

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
SEPTEMBER 15, 2015**

6:30 p.m. Workshop

- A. 2015 Homeland Security Grant Award Submission - 5 minutes
- B. Pay As You Throw Education and Implementation - 20 minutes

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Presentation: Recognition of Girls Softball Team and the Track and Field Team.

Public Comment period - Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 3.

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- * 1. Resolve Accepting the USA Track & Field Association Foundation, Inc. Grant supporting Youth Club Track and Field program participants.
- * 2. Resolve Accepting a United States Tennis Association National and USTA New England Grant for the purpose of supporting a Youth and under (36' by 60') Line Grant for putting lines on the Tennis courts.
- * 3. Order Accepting Donation of the Property at 35 Ellis Street Rear.
- * 4. Recommendation from the Finance Committee on proposed amendments to the Purchasing Policy.

REGULAR BUSINESS:

- 5. Public Hearing and First Passage regarding an amendment to the Parks & Recreation Ordinance to add Elementary School Grounds to the list of City Parks that cannot be occupied after 9pm.
- 6. Public Hearing for approval of an Outdoor Entertainment Permit for The Dempsey Challenge.
- 7. Public Hearing on an applicant fro Dana's Garage, 193 Crowley Road, for an Automobile Graveyard/Junkyard permit.
- 8. Public Hearing on an application from Maine Heavy Equipment Rental, 1445 Sabattus Street, for an Automobile Graveyard/Junkyard permit.
- 9. Public Hearing on an application from Grimmel's Industries, 50 River Road, for an Automobile Graveyard/Junkyard permit.
- 10. Public Hearing on an application from the Lewiston Public Works Department, 424-482 River Road, for an Automobile Graveyard/Junkyard permit.

11. Public Hearing on an application from ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway for an Automobile Graveyard/Junkyard permit.
12. Public Hearing and Final Passage for the conditional rezoning of the property at 111 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Downtown Residential (DR) District.
13. Condemnation Hearing for the building located at 20 Mason Street.
14. Resolve Accepting Public Easements to a portion of Beaumont Lane.
15. Resolve Transferring \$75,000 from the FY2012 Gendron Business Park Project to Fund Local Matches for a Maine International Trade Center Grant at \$20,000, Maine Arts Commission Grant at \$5,000, and a State Department of Transportation Passenger Service Rail Study in the amount of \$50,000.
- + 15b. Resolve Authorizing the transfer of \$24,000 of Surplus Stormwater Utility Capital Outlay Funding (Depreciation Expense).
16. Reports and Updates
17. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, SEPTEMBER 15, 2015
6:30 P.M.
CITY COUNCIL CHAMBERS, LEWISTON CITY HALL

1. 2015 Homeland Security Grant Award Submission -- 5 minutes

The City of Lewiston has been awarded \$153,670 from the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program. We must submit a list of projects to be funded from these sources by September 18th for State review and approval. Chief LeClair would like to review the proposed projects with you prior to submitting them for state approval. Please see his memo.

2. Pay As You Throw Education and Implementation – 20 minutes

There has been some discussion of delaying the public education program around the proposed Pay As You Throw program until after the November election and the new Council taking office in January. Given this, we have held off from initiating this effort and are looking to the Council for guidance. Please see the attached memo.

Lewiston Fire Department



Paul M. LeClair
Fire Chief

Bruce H. McKay
Assistant Chief



September 8, 2015

To: Administrator Barrett
From: Chief LeClair

Re: 2015 Homeland Security Grant Award Submission

The City of Lewiston has been awarded 2015 Homeland Security Grant Program funding through the Maine Emergency Management Agency. Lewiston is one of six Metro Cities in the State of Maine to receive Homeland Security Grant funding to improve preparedness and response capabilities for Homeland security related events. Grant funds were awarded from the following programs.

- \$111,460.05 from the State Homeland Security Program (SHSP)
- \$42,210.23 from the Law Enforcement Terrorism Prevention Program (LETPP)
- **Total Grant award: \$153,670.28**

The following equipment and training projects meet the Homeland Security Grant criteria:

- **Fire Department Self Contained Breathing Apparatus** **\$24,670.28**
The grant funding will provide for calibration of air pack testing equipment and accessories for the air pack masks.
- **Fire Department Hazardous Materials Operations Training** **\$5,500.00**
Hazardous Materials Operations Training is an annual requirement for Firefighters. The training is provided by a certified trainer recognized by the Maine Emergency Management Agency.
- **Cobra Team Equipment & Training & Vehicle** **\$72,000.00**
Lewiston and Auburn provide matching funding to support training and equipment needs of the Cobra Team.
- **Fire Department Laptops for Emergency Vehicles** **\$15,500.00**
The grant funding will provide for the replacement of the Mobile Data Terminals in Fire Department vehicles. The current inventory of MDTs are aged and require upgrade.
- **Surveillance Network Maintenance and Upgrades** **\$16,000.00**
The grant funding will provide for the upgrade, maintenance and replacement of various surveillance network components; service, access controls, servers and cameras.
- **Lewiston School Department Security Project** **\$20,000.00**
The grant funding will provide for the upgrade, maintenance and replacement of various surveillance network components.

Applications specifying the use of these grant funds are due September 18th. Once these uses are approved, Maine Emergency Management will provide a memorandum of understanding that will require Council Action. We anticipate that this will be in place for the Council's October 6th meeting. Prior to submitting the application, we wished to review the proposed projects with you.

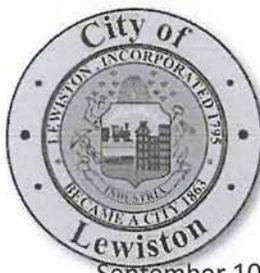
Background: Since 2004, the City of Lewiston has been awarded Homeland Security Grant Funding for equipment, training and practical skill exercises. Grant applications are submitted to the Maine Emergency Management Agency for review and approval. Applications are drafted based on the strict guidelines published by the US Department of Homeland Security.

Prior projects that have been funded by Homeland Security Grants include:

- Lewiston Public Safety Agency radios, repeaters and towers
- IMC Records Management Software and computer hardware
- Surveillance and Access equipment for City and School facilities
- Lewiston High School Generator (Shelter)
- Haz-Mat Team equipment and training
- Public Safety exercises
- Lewiston City Hall Generator and UPS Backup
- Air Packs for Fire and Cobra Team
- 911 Communications Center Equipment and Software
- Public Works Training Center

http://www.maine.gov/mema/homeland/home_grants_current.shtml

B



EXECUTIVE DEPARTMENT

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

September 10, 2015

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Pay as You Throw Proposal

Following recent discussions on initiating a community education program around the proposed pay as you throw proposal, I understand that a number of Councilors have questioned whether this process should begin prior to the November election and the new Council taking office in January. As a result of these concerns, we have not initiated this process and are seeking guidance from the Council on how to proceed.

One option is to delay starting the public education phase of this effort until after the new Council takes office. We believe that this would allow sufficient time for education prior to adopting the City budget in May. Should this be the Council's pleasure, we would be sure to cover the Pay as You Throw system in our new Council orientation session that takes place in December so that the new Councilors will have the opportunity to come up to speed on the issue and be in a position to act on it in January. We have also spoken to our potential contractor who has indicated that such a schedule is workable.

I also understand that there may be some interest in deferring the implementation of this program pending a city-wide referendum on it. This poses a number of issues and may be more problematic. First, such a referendum could not take place until June 2016, close to the beginning of the new fiscal year and after the City's budget must be adopted for the following year. While not insurmountable, timing would be a challenge if there is any interest in implementing the program in the City's FY 17.

Second, staff and our consultant believe that it would be difficult to achieve a positive vote on this plan prior to actually implementing it. As we all know, change and the unknown are challenges. The initial reaction of many is to prefer the status quo. It is also difficult to effectively respond to questions or criticisms about a new way of operating until residents have had experience with it and can judge how it has actually impacted them and the community. In today's environment, people are loath to just "take our word for it" without having seen a proposal in action.

While PAYT programs have, to the best of our knowledge, been universally supported at referendums held after they have been implemented (see Waterville and Sanford), it is much less likely that they would be if the referendum is held in advance of the program being in place. Again to the best of our knowledge, communities have not held referendums prior to starting such programs. While this is not an impossible approach, we do believe that it significantly lowers the chance of adopting the program, placing at higher risk the cost of the public education program. In addition, it is not clear that the education and implementation firm we are working with would be comfortable in proceeding given the initial program startup costs that they expect to recover over time.

While this question can be deferred to the 2016-2017 Council, we did want to make you aware of the issues with this approach in advance of the new Council's discussions.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Resolve Accepting the USA Track & Field Association Foundation, Inc. Grant supporting Youth Club Track and Field program participants.

INFORMATION:

The City's Recreation Division has been awarded a \$2000 grant from the USA Track & Field Association Foundation to help run the youth track program. The City Council is asked to approve acceptance of the grant funds.

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 accepting the USA Track & Field Association Foundation, Inc. Grant supporting Youth Club Track and Field program participants.



CITY OF LEWISTON, MAINE

September 15, 2015

COUNCIL RESOLVE

RESOLVE, Accepting the USA Track & Field Association Foundation, Inc. Grant Supporting Youth Club Track and Field Program Participants.

Whereas, USA Track & Field Association Foundation, Inc. has awarded a \$2000 grant for youth participation in the Lewiston Recreation track and field program; and

Whereas, this Grant will support the Lewiston Recreation Division Summer Track and Field Program; and

Whereas, USA Track & Field Association Foundation, Inc. is dedicated to community outreach and supporting youth track and field programs;

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

A grant in the amount of \$2,000 from USA Track & Field Association Foundation, Inc. for the purpose of youth club grant for participation in the Summer Track and Field Program is hereby accepted.

Be it Further Resolved that

the City Council expresses its thanks and appreciation to USA Track & Field Association Foundation, Inc. for this contribution.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Resolve Accepting a United States Tennis Association National and USTA New England Grant for the purpose of supporting a Youth 10 and under (36' by 60') Line Grant for putting lines on the Tennis courts.

INFORMATION:

The City's Recreation Department has been awarded a \$468 grant from the United States Tennis Association National and New England associations and the funds will be used to install lines on the tennis courts. The City Council is asked to approve acceptance of the grant funds.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ETAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve accepting a United States Tennis Association National and USTA New England Grant for the purpose of supporting a Youth 10 and under (36' by 60') Line Grant for putting lines on the Tennis courts.



CITY OF LEWISTON, MAINE

September 15, 2015

COUNCIL RESOLVE

RESOLVE, Accepting a United States Tennis Association National and USTA New England Grant for the Purpose of Supporting a Youth 10 and Under (36'x60') Line Grant for Putting Lines on the Tennis courts.

Whereas, USTA National and New England awarded a \$468.75 grant to assist in installing blended lines on the city's tennis courts; and

Whereas, this Grant will support the instructional format for the 10 and under program within the Lewiston Recreation Division Tennis Program; and

Whereas, USTA New England is dedicated to community outreach and supporting youth tennis programs and is thankful to the Recreation Division for its commitment to growing 10 and under Tennis in Lewiston, Maine!

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

A grant in the amount of \$468.75 from USTA National and USTA New England for the purpose of installing blended lines for the instruction of the 10 and under Tennis Program is hereby accepted.

Be it Further Resolved that

the City Council expresses its thanks and appreciation to USTA National and USTA New England for this contribution.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Order Accepting Donation of the Property at 35 Ellis Street Rear.

INFORMATION:

The City has received a request the property owner of 35 Ellis Street Rear to donate this land to the City. The current assessed value on this property is \$1,920 and it is adjacent to other city owned property. The land is crossed by No Name Stream and is covered by wetlands. Ownership of the parcel might be useful as future mitigation property.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order accepting donation of the property at 35 Ellis Street Rear.



COUNCIL ORDER

Order, Accepting Donation of the Property at 35 Ellis Street Rear

Whereas, the owners of the property at 35 Ellis Street Rear have approached the City with an offer to donate this vacant land to the City; and

Whereas, the property is crossed by No Name Stream and is largely covered by wetlands and the stream's flood plain, restricting its potential for development; and

Whereas, the property is adjacent to other City owned parcels in the immediate area; and

Whereas, ownership of the property may be beneficial to the City as future mitigation property for wetland impacts elsewhere in the area or as an element of the City's watershed management plan for the No Name Stream watershed; and

Whereas, given the parcels location and the presence of wetlands and flood plain, the property has a limited market value;

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

The City Administrator is hereby authorized to execute the required documents to accept ownership of the parcel of vacant land located at 35 Ellis Street Rear.



EXECUTIVE DEPARTMENT

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

September 3, 2015

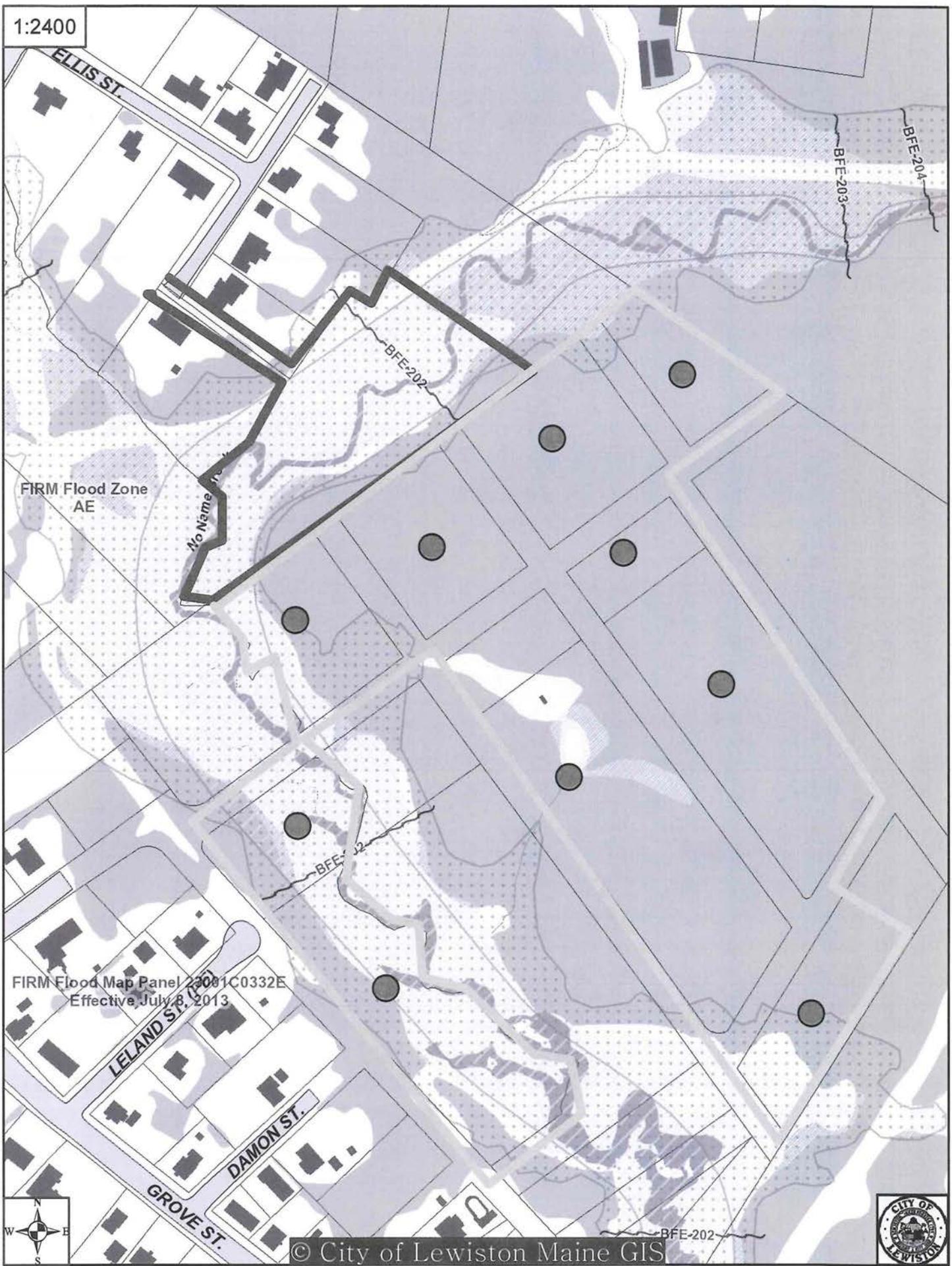
To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Offer to Donate the Property at 35 Ellis Rear

We have received the attached letter from Rudolph and Armance Dumais offering to donate the property located at 35 Ellis Rear (see attached map). Ellis Street runs from Pond Road between Grove and Sabattus. The lot is primarily back land and is completely covered by the floodplain and wetlands. While it can be accessed from Ellis Street (a private street in this area) via a reserved right of way, it is effectively an unbuildable lot. It also has a city 18 inch PVC sewer line traversing part of the property. The property is assessed at \$1,920 with an annual current tax bill of \$52.55.

The City owns 10 other lots in the immediate area, all of which are either wet or effectively without road access. On the attached map, the property outlined in dark black is 35 Ellis Street Rear. The properties marked with dots are currently owned by the City.

The only realistic value associated with this property is its potential use as future mitigation for wetland impacts elsewhere in the No Name Stream watershed. It could also be potentially useful should the City eventually be required to develop a watershed management plan for No Name Stream should it fail to meet required water quality due to non-point source runoff.

1:2400



FIRM Flood Zone AE

No Name St.

BFE-202

BFE-203

BFE-204

FIRM Flood Map Panel 23001C0332E
Effective July 8, 2013

LELAND ST.

DAMON ST.

GROVE ST.

BFE-202



August 14, 2015

City of Lewiston
Attn: Janet Labbe
27 Pine Street
Lewiston, ME 04240

RE: 00-003235

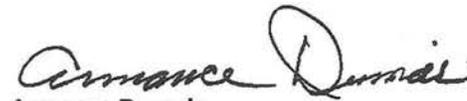
Dear Janet Labbe,

We are writing you as requested regarding a parcel of land #00-003235, that was past on to Rudolph Dumais when his brother Joseph Dumais past away. We no longer want this parcel of land and have no use for it. It is all wet / bog land.

Please let us know if there is anything else we need to do. You may reach us at 207-784-7759.

Sincerely,


Rudolph Dumais


Armance Dumais



CITY OF LEWISTON REAL ESTATE TAX STATEMENT

Fiscal Year 2016
July 1, 2015-June 30, 2016

PARCEL NUMBER	ACCOUNT NUMBER	DATE OF BILLING
00-003235	31308	07/30/2015

TOTAL TAXES	52.55
BILL NUMBER	16A00003235
DUE SEPTEMBER 15, 2015	26.28
DUE MARCH 15, 2016	26.27
AMOUNT PAID TO DATE	0.00
INTEREST DUE	0.00
BALANCE DUE	52.55

LOCATION OF PROPERTY AND DESCRIPTION
00035 ELLIS ST REAR
LAND - 2 ACRES

000013046800031910031910101120
*****AUTO**SCH 5-DIGIT 04240
DUMAIS, RUDOLPHE
DUMAIS, ARMANCE
27 ELLIS ST
LEWISTON, ME 04240-3313



TEL. 784-7759

27 ALICE ST
residence.

PROPERTY TAX INFORMATION	REMITTANCE INSTRUCTIONS
Valuation 1,920.00 Homestead Exemption 0.00 Other Exemption 0.00 Taxable Valuation 920.00 Tax Rate 27.37 TOTAL TAX 52.55	Please send remittance copy below Payment by check: payable to: CITY OF LEWISTON Payment by Credit/Debit Card: PLEASE NOTE: A 2.5% merchant fee (minimum of \$1.00) will be charged on all credit/debit card transactions. Please complete credit/debit card information and sign remittance copy below. Mail to: City of Lewiston Tax Collector 27 Pine Street Lewiston, ME 04240-7200

TAXPAYER NOTICE

Notice is hereby given that your property tax for fiscal year July 1, 2015 through June 30, 2016 is payable in (2) equal installments on September 15, 2015 and March 15, 2016 and interest will be charged on the first installment at an annual rate of 7% from September 16, 2015. Interest will be charged on the second installment at an annual rate of 7% from March 16, 2016.

Pursuant to Title 36 ss 502 of Maine law, the ownership and taxable valuation of all real and personal property subject to taxation shall be fixed as of April 1st of each year. If you have sold your property since April 1, 2015, it is your obligation to forward this bill to the current property owner.

This bill is for taxes due for the current fiscal year 2016 (July 1, 2015 - June 30, 2016). If "Prior Taxes Due" is indicated above, the outstanding amount for any prior tax year(s) is not included in the amount due on this tax bill.

Your property taxes are utilized to fund the following:

City Budget	58.3%
School Budget	37.1%
County Budget	4.6%

As a result of funds received from the state through the state municipal revenue sharing program, homestead exemption reimbursement and state aid to education, your property tax bill has already been reduced by 45%.

The City's outstanding bonded indebtedness as of June 30, 2015 is \$135,773,438.

QUESTIONS ?

Regarding valuations, please contact Assessor's Office at 513-3122. Regarding payments and interest, please contact Tax Collector's Office at 513-3131.

OFFICE HOURS

8:30 a.m. - 4:00 p.m. Monday - Friday

REMITTANCE COPY - PLEASE SUBMIT BOTTOM PORTION ALONG WITH YOUR PAYMENT

CITY OF LEWISTON REAL ESTATE TAX STATEMENT	
DUMAIS, RUDOLPHE DUMAIS, ARMANCE 27 ELLIS ST LEWISTON, ME 04240-3313	LOCATION 00035 ELLIS ST REAR LAND - 2 ACRES
PARCEL NUMBER 00-003235	ACCOUNT NUMBER 31308
DATE OF BILLING 07/30/2015	DUE SEPTEMBER 15, 2015 26.28
DUE MARCH 15, 2016 26.27	PAYMENT AMOUNT

TELEPHONE #	
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If you wish to pay by credit card indicate card type and write number and signature below.

MasterCard
 Visa
 Amex
 Discover

PLEASE NOTE: A 2.5% merchant fee (\$1.00 minimum) will be charged on all credit/debit card transactions.

NAME ON CARD _____ ZIP CODE _____

Credit Card Number _____ Security Code _____

Expiration Date _____ Signature _____

**LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 15, 2015**

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Recommendation from the Finance Committee on proposed amendments to the Purchasing Policy.

INFORMATION:

The Finance Committee is recommending amendments to the City's Purchasing Policy so the Policy is more in compliance with regulations required by the federal Department of Housing and Urban Development (HUD).

Attached is information regarding their recommendation. The proposed amendments are outlined in the memorandum from the Finance Department.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the proposed amendments to the Purchasing Policy, Policy Manual Number 46, as recommended by the Finance Committee.

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



Finance Department

Norman J. Beauparlant
Director of Budget/Purchasing
nbeau@ci.lewiston.me.us



TO: Mayor Robert Macdonald and Members of the City Council
FROM: Norman J. Beauparlant, Director of Budget/Purchasing
SUBJECT: Finance Committee recommendation for additional changes to the City Purchasing Policy
DATE: September 10, 2015

Shortly after the City Council accepted the Purchasing Policy changes recommended by the Finance Committee (4/7/2015), the Department of Housing and Urban Development (HUD) completed its review of the City's Community Development Block Grant program, which included a review of the City Purchasing Policy.

HUD's expressed concern with the current language in four (4) sections of the policy. These concerns were brought to the Finance Committee, and the committee voted to recommend to the City Council that the language be added to the current policy.

The changes generally clarify certain sections of the policy for situations where CDBG funds are used.

In summary, the proposed changes are underlined below:

3.1.1 PREPARATION: Preparation of the invitation for bids shall describe the requirements of the City clearly, accurately and completely, but avoiding unnecessarily restrictive specifications or requirements which might unduly limit the number of bidders. For projects to be paid for in whole or in part with Community Development Block Grant an Independent Cost Estimate, prepared by City Engineers or A & E consultants will be prepared prior to going to bid (being awarded?)

Note: This is done on all projects but not specifically called out.

3.1.6.4 TIE BIDS:

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

B. In all tie bid instances where CDBG funding will be used to pay for the product or service, public drawing of lots will be used to decide who receives the bid award.

3.8 DISQUALIFICATION OF BIDDERS: The Finance Committee may authorize the disqualification of a bidder/vendor from bidding on City contracts for up to twelve (12) months upon the formal recommendation of the Director and in accordance with procedures set forth.

Prior to the award of any bid to be funded with CDBG dollars the Purchasing Director will check the federal Limited Denial of Participation list at: (https://www5.hud.gov/ecpcis/main/ECPCIS_List.jsp) to confirm that the low bidder is not on the federal list of debarred or ineligible contractors. If the low bidder is on the ECPCIS list they cannot receive the award.

3.8.2 DISQUALIFIED BIDDER/VENDOR: may apply for reinstatement after period of disqualification has elapsed. The Director of Budget/Purchasing recommends to the Finance Committee on reinstatement of Bidder/Vendor. Under no circumstance can a bidder on the ECPCIS list be awarded a contract funded with CDBG dollars.

NJB/syt

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Parks & Recreation Ordinance to add Elementary School Grounds to the list of City Parks that cannot be occupied after 9pm.

INFORMATION:

Councilor Cloutier requested an ordinance change to add the elementary school grounds to the list of city parks that cannot be occupied from 9am - 5am unless during a scheduled event or in the course of employment. The Superintendent, School's Director of Facilities and Chief of Police concur with this requested change.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

REQUESTED ACTION:

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That the proposed amendments to the City Code of Ordinances, Chapter 54 "Parks and Recreation" regarding the addition of elementary school grounds to the list of city parks that cannot be occupied after 9pm, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting for final passage.

AN ORDINANCE PERTAINING TO PARKS AND RECREATION

THE CITY OF LEWISTON HEREBY ORDAINS:

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

CHAPTER 54

PARKS AND RECREATION

Sec. 54-7. Unlawful to be in the following city parks and school grounds during certain hours; exception.

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

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

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for The Dempsey Challenge.

INFORMATION:

The Dempsey Challenge is now an annual event in Lewiston and this year's event will be held on October 16-18 (Friday - Sunday). As part of the athletic events, the function will also have live music entertainment. As such, the organizers are required to obtain an Outdoor Entertainment permit from the city.

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 The Dempsey Challenge Committee for outdoor musical concerts to be held at Simard-Payne Memorial Park on October 16th, 17th and 18th, as part of The Dempsey Challenge, 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 organizing committee for the outdoor music concerts, contingent upon positive recommendations from the Recreation Division, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

DESCRIPTION OF EVENT

Please describe what will occur during your event

Festival in the park with live music and expo. Saturday is a 5k and 10k Run/Walk and Sunday is the bike ride. All events are a fund raiser for The Patrick Dempsey Center for Cancer, Hope, and Healing

SECTION 2 EVENT DETAILS & POSSIBLE PERMITTING

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

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

	Permit Fee	Permits and/or Event Requirements	YES	NO
A	NP & FOR PROFIT	If you answered "Yes" in Section 1, Item 2 of this form and you are seeking City Council approval to waive any applicable fees, YOU MUST COMPLETE THIS SECTION AND SCHEDULE B of this form. All other events must complete this section only.	X	
B	CITY PROCESSING FEE	If the event requires city staff inspection and/or the use of city-owned public space, please complete SCHEDULE A of this application.	X	
C	Separate fee and permit may be required \$50 (3) days	FOOD: Will food or beverages be <u>given away</u> ? (Indicate yes or no to the right) Type of Food: <u>Breakfast, lobster, others</u> Type of Beverage: <u>alcoholic and non-alcoholc</u> Will food or beverages be <u>sold</u> ? (Indicate yes or no to the right) Type of Food: <u>Food trucks, others TBD</u> Type of Beverage: <u>alcoholic and non-alcoholi</u> <i>Note - A food service license may be required.</i>	X	
D	Separate fee and permit may be required \$39 (7)days plus \$21 background check	NON-FOOD ITEMS: Will products be <u>given away</u> ? (i.e. t-shirts, crafts, CDs, etc.) (Indicate yes or no to the right) Type of Items: <u>shirts, water bottles, reusable grocery bags</u> Will products be <u>sold</u> ? (i.e. t-shirts, crafts, CDs, etc.) (Indicate yes or no to the right) Type of Items: <u>shirts, hats, cycling jerseys, other merchandise. We also have a vendor fa</u> <i>Note- A peddling permit may be required.</i>	X	
E	*\$50/event	* LIVE MUSIC PERFORMED BY ONE OR MORE PEOPLE: (yes or no) If "Yes," Please Describe: <div style="border: 1px solid black; padding: 2px; margin: 5px 0;">live bands on stage Friday night, Saturday and Sunday days - throughout the day.</div> Will SOUND AMPLIFICATION be needed? (yes or no) Please check one: Microphone _____ Speaker System: <u>X</u> Other: _____	X	
F	\$17/day			

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing on an application from Dana's Garage, 193 Crowley Road, for an Automobile Graveyard/Junkyard permit.

INFORMATION:

Dana's Garage, 193 Crowley Road, is requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to Dana's Garage, 193 Crowley Road, subject to the condition that no more than 1,000 tires may be stored on the property.

**CITY OF LEWISTON
RENEWAL APPLICATION
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: 9-8-15

PUBLICATION FEE: \$25.00 LICENSE FEE: \$75.00

LICENSE EXPIRES: September 30, 2016

PUBLIC HEARING DATE: SEPTEMBER 15, 2015

NAME OF BUSINESS PAVA'S SAUSAGE

BUSINESS ADDRESS 193 CROWLEY ROAD

CITY/STATE LEWISTON, ME 04240

BUSINESS TELEPHONE 782-0777

NAME OF OWNER(S) NORMAN TALBERT

CONTACT PERSON/GENERAL MANAGER NORMAN TALBERT

HOME ADDRESS 199 CROWLEY ROAD

CITY/STATE LEWISTON, ME 04240

HOME TELEPHONE 782-1143

CITY & STATE REGULATIONS

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard 193 CROWLEY ROAD
LEWISTON, ME
(Street address)

How is yard "screened" - Fence? (Type) TREES Height? _____

Trees? (Type) HARDWOOD & PINE, SPRUCE Embankment? _____

Gully? _____ Hill? Other? _____

How far is edge of "yard" from center of highway? 250 YARDS

Can junk be seen from any part of highway? Yes _____ No

Was junkyard law, requirements and fees explained to you?

Yes ✓ No _____

When was last permit issued? 2014

To whom? NORMAN JALBERT

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

BATTERIES, FUEL TANK GAUGES, ALL FLUID
TO RECYCLING CO., TIRES TO B.D?

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY Norman Jalbert

FOR JANA'S GARAGE INDIVIDUAL
(Name of Company, corporation, partnership or individual)

Lewiston Fire Department



Paul M. LeClair
Fire Chief

Bruce McKay
Assistant Chief



September 4, 2015

Kelly Brooks
Deputy City Clerk
City Clerk's Office
27 Pine Street
Lewiston ME 04240

RE: 193 Crowley Rd., Dana's Garage Auto Grave Yard 2015 Permit

Dear Kelly,

I have no issues or concerns regarding **Dana's Auto Grave Yard** located at **193 Crowley Rd.** at this time that prohibits the issuance of their city permit.

Respectfully,

A handwritten signature in blue ink, appearing to read "Paul Ouellette".

Paul Ouellette
Certified Fire Inspector / Certified Fire Investigator
Lewiston Fire Prevention Bureau

Paul / General Files / 2015 Letters / Dana's Garage Graveyard-Junkyard 2015 Letter / Msw



POLICE DEPARTMENT

Michael Bussiere
Chief of Police



TO: Kelly J. Brooks, Deputy City Clerk
FROM: Lt. Adam D. Higgins, Lewiston PD
REF: Automobile Graveyard/Junkyard Permits (Renewals)
DATED: September 3, 2015

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

Dana's Garage, 193 Crowley Road

PUBLIC NOTICE

CITY OF LEWISTON

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on ***Tuesday, September 15, 2015***, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine

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

PUBLISH ON: Tuesday, September 8, 2015



CITY OF LEWISTON

Planning & Code Enforcement



TO: City Clerks
FROM: David Hediger, City Planner
SUBJECT: Automobile Graveyard/Junkyard Permits
DATE: September 9, 2015

Planning and Code Enforcement staff has inspected the following property for renewal of their license with the following recommendations:

Dana's Garage-193 Crowley Road: This facility is in substantial compliance with the City's requirements and it is recommended the license is granted.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing on an application from Maine Heavy Equipment Rental, 1445 Sabattus Street, for an Automobile Graveyard/Junkyard permit.

INFORMATION:

Maine Heavy Equipment Rental, 1445 Sabattus Street are requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the renewal application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EJAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to Maine Heavy Equipment Rental, 1445 Sabattus Street.

**CITY OF LEWISTON
RENEWAL APPLICATION
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: 9/3/15

PUBLICATION FEE: \$25.00 LICENSE FEE: \$75.00

LICENSE EXPIRES: September 30, 2016

PUBLIC HEARING DATE: SEPTEMBER 15, 2015

NAME OF BUSINESS MAINE HEAVY EQUIPMENT INC

BUSINESS ADDRESS 20 Highland Spring Road

CITY/STATE Lewiston, MAINE 04240

BUSINESS TELEPHONE 207-784-7944

NAME OF OWNER(S) GARY ST. LAURENT

CONTACT PERSON/GENERAL MANAGER SAME

HOME ADDRESS 160 Pinewood Road

CITY/STATE Lewiston, MAINE

HOME TELEPHONE _____

CITY & STATE REGULATIONS

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard 1445 Sabattus St

(Street address)

How is yard "screened" - Fence? (Type) _____ Height? _____

Trees? (Type) Pine + Various Embankment? _____

Gully? _____ Hill? _____ Other? _____

How far is edge of "yard" from center of highway? 500'

Can junk be seen from any part of highway? Yes _____ No

Was junkyard law, requirements and fees explained to you?

Yes ✓ No _____

When was last permit issued? 9-2014

To whom? Gary St. Laurent / MAINE HEAVY EQUIPMENT

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

Bulk commercial disposal.

All fluids are + will be delivered to EPI. Auburn.

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY Gary St. Laurent

FOR MAINE HEAVY EQUIPMENT INC.

(Name of Company, corporation, partnership or individual)

Lewiston Fire Department



Paul M. LeClair
Fire Chief

Bruce McKay
Assistant Chief



September 4, 2015

Kelly Brooks
Deputy City Clerk
City Clerk's Office
27 Pine St.
Lewiston, ME 04240

RE: Gary St. Laurent / Heavy Equipment – Auto Graveyard/ Junkyard 2015 Permit

Dear Kelly,

I have no issues or concerns regarding **Gary St. Laurent / Heavy Equipment Auto Graveyard / Junkyard** located at **1445 Sabattus St.** at this time that prohibits the issuance of their city permit.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Paul Ouellette'.

Paul Ouellette
Certified Fire Inspector / Certified Fire Investigator
Lewiston Fire Prevention Bureau

Paul / General Files / 2015 Letters / Gary St. Laurent / Heavy Equipment Auto Graveyard / Junkyard 2015 Letter / Msw



POLICE DEPARTMENT

Michael Bussiere
Chief of Police



TO: Kelly J. Brooks, Deputy City Clerk
FROM: Lt. Adam D. Higgins, Lewiston PD
REF: Automobile Graveyard/Junkyard Permits (Renewals)
DATED: September 3, 2015

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

Maine Heavy Equipment, 1445 Sabattus Street

PUBLIC NOTICE

CITY OF LEWISTON

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on *Tuesday, September 15, 2015*, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine

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PUBLISH ON: Tuesday, September 8, 2015



CITY OF LEWISTON

Planning & Code Enforcement



TO: City Clerks
FROM: David Hediger, City Planner
SUBJECT: Automobile Graveyard/Junkyard Permits
DATE: September 9, 2015

Planning and Code Enforcement staff has inspected the following property for renewal of their license with the following recommendations:

Gary St. Laurent/Maine Heavy Equipment-1445 Sabattus Street: This facility is in substantial compliance with the City's requirements and it is recommended the license is granted.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Public Hearing on an application from Grimmel's Industries, 50 River Road, for an Automobile Graveyard/Junkyard permit.

INFORMATION:

Grimmel's Industries, 50 River Road is requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the renewal application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAR/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to Grimmel's Industries, 50 River Road, subject to the following conditions:

1. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m., Monday through Saturday.
2. Maintain screening from the Maine Turnpike.

**CITY OF LEWISTON
RENEWAL APPLICATION
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: _____

PUBLICATION FEE: \$25.00 LICENSE FEE: \$75.00

LICENSE EXPIRES: September 30, 2016

PUBLIC HEARING DATE: SEPTEMBER 15, 2015

NAME OF BUSINESS Grimmel Industries

BUSINESS ADDRESS 50 River Road

CITY/STATE Lewiston, Me. 04240

BUSINESS TELEPHONE 784-6754

NAME OF OWNER(S) Gary + Betty Grimmel

CONTACT PERSON/GENERAL MANAGER Cory Prindall

HOME ADDRESS 520 North Parish Rd.

CITY/STATE Turner, Me. 04282

HOME TELEPHONE 713-9262

CITY & STATE REGULATIONS

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard 50 River Road

(Street address)

How is yard "screened" - Fence? (Type) Cyclone Height? 10 feet / 8 Feet

Trees? (Type) Pine Trees Embankment? yes

Gully? _____ Hill? _____ Other? _____

How far is edge of "yard" from center of highway? 150-200 Feet

Can junk be seen from any part of highway? Yes X in winter No _____
Time

Was junkyard law, requirements and fees explained to you?

Yes X No _____

When was last permit issued? 9/30/14

To whom? Grimmel Industries

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

We Do Not accept ANY Fluids. Tires + Gas Tanks are shredded At our Topsham Facility. Batteries are properly Packaged and Shipped For proper Recycling

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY

Greg A. P. Oll

FOR

Grimmel Industries

(Name of Company, corporation, partnership or individual)

Lewiston Fire Department



Paul M. LeClair
Fire Chief

Bruce McKay
Assistant Chief



September 4, 2015

Kelly Brooks
Deputy City Clerk
City Clerk's Office
27 Pine Street
Lewiston ME 04240

RE: 50 River Road, Grimmel's Auto Grave Yard / Junkyard 2015 Permit

Dear Kelly:

I have no issues or concerns regarding **Grimmel's Auto Graveyard / Junkyard** located at **50 River Rd.** at this time that prohibits the issuance of their city permit.

Respectfully,

A handwritten signature in blue ink, appearing to read "Paul Ouellette".

Paul Ouellette
Certified Fire Inspector / Certified Fire Investigator
Lewiston Fire Prevention Bureau

Paul / General Files / Letters / 2015 Letters / Grimmel's Junkyard - Graveyard 2015 Letter / Msw



POLICE DEPARTMENT

Michael Bussiere
Chief of Police



TO: Kelly J. Brooks, Deputy City Clerk
FROM: Lt. Adam D. Higgins, Lewiston PD
REF: Automobile Graveyard/Junkyard Permits (Renewals)
DATED: September 3, 2015

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

Grimmel's industries, 50 River Road

PUBLIC NOTICE

CITY OF LEWISTON

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on *Tuesday, September 15, 2015*, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine

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PUBLISH ON: Tuesday, September 8, 2015



CITY OF LEWISTON

Planning & Code Enforcement



TO: City Clerks
FROM: David Hediger, City Planner
SUBJECT: Automobile Graveyard/Junkyard Permits
DATE: September 9, 2015

Planning and Code Enforcement staff has inspected the following property for renewal of their license with the following recommendations:

Grimmel's Industry – 50 River Road: This facility is in substantial compliance with the City's requirements and it is recommended the license is granted.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Public Hearing on an application from the Lewiston Public Works Department, 424-482 River Road, for an Automobile Graveyard/Junkyard permit.

INFORMATION:

Lewiston Public Works Department, 424-482 River Road, is requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the renewal application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to the Lewiston Public Works Department, 424-482 River Road.

**CITY OF LEWISTON
RENEWAL APPLICATION
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: August 26, 2015

PUBLICATION FEE: Fee Waived ~~\$25.00~~ LICENSE FEE: Fee Waived ~~\$75.00~~

LICENSE EXPIRES: September 30, 2016

PUBLIC HEARING DATE: SEPTEMBER 15, 2015

NAME OF BUSINESS City of Lewiston - Public Works

BUSINESS ADDRESS 424 River Rd.

CITY/STATE Lewiston, Maine

BUSINESS TELEPHONE 513-3006

NAME OF OWNER(S) David A. Jones, P.E.
Dir., Public Works

CONTACT PERSON/GENERAL MANAGER Rob Stafford - Superintendent

HOME ADDRESS 103 Adams Av.

CITY/STATE Lewiston, Maine

HOME TELEPHONE 513-3006

CITY & STATE REGULATIONS

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard City of Lewiston,
Solid Waste Facility, 424 River Rd.
(Street address)

How is yard "screened" Fence? (Type) Chain Link w/ slats Height? 10'

Trees? (Type) White Pine Spruce Embankment? 8' Berm

Gully? _____ Hill? _____ Other? Building

How far is edge of "yard" from center of highway? Building 480 LF

Can junk be seen from any part of highway? Yes _____ No X

Was junkyard law, requirements and fees explained to you?

Yes X No _____

When was last permit issued? 10-1-2014

To whom? _____

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

Tires - recycled, Batteries - recycled,
Engine Lubricant - recycled, Engine coolant -
recycled, Other waste items - not
accepted.

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY Robert Stafford

FOR City of Lewiston, Dept. of Public Works
(Name of Company, corporation, partnership or individual)

Lewiston Fire Department



Paul M. LeClair
Fire Chief

Bruce McKay
Assistant Chief



September 4, 2015

Kelly Brooks
Deputy City Clerk
City Clerk's Office
27 Pine St.
Lewiston, ME 04240

RE: Lewiston Public Works Dept. Auto Graveyard / Junkyard 2015 Permit

Dear Kelly,

I have no issues or concerns regarding **Lewiston Public Works Dept. Auto Graveyard / Junkyard** located at **424-482 River Road** at this time that prohibits the issuance of their city permit.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Paul Ouellette'.

Paul Ouellette
Certified Fire Inspector / Certified Fire Investigator
Lewiston Fire Prevention Bureau

Paul / General Files / 2015 Letters / Lewiston Public Works Dept. Auto Graveyard / Junkyard 2015 Letter / Msw



POLICE DEPARTMENT

Michael Bussiere
Chief of Police



TO: Kelly J. Brooks, Deputy City Clerk
FROM: Lt. Adam D. Higgins, Lewiston PD
REF: Automobile Graveyard/Junkyard Permits (Renewals)
DATED: September 3, 2015

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

City of Lewiston, Public Works Dept., 424-482 River Road

PUBLIC NOTICE

CITY OF LEWISTON

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on *Tuesday, September 15, 2015*, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine

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PUBLISH ON: Tuesday, September 8, 2015



CITY OF LEWISTON

Planning & Code Enforcement



TO: City Clerks
FROM: David Hediger, City Planner
SUBJECT: Automobile Graveyard/Junkyard Permits
DATE: September 9, 2015

Planning and Code Enforcement staff has inspected the following property for renewal of their license with the following recommendations:

Public Works Department-424-482 River Road: This facility is in substantial compliance with the City's requirements and it is recommended the license is granted.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Public Hearing on an application from ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway for an Automobile Graveyard/Junkyard permit.

INFORMATION:

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway is requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the renewal application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway, subject to the attached conditions.

ReEnergy Lewiston, LLC
(10-1-2015 through 9-30-2016)

1. Permit is granted for storage of construction and demolition debris (CDD), wood waste (includes demolition debris) and oversized bulky waste (OBW). CDD and OBW will consist of wood waste, sheetrock, insulation, metal, wire, aggregate products, dirt, sand, furniture, rugs, plastics, roofing materials, cardboard and any other large burnable household goods. Unacceptable materials are units containing CFC's, universal waste, municipal solid waste (MSW), hazardous materials, asbestos, and medical waste.
2. All wood waste and OBW which is to be placed in storage shall be piled no higher than 30'.
3. The width and length of the piles will be sized as indicated on the plan view of the back yard, but shall be no wider than 90' and no longer than 150'.
4. There shall be no more than nine (9) piles of wood waste and OBW at any time. OBW will not exceed two (2) piles.
5. Access rows or fire lanes shall be maintained between piles with a minimum distance of 30' between piles.
6. The main entrance roadway must be kept at a minimum of 24' of travel way at all times.
7. An additional access road or fire lane shall be maintained from Alfred A. Plourde Parkway at a minimum width of 20' to the storage area at all times.
8. All roads and fire lanes on the facility shall be of all weather surface adequately constructed to support fire apparatus likely to be operated on site at all times.
9. All storage pile locations shall be properly identified by the placement of a pole at the corner of the pile. A mark shall be placed at a height of 30' on the pole.
10. The site shall be designated no smoking throughout except office areas and control room. A no smoking sign shall be placed at the entrance to the facility.
11. Training of employees shall be provided on the use of fire protection equipment and fire reporting procedures on an annual basis.
12. ReEnergy Lewiston, LLC shall conduct a self-inspection of their activities and inspections shall be conducted on a weekly basis. Records of inspections shall be kept on site for Fire Prevention Bureau review when requested.
13. Pine trees shall be planted along the perimeter to provide a buffer and dead and/or missing trees shall be replaced promptly.
14. That the processing of pressure treated wood be done in full compliance with the EPA & DEP regulations.
15. An effective visual screen at least six feet in height shall be located and maintained around all sides of the area where junk is located such that these areas are entirely screened from ordinary view from all directly abutting properties and public ways at all times. The existing 'wood and pole' fence that was adjacent to 32 Plourde Parkway will be replaced with a 'screen-mesh and pole' fence of similar length and height. This new fence shall be properly maintained at all times, including the replacement of the 'screen-mesh and pole' should the material degrade such that an effective visual screen is no longer provided. Given that the proposed screening material represents a non-standard design with limited history on its performance, the City reserves the right to evaluate the screening integrity of the fence bi-annually and if it is determined that it no longer meets the requirements of the City Code of Ordinances, Article XII, Section 22-75(c) (1) and (2) and MRSA Title 30-A §3754-A it will need to be replaced.

**CITY OF LEWISTON
RENEWAL APPLICATION
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: 8/27/15

PUBLICATION FEE: \$25.00 LICENSE FEE: \$75.00

LICENSE EXPIRES: September 30, 2016

PUBLIC HEARING DATE: SEPTEMBER 15, 2015

NAME OF BUSINESS ReEnergy Lewiston LLC

BUSINESS ADDRESS 38 Alfred A Plourde Parkway

CITY/STATE Lewiston, Maine 04240

BUSINESS TELEPHONE (207) 783-2941

NAME OF OWNER(S) Re Energy Holdings LLC

CONTACT PERSON/GENERAL MANAGER JASON GRANT

HOME ADDRESS 38 Alfred A Plourde Parkway

CITY/STATE Lewiston, Maine 04240

HOME TELEPHONE (207) 500-1077

CITY & STATE REGULATIONS

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard 38 Alfred A Plourde Parkway Lewiston, Maine 04240
(Street address)

How is yard "screened" - Fence? (Type) 1) wood & pole
2) screen pole Height? 15+ feet

Trees? (Type) White Pine Embankment? Earth in Berm

Gully? _____ Hill? _____ Other? _____

How far is edge of "yard" from center of highway? 300 ft +

Can junk be seen from any part of highway? Yes _____ No X

Was junkyard law, requirements and fees explained to you?

Yes X No _____

When was last permit issued? _____

To whom? ReEnergy Lewiston, LLC

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

Applicant is a construction and demolition (C+D) and wood processing / Recycling Company and does not solicit or accept the materials listed above. It is the applicants intent to operate the facility in a manner consistent with the current license with exception of one additional condition - see

The undersigned certifies that all of the requirements listed below will be complied with: *Attached Article shown*

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY 

FOR ReEnergy Lewiston, LLC
(Name of Company, corporation, partnership or individual)

Lewiston Fire Department



Paul M. LeClair
Fire Chief

Bruce McKay
Assistant Chief



September 4, 2015

Kelly Brooks
Deputy City Clerk
City Clerk's Office
27 Pine St.
Lewiston, ME 04240

RE: ReEnergy Lewiston, LLC, 38 Alfred Plourde Parkway. Auto Graveyard / Junkyard 2015 Permit

Dear Kelly,

I have no issues or concerns regarding **ReEnergy Lewiston** located at **38 Alfred Plourde Parkway** at this time that prohibits the issuance of their city license.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Paul Ouellette'.

Paul Ouellette
Certified Fire Inspector / Certified Fire Investigator
Lewiston Fire Prevention Bureau

Paul / General Files / 2015 Letters / KTI Auto Graveyard / Junkyard 2015 Letter / Msw



POLICE DEPARTMENT

Michael Bussiere
Chief of Police



TO: Kelly J. Brooks, Deputy City Clerk
FROM: Lt. Adam D. Higgins, Lewiston PD
REF: Automobile Graveyard/Junkyard Permits (Renewals)
DATED: September 3, 2015

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

Re-Energy Lewiston LLC. 38 Alfred A. Plourde Pkwy

PUBLIC NOTICE

CITY OF LEWISTON

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on *Tuesday, September 15, 2015*, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine

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

PUBLISH ON: Tuesday, September 8, 2015



CITY OF LEWISTON

Planning & Code Enforcement



TO: City Clerks
FROM: David Hediger, City Planner
SUBJECT: Automobile Graveyard/Junkyard Permits
DATE: September 9, 2015

Planning and Code Enforcement staff has inspected the following property for renewal of their license with the following recommendations:

ReEnergy Lewiston. – 38 Alfred A Plourde Parkway: This facility is in substantial compliance with the City's requirements and it is recommended the license is granted.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Public Hearing and Final Passage for the conditional rezoning of the property at 111 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Downtown Residential (DR) District.

INFORMATION:

The Planning Board voted 7-0 to send a favorable recommendation to the City Council to conditionally rezone the property at 111 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Downtown Residential (DR) District, subject to the conditional rezoning agreement.

The property owner has submitted a petition to request a conditional rezoning of this property to allow the existing commercial building to be used for market rate multi-family housing.

Please see the enclosed memorandum from City Planner David Hediger for additional information as well as a site map and other background information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator supports the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve Final Passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 111 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Downtown Residential (DR) District, subject to a conditional agreement.



CITY OF LEWISTON

Department of Planning & Code Enforcement



**TO: City Council
Mayor**
FROM: David Hediger, City Planner
DATE: August 27, 2015
RE: Conditional Rezoning: 111 Webster Street

On August 24, 2015, the Planning Board voted unanimously (7-0) in support of petition submitted by Jamey Pittman to conditionally rezone the property at 111 Webster Street from the Neighborhood Conservation "A" (NCA) district to the Downtown Residential (DR) district to allow the existing commercial building to be used for market rate multi-family housing.

This property of approximately 0.29 acres consists of 3,440 +/- SF two-story structure last used as professional office space over two years ago. The property is located in the NCA district and is deemed abandoned and no longer allowed to be used as office space. Given the current zoning, the property and structure are limited to being used as a single family dwelling. The petitioner is requesting the property be conditionally rezoned to the DR district to allow for the use of this property and conversion of this structure into a multifamily structure for market rate dwellings. The proposed conditional rezoning is limited to allow for the creation of multifamily dwellings in addition to all the underlying uses currently allowed in the NCA district. No other uses allowed in the DR are proposed as part of the conditional rezoning.

With respect to the space and bulk standards, the applicant is proposing a split between the two districts and some modifications given the existing site conditions. The NCA provisions that will remain in place include minimum frontage and maximum height. The DR provisions to be included are minimum lot size, minimum net lot area per dwelling unit, minimum side and rear yard, and maximum impervious ratio. Modified provisions include front yard and setback (10' versus NCA 20' and DR none), and side and rear setback (5' versus 10' in the NCA and DR).

Short of demolishing the building, the petitioner believes converting this structure into market rate dwelling units is the best use of the property. The costs of either demolishing the structure to develop a single family home or converting the existing structure into a single family dwelling is primarily the reason the property has remained vacant and not redeveloped. The applicant believes the conditional rezoning will allow for the conversion of the existing structure into a use less intense than the previous allowed use as professional office space that could have operated at all hours generating much more traffic. In addition, 111 Webster Street may be developed with 10 units. However, due space and bulk requirements, parking limitations, and the layout of the structure, only eight units are being proposed. The density of the neighborhood within 1000' along Webster Street is approximately 2.8 units per lot (not including vacant lots) with some properties containing 10 and 11 units. The applicant believes eight units will be compatible with the existing neighborhood and potentially a less intense use than professional office space.



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director
MEMORANDUM



To: City Clerk's Office
City Council Members
Mayor Robert E. Macdonald

From: David Hediger

Date: August 27, 2015

Subject: Planning Board Action Conditional Rezoning of 111 Webster Street

The Planning Board took the following action at their meeting held on August 24, 2015 regarding 111 Webster Street.

The following motion was made:

MOTION: by **Walter Hill** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration based upon the proposal submitted by Stoneybrook Consultants, Inc. on behalf of Jamey Pittman to conditionally rezone the property at 111 Webster Street from the Neighborhood Conservation "A" (NCA) district to the Downtown Residential (DR) district allow the existing commercial building to be used for market rate multi-family housing. Second by **Pauline Gudas**.

VOTE: 7-0 (passed)

c: Ed Barrett, City Administrator
Planning Board Members



Stoneybrook Consultants, Inc.

456 Buckfield Road
Turner, Maine 04282
(207) 514-7491 voice
(207) 514-7492 fax

July 28, 2015

David Hediger, City Planner
Department of Planning & Code Enforcement
City of Lewiston
27 Pine Street
Lewiston, ME 04240-7201

Re: 111 Webster Street Apartments
Conditional Rezoning Request

Dear David:

On behalf of Jamey Pittman (Pittman), I have attached an original and two copies of a Petition to amend the City of Lewiston Zoning and Land Use Code to Conditionally Rezone property located at 111 Webster Street. The Petition and attachments explain our request to Conditionally Rezone the property to allow occupancy of market rate apartments in the existing building located on this property. The existing building was formerly occupied for commercial use for more than 52 years and that use has now been determined to have been abandoned.

The property is located in the Neighborhood Conservation "A" (NCA) district where commercial uses and multifamily use is not allowed. With this Petition, we are seeking to Conditionally Rezone the property to the Downtown Residential (DR) district. We have also attached a Comparison Chart, showing the changes proposed in the zoning requirements between these two districts, to support our request.

With this application, Pittman is also filing a Development Review Application seeking Subdivision and Development Review approvals for this request. Both applications are being submitted at the same time to help the Planning Board and City Council understand the full development plan for the property.

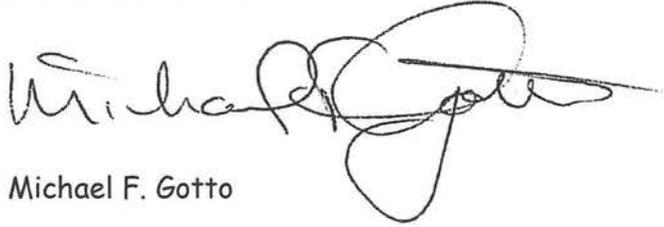
July 28, 2015
David Hediger
RE: 111 Webster Street
Page 2

The Petition has been signed by two abutting property owners and one tenant in a building abutting the property located at 111 Webster Street. We also have signatures from two abutting property owners to Pittman's Randall Road project and two current tenants of that same Randall Road project. In all, 20 signatures have been submitted for your verification.

We trust you will find this Petition acceptable for processing and we will plan to attend the next available meeting with the Planning Board or City Council to answer any additional questions you or they may have.

Respectfully Yours

STONEBROOK CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Michael F. Gotto", with a large, stylized flourish at the end.

Michael F. Gotto

cc: Jamey Pittman

Informational
Land Use Comparison Chart

Land Use Table: All Zoning Districts 6.27.14	Neighborhood Conservation "A" NCA	Downtown Residential DR
USES(15)(33)		
Accessory use or structure	P	P
Commercial-Service		
Veterinary facilities excluding kennel and humane societies		
Veterinary facilities including kennel and humane societies		
Small day care facilities	P(22)	P
Day care centers		P
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home park	C(22)	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services		P(9)
Restaurants		P(1)
Drinking Places		
Adult business establishments		
Hotels, motels, inns		C
Movie theaters except drive-in theaters		P
Places of indoor assembly, amusement or culture		
Art and crafts studios		P
Personal Services		P
Retail stores		P
Neighborhood retail stores		
Lumber and building materials dealer		
Gasoline service stations		
Gasoline service stations which are a part of and subordinate to a retail use		
New and used car dealers		
Recreational vehicle, mobile home dealers		
Equipment dealers and equipment repair		
Automotive Services including repair		
Registered dispensary (27)		

Registered primary caregivers engage in the cultivations of medical marijuana for two to five registered patients		
Tattoo Establishments		
Industrial		
Light industrial uses		
Industrial uses		
Building and construction contractors		
Fuel oil dealers and related facilities		
Wholesale sales, warehousing and distribution facilities and self-storage facilities		
Self-storage facilities		
Commercial solid waste disposal facilities		
Junkyards and auto graveyards		
Recycling and reprocessing facilities		
Private industrial/commercial developments (23)		
Transportation		
Airports or heliports		
Commercial parking facilities		€
Transit and ground transportation facilities		
Transportation facilities		
Public and Utility		
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C
Municipal buildings and facilities	C	P
Preservation of historic areas; emergency fire protection activities; bridges and public roadway		
Dams		
Institutional		
Religious facilities	P	P
Cemeteries	P	

Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities		P
Hospitals, medical clinics		E
Museums, libraries, and non-profit art galleries and theaters		P
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses together with buildings accessory to the foregoing permitted principal buildings or structures		P
Civil and social organizations		
Public community meeting and civic function buildings including auditoriums		P
Residential (8)		
Single-family detached dwellings on individual residential lots	P	P(11)
Mobile homes on individual residential lots		
Two-family dwellings	P(37)	P(11)
Multifamily dwellings in accordance with the standards of Article XIII		P(11)
Single-family attached dwelling in accordance with the standards of Article XIII		P(11)
Mixed single-family residential developments in accordance with the standards of Article XIII		
Mixed residential developments in accordance with the standards of Article XIII		
Mixed use structures		P(11)
Lodging houses		P(11)
Home occupations	P	P
Bed and breakfast establishments as a home occupation	P	P
In-law apartments in accordance with the standards of Article XIII	P	P
Single-family cluster development		
Family day care home	P	P
Shelters		E
Natural Resource		

Agriculture		
Farm stands		
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	
Earth material removal		
Community gardens (20)	P	P
Water dependent uses, e.g. docks and marinas		
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet		
Recreation		
Campgrounds		
Public or private facilities for nonintensive outdoor recreation	C	C
Commercial outdoor recreation and drive-in theaters		
Fitness and recreational sports centers as listed under NAICS Code 713940		

Informational
Space and Bulk Comparison Chart

Space and Bulk Table: All Zoning Districts 12.18.12			
Dimensional Requirements	Neighborhood Conservation "A" NCA	Downtown Residential DR	Proposed Conditional Downtown Residential DR
Minimum lot size with public sewer			
Single family detached	7,500 s.f.		
Two-family dwellings	12,500 s.f.		
Single family cluster development	5 acres		
Multifamily dwellings			
Veterinary facilities	20,000 s.f.		
Other uses	20,000 s.f.		
All permitted uses		5,000 s.f.	5,000 s.f.
Minimum lot size without public sewer			
Single family detached	20,000 s.f.		
Two-family dwellings	20,000 s.f.		
Single family cluster development	5 acres		
Multifamily dwellings			
Veterinary facilities	40,000 s.f.		

Other uses	40,000 s.f.		
Minimum net lot area per du with public sewer			
Two-family dwellings	5,000 s.f.		
Multifamily dwellings			
All permitted uses		1,250 s.f.	1,250 s.f.
Minimum net lot area per du without public sewer			
Two-family dwellings	5,000 s.f.		
Minimum frontage			
Single family detached, mobile homes	75 ft.		
Two-family dwellings	125 ft.		
Single family cluster development (with multiple vehicular access)	200 ft. (50 ft.)		
Multifamily dwellings (with multiple vehicular access)			
Religious facilities	125 ft.		
Other uses	125 ft.		
All permitted uses		50 ft.	75 ft.
Minimum front setback			
Single family detached, mobile homes on individual lots	20 ft. (21,22)		
Two-family dwellings	20 ft. (21,22)		
Single family cluster development	50 ft.		
Multifamily dwellings			
Religious facilities	20 ft. (21,22)		
Other uses	20 ft. (21,22)		
All permitted uses		None (22)	10 ft.
Minimum front yard			
Single family detached, mobile homes on individual lots	15 ft. (21)		
Two-family dwellings	15 ft. (21)		
Single family cluster development	50 ft.		
Multifamily dwellings			
Religious facilities	20 ft. (21)		
Other uses	20 ft. (21)		
All permitted uses		None (22)	10 ft.
Minimum side and rear setback			
Single family detached, mobile homes on individual lots	10 ft.		
Two-family dwellings	10 ft.		
Single family cluster development	30 ft.		
Multifamily dwellings			
Religious facilities	30 ft.		
Other uses	30 ft.		
All permitted uses		10 ft.	5 ft.
Minimum side and rear yard			
Single family detached, mobile homes on individual lots	10 ft.		
Two-family dwellings	10 ft.		
Single family cluster development	30 ft.		

Multifamily dwellings			
Religious facilities	30 ft. (16)		
Other uses	30 ft. (16)		
All permitted uses		10 ft. required on one side	10 ft. required on one side
Maximum height			
Other permitted uses	35 ft.	60 ft.	35 ft.
Ratios			
Maximum lot coverage	0.40		
Maximum impervious coverage		0.75	0.75

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

Pursuant to Appendix A, Article XVII, Section 5 - Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to conditionally rezone a portion of the property at 111 Webster Street from the Neighborhood Conservation (NCA) zoning district to the Downtown Residential (DR) zoning district as described in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		David Fossard	82 Jean St Lewiston	6/30
2		Paul Melanson	121 Webster St. Lew.	6/30
3		Marc Frenette	11 Big Dan's Way, Lew	6/30
4		Lindsey Leavitt	99 Webster St	6/30
5		MARC BUIS	353 RANDALL RD	6/30
6		Adam Blais	353 Randall Rd	6/30
7		marc R. Beaulieu	42 Ashmount Street	6/30
8		Jayne Bilodeau	29 Nob Hill Ave.	6/30
9		Mike Bilodeau	79 Nob Hill Ave.	6/30
10		ROBERT D. BOFF	30 Nob Hill Ave	6/30
11		RACHEL BOFF	30 Nob Hill Ave	6/30
12		MARC J. Frenette	27 Nob Hill Ave	6/30
13		Barbara L. Caron	350 Randall Rd ³⁻⁴	6/30
14		Sidney J. Wilder	350 Randall Rd ⁴⁻²	6/30
15		PAULINE WILDER	350 Randall ⁴⁻²	6/30
16		ROGER THOMAS	350- RANDALL RD ⁵⁻⁴	6/30
17		TALISE RICHARD	351 Randall Rd	6/30
18		James P Duquette	263 Russell St.	6-30
19		Deanna Duquette	263 Russell Sr.	6-30
20		ROGER BARD	103 WEBBER AVE 7-1	

CIRCULATOR'S VERIFICATION

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


Signature of Circulator

JAMEY PITTMAN
Printed Name of Circulator

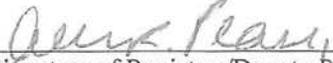
7/1/15
Date

REGISTRAR'S CERTIFICATION

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

Total Valid: 19

Total Invalid: 1


Signature of Registrar/Deputy Registrar

Date: 7/29/15

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

THE CITY OF LEWISTON HEREBY ORDAINS:

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

APPENDIX A ZONING AND LAND USE CODE ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Sec. 1. Zoning Map

The "Official Zoning Map, City of Lewiston," adopted pursuant to this Section, is hereby amended by conditionally rezoning the parcel more fully described in Exhibit "A" attached hereto, and as shown on Exhibit "B," said parcel being located at 111 Webster Street, Lewiston, Maine, from the Neighborhood Conservation "A" (NCA) zoning district to the Downtown Residential (DR) zoning district.

REASONS FOR THE PROPOSED AMENDMENT

The reason for the proposed conditional rezoning of 111 Webster Street is to allow the existing commercial building on this property to be used for market rate multifamily housing. This site has been used commercially for 52 years. The proposed change would remove any future commercial use of the existing structure and allow that structure to be converted to market rate multifamily housing units. The conditional zoning request would reinforce residential uses in this residential neighborhood. Specifically, proponent would like to have the property, which is currently zoned for the Neighborhood Conservation "A" (NCA) zoning district, conditionally rezoned to the Downtown Residential (DR) zoning district to allow for the creation and establishment of market rate multifamily dwellings in addition to those uses currently allowed in the NCA and adjust density requirements to support redevelopment of this property for market rate multifamily use.

CONFORMANCE WITH COMPREHENSIVE PLAN

1. Encourage and promote safe, affordable, decent housing opportunities for all Lewiston citizens (Housing Goal #1, Page 69).
2. Continue to allow a wide variety of housing types in all appropriate zones within the City (Housing - Strategy H, Page 71).
3. Encourage orderly growth and development in appropriate areas of the City, while protecting the City's rural character, making efficient use of public services and preventing development sprawl (Land Use Goal #1, page 123).

4. A sustainable community provides housing opportunities for all residents (Long Range Planning – Sustainable Communities, Page 130).
5. Provide incentives for adaptive reuse of building or infill construction (Long Range Planning Policy #3, Strategy A, page 134).
6. 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, page 135).

CONDITIONAL REZONING AGREEMENT

The proponent requests that the official zoning map for the City be amended by deleting the subject property from the Neighborhood Conservation “A” (NCA) zoning district and conditionally rezoning the subject premises to the Downtown Residential (DR) zoning district, subject to the limitations more fully described below.

In compliance with the provisions of the Code, Article XVII, Section 5(g), the proponent hereby proposes the following conditions:

1. Land Use Table:

Allowed uses of the property shall include those uses which are presently permitted in the NCA district, and multifamily dwellings as a permitted use in the DR zoning district, as listed below and subject to the conditions contained herein.

Land Use Table: All Zoning Districts	Conditional Rezoning (DR) 111 Webster Street
USES(15)(33)	
Accessory use or structure	P
Commercial-Service	
Veterinary facilities excluding kennel and humane societies	
Veterinary facilities including kennel and humane societies	
Small day care facilities	P(22)
Day care centers	

Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home park	C(22)
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	
Restaurants	
Drinking Places	
Adult business establishments	
Hotels, motels, inns	
Movie theaters except drive-in theaters	
Places of indoor assembly, amusement or culture	
Art and crafts studios	
Personal Services	
Retail stores	
Neighborhood retail stores	
Lumber and building materials dealer	
Gasoline service stations	
Gasoline service stations which are a part of and subordinate to a retail use	
New and used car dealers	
Recreational vehicle, mobile home dealers	
Equipment dealers and equipment repair	
Automotive Services including repair	
Registered dispensary (27)	
Registered primary caregivers engage in the cultivations of medical marijuana for two to five registered patients	
Tattoo Establishments	
Industrial	
Light industrial uses	
Industrial uses	
Building and construction contractors	
Fuel oil dealers and related facilities	
Wholesale sales, warehousing and distribution facilities and self-storage facilities	
Self-storage facilities	
Commercial solid waste disposal facilities	

Junkyards and auto graveyards	
Recycling and reprocessing facilities	
Private industrial/commercial developments (23)	
Transportation	
Airports or heliports	
Commercial parking facilities	
Transit and ground transportation facilities	
Transportation facilities	
Public and Utility	
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C
Municipal buildings and facilities	C
Preservation of historic areas; emergency fire protection activities; bridges and public roadway	
Dams	
Institutional	
Religious facilities	P
Cemeteries	P
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	
Hospitals, medical clinics	
Museums, libraries, and non-profit art galleries and theaters	
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses together with buildings accessory to the foregoing permitted principal buildings or structures	
Civil and social organizations	

Public community meeting and civic function buildings including auditoriums	
Residential (8)	
Single-family detached dwellings on individual residential lots	P
Mobile homes on individual residential lots	
Two-family dwellings	P(37)
Multifamily dwellings in accordance with the standards of Article XIII	P(11)
Single-family attached dwelling in accordance with the standards of Article XIII	
Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed residential developments in accordance with the standards of Article XIII	
Mixed use structures	
Lodging houses	
Home occupations	P
Bed and breakfast establishments as a home occupation	P
In-law apartments in accordance with the standards of Article XIII	P
Single-family cluster development	
Family day care home	P
Shelters	
Natural Resource	
Agriculture	
Farm stands	
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P
Earth material removal	
Community gardens (20)	P
Water dependent uses, e.g. docks and marinas	
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet	

Recreation	
Campgrounds	
Public or private facilities for nonintensive outdoor recreation	C
Commercial outdoor recreation and drive-in theaters	
Fitness and recreational sports centers as listed under NAICS Code 713940	

Applicable footnotes:

- (11) All new residential construction shall comply with the design standards of Article XII Sec. 22.
- (22) Accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.
- (37) A parcel may be developed with a two-family dwelling, only if both of the following criteria are met:
 - a. More than 50 percent of the impacted properties that are developed contain residential structures with two or more dwelling units; and
 - b. More than 50 percent of the adjoining properties that are developed contain residential structures with two or more dwelling units.

An existing single-family dwelling may be converted to a two-family dwelling only if both of the following criteria are met:

 - a. Forty percent or more of the impacted properties that are developed contain residential structures with two or more dwelling units; and
 - b. Forty percent or more of the adjoining properties that are developed contain residential structures with two or more dwelling units.

2. Space and Bulk Table:

Allowed space and bulk standards on the property shall include those standards which are presently permitted in the NCA and DR zoning district as modified and listed below, subject to the conditions contained herein.

Dimensional Requirements	Downtown Residential DR
Minimum lot size with public sewer	
Single family detached	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Veterinary facilities	
Other uses	
All permitted uses	5,000 s.f.

Minimum lot size without public sewer	
Single family detached	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Veterinary facilities	
Other uses	
Minimum net lot area per du with public sewer	
Two-family dwellings	
Multifamily dwellings	
All permitted uses	1,250 s.f.
Minimum net lot area per du without public sewer	
Two-family dwellings	
Minimum frontage	
Single family detached, mobile homes	
Two-family dwellings	
Single family cluster development (with multiple vehicular access)	
Multifamily dwellings (with multiple vehicular access)	
Religious facilities	
Other uses	
All permitted uses	75 ft.
Minimum front setback	
Single family detached, mobile homes on individual lots	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Religious facilities	
Other uses	
All permitted uses	10 ft.
Minimum front yard	
Single family detached, mobile homes on individual lots	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Religious facilities	
Other uses	
All permitted uses	10 ft.
Minimum side and rear setback	
Single family detached, mobile homes on individual lots	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Religious facilities	
Other uses	
All permitted uses	5 ft.
Minimum side and rear yard	

Single family detached, mobile homes on individual lots	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Religious facilities	
Other uses	
All permitted uses	10 ft. required on one side
Maximum height	
Other permitted uses	35 ft.
Ratios	
Maximum lot coverage	
Maximum impervious coverage	0.75

3. Notwithstanding the provisions under article XI, sections 1 through 14, district regulations, with respect to space and bulk standards for setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height, modifications of these standards may be granted pursuant to Article V, Section 3(v) and Article IX, subsections 3(9) through (11) if met and satisfied.

4. Violations of any of the conditions herein will constitute a violation of the Code.

5. The conditions described herein shall bind the proponent, its successors and assigns, and any person in possession or occupant of the subject premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.

6. The proponent shall, at his own expense, record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of this proposal by the City. Such form of recording is to be in a form satisfactory to the City.

7. The conditions described herein shall run with the subject premises.

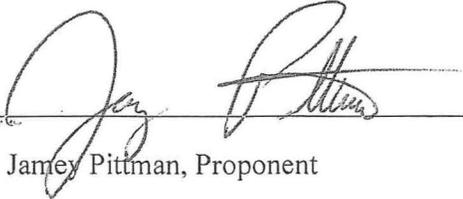
8. In addition to other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession of use of the subject premises fails or refuses to comply with any of the conditions imposed, any rezoning approved by the City in accordance with the conditions shall be of no force or effect. In that event, any use of the subject premises and any building or structures developed pursuant to the rezoning shall be immediately abated and brought into compliance with all applicable provisions of the Code with the same effect as if the rezoning had never occurred.

9. If any of the conditions are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions.

10. Any rezoning approved by the City conditionally shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.

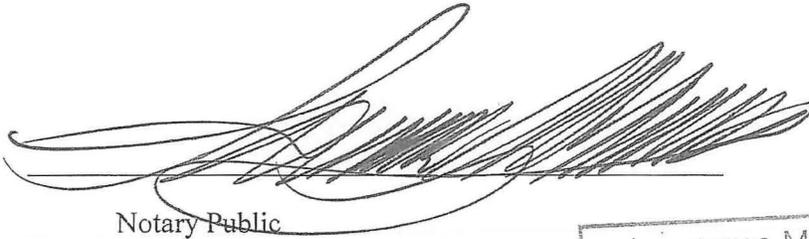
11. Any allowed proposed use, addition, or expansion of the property deemed applicable to Article XIII, Section 2 of the Zoning and Land Use Code shall be subject to the applicable sections of Article XIII of the Zoning and Land Use Code, Development Review and Standards.

12. By submitting this proposal, the proponent agrees in writing to the conditions described herein.



Jamey Pittman, Proponent

On July 28th, 2015, personally appeared the above named Jamey Pittman and acknowledged the foregoing to be of his free act and deed.



Notary Public

My Commission Expires:

Lawrence M. Moreau
Notary Public - State of Maine
My Commission Expires
January 29, 2018

Quitclaim Deed

The Rama Fund, LLC of 26901 Agoura Road, Suite 250, Calabasas Hills, California 91301 (hereafter the "Grantor"), for consideration paid, releases to Jamey Pittman of 30 Taywood Road, Auburn, Androscoggin County, Maine, all of Grantor's right, title and interest in and to a certain lot or parcel of land, with the buildings thereon, situated in Lewiston, Androscoggin County, Maine, bounded and described as follows:

Commencing at a point on the southwesterly line of Webster Street two hundred fifty (250) feet southeasterly from the most easterly corner of land conveyed by Franklin Company to Dennis W. Cronin and Mary G. Cronin by deed numbered 1144, dated October 31, 1901, said point being the most easterly corner of land conveyed by said Franklin Company to Alice Messier by deed numbered 1639, dated November 30, 1923; thence southeasterly by the southwesterly line of said Webster Street one hundred (100) feet; thence southwesterly at a right angle one hundred twenty-seven and five tenths (127.5) feet; thence northwesterly at a right angle one hundred (100) feet to land of Alice Messier; thence northeasterly by the southeasterly line of said Messier land one hundred twenty-seven and five tenths (127.5) feet to Webster Street and the point of beginning.

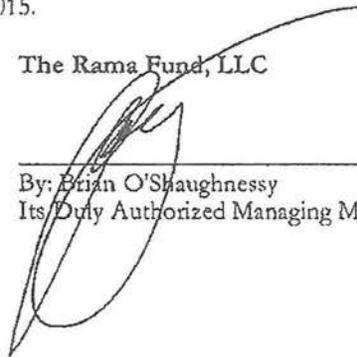
Title to the above described premises was not searched and the above description was not verified by the preparer of this instrument.

Being the same premises described in a deed from The Rama Fund, LLC to The Rama Fund, LLC dated June 29, 2012 recorded in the Androscoggin County Registry of Deeds in Book 8507, Page 192.

In Witness Whereof, the Grantor has set its hand and seal by and through Brian O'Shaughnessy, its Managing Member, on this 19 day of ~~April~~ ^{MAY}, 2015.

MAINE REAL ESTATE
TRANSFER TAX PAID

Witness 

The Rama Fund, LLC

By: Brian O'Shaughnessy
Its Duty Authorized Managing Member

State of California
Los Angeles County, SS.

~~April~~ May 19, 2015

Then personally appeared the above-named Brian O'Shaughnessy, duly authorized managing Member of **The Rama Fund, LLC** and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of **The Rama Fund, LLC**.

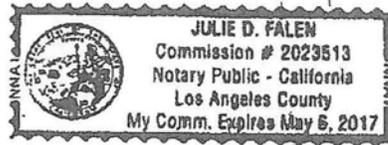
Before me,



Notary Public

Print Name: Julie D. Falen

Commission Expires: May 6, 2017



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

On May 19, 2015 before me, Julie D. Falen
(insert name and title of the officer)

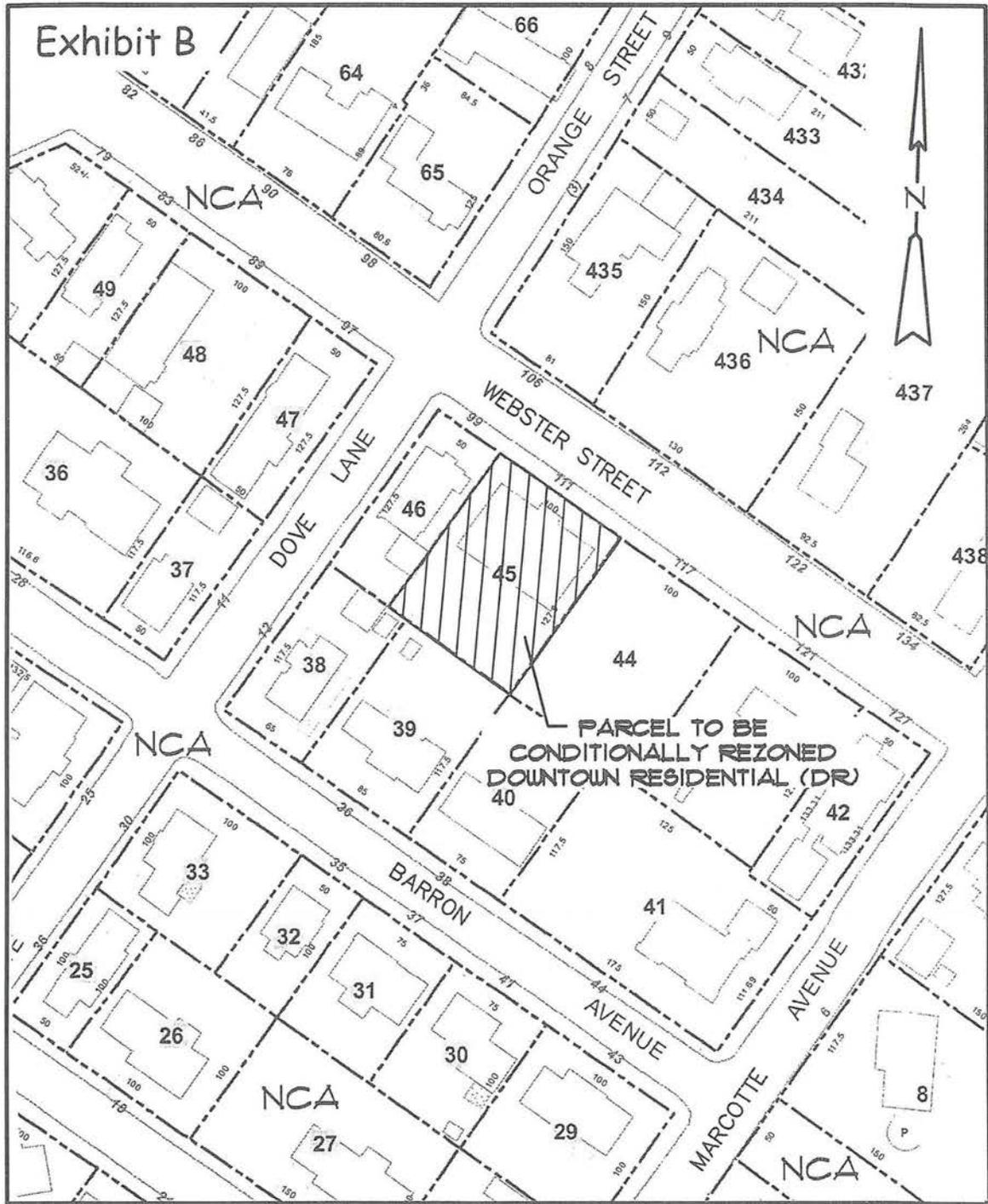
personally appeared Brian O'Shaneessy
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/het/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature] (Seal)



PROPOSED ZONING MAP AMENDMENT

111 WEBSTER STREET - LEWISTON, MAINE

OWNER: JAMEY PITTMAN

SCALE: 1" = 100'

DATE OF GRAPHIC: APRIL 27, 2015

SOURCE: CITY OF LEWISTON TAX MAP 174

PUBLICATION DATE: 2014

Stoneybrook
Consultants, Inc.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Condemnation Hearing for the building located at 20 Mason Street.

INFORMATION:

The City has begun the process for condemnation of the property at 20 Mason 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.

EAIB/kmm

REQUESTED ACTION:

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

1) To conduct a hearing to determine if the building located at 20 Mason Street has meet 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 20 Mason 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: September 15, 2015
RE: Dangerous Building Hearing for 20 Mason Street

Dear Mayor and City Council,

At the Council meeting on September 15, 2015, the Planning Department will be presenting evidence as to why 20 Mason 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:

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

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
SEPTEMBER 15, 2015
DANGEROUS BUILDINGS HEARING
20 MASON STREET
CITY OF LEWISTON PLANNING DEPARTMENT EXHIBITS

OWNERSHIP DOCUMENTS

02451

WARRANTY DEED

MORRIS C. GIRARD and ANNE M. GIRARD of Sabattus, County of Androscoggin and State of Maine for consideration paid, grant to SANDRA L. QUAY of Lewiston, County of Androscoggin and State of Maine, with WARRANTY COVENANTS, the land together with buildings thereon situated in Lewiston, County of Androscoggin and State of Maine, bounded and described as follows:

THREE (3) CERTAIN LOTS OR PARCELS of land, together with the buildings thereon, situated in Lewiston, County of Androscoggin, State of Maine, bounded and described as follows:

LOTS THREE HUNDRED SEVENTY-NINE (379) THROUGH THREE HUNDRED EIGHTY-ONE (381) INCLUSIVE on a certain plan recorded in the Androscoggin County Registry of Deeds in Book of Plans, Volume 2, Page 66, to which plan and the record thereof reference may be had for a more particular description of the premises hereby conveyed.

ALSO HEREBY CONVEYING all rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

BEING THE SAME PREMISES CONVEYED to Morris C. Girard and Anne M. Girard by Warranty Deed from Harry D. Lilley, Jr. and Janette C. Lilley dated March 27, 1979, recorded in the Androscoggin County Registry of Deeds in Book 1394, Page 59.

Witness our hands and seals this 14th day of February, 1997.

MAINE REAL ESTATE
TRANSFER TAX PAID

[Signature]
[Signature]

Morris C. Girard
Morris C. Girard
Anne M. Girard
Anne M. Girard

STATE OF MAINE
Androscoggin, ss.

February 14, 1997

Then personally appeared the above named Morris C. Girard and Anne M. Girard and acknowledged the foregoing instrument to be their free act and deed.

Before me, *[Signature]*
Notary Public
Printed name: *M. W. SCHUBERT, JR.*

UNCKERT,
PHILBRON,
& CROUCH, P.A.
ATTORNEYS AT LAW
178 COLONY STREET
LEWISTON, MAINE 04203

RECEIVED
ANDROSCOGGIN, S.S.

97 FEB 18 AM 9:43

NOTARY
[Signature]
NOTARY PUBLIC



**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

Countrywide Bank
c/o Bank of America, NA
100 Middle Street, Suite 329
Portland, Maine 04101

Pennymac Loan Services, LLC
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

Sandra L. Guay

20 MASON STREET, LEWISTON, MAINE

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

September 15, 2015
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 20 Mason Street, Lewiston, Maine, located on Lot 145 on Tax Map 91, 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: August 17, 2015


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

August 17, 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

TINA M. CHOUINARD, REGISTER
ANDROSCOGGIN COUNTY MAINE E-RECORDED
20 Mason St. 000002

ERICA L. SOLET
Notary Public, Maine
My Commission Expires October 5, 2016





CUMBERLAND COUNTY SHERIFF'S OFFICE
CIVIL DIVISION

RETURN OF SERVICE

STATE OF MAINE
CUMBERLAND COUNTY, ss.

DATE OF SERVICE 8-18-15

I have this day made service of the NOTICE of Hearing

by serving the within named Countrywide Bank
by delivery a copy to _____
a person of suitable age and discretion then residing at persons usual place of abode.
by delivering a copy to Bank of America % Anna Spitzinger
An agent authorized by appointment or by law to receive service of process. Admin. Asst

The said process was served this day at _____

Sammy J. Rinaldi
Deputy Sheriff

Service:

Travel, _____ miles	\$ <u>16 00</u>
Postage	\$ <u>8 40</u>
Administrative Fee	\$ <u>5 00</u>
Amount	\$ <u>30.00</u>



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

Countrywide Bank
c/o Bank of America, NA
100 Middle Street, Suite 329
Portland, Maine 04101

Pennymac Loan Services, LLC
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

Sandra L. Guay

20 MASON STREET, LEWISTON, MAINE

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

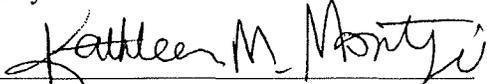
September 15, 2015
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

August 17, 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

Return

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

**NOTICE OF HEARING
20 MASON STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.**

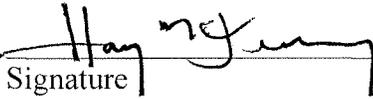
On AUG 18 2015, ~~2015~~ (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same to CT Corporation Systems as Registered Agent for Pennymac Loan Services, LLC, at the following address:

Pennymac Loan Services, LLC
c/o CT Corporation System
1536 Main Street
Readfield, ME 04355

Costs of Service:

Service: \$ _____
Travel: \$ _____
Postage: \$ _____
Other: \$ _____

TOTAL: \$ _____


Signature _____
HARRY MCKENNEY
Chief Civil Deputy
Agency KENNEBEC COUNTY
SHERIFF'S OFFICE



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

Countrywide Bank
c/o Bank of America, NA
100 Middle Street, Suite 329
Portland, Maine 04101

Pennymac Loan Services, LLC
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

Sandra L. Guay

20 MASON STREET, LEWISTON, MAINE

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

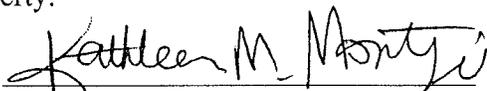
September 15, 2015
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 20 Mason Street, Lewiston, Maine, located on Lot 145 on Tax Map 91, 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: August 17, 2015


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

August 17, 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



Androscoggin County Sheriff's Department

2 Turner St. Unit 9
Auburn, ME 04210
207-753-2500

Eric G. Samson
Sheriff

William Gagne
Chief Deputy

Diligent Search

Date: August 21, 2015
ASO Control #: 15ASO-4528-CP
City of Lewiston vs Sandra Guay
145 Lisbon St #701
Lewiston, ME 04240

To Whom It May Concern:

I, Deputy Jason R. Chaloux, attempted to serve the above named defendant at 145 Lisbon St #701 Lewiston, ME and have been unsuccessful at that address. That is the correct address however I could not ever catch that business open. I have been there both in the morning and afternoons and the office was never open. I have left messages on Sandra's cell phone and she has never called me back. The phone number of 207-577-6172 is a good working number for Sandra. I then searched the Bureau of Motor Vehicles and she has not updated any of her new information at this time. I then searched our police data base and she has not had any recent police contact.

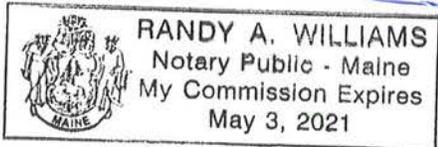
Sincerely, 

Deputy Jason R Chaloux
Androscoggin County Sheriff's Department
2 Turner St.
Auburn, Me 04282
(207) 753-2500 ext 1844
(207) 576-3264 (cell)

Fees:	
Diligent Search:	\$14.00
Travel:	\$3.52
Postage:	\$1.00
CPC:	\$2.00
Total:	\$20.52

Subscribed and sworn to me this 25 day of August 2015

Notary Public 



Hold for Sun Journal Affidavit



CITY
CORRESPONDENCE

CITY OF LEWISTON
PLANNING & CODE
ENFORCEMENT

FILE COPY

June 12, 2015

Sandra Guay
20 Mason Street
Lewiston, ME. 04240

RE: 20 Mason Street

Dear Ms. Guay:

On or about April 12, 2015, the single-family dwelling on the above referenced property was damaged by fire. The building is unsafe for use and an attractive nuisance which is a violation of Chapter 18, Section 18-51, subsection 108.1.5 (7) and (9) of the Code of Ordinances of the City of Lewiston (hereafter the Code); therefore, the building is deemed to be uninhabitable and is hereby condemned in accordance with Chapter 18, Section 18-51, subsection 108.2 of the Code. In addition, the adjacent garage is structurally unsound and also in violation of Chapter 18, Section 18-51, subsection 108.1.5 (5) and (7) of the Code.

Therefore, in accordance with Chapter 18, Section 18-51, subsections 107 and 108.2 of the Code, you are hereby ordered to repair or demolish the house and garage by July 15, 2015. This office will placard the building as unsafe and uninhabitable in accordance with Chapter 18, Section 18-51, subsection 108.4 of the 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 abatement of the violations or if you have any questions regarding this matter.

In the event that you do not abate the violation(s) by the specified date(s) this office may issue a citation pursuant to Chapter 50, Article II, Sections 50-36 through 50-51 of the aforementioned Code of Ordinances. Said citation shall require you to pay a penalty of one hundred dollars and ten (\$110.00) for the first citation and will order you to abate the violation(s) at issue. In the event that you do not comply with the first citation, additional

Telephone: 207-513-3125, ext. 3225 Fax: 207-795-5071
e-mail: gcampbell@lewistonmaine.gov

C:\Users\gcampbell\Word Documents\FIRE\20mason.docx

20 Mason St. 000012



15

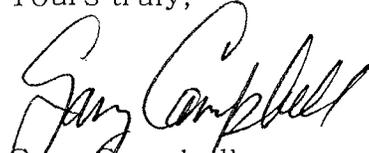
citations may be issued. The second citation imposes a civil penalty of two hundred dollars and twenty-five (\$225.00), the third - four hundred dollars and twenty-five (\$425.00), the fourth and subsequent citations - eight hundred dollars and fifty (\$850.00), and penalties are cumulative. In the future, if the specific violation is repeated, you are not entitled to receive any further notification and this office may serve you with a citation.

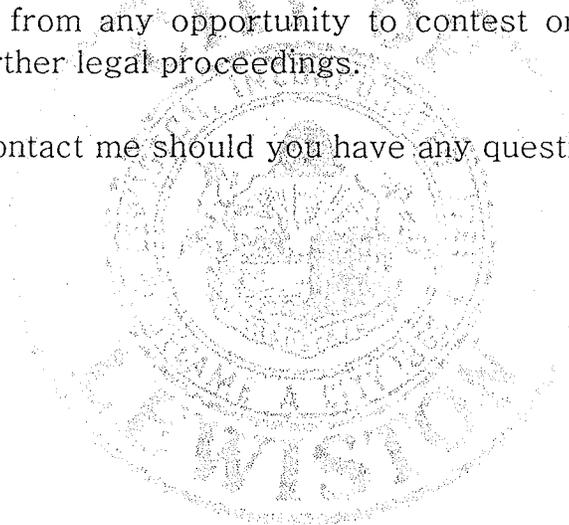
In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. §4452 et seq. as amended. A judgement from such a lawsuit in the City's favor can result in a court order that any violations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

Please do not hesitate to contact me should you have any questions regarding this matter.

Yours truly,


Gary Campbell
Building Inspector



CITY OF LEWISTON

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

27 Pine St, Lewiston, ME. 04240

207- 513-3125

20 Mason Street

CONDEMNED

AS UNFIT FOR HUMAN OCCUPANCY OR USE

PURSUANT TO THE ORDER DATED **June 12, 2015** BY **Gary Campbell, Building Inspector**

Pursuant to: CHAPTER 18, SECTIONS 18-51 AND 18-52, SECTIONS 104.5 and 108 OF THE CODE OF ORDINANCES OF
THE CITY OF LEWISTON

OFFICIAL NOTICE—DO NOT REMOVE

REMOVAL OF PLACARD: THE CODE OFFICIAL SHALL REMOVE THE CONDEMNATION PLACARD WHENEVER THE DEFECTS UPON WHICH THE CONDEMNATION AND PLACARDING ACTION WERE BASED HAVE BEEN ELIMINATED. ANY PERSON WHO DEFACES OR REMOVES A CONDEMNATION PLACARD WITHOUT APPROVAL OF THE CODE OFFICIAL SHALL BE SUBJECT TO THE PENALTIES PROVIDED BY THIS CODE.

POSTED BY:

Gary Campbell
Gary Campbell

DATE/TIME *6-12-15*

2:30 PM

TELEPHONE: 207-513-3125 ext 3225

PHOTOGRAPHS

20 Mason Avenue

Photos taken August 13, 2015. Front view of the building showing boarded window and door with over grown vegetation constituting blight.



Photo # 2 shows the collapsing and unstable garage creating hazardous conditions, debris and a vehicle.



Photo # 3 shows debris and a severely deteriorated deck lacking the required guardrails per code..



Photo # 4 shows broken windows with shattered glass creating hazardous conditions.



Photo # 5 shows fire debris, fire damaged siding and buckets containing potentially hazardous chemicals.

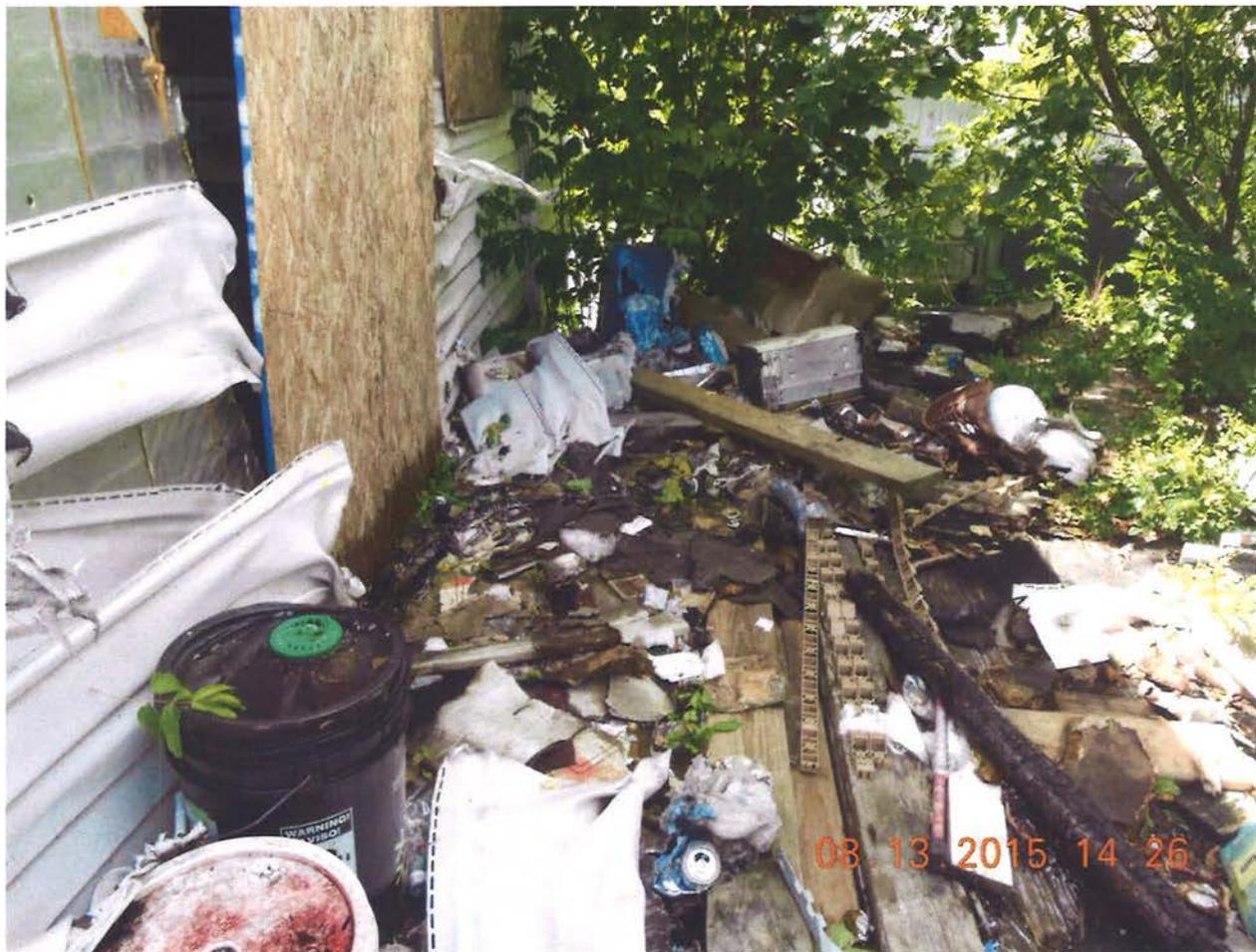


Photo # 6 shows the remnants of a swimming pool, debris and the dangerous condition of the deck.



Photo # 7 shows the fire damaged interior, damaged electrical system, exposed insulation and debris consisting of rotting food creating hazardous and unsanitary conditions. Entry into the structure was not made due to the health hazards presented by the unsanitary conditions.



Photo # 8 shows another view of the fire damaged interior with collapsed interior finish materials and debris.



Photo # 9 shows fire damaged siding and boarded openings.



Photo # 10 shows another view of the vehicle being unregistered since September of 2009.



LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Resolve Accepting Public Easements to a portion of Beaumont Lane.

INFORMATION:

Beaumont Lane is a private drive off of Old Chadbourne Road. The drive was constructed years ago and does not meet City specifications for a publically owned street. Lots abutting this drive are nonconforming in that they do not have the required road frontage. This has created a problem for a family member who would like to construct a new home on family land in this area. The issue can be rectified by accepting a public easement for portions of the drive. 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.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve accepting public easements to a portion of Beaumont Lane.



COUNCIL RESOLVE

Resolve, Accepting Public Easements to a Portion of Beaumont Lane.

Whereas, Beaumont Lane is a private drive off Old Chadbourne Road providing access to properties at 26 and 99 Beaumont Lane; and

Whereas, the drive was constructed by Roger Beaulieu's family years ago, does not meet the City's standards for a publicly owned street, and has been maintained as a private drive; and

Whereas, neither of the properties served by Beaumont Lane have frontage on a public way, a requirement of our City Code; and

Whereas, this recently created an issue when Roger Beaulieu tried to allow his son to build a home on the property; and

Whereas, staff has worked closely with the owners of both properties served by Beaumont Lane to arrive at a solution, accepting a portion of Beaumont Lane as a public easement, that would allow a new home to be constructed while protecting the City's interests; and

Whereas, the proposed easement language contains the necessary stipulations to ensure that only limited development takes place and that the City will not be responsible for any maintenance or improvement of the public easement;

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

Public easements, as described on the attached legal descriptions, are hereby accepted on Beaumont Lane, subject to certain restrictions and stipulations, for purposes of bringing the properties served by this Lane into conformity with the City's Code requirements and to allow limited additional residential development on these properties.

August 31, 2015

Legal Description of Public Easement from Mack Beaulieu for Beaumont Lane

A Public Easement on land now or formerly of, Mack Beaulieu as described in a deed recorded at the Androscoggin County Registry of Deeds, Book 8817, Page 169; beginning at the Southeasterly line of Muriel Yolande Montreuil as recorded at the Androscoggin County Registry of Deeds, Book 7982, Page 329 and extending in a southerly direction approximately one hundred fifty (150) feet on land of Beaulieu. The aforesaid easement is a hammerhead turnaround on a parcel of land owned by said Beaulieu

The Public Easement is shown on a plan to be recorded at the Androscoggin County Registry of Deeds.

August 31, 2015

Legal Description of Public Easement from Muriel Yolande Montreuil for Beaumont Lane

A Public Easement across land n/f of Muriel Yolande Montreuil as recorded at the Androscoggin County Registry of Deeds, Book 7982, Page 329; beginning at the Southeasterly line of Old Chadbourne Road and extending across land of Montreuil to the southeasterly line of said Montreuil land.

The Public Easement is shown a plan to be recorded at the Androscoggin County Registry of Deeds.

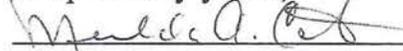
Mr. David Jones
c/o Public Works Department
103 Adams Avenue
Lewiston, Maine 04240

RE: Public Easement Request

Dear Mr. Jones;

Please accept this letter as our formal request that a Public Easement be established across our property for purposes of accessing two (2) house lots, (the existing house lot and one additional future lot), and that I acknowledge that this Public Easement will provide frontage and access for no more than two (2) house lots on our property, as shown on a Plan entitled "Partial Boundary Survey, A Public Easement, Beaumont Lane", dated August 10, 2015.

Respectfully yours,



Merilda A. Cote



Kathy Carney

Dated August 29, 2015

STATE OF MAINE
ANDROSCOGGIN COUNTY

Personally appeared before me the **Merilda A. Cote, Personal Representative of the Estate of Muriel Yolande Montreuil and Kathy Carney** acknowledged the foregoing to be our free act and deed.

Before Me,



GEORGE S. BOUCHLES
Notary Public, State of Maine
My Comm. Expires July 3, 2016

Notary Public

Printed Name: George S. Bouchles

My Commission Expires: July 3, 2016

Mr. David Jones
c/o Public Works Department
103 Adams Avenue
Lewiston, Maine 04240

RE: Public Easement Request

Dear Mr. Jones;

Please accept this letter as my formal request that a Public Easement be established across my property for purposes of accessing two (2) house lots, (the existing house lot and one additional future lot), and that I acknowledge that this Public Easement will provide frontage and access for no more than two (2) house lots on my property, as shown on a Plan entitled "Partial Boundary Survey, A Public Easement, Beaumont Lane", dated August 10, 2015.

Respectfully yours,

Mack Beaulieu



Dated August 29, 2015

STATE OF MAINE
ANDROSCOGGIN COUNTY

Personally appeared before me the above named **Mack Beaulieu** and acknowledged the foregoing to be his free act and deed.

Before Me,



GEORGE S. BOUCHLES
Notary Public, State of Maine
My Comm. Expires July 3, 2016

Notary Public

Printed Name: **George S. Bouchles**

My Commission Expires: **July 3, 2016**



Department of Public Works

David A. Jones, P.E.

Director



September 10, 2015

Mayor and Members of the City Council

Re: Acceptance of a portion of Beaumont Lane as a Public Easement

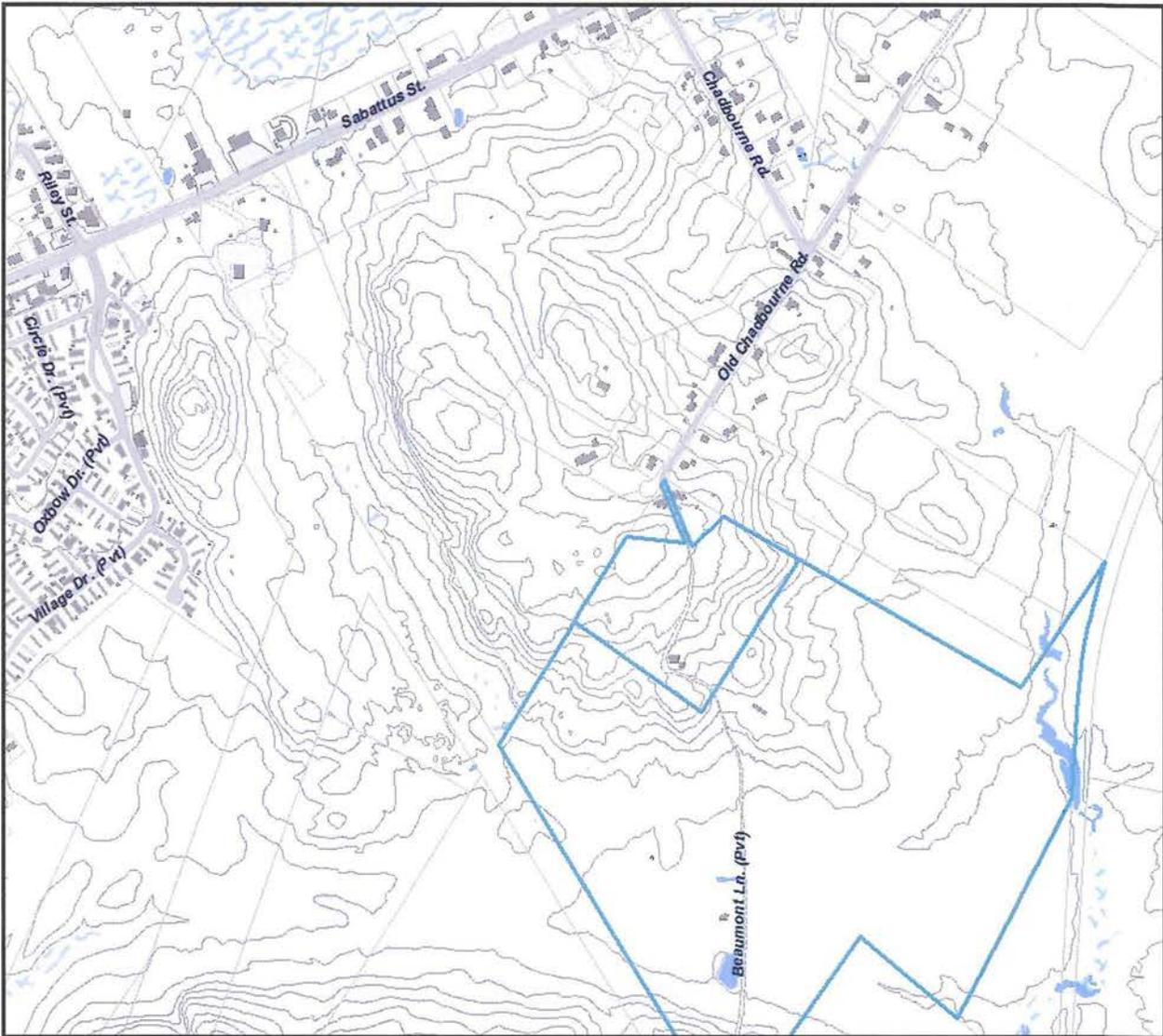
On the agenda for your September 15, 2015 meeting is an item to accept a portion of Beaumont Lane as a public easement. Beaumont Lane is currently a private drive off Old Chadbourne Rd providing access to properties at 26 and 99 Beaumont Lane. (See the map on the next page.) The drive was constructed by Roger Beaulieu's family years ago and has been maintained as a private drive. The drive does not meet any of the City's standards for a publicly owned street as it was constructed as a private drive.

Neither of the two properties served by Beaumont Lane have frontage on a public street, a requirement of our City Code. This became an issue recently when Roger tried to allow his son Mack to build a home on the property. Planning and Code worked closely with the owners of both properties and Public Works to arrive at a solution everyone could agree with. The owners of both properties requested (petitioned) the City to accept a portion of Beaumont Lane as a public easement, an action which would give the properties the necessary frontage to meet Code. Public Works has required certain stipulations to this acceptance, which will be incorporated as part of the easement language that will be filed at the registry of deeds. Both property owners have agreed to these stipulations. They include:

- The easement is only being allowed to provide frontage for the properties such that they can be subdivided to allow use of the properties;
- The owners agree the properties will be subdivided only such that two house lots are allowed on each property;
- The City will NOT be responsible for any maintenance or improvement of the public easement;

By accepting this public easement along with the agreed to stipulations, the properties will conform to the City's code and the owners will be able to develop the lots as they have requested. This is only being done to correct a problem with the properties such that they meet the City code requirements.

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



Map showing location of Beaumont Lane and properties and two properties not having frontage as required by City Code.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT:

Resolve Transferring \$75,000 from the FY2012 Gendron Business Park Project to Fund Local Matches for a Maine International Trade Center Grant at \$20,000, Maine Arts Commission Grant at \$5,000, and a State Department of Transportation Passenger Service Rail Study in the amount of \$50,000.

INFORMATION:

Three agencies are requesting funding support for various programs: Maine International Trade Center, Maine Arts Commission and Passenger Rail Service study. The Council held a workshop on these requests last week. The Finance Director is recommending a transfer of funds from the Gendron Business Park Project account to cover these requests.

Please see attached memorandum from the Finance Director for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA131/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve transferring \$75,000 from the FY2102 Gendron Business Park Project to Fund Local Matches for a Maine International Trade Center Grant at \$20,000, Maine Arts Commission Grant at \$5,000, and a State Department of Transportation Passenger Service Rail Study in the amount of \$50,000.



**City of Lewiston Maine
City Council Order
September 15, 2015**

RESOLVE, Transferring \$75,000 from the FY2012 Gendron Business Park Project to Fund Local Matches for a Maine International Trade Center Grant at \$20,000, Maine Arts Commission Grant at \$5,000, and a State Department of Transportation Passenger Service Rail Study in the amount of \$50,000.

WHEREAS, in the FY2012 LCIP, the City Council approved the now completed Gendron Business Park project leaving a project surplus of \$204,855; and

WHEREAS, the Lewiston Auburn Economic Growth Council is requesting a \$20,000 local match to leverage a Maine International Trade Center Grant; and

WHEREAS, LA Arts is requesting a \$5,000 local match to support a State Arts Commission Grant to fund a \$32,000 Cultural Plan; and

WHEREAS, the Department of Transportation is requesting \$50,000 as a local share for a study and to complete a plan for the implementation of passenger rail service between the cities of Lewiston and Auburn and the Amtrak Downeaster service; and

WHEREAS, the City has an immediate need to spend outstanding bond proceeds derived from closed projects in order to avoid potential arbitrage rebates to the Internal Revenue Service;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON that \$75,000 is hereby transferred from the FY2012 Gendron Business Park Project to fund local matches for the Maine International Trade Center Grant at \$20,000, Maine Arts Commission Grant at \$5,000, and the State Department of Transportation Passenger Service Rail Study in the amount of \$50,000.



Finance Department

Heather Hunter
Director of Finance/Treasurer
hhunter@lewistonmaine.gov



TO: Mayor Robert E. Macdonald and Members of the City Council
FROM: Heather Hunter, Finance Director
SUBJECT: **Project Budget Transfer Request**
DATE: September 9, 2015

At the September 8th workshop, the Council entertained presentations requesting funding from the following organizations for the projects noted:

- Lewiston Auburn Economic Growth Council - \$20,000 in matching funds for a Maine International Trade Center Grant;
- Department of Transportation and the Northern New England Passenger Rail Authority - \$50,000 as a required local share for a study and plan for the implementation of passenger rail service between the cities of Lewiston and Auburn and the Amtrak Downeaster service;
- LA Arts - \$5,000 in local match for a State Arts Commission Grant to develop a community Cultural Plan

As none of these items were contemplated during the FY2016 budget process, no general fund money is available for them. During a preliminary yearend review, it was noted that the FY2012 Gendron Business Park project was completed under budget, producing a surplus of \$204,855.80. Given the IRS bond spend-down requirements discussed in the past, I would recommend transferring \$75,000 from the Gendron Business Park to fund the three requests.

At the workshop, I was asked to evaluate other possible funding sources. There are two other possibilities: the Land Development Fund and/or the Downtown Loan Pool. The respective cash balances at June 30, 2015 were \$322,162.86 and \$496,209.38 (\$535,484.92 in cash less a \$39,275.54 interfund payable). As the names imply, both sources are "special revenue funds" earmarked for economic development loans that are not CDBG eligible. Given that the requests under consideration contain an economic development component, the Council could elect to use either of these sources to fund one or more of the requested projects.

I would caution the Council that once these sources are depleted in full or in part, they will not replenish for a number of years. The Land Development Fund accumulates approximately \$8,800 per year in interest income and recovered loan principal payments. The Downtown Loan Pool's former Trolley Medical Building loan was paid in full a couple of years ago, but the fund is still responsible for remaining debt service, which totals \$137,339.65 in principal and \$15,738.76 in outstanding interest. Thus, the true unallocated cash balance is \$343,130.97. The fund earns approximately \$860 in interest per year.

I would be happy to answer any questions you may have.



August 28, 2015

Ed Barrett, City Administrator
City of Lewiston
Howard Kroll, City Manager
City of Auburn

This letter is to outline our request for additional funds to provide cash match to the Maine International Trade Center (MITC) Foreign Direct Investment (FDI) Program. I have briefed Council three times previously (March and twice in April) on this one-time grant that provides direct cash to support business development marketing (a very unique grant and opportunity).

First, allow me to give a bullet point update on LAEGC activities since I last met with Council.

- We have closed two loans in the past two months and are in the process of considering or working on applications for four others
- We are working on four new business investment leads, coordinating with City Staff
- We continue to reach out to the existing business community; are assisting with some current expansions and connecting business to other opportunities or contacts.
- We have launched our Blackstone Accelerates Growth entrepreneurship program with the following events planned
 - LA Maine Developers Boot Camp, Sept 28, 29.
 - September 9, 2015; Launch Intro & Input Session
 - November 12 Entrepreneur Leadership Networking Program
 - Note that this event and general date will become the LAEGC "annual dinner"
 - In regards to annual dinner, I would propose that LAEGC take on the nomination process to solicit and recommend one economic development award from each city, coordinated with City Staff and with approval of Council. Secondly, perhaps a dual city award as well, if and when warranted.

However, the focus of this letter, and subsequent discussion at your upcoming Workshop, is the MITC FDI grant and how we can use it to deliver on our Scope of Services and encourage new business and investment in LA.

This grant will help us expand efforts currently underway. LAEGC has engaged, through our existing networks with business in Atlantic Canada. Our approach is to identify communities, organizations, and "networks," for the purpose of identifying potential new market opportunities for our existing business and possible new business investment opportunities. To that end, I have met with a company in Fredericton that is considering their first US expansion. I have also met a company who will be re-kindling past talks with a local company (as a value added supplier). Lastly, through our networks, we have another local business now in contact with three possible contract opportunities.

Lewiston Auburn Economic Growth Council
415 Lisbon Street, Suite 400, Lewiston, ME, Telephone (207)784-0161, Fax (207)786-4412

As I have informed you previously, I am asking each City to contribute \$20,000 towards this grant opportunity that will support our marketing plans to attract new business and investment to LA Maine. The RFP can be found at:

<http://www.investinmaine.net/wp-content/uploads/2014/12/Invest-in-Maine-Regional-Reimbursement-Program.pdf>

This is a one-time EDA grant to MITC that is being "sub-granted" to support regional FDI initiatives. Awardees in the first round of grants included the Kennebec Regional Development Authority (aka, "First Park"), Midcoast Regional Redevelopment Authority (aka, MRRA at Brunswick Landing), and Greater Portland (a coalition of cities and towns around Portland).

I have begun to outline our proposal in anticipation of submitting an application. The focus of our marketing will be on foreign markets, starting "next door" in Quebec and the Maritimes. This funding will be used over a 27-month time period (last quarter of 2015, full calendar years 2016, 2017). LAEGC will commit \$20,000 in cash match from our existing FY2016 budget. These are funds budgeted to redesign of our brand and website, as well as additional collateral material. We will then dedicate \$17,500 of our marketing budget over the balance of our FY2016, FY2017, FY2018 budgets towards cash match. In addition we are estimating 2,160 hours of in-kind match from LAEGC to this effort over the term of the grant program.

Presented at right is a **DRAFT** budget for the grant submission. This may be revised as we gather more details on events and other direct expenses, but is generally the overall budget.

Overall, our FDI application will focus on the following targeted audiences, markets, and sectors to complement MITC's Invest in Maine program and the FDI initiatives of the other regional grant awardees. We will be focused on the following markets and sectors:

LA Maine Foreign Direct Investment Budget				
Invest in Maine Regional Program				
Direct Expenditures Budget				
Activity	Total	LAEGC	City	MITC
Collateral Material, Branding				
LAGEC	\$15,000	\$15,000		
Chamber	\$20,000			
Regional Brand	\$10,000	\$5,000		
Subtotal	\$45,000	\$20,000	\$0	\$0
Direct Outreach				
Atlantic Canada	\$42,500	\$5,000	\$10,000	\$7,500
Quebec	\$42,500	\$5,000	\$10,000	\$7,500
Balance of Canada	\$32,500	\$2,500	\$10,000	\$5,000
Europe	\$20,000	\$2,500	\$5,000	\$10,000
Hong Kong, China	\$15,000	\$2,500	\$5,000	\$5,000
Subtotal	\$152,500	\$17,500	\$40,000	\$35,000
Consultant				\$15,000
Total	\$197,500	\$37,500	\$40,000	\$50,000

Markets:

- Canada, specifically Quebec and Atlantic Canada
- Europe, interconnected with MITC and other regional Invest in Maine partners.
 - We are working closely with a private partner, Aizoon, Inc. to leverage their connections and introductions including upcoming visits by an Italian manufacturing company and a tour by a number of Italian entrepreneurs.
- Hong Kong; China
 - As a result recent public relations and social media outreach by LAEGC and the Chamber, LA was visited by Steve Barclay, director of the Hong Kong Economic and Trade Office in New York, during his recent visit in Maine. We will explore his eagerness to engage our community as a potential market.
 - Hong Kong offers an entry into the Chinese market. In addition, recent investments by Miracle Enterprise, which will partner with Central Maine Medical Center on a five-star “medical tourism facility” in Auburn, will open up additional avenues for our outreach. We will explore how to make those connections as these investors begin to establish their facility and programs in Auburn.

Sectors (to be further refined in the coming weeks):

- Food and Food Distribution
- Heavy (bulk) logistics, transportation, materials
- Manufacturing
- Health Care Products—manufacturing

The City funds will complement the MITC (grant) funds and be used for direct marketing expenses. This includes costs of networking events and travel. We will do very limited advertising, but we intend to develop a collateral piece that can be used on FDI and domestic business development marketing. We also anticipate contracting with a business consultant to generate “qualified leads” of companies that we will meet with. A qualified lead will be one that has serious intention about a US investment, partnership, or expansion.

I am confident we can submit a very compelling application. The matching funds are critical to the success of our application.

I look forward to discussing this with you at the upcoming Workshops and your input.



John Holden, President
jholden@economicgrowth.org



EXECUTIVE DEPARTMENT

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

September 3, 2015

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Passenger Rail Service Study and Potential Funding

The Lewiston/Auburn/Western Maine area has been pushing for the expansion of passenger rail service to our region for many years. Discussions have included both commuter service between Portland and LA and future intercity service from Portland through LA and on to Montreal. Extending passenger rail service to Lewiston could well be a significant impetus to our future economic growth and will more closely integrate our economy with that of Cumberland and York Counties.

Several initiatives in this regard were introduced during the last legislative session, including a proposed bond that was not approved. However, L.D. 323, introduced by Representative Jared Golden and supported by our legislative delegation, did find its way into the state budget, although in a slightly modified form. It requires the Department of Transportation, in consultation with the cities of Lewiston and Auburn and the Northern New England Passenger Rail Authority, to conduct a study and complete a plan for the implementation of passenger rail services between the cities of Lewiston and Auburn and the Amtrak Downeaster service. The plan is to include:

- An analysis of market demand and the potential economic benefits associated with the implementation of passenger service, including the potential future expansion to Montreal;
- Developing a detailed service plan to meet travel demand and identified economic opportunities;
- An inventory of infrastructure needed to support operations with an estimate of necessary capital investments;
- Evaluating potential financing mechanisms for capital and operating costs and an implementation approach and schedule; and
- A review of potential alternatives and environmental impacts associated with the service.

The state budget includes \$400,000 toward the cost of the study, and each of the cities is required to provide the state with \$50,000 by November 1, 2015 in order for the study to go forward. A copy of the amended bill and budget language is attached.

The 2014 State Rail Plan includes a specific objective to "study potential passenger rail service through Lewiston-Auburn connecting Maine to Montreal, Canada." The study goes on to highlight strong regional support for such an expansion; that the expansion of Amtrak service to Brunswick "enhances the opportunity to extend intercity passenger rail service to the Lewiston-Auburn region;" that the "Portland to Lewiston/Auburn route is part of the federally designated Northern New England High Speed Rail Corridor;" and includes a variety of other comments relating to rail connections to the LA area. Relevant excerpts from this plan are also attached.

In testimony on the proposed rail bond bill which are applicable to L.D. 323 as well, Mayor Macdonald made the case for extending passenger rail to Lewiston/Auburn:

"Mobility is critical to a thriving business climate and the future of our communities. The single most important economic investment the State could make right now would be to invest in passenger rail service between Maine's two largest population centers – Portland and Lewiston-Auburn. This has been a longstanding regional priority for our area, and we see it as a critical step in connecting to southern markets, Western Maine, and Montreal, producing significant economic benefits for the entire state. Connecting Montreal to Maine and the Northeast corridor would significantly increase tourism to our state, and those visitors would spend money on food, lodging, and retail. Expansion to Lewiston-Auburn is the next logical step and a potentially huge economic driver for Maine's interior.

"The Maine rail authority has testified in favor of expansion to Lewiston, and the Maine Department of Transportation agreed to seek funding for this expansion of service. The Northern New England Passenger Rail Authority (NNEPRA) has successfully implemented and managed passenger rail from Kittery to Brunswick, bringing millions of dollars in private and public investment to those towns. It's clear that passenger rail leads to real estate and business development in communities like Brunswick here in Maine and all across the country.

"The Cities of Lewiston and Auburn have a rich heritage of rail service and are served by a railroad that has operating agreements with Amtrak. We want passenger rail service. Androscoggin and Oxford Counties in Maine and Coos County in New Hampshire have an active coalition that meets regularly to advocate and plan for passenger rail. This is an investment in our economic future. Passenger rail service will aid our downtown revitalization efforts. Passenger rail service also attracts young people and employers who appreciate flexible transportation options for a mobile workforce."

The proposed study would be the next step in moving this effort forward. In order to initiate it, Lewiston and Auburn must each remit to the state \$50,000 toward this study. The purpose of this workshop is to identify the level of Council support for such an expenditure.

As a final note and should you be interested, the Northern New England Rally for Passenger Rail will be held on Thursday, September 24, from 5:00 – 8:00 p.m. at the Hilton Garden Hotel in Auburn.

The rally is hosted by the Androscoggin, Oxford and Coos Counties Rail Coalition, which is a consortium of western Maine towns and businesses working to re-establish passenger rail service between Boston and Montreal via western Maine and eastern New Hampshire.

Invitees include Patricia Quinn, Executive Director of the Northern New England Passenger Rail Authority, and James "Bud" Harmon from Old Orchard Beach who will share his experience with advocacy and the community investment required to become a scheduled stop on the Amtrak Downeaster. Representative Jared Golden from Lewiston will also speak on a strategy for continuing advocacy in Augusta to keep rail investments "front and center" in future legislative sessions.

The cost to attend the Rail Rally is \$25 and includes dinner and networking. To register go to this link... <http://wmedc.org/our-services/events/northern-new-england-rally-for-passenger-rail/>. The deadline for registering is September 14. Janet will be happy to register you if you are interested in attending.

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Date: (Filing No. H-)

TRANSPORTATION

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 217, L.D. 323, Bill, “An Act To Provide Funding to the Department of Transportation To Complete the Assessment for the Completion of the State-owned St. Lawrence and Atlantic Railroad Line”

Amend the bill by striking out the title and substituting the following:

'Resolve, To Provide Funding to the Department of Transportation To Complete a Service Plan for the Development of Passenger Rail Service to Lewiston and Auburn'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Sec. 1. Study. Resolved: That the Department of Transportation, in consultation with the cities of Lewiston and Auburn and the Northern New England Passenger Rail Authority, shall conduct a study and complete a plan for the implementation of passenger rail service between the cities of Lewiston and Auburn and the Amtrak Downeaster service. The plan must include a process for public review and comment and must incorporate information from completed studies and new information, including, but not limited to:

1. An analysis of market demand and the potential economic benefits associated with the implementation of passenger rail service between the cities of Lewiston and Auburn and the Amtrak Downeaster service, and potential future expansion to Montreal;
2. The development of a detailed service plan to meet travel demand and identified economic opportunities, including frequency and schedule of service, station locations, equipment types and seating capacity, marketing, management and operator plans and estimated annual operating costs;
3. An inventory of infrastructure needed to support operations, including mechanical facilities, with an estimate of the necessary capital investments;
4. An evaluation of potential financing mechanisms for capital and operating expenses and an implementation approach and schedule; and

COMMITTEE AMENDMENT

1 5. A review of potential alternatives and environmental impacts associated with the
2 proposed service, including station locations and necessary investments; and be it further

3 **Sec. 2. Appropriations and allocations. Resolved:** That the following
4 appropriations and allocations are made.

5 **TRANSPORTATION, DEPARTMENT OF**

6 **Multimodal - Passenger Rail Z139**

7 Initiative: Provides one-time funding to study and plan for the implementation of
8 passenger rail service between the cities of Lewiston and Auburn and the Amtrak
9 Downeaster service.

10	HIGHWAY FUND	2015-16	2016-17
11	All Other	\$500,000	\$0
12			
13	HIGHWAY FUND TOTAL	\$500,000	\$0
14			

15 **SUMMARY**

16 This amendment, which replaces the bill with a resolve, directs the Department of
17 Transportation, in consultation with the cities of Lewiston and Auburn and the Northern
18 New England Passenger Rail Authority, to conduct a study and complete a plan for the
19 implementation of passenger rail service between the cities of Lewiston and Auburn and
20 the Amtrak Downeaster service. The amendment also decreases the funding to complete
21 the study from a one-time Highway Fund allocation of \$1,000,000, as proposed in the
22 bill, to \$500,000 in the state fiscal year ending June 30, 2016.

23 **FISCAL NOTE REQUIRED**

24 (See attached)

THIS VERSION OF LD 323 WAS SUBSEQUENTLY MOVED INTO THE STATE BUDGET ALONG WITH THE FOLLOWING ADDITIONAL LANGUAGE:

Sec. YY-3. Community match. Notwithstanding any other provision of law, no later than November 1, 2015, the cities of Lewiston and Auburn each shall remit \$50,000 to the State for the purposes of funding the study and plan for the implementation of passenger rail service between the cities of Lewiston and Auburn and the Amtrak Downeaster service pursuant to section 1 of this Part. The Treasurer of State shall deposit the funds in the Multimodal - Passenger Rail program, Other Special Revenue Funds account in the Department of Transportation.

EXERPTS FROM 2014 Draft MAINE STATE RAIL PLAN

Goal2:

Improve mobility and accessibility of goods and people through greater rail system integration and interconnectivity of various transportation modes.

Objectives:

- A rail network in Maine that is fully integrated with the North American rail system, including compatibility with current standards for rail car size and weight.
- Increase intermodal freight traffic through improved highway-rail and water-rail intermodal connectivity.
- Increase passenger mobility options and access to intercity rail service via other transit modes through the proximity of new stations and/or system expansions.
- Improve local and national coordination among freight and intercity passenger systems with other modes of transportation among the railroads, Federal Government, Canada and other states in the New England region.
- Explore potential for incremental passenger rail improvements such as new stations, passing sidings, new and/or expanded services.
- Study potential passenger rail service through Lewiston-Auburn connecting Maine to Montréal, Canada.

Provide More and Enhanced Passenger Rail Service

In the southern part of the state there was consensus that maintaining passenger rail south of Portland is an important investment for the state to make. Generally, there was strong support in Portland for achieving additional passenger rail service to Brunswick and strong support in Lewiston for achieving passenger rail service to Lewiston/Auburn – and ultimately on to Montréal. Many believed that this would be a strong economic driver for western Maine.

- Strong support for current & future Downeaster intercity passenger rail service

St. Lawrence & Atlantic Railroad Co. (SLR)

Headquartered in Auburn, Maine and Richmond, Quebec, the SLR operates over 260 miles of contiguous mainline track between Portland, Maine and Ste. Rosalie, Quebec.⁵ Within Maine the railroad operates on slightly more than 85 miles, of which 0 25.7 miles are state owned right-of-way.

The SLR serves warehouse distribution, intermodal and bulk transloading facilities in Maine and provides a key transportation link through Lewiston/Auburn, Mechanic Falls, and South Paris, Maine, connecting to Québec and the CN Alliance routes. A key transportation link is the 35-acre Maine Intermodal Terminal, part of the CN intermodal network, which provides double-stack container service complemented by domestic trailer service to

both local and regional locations.

The SLR connects to Pan Am at Danville Junction, Maine, and through that connection provides direct rail links to many of the paper mills in Maine and points south through CSX (CSX) and Norfolk Southern (NS). The SLR connects to its sister railroad, the St. Lawrence & Québec (SLQ) at the New Hampshire-Québec border continuing on toward Montréal and connections to CN railway. SLR's primary commodities include the three key forest products of lumber, pulp and paper, as well as chemicals and agricultural products.

Downeaster Expansion to Brunswick

The expansion of Downeaster service to Brunswick had been part of the state of Maine's passenger rail plan since 1991, when the Passenger Rail Service Act was adopted by the Legislature and was accomplished in November of 2012. Funding for the Brunswick expansion project was awarded to NNEPRA through the U.S. DOT High Speed Intercity Passenger Rail (HSIPR) Program in January 2010. The project included the rehabilitation of approximately 30 miles of existing freight rail lines north of Portland, enabling the completion of the Boston to Brunswick Downeaster service. This rail line is owned by Pan Am Railways and is one of the state's most important freight corridors. Improvements made to support passenger service will contribute to improved reliability of freight service as well. The ARRA/HSIPR Grant funded the \$38.3 million¹⁰ project.

Upon completion of the expansion on November 1, 2012, two of the Downeaster's five daily round-trips began operating between Boston's North Station and Brunswick, along with a third roundtrip consisting of an early-morning departure and a late-evening return between Portland and Brunswick to position equipment. In Brunswick, the Maine Eastern Railroad excursion service can connect to the Downeaster with service to Rockland and subsequently Maine's island communities via the Maine State Ferry Service at Rockland the state-owned Rockland Branch. Freeport is also served by all trains going to and returning from Brunswick.

The expanded service has increased ridership, improved connectivity, balanced passenger flows, increased tourism, and supports local economic development initiatives. The newly expanded service enhances the opportunity to extend intercity passenger rail service to the Lewiston-Auburn region.¹¹ A needs assessment of passenger service demand in this market has been conducted, concluding that the region can support feeder service from key markets to specific stations once Downeaster core frequency has been increased.

At this time, it is anticipated that passenger service to Lewiston/Auburn area would be operated as a "feeder service" between Lewiston/Auburn and Portland with a cross platform transfer to Boston-bound trains. The feeder service could be operated with more nimble and efficient DMU (diesel multiple unit) equipment. The capital cost associated with Lewiston/Auburn service is still being developed, but previous estimates have indicated a infrastructure costs of \$35M - \$75M. From Lewiston/Auburn, additional expansion to Western Maine, including the Bethel area or even Montreal have been discussed but are not currently included in formal planning efforts. Also discussed and under preliminary investigation are "feeder" services between Rockland and Brunswick and Augusta and Brunswick, and a seasonal intermittent stop in Kennebunk, Maine.

The Portland to Lewiston/Auburn route is part of the federally designated Northern New England High Speed Rail Corridor. Rail planning in this corridor has included the design and permitting of a new intermodal facility at the Lewiston/Auburn airport, which would improve connections for auto, bus, rail and air travelers, and would serve commuters working in the Portland region. The future extension of intercity passenger rail to the Lewiston/Auburn region is an incremental step in further development of the state's passenger rail network.

The following passenger rail needs were identified through the State Rail Plan development process:

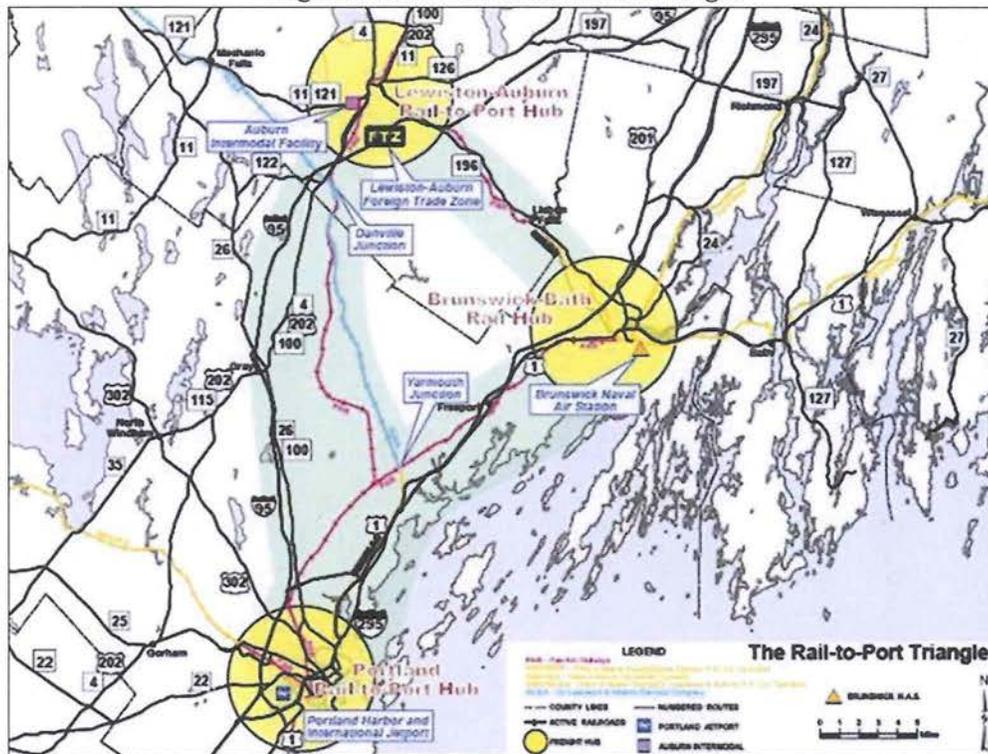
- 3. Corridors** for the next phases of development of passenger rail, including both intercity or commuter service, need to be identified and prioritized. Those under consideration include Portland to Lewiston/Auburn, commuter services for the greater Portland region. Residents in Augusta, Rockland eastern and northern Maine have also expressed interest in passenger rail services.

The extension of passenger rail service from Portland to Auburn would also achieve the stated goals and objectives of the Androscoggin Transportation Resource Center's (ARTC) long-range transportation plan—"to create an integrated multimodal metropolitan transportation system that would improve peak hour levels of service by eliminating (highway) delays and minimizing congestion; and, promote new and expanded use of rail lines for passenger and freight transportation."

The Rail-to-Port Triangle initiative, as illustrated in Figure 6-20, targets transportation investments connecting Portland, Brunswick and Lewiston/Auburn. This concept links both passenger and freight rail investments already in place with those currently being planned. The initiative connects regional transportation assets including the Portland seaport, the Auburn Intermodal Facility, Lewiston/Auburn's inland port connections, and the potential of a redeveloped Brunswick Naval Air Station.

The Rail-to-Port Triangle is an example of intermodal projects benefiting the movement of both people and goods. The investment in the Amtrak Downeaster extension to Brunswick and the acquisition of the Yarmouth-to-Auburn SLR line support this strategy. Concurrently a major planning study is underway to address the shortcomings of Auburn's I-95 Exit 75 is an effective collaboration of the Maine Turnpike Authority, MaineDOT, the city of Auburn, and the ATRC. The purpose of this study is to identify and implement more efficient connections between I-95 (the Maine Turnpike), the Auburn Intermodal Facility, and the L/A Freight Hub's connection to the Port of Portland via the Maine Turnpike. This strategy also highlights the importance of seamless connections between highway, rail, and ports, be they coastal or inland.

Figure 6-20: The Rail-to-Port Triangle

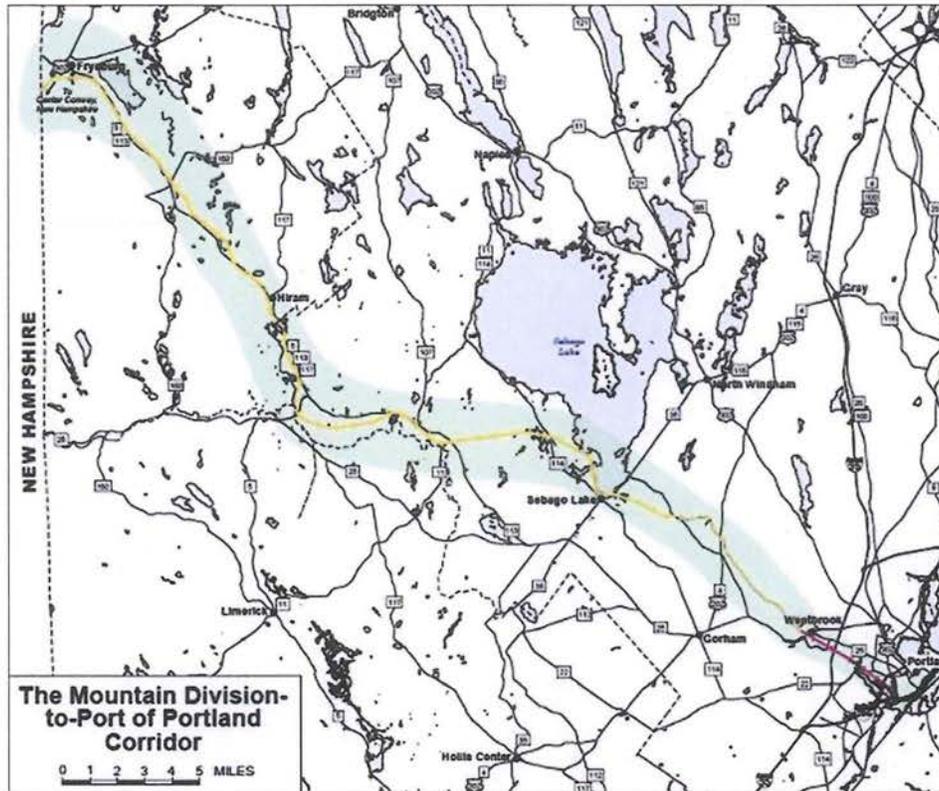


Portland Interstate Corridor

This multi-purpose corridor connects Portland and the Southern Gateway Corridor with key railway and highway links to New Hampshire and the Province of Québec, and City of Montréal. The historic and cultural relationships between Montréal and Portland have been well documented elsewhere, and this Interstate Corridor has the potential to reinforce these relationships with safe and efficient transportation connections.

This corridor would link the Ocean Gateway Mega Berth in Portland and a future potential rehabilitation of the Mountain Division rail line to Fryeburg (Figure 6-21), with a possible link into New Hampshire's scenic Conway region. Studies have identified both the potential and the challenges for both freight operations and tourist/excursion passenger services along this route. Commuter connections from Westbrook and Windham to Portland have also been studied, identifying the Mountain Division rail line as a potential multi-purpose transportation corridor in the future.

Figure 6-21: Mountain Division-to-Port of Portland Corridor Initiative



Along the north side of this corridor the now partially state owned SLR right of way provides for an effective connection from Portland to the Lewiston/Auburn region. This portion of the corridor is experiencing public advocacy for increased levels of transit service. This metropolitan region has been well served by both I-95 and I-295 for many years. However, changing social and economic conditions have prompted both the state and local governments to give consideration to transit alternatives. The Portland North study did just that, and its findings discussed future transportation investment decisions in this corridor.

The development of commuter rail services has been examined in the greater Portland region, and public comments at rail plan public meetings advocated for commuter rail services for the Lewiston/Auburn and Bangor regions as well as Portland. As noted in earlier sections of this state rail plan the population density, travel to work patterns and available rights-of-way may not support the significant capital investment required for start-up commuter rail in the short term. However, steps should be taken to protect and preserve corridors for future transportation needs throughout the state while concurrently developing land use regulatory schemes that encourage transit oriented development and limit continued sprawl type development.

Public Perceptions and Expectations of Passenger Rail Include:

1. Amtrak Downeaster (Intercity Rail) is viewed as a vital service with considerable support for the extension north of Portland to Brunswick and potentially in the future Lewiston/Auburn with long term possibility for passenger service to Augusta and Bangor if it can be justified.
2. Intercity rail to Lewiston/Auburn is viewed as an incremental step to potential passenger rail to Montréal.
3. Future commuter rail for the Greater Portland region is viewed as positively important to meet the strong public desire for transit options, especially in I-295 corridor; but also in the western corridors.
4. Lewiston/Auburn region has expressed interest in development of transit options – for both intra-regional and to Portland and beyond. Freight rights-of-way are viewed as appropriate for this use.
5. Public support for rail service has land use implications with some advocates suggesting the need to constrain sprawl development patterns that are emerging as southern Maine experiences continuing, although slowing, population growth.
6. Passenger Rail is viewed as important in linking Maine to both Canada and the continental United States.

Intercity Passenger Rail

1. Finalize FRA compliant Corridor Service Development Plan.
2. Continue incremental investments in Downeaster corridor to increase operating speed, increase safety, increase frequency and reduce transit time between Portland and Boston.
3. Add additional round trip to Brunswick.
4. Develop and implement passenger equipment procurement plan.
5. Construct adequate maintenance and storage facilities for equipment in Brunswick.

6. Develop transportation hubs (intermodal centers) to provide connectivity between intercity (and/or commuter rail) and local transit services for linkage to communities employment, commercial and residential nodes.
7. Evaluate operating scenarios for extension to Lewiston/Auburn.
8. Evaluate alternative Portland passenger station configurations.
9. Identify and protect potential high-speed passenger rail routes (west to Montréal, and south to Boston (NEC).
10. Maintain and expand upon multi-state and provincial regional coordination efforts.

Following are steps recommended to evaluate and develop commuter rail services in Maine.

1. Identify and protect/acquire inactive rail corridors with potential for future commuter rail/transit uses, especially north, west and south of Portland, as well as in the Lewiston/Auburn region.

4. Critical Rail Corridors were identified for the State Rail Plan based on current and projected demand for goods movement and personal mobility.⁵ State investment should target high traffic density rail lines to protect and preserve current services, and enable growth of both freight and passenger operations. The following Critical Rail Corridors were identified:
 - a. PAR– state line to Bangor/Mattawamkeag
 - b. MMA – Searsport to Bangor-Brownville Jct. (and west to Québec, Canada c. EMR/NBSR – Brownville Jct. to New Brunswick, Canada
 - c. SLA – Auburn to NH line (and on to Québec, Canada)
 - d. SLA/SMO - Portland to Danville Junction f. MMA – Brownville to Millinocket
 - e. MWR/SMO – Millinocket to Madawaska h. EMR route - Madawaska to Van Buren f. SMO – Mountain Division
 - g. Boston – Portland – Brunswick passenger corridor k. Portland north to Lewiston/Auburn

Project	Timing	Title Priority (Passenger)	Description	Total Study Cost (In Millions)	Estimated Completion Date
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long-term	Commuter rail analysis	Low	Public calls for commuter rail service to Portland, as well as for the Lewiston/ Auburn region require further analysis as findings to date have supported development of these services on a cost to benefit analysis. Detailed alternative analysis and environmental studies are essential to secure federal capital funding.	\$ 2-4	2018
Long term	Portland – Montréal intercity passenger rail analysis	Medium	Public expectations for either high speed or excursion/tourist rail service will require considerable analysis for this approximately 300 mile corridor. This effort will require the cooperation of the Province of Québec as well as both the US and Canadian federal governments.	TBD	2020 +

Passenger Rail Strategies for ATRC:

- Support establishment of the Auburn Passenger Intermodal Facility at Auburn-Lewiston Municipal Airport.
- Continue to seek federal designation of the SLR corridor between Auburn and Canada as a High-Speed Rail Corridor. Market studies indicate a high demand for the service.

Economic and Community Development

Lincoln Jeffers

Director

Lewiston



2007



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: LA Arts Grant Match Request
Date: September 3, 2015

Arts, culture, and the creative economy are recognized nationally as a catalyzing force that helps drive and foster revitalization of communities. In Maine, Portland, Rockland and Belfast are prime examples of places that have wholeheartedly embraced the arts and subsequently seen their communities transformed and thrive. Arts and culture alone will not transform a community, but it is one of the essential elements that make a community a desirable place to live.

LA Arts has secured a \$10,000 grant from the Maine Arts Commission to develop a cultural plan for Lewiston and Auburn. The plan will identify the strengths in the local arts and cultural landscape, and places where it can improve. Areas for collaboration will be identified that will result in the sum being more than its components. Strategies to elevate the role arts and culture play in the community will be identified, including how to best deliver arts education in the schools. The plan will be a blueprint on how to capitalize upon the arts and culture that exist in Lewiston Auburn, and how to build upon it. The local economic impact of arts and culture will be better quantified, with strategies for growing it identified.

The Maine Arts Commission grant requires a match of \$10,000 on this grant. LA Arts is approaching each city and requesting a \$5,000 match. They are also seeking foundation, corporate and private donations to support this effort. Significantly more detail is provided in the attached grant match request from LA Arts on the budget, plan development process, participants in the effort, and what the work will be focused on. Possible outcomes from the cultural plan include expanded arts programming, better marketing intending to increase the size and catchment area of audiences, public art, and expanded retail space and housing for artists and creative industry entrepreneurs. In the big picture, this work and implementation of the plan will make LA a better place to live.

The Planning Grant is Phase I of a two part process. After development of the plan LA Arts intends to apply to the Maine Arts Commission for a \$75,000 three year implementation grant.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 15, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15 B

SUBJECT:

Resolve Authorizing the transfer of \$24,000 of Surplus Stormwater Utility Capital Outlay Funding (Depreciation Expense).

INFORMATION:

The Public Works Director is requesting approval of a transfer of funds for the Solid Waste Detention Pond modification project. The bids received for the project came in higher than anticipated. The project was reviewed and modified to create some savings in the overall costs. However an additional \$24,000 is needed to complete the project and funds are available in the Stormwater Utility Capital Outlay Fund.

Please see attached memorandum from the Finance Director for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve authorizing the transfer of \$24,000 of Surplus Stormwater Utility Capital Outlay Funding (Depreciation Expense).



**City of Lewiston Maine
City Council Order
September 15, 2015**



RESOLVE, Authorizing the Transfer of \$24,000 of Surplus Stormwater Utility Capital Outlay Funding (Depreciation Expense).

WHEREAS, the 2016 Stormwater Utility project "Solid Waste Detention Pond Modifications" was funded at \$80,000 to meet regulatory requirements of Maine DEP; and

WHEREAS, the bids for the project came in much higher with the apparent low bid at about \$136,000; and

WHEREAS, City Staff, the design firm, and the contractor were able to identify savings bringing the cost down to ~\$104,000 (including a 5% contingency); and

WHEREAS, even with the reductions, an additional \$24,000 is still needed to supplement the previously approved \$80,000 to award and complete the project; and

WHEREAS, the recently completed Pond Road Rehab project produced surplus Stormwater Utility operating funds of ~\$32,000 due to competitive bids received;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON that the transfer of \$24,000 in surplus stormwater proceeds for the purpose of supplementing the \$80,000 previously authorized for the Solid Waste Detention Pond Modifications project to allow award and completion of the project is hereby approved.



Department of Public Works

David A. Jones, P.E.

Director



September 14, 2015

Subj: Funding transfer request

Mayor and Members of the City Council:

The FY2016 budget approved by the City Council included \$80,000 in the Stormwater Utility (account 64850-6040301) for Solid Waste Detention Pond Modifications required to meet regulatory requirements of Maine DEP. As soon as the budgeted funds were approved, the Department developed and issued an invitation for bids. A mandatory pre-bid meeting was held on August 12, 2015, and the bids were opened on August 25th, 2015. The apparent low bidder was R.A. Paradis & Son of Newport, ME with a bid of \$136,200. Three other firms also responded with bids ranging from \$183,820 to \$249,906. The design firm had estimated the cost of the contract to be ~\$70,000 to \$75,000.

We asked the design firm to review the bids and, on September 10th, we met with the design firm and the apparent low bidder to review the bid and identify potential changes to reduce the project's cost. The design firm identified that the total amount of excavation required was ~1,000 CY and not the more than 2,000 CY identified in the bid. This correction alone reduced the low bid by \$29,500. Additionally, the City determined the chain link fence around the pond was not needed as the pond was in an industrial area with a fence that limits access to the area. Eliminating the fence further reduced the City's cost by \$7,654. This left the low bidder's bid amount at \$99,046.00. We also checked the effect these changes would have on the other bidders' costs, and it did not change who the low bidder would be (see the attached revised bid tab). Both the design firm and City staff believe this revised amount is fair and reasonable.

These reductions in the bid still left a need to identify ~\$24,000 in additional funding to cover the revised bid price and allow a 5% contingency. We reviewed funding for the 2015 projects funded in the same account. As a result of good bids, the Pond Road rehab project, which included funding for storm drainage, was completed with ~\$32,000 remaining. As a result, we request \$24,000 of this remaining funding be transferred so the funds can be used to supplement the FY2016 funds identified for the Solid Waste Detention Pond Modifications.

Sincerely,

David A. Jones, P.E.

Director

Retrofit Storm Water Detention Pond

Bid #: 2015-046 with Revisions

#	Description	Qty	Unit	R J Paradis & Son Newport ME		Gendron & Gendron Lewiston ME		St. Laurent & Son Lewiston ME		Sargent Corp Stillwater ME	
				\$	\$	\$	\$	\$	\$	\$	\$
1	Pond Excavation	1,030	CY	\$ 30.00	\$ 30,900.00	\$ 26.00	\$ 26,780.00	\$ 40.00	\$ 41,200.00	\$ 78.00	\$ 80,340.00
2	Pond / Sediment Removal	Change from 990 to 1030	CY	\$ 35.00	\$ 36,050.00	\$ 23.00	\$ 23,690.00	\$ 40.00	\$ 41,200.00	\$ 67.00	\$ 69,010.00
3	Silt Fence	64	LF	\$ 5.00	\$ 320.00	\$ 6.25	\$ 400.00	\$ 2.50	\$ 160.00	\$ 10.00	\$ 640.00
4	Erosion Control Mat	2,340	SF	\$ 2.00	\$ 4,680.00	\$ 1.00	\$ 2,340.00	\$ 0.65	\$ 1,521.00	\$ 2.00	\$ 4,680.00
5	Topsoild	40	CY	\$ 60.00	\$ 2,400.00	\$ 56.00	\$ 2,240.00	\$ 50.00	\$ 2,000.00	\$ 80.00	\$ 3,200.00
6	Geotextile fabric FW 404	520	SY	\$ 5.00	\$ 2,600.00	\$ 4.00	\$ 2,080.00	\$ 5.00	\$ 2,600.00	\$ 10.00	\$ 5,200.00
7	4" minus gravel	25	CY	\$ 95.00	\$ 2,375.00	\$ 52.00	\$ 1,300.00	\$ 50.00	\$ 1,250.00	\$ 56.00	\$ 1,400.00
8	Clay liner	150	CY	\$ 80.00	\$ 12,000.00	\$ 100.00	\$ 15,000.00	\$ 20.00	\$ 3,000.00	\$ 80.00	\$ 12,000.00
9	8" minus Rip Rap	160	CY	\$ 75.00	\$ 12,000.00	\$ 115.00	\$ 18,400.00	\$ 55.00	\$ 8,800.00	\$ 105.00	\$ 16,800.00
10	Chain link fence	362	LF	\$ 17.00	\$ 6,154.00	\$ 22.00	\$ 7,964.00	\$ 19.50	\$ 7,059.00	\$ 33.00	\$ 11,946.00
11	Chain link fence gate	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 950.00	\$ 950.00	\$ 300.00	\$ 300.00	\$ 1,850.00	\$ 1,850.00
12	Miscellaneous work	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 35,596.00	\$ 35,596.00	\$ 75,000.00	\$ 75,000.00	\$ 8,200.00	\$ 8,200.00
13	Clean-up	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 7,500.00	\$ 7,500.00	\$ 30,000.00	\$ 30,000.00	\$ 6,100.00	\$ 6,100.00
14	Repair to storm water drainage swale	1	LS	\$ 16,621.00	\$ 16,621.00	\$ 40,500.00	\$ 40,500.00	\$ 35,000.00	\$ 35,000.00	\$ 31,220.00	\$ 31,220.00
PROJECT TOTAL (Items 1-14)				\$	99,046.00	\$	149,046.00	\$	200,531.00	\$	158,450.00