seq, IPMC-605.1 et seq, IPMC-703.1 et seq and PMC-704.1 et seq of the Code of Ordinances of the City of Lewiston. You are hereby ordered to **immediately** ensure this building is secured from unauthorized entry. You are to make substantial repairs or demolish this building, with all appropriate permits issued by this office, leaving the property in a manner to the satisfaction of this office by no later than **August 30, 2013.**

The City of Lewiston may order the demolition of this building pursuant to the provisions of the Maine Revised Statutes, Title 17, Chapter 91, Subchapter 4, Dangerous Buildings, Section § 2851, if the building is not maintained secured or is a threat to public safety and a nuisance.



The above-mentioned property will be placarded and may not be re-occupied until proper abatement of all violations and rehabilitation has been completed. An inspection shall be conducted to confirm compliance. At such time the condemnation order and placarding shall be discontinued pursuant to the above referenced Code Section IPMC-108.4.1 stating "the code official shall remove the condemnation and placarding whenever the defect or defects upon which the Condemnation and Placarding were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code."

Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

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In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq. and § 3758-A et seq. as amended. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a fine of up to two thousand, five hundred dollars (\$2,500.00) per violation, per day, the payment of court costs and the City's legal fees.

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If you sell, transfer or lease this property, you must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations pursuant to Section IPMC-107.6 of the Property Maintenance Code. You must also furnish this office with a signed notarized statement from the grantee, mortgagee, transferee or lessee acknowledging receipt of any orders or notices and fully accepting responsibility for the abatement of said violations.

Sincerely,

Thomas E Maynard
Code Enforcement Officer/Constable

c: Gildace J. Arsenault, Director of Planning & Code Enforcement

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(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at www.usps.com
OFFICIAL USE

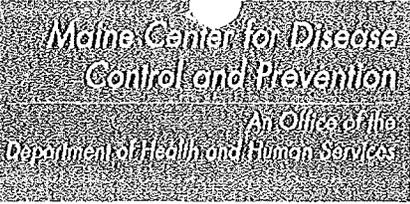
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11

Postmark
Here
8-1-13

Sent To: Cerrus Capital, LLC
 Street, Apt. No. or PO Box No.: 186 Foreside Road
 City, State, ZIP+4: Chumberland Foreside Me 04110

PS Form 3800, August 2008 See Reverse for Instructions

*No Return of Service get
Regular mail has not returned*



John E. Baldacci, Governor

Brenda M. Harvey, Commissioner

Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel: (207) 287-4311; Toll-Free: 1-866-292-3474
Fax: (207) 287-3981; TTY: 1-800-606-0215

Steve Riley
241 Elderberry Dr.
South Portland, ME 04106

Jeff Ahlberg
Pinnacle Real Estate Management
142 Turner St
Auburn, ME 04210

Notice of Environmental Lead Hazards and Order to Correct

AUTHORITY: LEAD POISONING CONTROL ACT MSRA Title 22, Chapter 252, Section 1321 & 1322

CASE ID: 09-013A

DWELLING LOCATION: 86 WALNUT ST APT 1, LEWISTON INTERIOR/EXTERIOR

DATE OF NOTICE: October 27, 2009

Dear Mr. Riley and Mr. Ahlberg:

This letter is to inform you of the results of the Environmental Lead Investigation performed on 8/10/2009 for the rental property listed above. Please review the report and call me at (207) 287-5668 to discuss how to proceed. The reports on the other apartments in the building will be sent to you shortly.

The enclosed report gives information on the lead hazards identified. The lead hazards found were:

- Lead paint in poor condition
- Lead dust

The Lead Poisoning Control Act requires the property owner to have the lead hazards abated within thirty (30) days of receipt of this notice. This work **must** be done by a **lead abatement contractor licensed by the Maine Department of Environmental Protection**. If the work cannot be finished in 30 days, you may ask for more time. Mail us your written request



Steve Riley and Jeff Ahlberg

10/27/2009

Page 2

and tell us what has been done so far. For information about what you must do under Maine State law, read the enclosed "Environmental Lead Hazard Advisory".

As the condition of the paint in the apartment presents a significant health hazard, we require that the family living there be moved to lead-safe housing. Per Maine law, in this situation the landlord of the posted dwelling is responsible for the moving expenses of the tenant. These expenses include the security deposit, cost of a moving vehicle and/or storage unit, and cost to re-establish utilities. You may pay the security deposit directly to the new landlord or to the tenant once the amount is established. If the amount of the new rent exceeds the rent the tenant was paying you, you are responsible for paying this difference between the rents to the new landlord until abatement of your unit is completed.

Once it is vacant you may not re-rent this property until we at the Childhood Lead Poisoning Prevention Program certify that the lead hazards have been corrected. **If you sell the property before completing the work, you must notify potential buyers of these hazards.** The prospective buyers must know that they will become responsible for any corrections that you have not completed. Failure to provide this information is a violation of state and federal law and may result in fines.

Again, please call me to discuss these requirements.

Sincerely,



Tina Bernier, Environmental Coordinator
Maine Childhood Lead Poisoning Prevention Program
286 Water St., SHS # 11
Augusta, ME 04333-0011

Encl.: Lead-Based Paint Environmental Investigation Report
Environmental Lead Hazard Advisory

STATE OF MAINE
ANDROSCOGGIN, ss

DISTRICT COURT
District Eight
Division of So. Androscoggin
Docket No.: CV-2013-798

CITY OF LEWISTON,)
)
Plaintiff,)
)
v.)
)
CIRRUS CAPITAL, LLC,)
)
Defendant.)

CONSENT JUDGMENT

This is a property maintenance code enforcement action by the City of Lewiston ("Lewiston" or the "City") against the owner and operator of property and improvements thereon, located at 84 Walnut Street in Lewiston, Maine (the "Premises"), brought pursuant to M.R. Civ. P. 80K. The parties, having reached agreement on all outstanding issues in this matter, hereby consent to the entry of judgment as follows:

WHEREAS, the Defendant Cirrus Capital, LLC holds title to the Premises;

WHEREAS, on or about May 3, 2012, Lewiston issued and served on the Defendant's predecessor-in-interest a Notice of Condemnation/Placarding for the Premises. On July 31, 2013, Lewiston issued a Notice of Condemnation/Placarding for the Premises to the Defendant. The Notices provided notice to the Defendant of the violations identified therein and in Lewiston's November 14, 2013 Land Use Citation and Complaint; and

WHEREAS the Defendant did not bring an administrative appeal of Lewiston's findings and orders to abate the violations contained in the Notices;

NOW, THEREFORE, IT IS HEREBY STIPULATED BY THE PARTIES AND ORDERED BY THE COURT THAT:

RECEIVED
JAN 14 2014

8TH DISTRICT COURT
SUSAN C. BEMENT



1. Judgment is granted to the Plaintiff, the City of Lewiston;
2. The Defendant shall, ~~no later than~~ ^① ~~2014~~ ²⁰¹⁴
 - a) Repair the exterior of the Premises, no later than March 31, 2014; ^{② (F.M.)}
 - ~~Repair the Premises~~ so as to bring it fully into compliance with the City of Lewiston Code of Ordinances; ^{AND} sufficient to obtain a certificate of occupancy for the Premises, ~~OR~~ ^{OR} ~~OR~~ ^{OR} b) Repair the interior of the Premises no later than August 1, 2014; ^{③ (F.M.)}
 - c) Demolish the structure at the Premises and remediate and stabilize the site; no later than ~~March 31, 2014~~ ^{March 31, 2014}. ^{④ (F.M.)}
3. Until the Premises is fully repaired or demolished, the Defendant must maintain the Premises in a secure and stable condition;
4. Lewiston code enforcement officials shall inspect the Property for compliance on ^⑤ ~~March 31, 2014~~ ^{March 31, 2014} and ~~Aug. 1, 2014~~ ^{Aug. 1, 2014}, and the Defendant shall cooperate fully in those inspections;
5. The Defendant shall complete all acts, repairs and/or improvements required by this Consent Judgment and/or order of a Lewiston code enforcement official to the reasonable satisfaction of the responsible Lewiston code enforcement official(s);
6. Pursuant to 30-A M.R.S. § 4452(3), the Defendant shall, by January 15, ²⁰¹⁴ ~~2013~~, pay to Lewiston a civil penalty of \$60,900, all but \$1,000 of which shall be waived if the Defendant shall have satisfied the conditions and requirements of this Consent Judgment within the applicable deadlines imposed herein. The waived portion of the civil penalty shall be due immediately upon breach of this Consent Judgment. All civil penalties shall be paid to the City of Lewiston via bank check, money order, or similarly liquid form of payment;
7. Pursuant to 30-A M.R.S. § 4452(3), the Defendant shall, also by January 15, ²⁰¹⁴ ~~2013~~, reimburse Lewiston for its attorneys' fees and costs, in the amount of \$850.00 via bank check, money order, or similarly liquid form of payment, which fees and costs the Defendant stipulates are reasonable and appropriate in the circumstances of this case;
8. Failure to make any payment required to be paid by this Consent Judgment constitutes a breach of this Consent Agreement. Additionally, if any payment is made after dates set forth herein, interest shall accrue on said payment, at the rate of 6.30% per annum, commencing on the due date and accruing until such payment and accrued interest is paid;
9. In the event the Defendant shall fail to comply with any requirement imposed in the preceding numbered paragraphs of this Consent Judgment within the stated deadline for performance, in addition to the payment of the entire civil penalty imposed by this Consent Judgment, statutory penalties shall accrue at a rate of \$100 per day for each violation, pursuant to 30-A M.R.S. § 4452, following the date of such non-compliance, until such time as the Defendant shall bring the Premises into full compliance with applicable land use, property maintenance, or other similar requirements, to the satisfaction of the responsible City of Lewiston code enforcement official, and/or

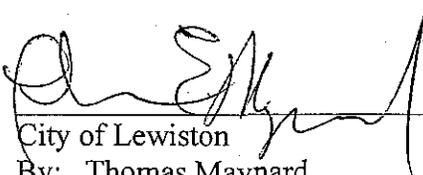
① Repairs to the exterior shall include new windows, siding, exterior doors, and repaired trim and porches. ^{⑥ (F.M.)}

complete their payment of the sums owed to Lewiston pursuant to this Consent Judgment or by operation of law;

10. Following the completion of the repairs and improvements required herein, the Defendant and/or its successors in interest shall maintain the subject Premises in compliance with all other applicable land use, property maintenance, electrical, plumbing, building, and life safety codes; and
11. The Clerk shall enter this Consent Judgment on the Docket by reference, pursuant to M.R. Civ. P. 79(a).

SEEN AND AGREED TO:

Dated: 1-2-2011



City of Lewiston
By: Thomas Maynard
Its: Code Enforcement Officer

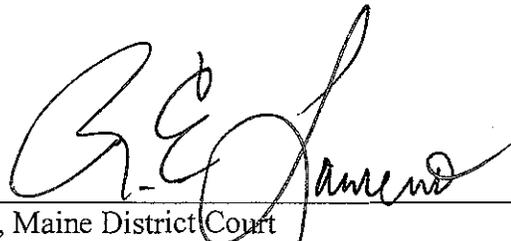
Dated: 1/2/2011



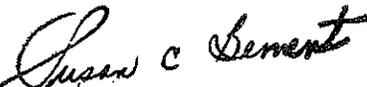
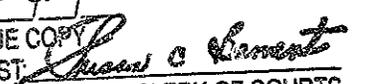
Cirrus Capital, LLC
By: Shawn Lyden
Its: Managing Member

SO ORDERED,

Dated: 2/3/11



Judge, Maine District Court


DATE _____
A TRUE COPY
ATTEST: 
CLERK OF COURTS

84 Walnut Street

8 unit apartment building.

Photo #1 and following photos taken May 26, 2015 shows the front of the building with broken windows, deteriorated siding and trim, and deteriorated porches.



Photo # 2 shows the rear of the building with deteriorated siding, porches and fire escape.



Photo # 3 shows close-up of severely deteriorated porches.



Photo # 4 shows severely deteriorated side porches, decking and painted posts and trim.



Photo # 5 shows collapsed porch guard rail.



Photo # 6 shows deteriorated and hazardous rear fire escape porch stairs with missing treads.



Photo # 7 shows severely deteriorated rear porch with damaged and deteriorated decking, bearing posts and columns.



Photo # 8 shows the damaged porch guardrails at two levels as well as deteriorated siding.



Photo # 9 shows a failing bearing joist and decking.



Photo # 10 shows a deteriorated porch pier and failing bearing members including joist, decking and beam.



Photo # 11 shows a deteriorated and rotted post, missing fire escape and deteriorated decking.



Photo # 12 shows severely deteriorated and missing decking.

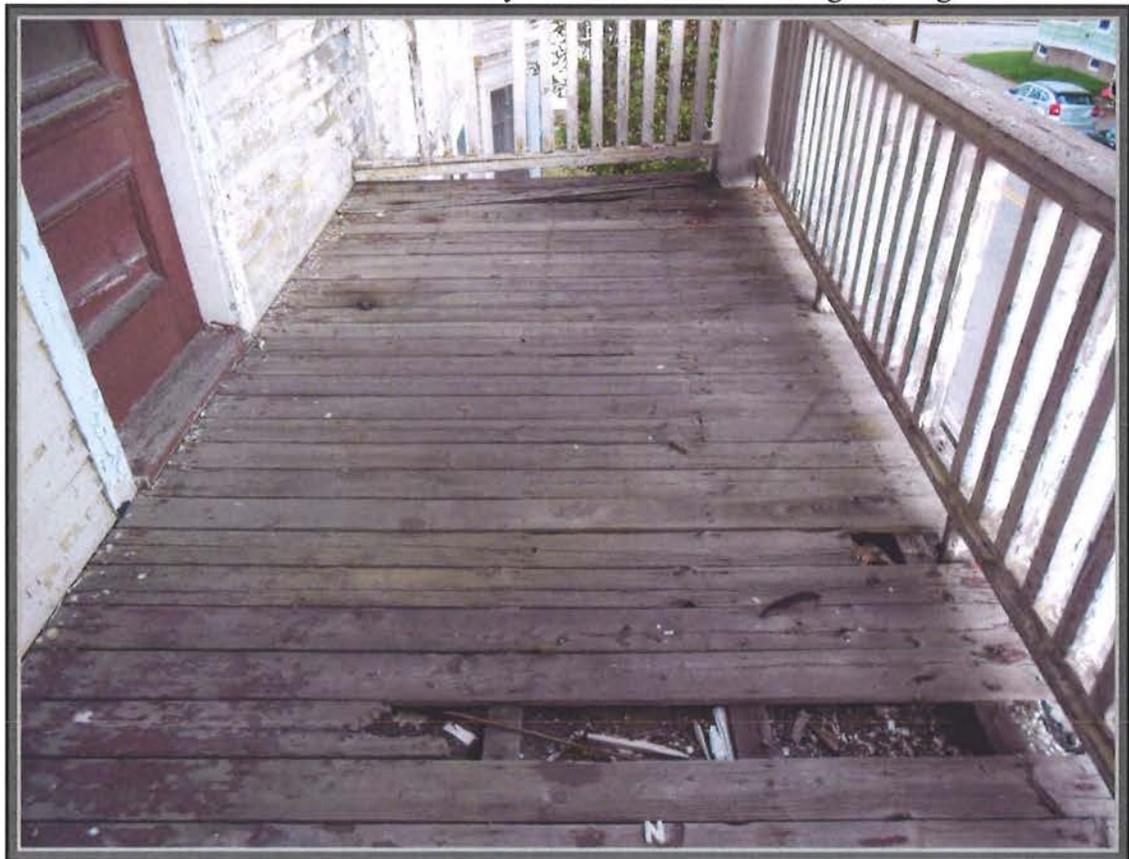


Photo # 13 shows severely deteriorated porch roof and soffit.



Photo # 14 shows broken windows creating hazardous conditions and open windows allowing the elements into the structure accelerating deterioration. Also observe deteriorated trim and siding.



Photo # 15 shows broken windows, deteriorated siding and trim.



Photo # 16 shows more broken windows.



Photo # 17 shows the damage left after a small fire.



Photo # 18 shows the opposite side of the damaged wall from the fire leaving electrical wiring exposed and damaged creating hazardous conditions if re-energized.



Photo # 19 shows insulation from stripped copper piping making the heating system inoperative.

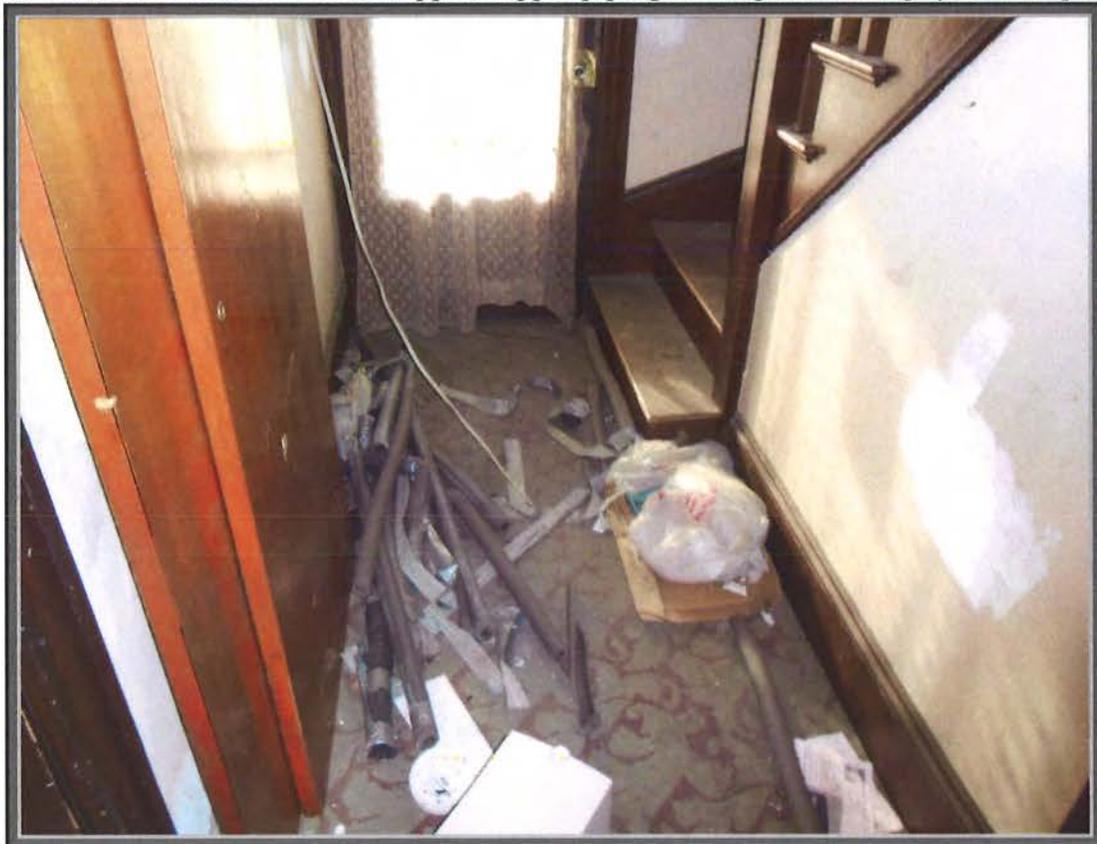


Photo # 20 shows a bed and assorted items as evidence of squatters using the apartment.



Photo # 21 shows what is a typical and often observed condition above standard unrated drop ceilings where illegal wiring has been installed and penetration made through the fire rated ceiling providing for a pathway for smoke, hot gases and fire to spread at an accelerated rate throughout the building.



Photo # 22 shows another example of a removed drop ceiling with deteriorated and collapsing ceiling plaster providing a pathway for the accelerated spread of fire..



Phot # 23 shows collapsed ceiling plaster circumventing the fire rated assembly allowing for the accelerated spread of fire.



Photo # 24 shows debris from collapsed ceiling plaster and lead paint creating hazardous conditions.



Photo # 25 shows the deteriorated wall coverings of lead paint flaking and falling to the floor creating hazardous conditions.



Photo # 26 shows debris from collapsing ceilings creating hazardous conditions.



Photo # 27 shows damage as a result of copper theft making the plumbing system inoperative.



Photo # 28 shows stripped copper heating piping making the heating system inoperative and debris contributing to fire loading.

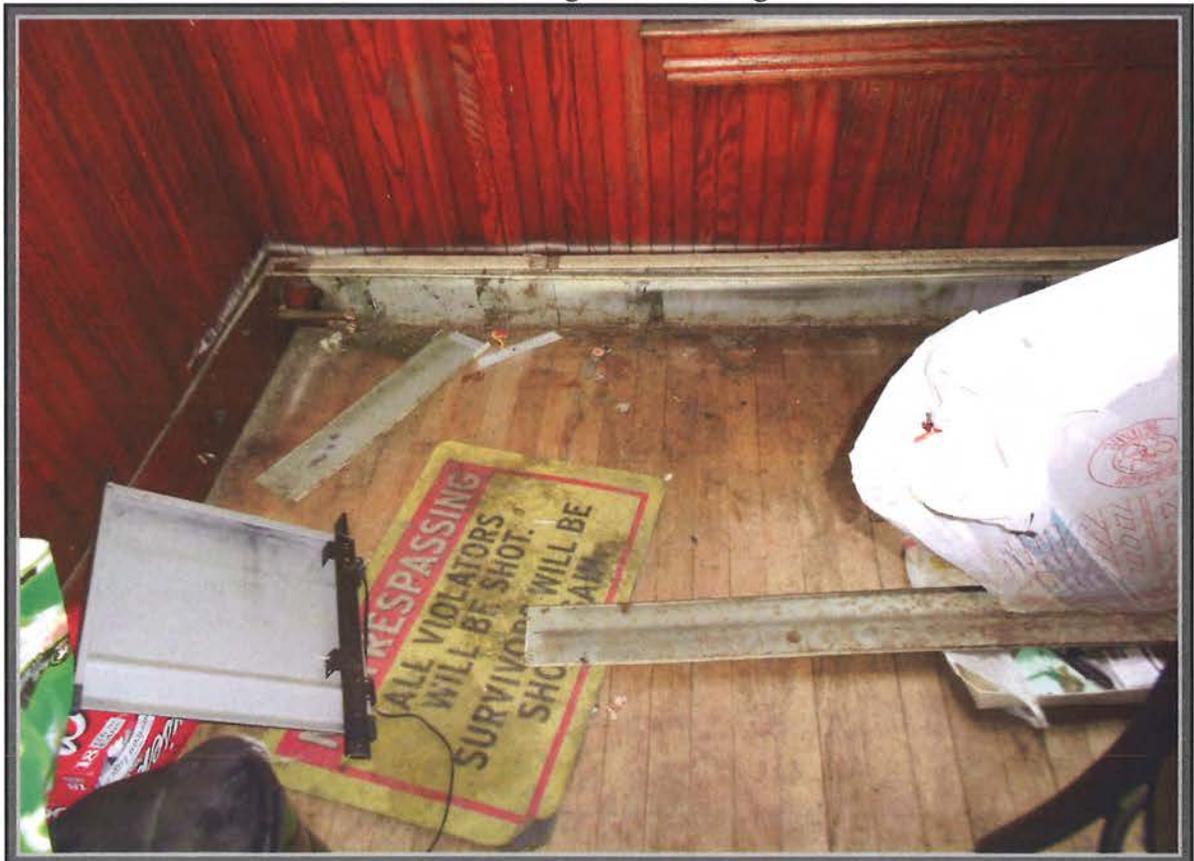


Photo # 29 shows boarded window, stripped heating pipes and severely deteriorated wall covering.



Photo # 30 shows furnishings and debris contributing to fire loading creating hazardous conditions..



Photo # 31 shows debris and garbage making for unsanitary conditions.



Photo # 32 shows garbage and debris making for unsanitary condition and increased fire loading.



Photo # 33 shows an example of the deteriorated original windows with broken counter balances.



Photo # 34 shows damage from a long term water leak to structural members and removed copper piping

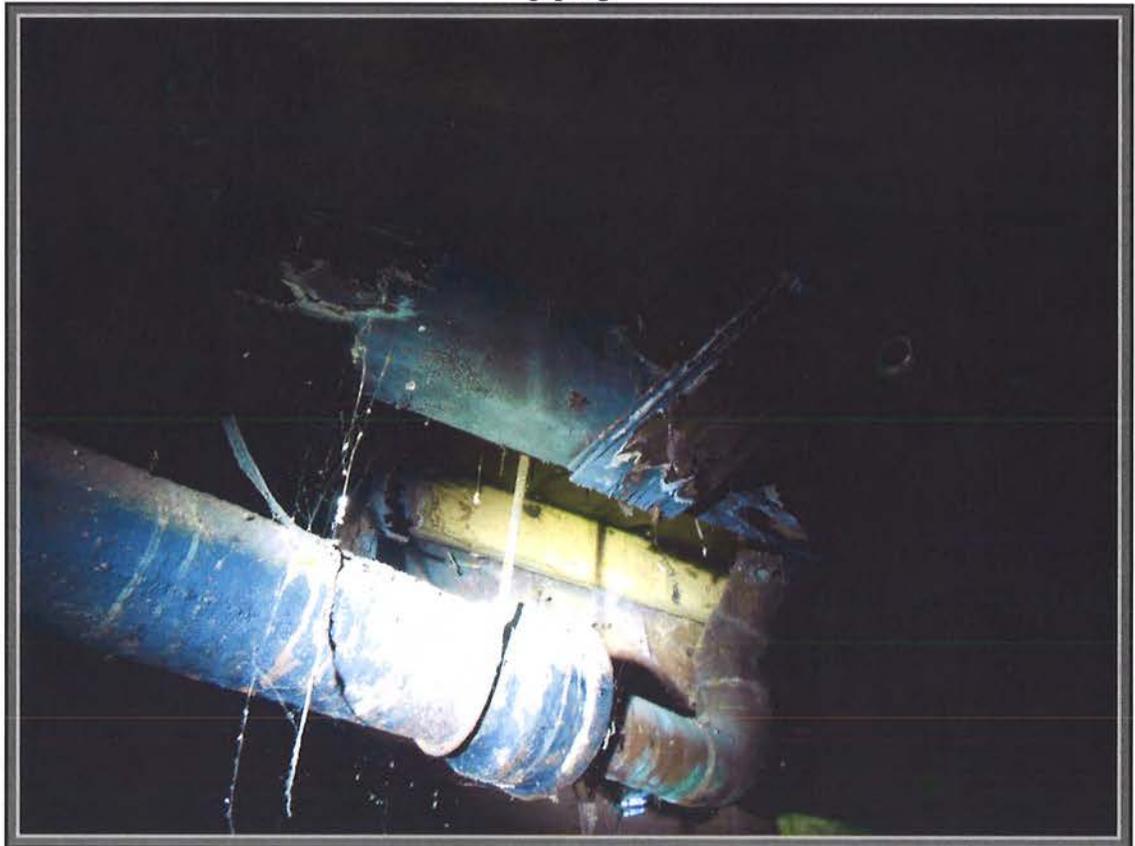


Photo # 35 shows an inappropriately cut joist weakening its structural integrity and a removed copper pipe leaving the building drainage system open allowing for the entry of sewer gases making for unsanitary conditions.



Photo # 36 taken May 3, 2012 shows another inoperative boiler with stripped copper piping.

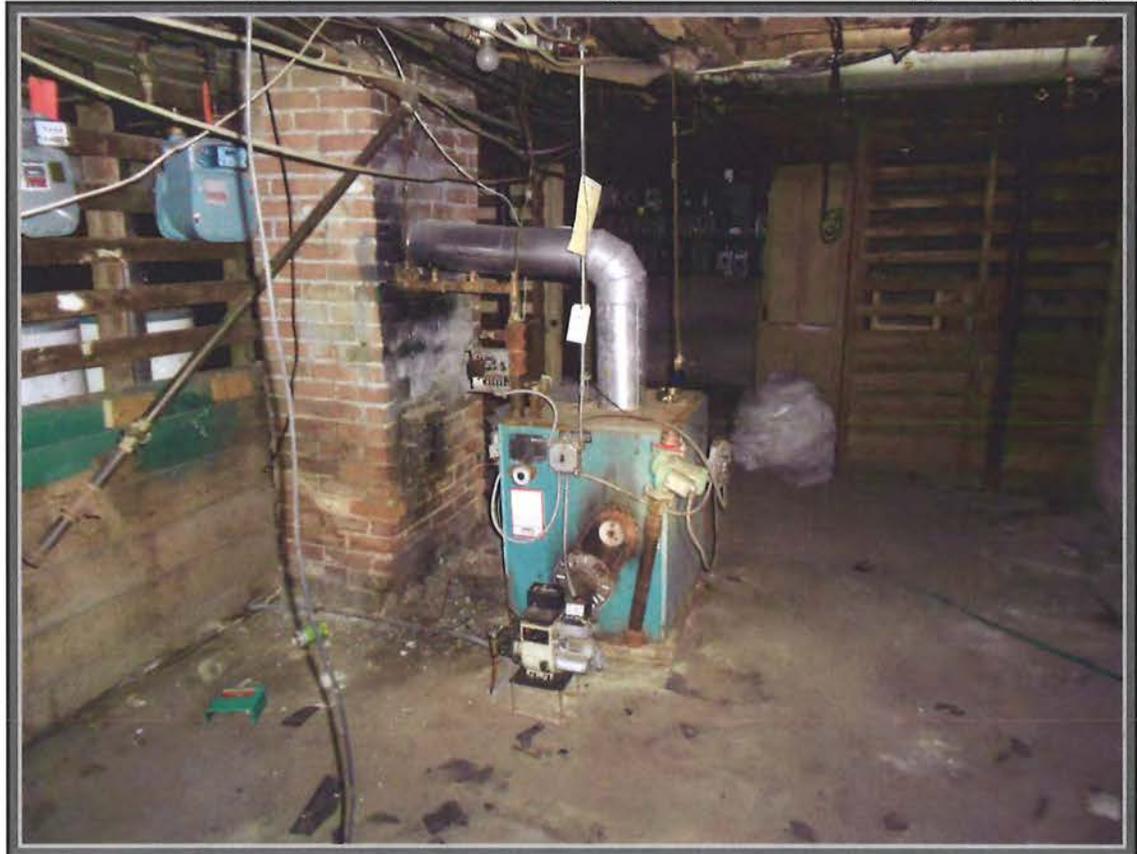


Photo # 37, taken October 32, 2014, shows further damage to the same boiler as shown in the preceding photo due to continuing copper theft.



Photo # 38 shows pigeon dropping making for unsanitary conditions.



Photo # 39 shows deceased kittens left in the building making for unsanitary conditions and an example of a dried toilet allowing for the entry of sewage gases.



Photo # 40 shows outdated fused electrical system with interior mounted electrical meters requiring improvements.



LEWISTON CITY COUNCIL

MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Resolve authorizing legal action against Androscoggin County regarding certain elements of the County Charter relating to Elected Official Compensation and Benefits and the authority of the County Budget Committee.

INFORMATION:

There has been an on-going controversy between Androscoggin County and its municipalities regarding certain elements of the newly adopted County Charter, specifically the authority of the budget committee to approve salaries and benefits of elected officials and to make line item changes to the budget by a supermajority vote. Efforts to resolve this controversy have been unsuccessful. The City has been in contact with members of the County Budget Committee and the other municipalities in the County, and it appears that legal action may be required in the event that the County does not take acceptable steps to resolve the situation. The attached resolve would authorize the City to participate in a court action seeking a declaratory judgement, participate in its cost based on our percentage of the total assessed value of the municipalities that join in this action, act as fiscal agent for the municipal group and enter into contracts to that effect with the other municipalities, and appoint Councilor Lachance as the City's representative to the group.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.

EAB/kmm

REQUESTED ACTION:

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To adopt the Resolve authorizing legal action against Androscoggin County regarding certain elements of the County Charter relating to Elected Official Compensation and Benefits and the authority of the County Budget Committee.



COUNCIL RESOLVE

Resolve, Authorizing Legal Action Against Androscoggin County Regarding Certain Elements of the County Charter Relating to Elected Official Compensation and Benefits and the Authority of the County Budget Committee.

Whereas, in 2012, the voters of Androscoggin County approved a new county charter changing the nature, responsibilities, and composition of both the Board of County Commissioners (the Board) and the County Budget Committee (the Committee); and

Whereas, the Committee's role was redefined from approving all county budget expenditures to advising on such expenditures, but with two exceptions: a requirement that the County elected officials' compensation and benefits be approved by the Committee (County Charter section 3.7) and authorizing the Committee to override specific line items recommended by the Board by an affirmative vote of 11 of its members (County Charter Section 5.5.2); and

Whereas, when the new charter went into effect, the newly constituted Committee and the transitional Board agreed that Section 3.7 of the Charter ultimately meant that the Board could not set its own salaries or benefits since final authority remained with the Committee; and

Whereas, this same understanding was reiterated without objection at the outset, during, and at the conclusion of this year's budget process; and

Whereas, only following final presentation of the budget and the adjournment of the Committee did the Board (upon an opinion solicited from the County's legal counsel) disregard the Committee's action on Commissioner compensation; and

Whereas, the official version of the charter provided to the municipal clerks prior to the charter election and upon which the voters cast their ballots clearly indicated that the County Budget Committee had the authority to change line items in the budget proposed by the Commissioners with a supermajority vote of 11 of its members; and

Whereas, subsequent to the approval of the charter, the Commissioners requested the legislature to make certain "non-substantive" changes to the voter approved charter to address practical problems in implementing the new charter; and

Whereas, one of the changes requested – to amend the charter to transform the Budget Committee into an advisory body only – constituted a substantive change; and

Whereas, subsequent to the legislature's adoption of a resolve directing the Commissioners to amend the charter as requested by the Commissioners, the Commissioners amended the charter to eliminate the Budget Committee's authority to make changes in the budget by a supermajority vote; and

Whereas, Maine Revised Statutes, 30-A M.R.S.A. § 1353, states that a county charter may give the board the authority to appropriate money according to the budget so long as the budget is approved by the finance committee, and the Budget Committee functions as the finance committee under 30-A M.R.S.A. § 1353 ; and

Whereas, Maine Revised Statutes, 30-A M.R.S.A. §§ 725 and 1352 provide that the Androscoggin County Budget Committee has final approval of the budget unless otherwise provided in a charter adopted by the county.

Whereas, state law also requires that amendments to county charters adopted by referendum must be approved by referendum, a process that was not followed in this case; and

Whereas, the county's municipalities have strongly objected to the County Commission's interpretation of the county charter that, in effect, denies any meaning to Section 3.7 of the charter dealing with the compensation and benefits of elected officials; and

Whereas, the municipalities also object to the Commission taking unilateral action without consultation with its municipalities to pursue a substantive change in the charter to transform the budget committee into a purely advisory body; and

Whereas, the Commission's proposal to place an amendment to section 3.7 of the charter on the November ballot is unacceptable in that it continues to advance the Commission's position that the budget committee is and remains purely advisory; and

Whereas, when presented recently with a proposed charter amendment to clarify the ability of the Budget Committee to make line item budget changes with a supermajority vote, the Commission failed to take action; and

Whereas, these actions of the Commission have undermined the checks and balances intended by the framers of the Charter and the will of the public as expressed in their approval of a county charter that clearly and unequivocally provided authority to the Budget Committee to approve elected official salaries and benefits and to make changes in the county budget with a supermajority vote, actions that have served to undermine the legitimacy of the County's governance structure;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the firm of Brann & Isaacson is hereby authorized to initial legal action against Androscoggin County in regard to certain actions of the Commissioners relating to elected official compensation and benefits and the authority of the county budget committee, subject to the participation of the lesser of seven other communities or communities representing two thirds or more of the total municipal assessed value of the county and to share costs and expenses in accordance with the formula used to allocate the County Tax; and

Be It Further Resolved that the City is authorized to act as fiscal agent for the communities joining in this legal action, and the City Administrator is authorized to enter into such agreements as the Administrator deems necessary to implement the foregoing resolutions; and

Be It Further Resolved that the Council designates Councilor Lachance as its representative to any meetings of the communities participating in this effort.

AGREEMENT FOR JOINTLY PURSUING LEGAL ACTION AGAINST ANDROSCOGGIN COUNTY
REGARDING THE AUTHORITY OF THE BUDGET COMMITTEE

This agreement is made and entered into the _____ day of _____, 2015 between the City of Lewiston, Maine (Lewiston) and the Town/City of _____ Maine.

The parties agree as follows:

I. LEGAL ACTION SEEKING DECLARATORY JUDGEMENT

The parties agree:

- A. To join, together with such other communities in Androscoggin County that may wish to participate, in seeking a declaratory judgement from the Maine Superior Court regarding the authority of the County Budget Committee to approve salaries and benefits of the County's elected officials and the Committee's ability to make changes to the budget proposed by the County Commissioners by a vote of the full budget committee.
- B. To this end, the parties agree to be represented by the firm of Brann & Isaacson and to participate in the cost of this representation on the basis of each community's share of the total assessed value of all communities agreeing to participate in this action, as further defined in Section II below.
- C. To establish a steering committee to be solely responsible for providing guidance and direction to Brann & Isaacson in its conduct of the lawsuit, it being understood that no participants from any communities other than the Steering Committee has the authority to make any decisions regarding the litigation and its resolution. The Steering Committee shall be composed of one representative from each of the following communities: Lewiston, Auburn, Poland, Minot, and Sabattus, such representative to be appointed by the respective governing body.
- D. In signing this Agreement, the parties recognize that the firm Brann & Isaacson represents the Cities of Lewiston, Auburn and Lisbon for other legal matter , and will continue to represent such communities for other legal matters, but will not represent any of those municipalities in actions against any other communities in connection with any obligations arising under this Agreement. The interest of all communities that are signatories to this Agreement are aligned in pursuing the litigation.

II. COST SHARING ARRANGEMENT

- A. The City of Lewiston shall function as the fiscal agent for the participating communities and shall make payment to Brann & Isaacson for its services.
- B. The City of Lewiston shall then bill each community for its proportionate share of these expenses based on each community's percentage of the total assessed value of all participating communities. For purposes of this calculation, the assessed value to be used is the value shown in Androscoggin County's Fiscal Year 2015 budget, said figures being

the basis for the allocation of the County tax for that Fiscal Year.

C. Payment to Lewiston shall be made within thirty (30) days of receipt of invoice.

III. TERM OF AGREEMENT

A. This Agreement shall remain in effect from the date signed until a final decision has been issued by the Superior Court, limited only by the right of any party to terminate its financial contribution in the event that total expenses reach or exceed \$20,000 and a formal notice of withdrawal approved by the respective governing body is provided to the City of Lewiston and the other parties joining in this legal proceeding.

IV. APPLICABLE LAW

The parties agree to comply with all applicable federal, state and local laws and regulations which are either now in effect or are hereinafter enacted and, if necessary, to execute and deliver any amendment to the Agreement in order to meet any said new laws or regulations.

V. NOTICES

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

City of Lewiston
27 Pine Street
Lewiston, ME 04240
Attn: City Administrator

City/Town of _____

Attn: _____

VI. WAIVER

Any waiver by either party or default of rights under this Agreement shall not be deemed a waiver of any subsequent default or other matter.

VII. MODIFICATIONS

Any modifications of this Agreement shall be in writing and signed by the parties.

Executed on the Day and Year First Above Written:

City of Lewiston

By: _____

Edward A. Barrett

Its: City Administrator

Town/City of _____

By: _____

Its: _____

LEWISTON CITY COUNCIL

MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Resolve expressing the support of the City Council of the City of Lewiston for the process now underway to develop a plan and charter for the possible consolidation of the Cities of Lewiston and Auburn for presentation to the voters in November 2016.

INFORMATION:

The Joint Charter Commission has requested that the City Council consider a Resolve showing support for the process now underway to evaluate the potential for Lewiston and Auburn to consolidate and to draft a charter that would accomplish this. The Resolve takes no position on whether the communities should consolidate; rather, it simply indicates the Council's support for the current process that may result in presenting a consolidated charter to the public for a vote in November 2016. The request comes forward as a part of an effort of the Joint Charter Commission to raise funds to support their work, including a potential matching grant from the Office of the Governor who has made Lewiston and Auburn's support for the process a condition for such funding.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.

EAB/kmm

REQUESTED ACTION:

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To approve the Resolve expressing the support of the City Council of the City of Lewiston for the process now underway to develop a plan and charter for the possible consolidation of the Cities of Lewiston and Auburn for presentation to the voters in November 2016.



COUNCIL RESOLVE

Resolve, Expressing the Support of the City Council of the City of Lewiston for the Process Now Underway to Develop a Plan and Charter for the Possible Consolidation of the Cities of Lewiston and Auburn for Presentation to the Voters in November 2016.

Whereas, the Cities of Lewiston and Auburn are recognized leaders in the State of Maine for intergovernmental cooperation, working together to cost effectively provide a wide range of services from water pollution control to public transportation; and

Whereas, at a joint Lewiston Auburn City Council meeting held on May 1, 2013, the Councils discussed the concept of municipal consolidation as the next step in cooperation; and

Whereas, following the discussion held at that joint meeting, residents of both Lewiston and Auburn organized successful petition campaigns for the purpose of creating a Joint Charter Commission to explore and formalize a consolidation effort; and

Whereas, members of the joint charter commission were elected in June 2014 and have been working diligently since then; and

Whereas, the commission has tentatively selected the general election of Novembers 2016 as the date where the communities will vote on a charter that would formally consolidate the two communities into a single local government; and

Whereas, it is right and appropriate that the residents of Lewiston and Auburn have the opportunity to vote on whether to approve a joint charter and consolidate the two communities;

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

We support the process now underway to develop a plan and charter for a consolidated Lewiston Auburn that is tentatively scheduled to be presented to the voters of our community in November 2016. We urge all residents to become informed about and participate in this process in order to be prepared to vote on whether or not to adopt a joint charter and become one municipality.

LEWISTON CITY COUNCIL
MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Reports and Updates - Court Ruling regarding state reimbursement of General Assistance benefits to Asylees.

INFORMATION:

The City Administrator will be providing the City Council with an update and review of the Court Ruling in the Maine Municipal Association, et. al. v. Maine Department of Health and Human Services, et al. regarding state reimbursement of General Assistance benefits provided to aliens who are not eligible for benefits under federal law. After the update, the Council may discuss ideas for a course of action on this issue.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is informational only to keep members of the City Council abreast of various activities.

E. Blackburn

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To receive the Update from the City Administrator and to determine a possible course of action if necessary.

LEWISTON CITY COUNCIL
MEETING OF JUNE 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

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 16, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

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/16mm

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.