

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
NOVEMBER 17, 2015**

**5:30 p.m. Executive Session** - To discuss labor negotiations regarding the American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 1458-00, on behalf of the Lewiston Public Works Unit.

**5:45 p.m. Executive Session** - To discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**6:30 p.m. Workshop** - Presentation of Farwell School Expansion

**7:00 p.m. Regular Meeting**

Pledge of Allegiance to the Flag.

Moment of Silence.

Update from the Lewiston Youth Advisory Council.

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

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 6.

REGULAR BUSINESS:

1. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for LBK Events, LLC, 1 Bates Street.
2. Public Hearing and first Passage for Land Use Code Amendments regarding the ability to divide lots in the shoreland zoning district.
3. Public Hearing regarding proposed bond issue for Farwell School Expanded Classroom Space.
4. Resolve Authorizing the Transfer of \$26,920 from Gendron Business Park Phase II Project for the purpose of replacing lighting at the Lewiston Public Library.
5. Order Authorizing the Transfer of \$184,500 from the City's 2015 Telephone Project to the FY2016 School Telephone Project.
6. Resolve Appropriating \$6,000 in unanticipated Revenues for the purpose of replacing a Police Vehicle.
7. Order Accepting Donation of the Property at 35 Ellis Street Rear.
8. Order Authorizing the City Administrator to execute the Second Amendment #2 to Interlocal Cooperation Agreement #2 for Lake Auburn Intake & Water Treatment.
9. Resolve Authorizing the Lewiston Recreation Division to introduce new, self-supporting recreational programs that are currently not anticipated in the 2016 Activities Account Budget.
10. Order taking possession of Tax Acquired Property at 422 Pleasant Street.

11. Order Approving the City's commitment of \$38,737 in Neighborhood Stabilization Program Grant Funding to the rehabilitation of 46 Lisbon Street and authorizing the City Administrator to execute a Joint Development Agreement between the City and the building owners to effect the same.
12. Order Authorizing the City Administrator to Execute a Collective Bargaining Agreement with the Association of Federal, State, County and Municipal Employees (AFSCME) Local 1458-00, on behalf the Lewiston Public Works Unit.
13. Resolve Authorizing the Transfer of \$11,587 from the General Fund's Health Insurance Account to the City Clerk's Office to cover election expenses.
14. Reports and Updates
15. Any other City Business Councilors or others may have relating to Lewiston City Government.
16. Executive Session to discuss labor union negotiations regarding the city's six employee unions.
17. Executive Session regarding a Legal Matter.

LEWISTON CITY COUNCIL/PLANNING BOARD  
JOINT WORKSHOP AGENDA  
TUESDAY, November 17, 2015  
5:30 P.M  
CITY COUNCIL CHAMBERS, LEWISTON CITY HALL

1. Executive Session – Union Negotiations
2. Executive Session – Property Acquisition
3. Workshop – Farwell School Expansion

At a workshop on October 20<sup>th</sup>, School Department Representatives presented information on school enrollment and the immediate need to provide additional classroom space. That presentation focused on the option of adding modular classroom space to Farwell School. The potential for a permanent school expansion was also briefly discussed. Since then, this issue has been discussed by the Planning Board, which supported the permanent addition option. The School Committee has also revisited the issue and is recommending the permanent option. Given the recommendations of the Planning Board and the School Committee, and in light of the need to move quickly on either option, we felt it would be appropriate to workshop the issue prior to taking formal action at the regular meeting. Background material, including a breakdown of the cost of each option, is included in the regular agenda. School Superintendent Webster will be at the meeting to make a presentation and answer any questions you might have.

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 17, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5:30pm**

**SUBJECT:**

Executive Session to discuss labor negotiations regarding the American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 1458-00, on behalf of the Lewiston Public Works Unit.

**INFORMATION:**

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

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 1458-00, on behalf of the Lewiston Public Works Unit.

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5:45pm

**SUBJECT:**

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

**INFORMATION:**

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

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EATB/CMM*

**REQUESTED ACTION:**

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

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 17, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for LBK Events, LLC, 1 Bates Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from LBK Events, LLC, 1 Bates Street.

The Police Department has reviewed and approved the application.

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

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

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EABlkmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to LBK Events, LLC, 1 Bates Street.

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 11/2/15

Expiration Date: 11/7/2016

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
- Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
- Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
- Class D - \$150.00 - function halls with entertainment, including dancing
- Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
- Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

Renewal Applicants: Has any or all ownership changed in the 12 months?  Yes  No

\*\*\*\*PLEASE PRINT\*\*\*\*

Business Name: LBK Events LLC Business Phone: 207-333-3247

Location Address: 1 Bates Street

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

Mailing Address: PO Box 1478 Scarborough ME 04070-1478

Email address: lkibort@gmail.com

Contact Person: Laura Kibort Phone: 207-333-3242

Owner of Business: Laura Kibort Date of Birth: 3/8/81

Address of Owner: 5 Meadowood Dr Scarborough ME 04070

Manager of Establishment: same Date of Birth: \_\_\_\_\_

Owner of Premises (landlord): Robert Roy Jr

Address of Premises Owner: PO Box 2315 Lewiston ME 04241

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

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston?  Yes  No If yes, please list business name(s) and location(s): LBK EVENTS 11 Bates Street

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

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

Corporation Name: \_\_\_\_\_

Corporation Mailing Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? Greater than 100'

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: \_\_\_\_\_

\*\*\*\*\*

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

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

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

Signature: Laura B. Kibort Title: owner Date: 11/2/15

Printed Name: Laura B. Kibort

\*\*\*\*\*

Hearing Date: 11-17-2015



## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: October 12, 2015

RE: Liquor License/Special Amusement Permit – **LBK Events**

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

**LBK Events**  
**1 Bates St.**



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007  
[www.lewistonpd.org](http://www.lewistonpd.org)



*Professionalism*

*Integrity*

*Compassion*

*Dedication*

*Pride*

*Dependability*

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 17, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Public Hearing and First Passage for Land Use Code Amendments regarding the ability to divide lots in the shoreland zoning district.

**INFORMATION:**

The City Council and Planning Board held a joint workshop on this issue on November 10. The Planning Board is scheduled to review and vote on this issue at their November 23 meeting.

The purpose for this amendment to the Land Use Code is to allow single lots developed with three or more principal structures in residential use within a shoreland zoning district the ability to be divided to create new lots for each of the individual principal structures in residential use.

Please see the attached memorandum from Gildance Arsenault, Director of Planning and Code Enforcement for additional information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*GAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendments to Appendix A, Article V, "Administration and Enforcement", Section 3 "General provisions", of the City Zoning and Land Use Code, 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.

# MEMORANDUM

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

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

RE: Franklin Property Trust, LLC Division of Land

DT: November 5, 2015

Attached please find the following documents:

*A proposed ordinance amendment pertaining to the division of lots in the shoreland zone*

*An ordinance pertaining to the division of lots and the reconstruction of residential buildings*

*Planning board action of July 13, 2015 regarding an ordinance pertaining to the division of lots and the reconstruction of residential buildings*

*Map of Franklin Property Trust land to be divided*

*Memoranda dated June 4, 2015 and June 11, 2015*

Consistent with the Franklin Property Trust, LLC and the City of Lewiston agreement dated December 16, 2014, the City Council enacted provisions to the Zoning and Land Use Code that became effective on August 13, 2015. These amendments to the Code permit the division of lots that contain three or more principal structures in residential use constructed prior to the enactment of State Subdivision Law (i.e. September 23, 1971). These amendments are limited to single-family detached dwellings, two-family dwellings, and three-unit multifamily dwellings and allow for the creation of lots that would not otherwise comply with space and bulk standards and where the principal residential structures would not otherwise satisfy space and bulk standards and/or parking requirements. These provisions primarily address the plight of many individual owners of single-family detached dwellings, two-family dwellings and three-unit multifamily dwellings situated on leased land where conventional financing is not available for either the purchase or maintenance of such real estate. These standards will in part serve to improve real estate in a number of locations throughout the City and will help address neighborhood deterioration.

In working with Franklin Property Trust, LLC to create individual residential house lots, staff has determined that shoreland area standards as per Article XII, Section 2 of the Zoning and Land Use Code prevent the division of some Franklin Trust, LLC lots located within the shoreland zone; therefore, in order to comply with the Franklin Property Trust, LLC and the City of Lewiston agreement dated December 16, 2014 an amendment to the Zoning and Land Use Code is necessary in order to permit the creation of lots that would not otherwise satisfy shoreland zoning provisions.

Given the above mentioned Franklin Property Trust, LLC and the City of Lewiston agreement, staff recommends that the Council conduct a first reading on this matter on November 17<sup>th</sup> and that it be scheduled for the Planning Boards consideration on November 23<sup>rd</sup>.

Staff will be in attendance at the November 10, 2015 joint City Council and Planning Board workshop to address any questions that you may have.

**AN ORDINANCE PERTAINING TO THE DIVISION OF LOTS WITHIN  
THE SHORELAND ZONE**

**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 V. ADMINISTRATION AND ENFORCEMENT**

**Sec. 3. General provisions.**

- (z) Notwithstanding Appendix A, Article XI Section 23 of this Code, single lots developed with three or more principal structures in residential use, at the time of the division, may be divided to create new lots for each of the individual principal structures in residential use, provided that the following provisions can be met and satisfied:
1. All principal residential structures on the lot to be divided were constructed prior to the enactment of State Subdivision Law (i.e. September 23, 1971).
  2. All principal residential structures on the lot to be divided are single-family detached dwellings, two-family dwellings and three-unit multifamily dwellings.
  3. All new lots must, to the greatest extent practicable, comply with the applicable space and bulk requirements of Appendix A, Article XI Section 23 and Article XII, Section 2 of this Code. Whether the new lots meet this standard shall be in the reasonable judgment of the code enforcement director, whose approval shall be required.

**REASONS FOR PROPOSED AMENDMENTS**

The purpose for this amendment is to allow single lots developed with three or more principal structures in residential use within a shoreland zoning district the ability to be divided to create new lots for each of the individual principal structures in residential use. This provision is limited to single lots developed with three or more principal structures in residential use constructed prior to the enactment of State Subdivision Law (i.e. September 23, 1971) limited to single-family detached dwellings, two-family dwellings, and three-unit multifamily dwellings.

Currently, it is not possible to divide a number of such lots given current shoreland zoning provisions for minimum lot size and shore frontage. The State of Maine's Mandatory Shoreland Zoning Act, 38 M.R.S.A. sections 435-449, requires all municipalities to adopt,

administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, including all tidal waters. The Act also requires the Board of Environmental Protection to establish minimum guidelines for such ordinances. The Act requires that municipalities adopt shoreland zoning ordinances consistent with, or no less stringent than, those minimum guidelines. The proposed amendment is consistent with the State's minimum guidelines, which allows for such divisions to occur as long as the lots created are as conforming as possible to the space and bulk requirements of the that community.

### **CONFORMANCE WITH COMPREHENSIVE PLAN**

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

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

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

**THE CITY OF LEWISTON HEREBY ORDAINS:**

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

**APPENDIX A**

**ZONING AND LAND USE CODE**

**ARTICLE V. ADMINISTRATION AND ENFORCEMENT**

**Sec. 3. General provisions.**

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

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

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

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

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

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

## ARTICLE VI. NONCONFORMANCE

### Sec. 3. Nonconforming structures

- (b) *Reconstruction.* A nonconforming structure which is damaged or destroyed by fire, flood, lightning, wind, structural failure or any other cause to an extent less than 80 percent of the market value of the structure at the time of such damage or destruction may be reconstructed, ~~as it existed;~~ The reconstructed structure need not comply with the space and bulk regulations of the district in which it is located, Article VI, Section 2, or Article XII, Section 17(d), but shall be the same size or less than the previous structure, and comply with all other requirements of this Code.

~~but if the damage equals or exceeds~~ A nonconforming structure, other than a single-family detached dwelling, two-family dwelling, or three-unit multifamily dwelling, that is damaged or destroyed by fire, flood, lightning, wind, structural failure or any other cause to an extent of 80 percent or more of the market value, it may be reconstructed only in conformance with space and bulk regulations of the district in which it is located.

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

- (1) A residential structure which is located in a shoreland area and is nonconforming because it; (a) does not meet the current space and bulk standards of the zoning district; or (b) does not meet the shoreline setback as outlined under article XII, subsection 2(d)(1), and which is damaged or destroyed by 50 percent or less of the market value of the structure before such damage or destruction, excluding normal maintenance or repair, may be reconstructed, in place, as it existed. However, if the structure is removed, or damaged or destroyed by more than 50 percent of the market value of the structure before such damage or destruction, it may be reconstructed or replaced, provided that a permit is obtained within one year of the date of said removal, damage or destruction, and that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the code enforcement director. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.
- (2) In determining whether the building enlargement, reconstruction or replacement meets the setback requirements, as outlined under article XII, subsection 2(d)(1), to the greatest practical extent, the following criteria shall be considered:
  - a. The size of the lot;
  - b. The slope of the land;
  - c. The potential for soil erosion;

- d. The location of other structures on the property and on adjacent properties;
- e. The location of the septic system, and other on-site soils suitable for septic systems; and
- f. The type and amount of vegetation to be removed in order to accomplish the enlargement, reconstruction or replacement.

**Sec. 4. Nonconforming uses.**

- (f) *Replacement of nonconforming use.* A nonconforming use which is damaged or destroyed by fire, flood, lightning, wind, structural failure or other cause to an extent less than 80 percent of the market value of the structure at the time of such damage or destruction may be reconstructed, ~~as it existed;~~ The reconstructed use need not comply with the space and bulk regulations of the district in which it is located, Article VI, Section 2, or Article XII, Section 17(d), but shall be the same size or less than the previous structure, and the intensity of use shall not be made more nonconforming.

~~but if the damage equals or exceeds~~ A nonconforming use, other than a single-family detached dwelling, two-family dwelling, or three-unit multifamily dwelling, that is damaged or destroyed by fire, flood, lightning, wind, structural failure or any other cause to an extent of 80 percent or more of the market value, it may be reconstructed, upon the receipt of development approval and a building permit, only in full conformance with the space and bulk regulations of the district in which it is located. Any reconstruction of a nonconforming use shall be the same size or less than the previous structure, and the intensity of use shall not be increased. Any reconstruction permitted by this subsection shall ~~be begun~~ begin within one year and be completed within two years of the date of such damage or destruction. The board of appeals may extend the period for reconstruction upon a showing that work could not begin or be completed for reasons outside the control of the owner. The request to the board must be filed before the expiration of the applicable time and not more than a one year extension shall be granted.

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

### **REASONS FOR PROPOSED AMENDMENTS**

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

### **CONFORMANCE WITH COMPREHENSIVE PLAN**

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

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



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



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

**From:** David Hediger

**Date:** July 14, 2015

**Subject:** Planning Board Action

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The Planning Board took the following action at their meeting held on July 13, 2015 regarding an amendment to the Zoning and Land Use Code.

The following motion was made:

**MOTION:** by **Michael Marcotte** pursuant to Article VII, Section 4(h) and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to adopt a proposed amendment to Article V. Administration and Enforcement and Article VI. Nonconformance of the Code of Ordinances of the City of Lewiston. Second by **Paul Madore**.

**VOTED:** 7-0 (Passed)

Note: While supportive of the proposed ordinance, some Planning Board members expressed concerns of the Board not having been involved with the terms and requirements of the joint agreement made with Franklin Property Trust requiring the need for a zoning and land use amendment and that more outreach to the homeowners should have occurred.

c: Ed Barrett, City Administrator  
Planning Board Members



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

**Legend**

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

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





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

1 inch = 50 feet

**Legend**

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



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# MEMORANDUM

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

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

RE: Franklin Property Trust, LLC Division of Land

DT: June 11, 2015

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

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

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

Thank you.

# MEMORANDUM

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

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

RE: Franklin Property Trust, LLC Division of Land

DT: June 4, 2015

## Background

On December 16, 2014, Franklin Property Trust, LLC (FT) and the City of Lewiston (City) entered into an agreement regarding the demolition of a number of dangerous buildings located wholly or partly on land owned by FT. In addition to these dangerous buildings, the agreement contained provisions for the subdivision of FT land. The agreement states that FT shall engage a surveyor and/or other consultants at its expense to prepare a plan of subdivision of the land. The plan shall be subject to municipal approval which shall not be unreasonably withheld or conditioned. The agreement also states that, if the City's current zoning ordinance does not permit subdivision pursuant to the plan or if the Planning Board denies FT's application, Code Enforcement and the City Administrator will propose an amendment to the City's zoning ordinance to allow the subdivision and will diligently pursue the adoption of such amendment.

At a March 10, 2015 workshop, the Council discussed the zoning and land use issues associated with the creation of individual house lots and some concern was expressed that most of the lots created would not satisfy one or more provisions of the Zoning and Land Use Code. Since that workshop, staff has evaluated the individual lots that would result from the division of Franklin Property Trust land. The evaluation was based on our municipal maps and assumptions were made as to the likely locations of the property lines for the individual homes.

## Creation of Individual Parcels

Our Zoning and Land Use Code states that no division of land shall be made where any lot is smaller than the minimum size required for the district in which the lot is located or has less than the minimum required frontage, setback or yard space. The majority of the proposed individual house lots will not satisfy one or more of the minimum required space and bulk requirements (i.e. frontage, setbacks, yards, etc.).

Therefore, the first action needed in order to satisfy the FT/City agreement is to amend the Code to allow for the creation of new nonconforming lots to include nonconforming structures. We are preparing an amendment to accomplish this. That amendment will be drafted so as to limit its applicability so that it does not undermine our overall subdivision standards. For example, it may be limited only to situations existing before

the adoption of our subdivision standards and where multiple residential buildings are located on land in single ownership.

#### Non-Conforming Uses

Eight–eight (88) lots will be created with a combination of single family homes, two family homes, or three unit multifamily buildings. Seventy-eight (78) of these lots will be located in zoning districts (Mill District, Riverfront District, Neighborhood Conservation “A” District, Urban Enterprise District, and Community Business District) that do not permit the existing residential uses (i.e. nonconforming uses).

In accordance with our Code, a nonconforming use that is located in a structure that is damaged to an extent less than 80 percent of the market value of the structure may be reconstructed as it existed; but, if the damage equals or exceeds 80 percent of the market value, it may only be reconstructed, upon the receipt of development approval and a building permit, in full conformance with the space and bulk regulations of the district in which it is located. Any reconstruction of a nonconforming use must be no larger than the previous structure, and the intensity of use shall not be increased. Any reconstruction permitted must be begun within one year and be completed within two years of the date of the damage or destruction. The board of appeals may extend the period for reconstruction upon a showing that work could not begin or be completed for reasons outside the control of the owner.

We would propose an amendment that would eliminate the 80% standard, allowing any residence to be rebuilt in the same size and footprint that previously existed.

#### Nonconforming Lots

Nine (9) of the properties that will be created will be on lots that are nonconforming to such an extent that the homes, as a matter of right, will not be able to be replaced if damaged or destroyed to an extent that equals or exceeds eighty (80) percent of the market value.

#### Potential Remedy

Should the Council desire, a provision could be added to the Zoning and Land Use Code to provide by right an opportunity to replace the structure, again to the same size and footprint as previously existed. Any reconstruction would have to begin within one year and be completed within two years of the date of damage or destruction. It is my recommendation that any such provision be limited to single-family detached dwellings, two-family dwellings, and three unit multifamily dwellings since this provision would be applicable throughout the City.

These changes would basically allow any destroyed one, two, or three unit structure anywhere in the City to be rebuilt provided that it is no larger than the previous structure.

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

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 17, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Public Hearing regarding proposed bond issue for Farwell School Expanded Classroom Space.

**INFORMATION:** Enrollment in the Lewiston School System substantially exceeded projections this year with over 150 additional students attending class. This has filled all existing classroom space in the system. Additional enrollment increases are expected in the coming years. As a result, the School Committee is recommending an expansion to Farwell School to add six additional classrooms.

Two options are available. Under the first, a modular building would be added to the school campus with an estimated cost of \$1,200,000 for the lease of the structure and \$476,000 in bonds required for site improvements. The second option would add a permanent addition to the school and would require \$1,896,000 in bonds. Please see the attached detail of the two options, their costs, and their impact on the School Department's operating budget.

The School Committee and the City's Planning Board are both recommending the permanent addition with the higher cost.

Two bond orders are attached, one for each of the two options. The Council is the body which is required to make the final selection and approve the issuance of bonds and, if the modular option is selected, the necessary lease on the building.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*ETB/KMM*

**REQUESTED ACTION:**

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To Be Determined: The City Council must first decide if it will support the requested expansion, then should select the preferred Option and Adopt the appropriate bond order.

11/10/15

To: Lewiston City Council

From: Bill Webster, Superintendent

Re: Update on Farwell Expansion

### **Summary**

On November 17<sup>th</sup> the City Council will consider the authorization of the issuance of City bonds to fund the construction of a 6-classroom addition to Farwell Elementary School. While leasing remains a viable option, the permanent addition was unanimously supported in a Farwell parent meeting on November 5<sup>th</sup> and by the Lewiston School Committee on November 9<sup>th</sup>.

### **Background**

On October 19<sup>th</sup> the Lewiston School Committee unanimously supported the construction and financing of a six classroom addition at Farwell Elementary School at “*estimated cost of \$1.7 million for occupancy no later than August 2016 and with funding through emergency LCIP or other mechanism as determined by the City Treasurer.*” Since then, Chief Administrative Officer Elaine Runyon, Facilities Director Joe Perryman and/or I have met with the City Council in a workshop meeting on October 20<sup>th</sup> and received Planning Board approval on October 26<sup>th</sup>. The Planning Board also recommended that serious consideration be given to a more permanent structure at an estimated cost of \$2.3 million. (In preparation for the City Council considering the permanent option, City Administrator Ed Barrett and I agreed to a public bond notice in the amount of \$2.5 million to ensure that we would be covering all contingencies.)

A public meeting was held at Farwell Elementary School on November 5<sup>th</sup> and focused on the following areas:

- The reasons for the needed classrooms (presented the same enrollment data and projections shared with the Council on October 20<sup>th</sup>)
- Why Farwell is the best location for the classrooms (See Appendix I for more information to support constructing the 6-classroom addition at Farwell rather than at Geiger, McMahan or Montello.)
- Description of both the leasing and permanent classroom options, which are further described in the following sections.

At the end of the parent meeting attendees, not counting the 7 School Committee members or members elect, voted 25-0 to support the permanent option. The School Committee then met on November 9<sup>th</sup> and with new information upped its authorization to \$2.3 million and recommended that the City Council approve the permanent option.

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### Lease Option

This option was previously presented to Council and would include the construction of a pad and the placement of a roughly 8,000 sf modular unit adjacent to the present green space adjacent to the school. This is illustrated in the picture below:



The lease possibility has the following advantages:

- This is the less costly option (see Attachment II for funding analysis) due to the building being a cheaper structure and eligible for an estimated \$320,000 in support from the Department of Education's lease reimbursement program;
- The structure is removable at the end of the 5-year lease term or may be purchased for \$1; and
- This option is the easiest to have in place for the 2016-17 school year.

Recognized disadvantages of the lease option are listed below:

- There would be a limited return on the \$400,000 or so sunk costs of the pad and related infrastructure requirements;
- Upon removal, the pad would remain in the Farwell green space;
- Students and staff would be separated from the rest of the school and have to walk outside to go from the classrooms to the main building for art, music, physical education, library use and other school services;
- The location of the structure would necessitate the use of security fencing that would limit ; and
- While less costly overall, annual lease charges for the five years would be roughly \$100,000 higher each year than the bond option.

### Permanent Option

This option was previously presented assuming the same physical site plan as the lease option. Joe Perryman has done some additional work and come up with a layout that allows the addition to be directly connected to the building. This design is illustrated below:



The permanent option has the following advantages:

- Students and staff would be directly part of the school without having to go outside ;
- The structure can be designed to better match the existing architecture of the main school building;
- The space can be directly linked to school heating, fire safety and other infrastructure;
- The structure would match the useful life of the school;
- This option would have less impact on the existing green space at Farwell; and
- While more costly overall, this option would be less costly in the first five years (roughly \$100,000 per year) because of the longer bond term.

Recognized disadvantages of the permanent option are listed below:

- Overall, this would be the more costly option. (See Attachment II for funding comparison.)
- While not impossible, it would be more challenging to have this addition designed and completed in time for the 2016-17 school year;

- This would require a construction management approach to design and construction, not unlike what was done with Lewiston Middle School. Such an approach may require the approval of Maine's Bureau of General Services even though this is a 100% locally funded project. I am in contact with BGS to expedite this possibility and also have sought legal advice. More information will be available by the November 17<sup>th</sup> meeting.

### Attachment I

In preparing for the Farwell meeting I wanted to more clearly document support for the additional six classrooms being constructed at Farwell rather than at Geiger, McMahon or Montello. Below is a detailed comparison of the size of the common spaces in each of these four elementary schools:

School	SQUARE FOOTAGE						# of Students	sf per Student
	Gym	Cafeteria	Music	Art	Library	Total		
Geiger	6,887	2,790	896	1,064	1,539	13,176	743	17.7
McMahon	6,768	3,744	1,035	1,428	1,428	14,403	663	21.7
Montello	5,280	3,720	1,440	841	1,560	12,841	770	16.7
Farwell	6,969	2,310	936	891	2,108	13,214	359	36.8
Farwell Expanded	6,969	2,310	936	891	2,108	13,214	479	27.6

We also compared playground areas:

School	Playground Square Footage	# of Students	sf per Student
Geiger	25,024	743	33.6
McMahon	18,179	663	27.4
Montello	84,384	770	109.5
Farwell	14,723	359	41.0
Farwell Expanded	14,723	479	30.7

The large Montello playground reflects its roots as a middle school with a full outside basketball court.

Finally, we looked at grass area to play. Here there are great differences between schools with Geiger and Montello having seemingly unlimited space. Under any Farwell expansion scenario, Farwell will have more grass play area than McMahon (25,500 sf versus 19,892 sf).

**Update on Farwell Expansion  
Additional 6 Classroom - Build/Financing Options**

**ATTACHMENT II**

Assumptions

Lease Interest Rate	3.20%	(per quote 10/2/15 GSB)
Leased Term	5	years
Princ Pymt	Annual	
Bond Interest Rate	2.70%	(per estim H Hunter)
Bond Term - option 1	10	years; Improvements only
Bond Term - option 2	15	years; Bldg only or entire project

**OPTION A - Modular Build, Leased Building, 10 yr bond for improvements**

	<u>Structure</u>	<u>Improvements</u>	<u>TOTAL</u>
COST	\$ 1,200,000	\$ 476,000	\$ 1,676,000
Drawdown FY16	\$ -	\$ 135,000	
Drawdown FY17	\$ 1,200,000	\$ 341,000	
Annual P&I	\$ 255,352	\$ 54,951	
Total Interest Cost	\$ 76,762	\$ 73,507	\$ 150,269

MDOE Leased Space			
Program \$8 psf / 5yrs	\$ (307,520)		\$ (307,520)
<b>Total estimated cost including debt service interest</b>			<b>\$ 1,518,749</b>

First payment	FY16-17	FY17-18
Last payment	FY20-21	FY27-28

Note: lease payments due at beginning of period  
MDOE Lease Subsidy FY18 - FY22

<u>Annual Effect on Operating Budget:</u>	<u>Annual</u>	<u>Total</u>		
Year 1 (FY16-17), lease only	\$ 255,352	\$ 255,352		
Yrs 2-5, lease, MDOE subsidy, bond P&I	\$ 248,799	\$ 995,196	<b>FY17 - FY21: \$</b>	<b>1,250,549</b>
Year 6, MDOE subsidy, bond P&I	\$ (6,553)	\$ (6,553)		
Years 7 - 11, bond P&I	\$ 54,951	\$ 274,754		
		<b>\$ 1,518,749</b>		

**OPTION B - Stick Build, 15 yr bond for Building and Improvements**

	<u>Structure</u>	<u>Improvements</u>	<u>TOTAL</u>
COST	\$ 1,440,000	\$ 456,000	\$ 1,896,000
Drawdown FY16 (estim)	\$ 1,240,000	\$ 291,000	\$ 1,531,000
Drawdown FY17	\$ 200,000	\$ 165,000	\$ 365,000
Annual P&I	\$155,395		
Total Interest Cost	\$434,927		\$ 434,927
<b>Total estimated cost including debt service interest</b>			<b>\$ 2,330,927</b>
First payment		FY17-18	
Last payment		FY32-33	

<u>Annual Effect on Operating Budget:</u>	<u>Annual</u>	<u>Total</u>		
Year 1*	\$ -	\$ -		
Years 2 - 5, bond P&I	\$ 155,395	\$ 621,580	<b>FY17 - FY21: \$</b>	<b>621,580</b>
Years 6 - 16, bond P&I	\$ 155,395	\$ 1,709,346		
		<b>\$ 2,330,927</b>		

\* Assumes bond sold in first FY with first debt service in second FY

## **Farwell Additional Classroom Space Bond Issue Order**

**Order, Authorizing the Issuance of \$476,000 in FY2017 Public Improvement Bonds and Entering into a \$1,200,000 Lease and Making an Appropriation for the Farwell Additional Classroom Space Project.**

**ORDERED**, that \$476,000 be appropriated for financing the Farwell Additional Classroom Space Project Site Work;

**BE IT FURTHER ORDERED** that, to meet this appropriation, \$476,000 shall be raised by Public Improvement Bond Issue(s);

**BE IT FURTHER ORDERED** that the City Council hereby instructs the Finance Director to advertise for bids for \$476,000 or increments thereof, Public Improvement Bonds; to award the loan; and to employ Locke Lord LLP to furnish the legal opinion for the same; provided that, in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

**BE IT FURTHER ORDERED** that the bonds shall be signed by the City Treasurer and Mayor;

**BE IT FURTHER ORDERED** that the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director;

**BE IT FURTHER ORDERED** that bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director;

**BE IT FURTHER ORDERED**, On or before the call date, the Finance Director is authorized to refund/advance refund this bond series if a net present value benefit is derived;

**BE IT FURTHER ORDERED** that \$1,200,000 be appropriated for Modular Classrooms; and

**BE IT FURTHER ORDERED** that to meet this appropriation, \$1,200,000 shall be funded through an operating lease; and

**BE IT FURTHER ORDERED** that the City Council instruct the Finance Director to advertise for bids for a \$1,200,000 operating lease; determine the details of the lease, and award the loan to the Financial Institution(s) which bids the lowest overall cost.

## **Farwell Additional Classroom Space Bond Issue Order**

**Order, Authorizing the Issuance of \$2,331,000 in FY2017 Public Improvement Bonds and Making an Appropriation for the Farwell Additional Classroom Space Project.**

**ORDERED**, that \$2,331,000 be appropriated for financing the Farwell Additional Classroom Space Project;

**BE IT FURTHER ORDERED** that to meet this appropriation, \$2,331,000 shall be raised by Public Improvement Bond Issue(s);

**BE IT FURTHER ORDERED** that the City Council instruct the Finance Director to advertise for bids for \$2,331,000 or increments thereof, Public Improvement Bonds; to award the loan; and to employ Locke Lord LLP to furnish the legal opinion for the same; provided that, in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

**BE IT FURTHER ORDERED** that the bonds shall be signed by the City Treasurer and Mayor;

**BE IT FURTHER ORDERED** that the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director;

**BE IT FURTHER ORDERED** that bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director; and

**BE IT FURTHER ORDERED**, On or before the call date, the Finance Director is authorized to refund/advance refund this bond series if a net present value benefit is derived.

Lewiston Public Schools  
 Additional Information  
 re  
 Proposal to Add Six Classrooms  
 at Farwell Elementary School

November 17, 2015  
 Bill Webster, Superintendent



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Comparison of Elementary Schools

School	Gym sf	Cafeteria sf	Library sf	Playground sf
Farwell	6,969	2,310	1,539	14,728
Geiger	6,887	2,790	1,428	25,024
McMahon	6,768	3,744	1,428	18,179
Montello	5,280	3,720	1,560	84,384



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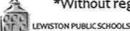
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Comparison of Elementary Schools

School	# Students	SQUARE FOOTAGE PER STUDENT			
		Gym	Cafeteria*	Library	Playground
Farwell	360	19	6	6	41
Farwell Expanded	480	15	5	4	31
Geiger	740	9	4	2	34
McMahon	660	10	6	2	28
Montello	780	7	5	2	108

\*Without regard to number of seatings.



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### Why Expand Farwell?

- \* School can be expanded without going beyond the capacity of the cafeteria, gym, library.
- \* Will allow addition of preK room and 3 classrooms at each grade level.
- \* Will help LPS maintain, if not reduce, elementary class size throughout the City.
- \* 6 new classrooms will serve as insurance for further unexpected enrollment increases.

LEWISTON PUBLIC SCHOOLS

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### Proposed Leased Site Option



LEWISTON PUBLIC SCHOOLS

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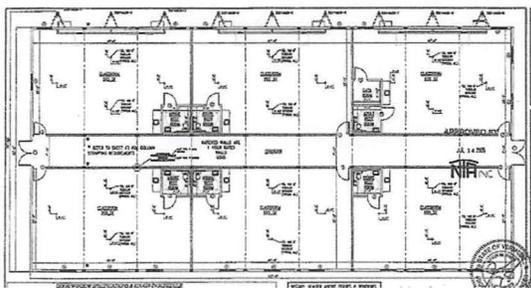
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### Six Classroom Modular Building



LEWISTON PUBLIC SCHOOLS

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### Lease Option

- \* Financed through a lease expected to be partially funded by State support.
- \* Modular could be removed once new school opens, assuming that elementary enrollment does not spike further.
- \* Construction would start this school year for completion by August 2016.

LEWISTON PUBLIC SCHOOLS 7

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### Proposed Permanent Site Option



LEWISTON PUBLIC SCHOOLS 8

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### Permanent Option

- \* Students and staff would be directly part of the school without having to go outside .
- \* The structure can be designed to better match the existing architecture of the main school building.
- \* This option would have less impact on the existing green space at Farwell.
- \* While more costly overall, this option would be less costly in the first five years (roughly \$100,000 per year) because of the longer bond term.

LEWISTON PUBLIC SCHOOLS 9

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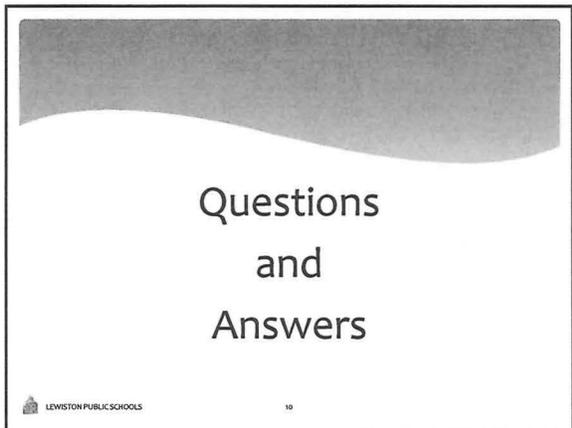
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Questions  
and  
Answers

 LEWISTON PUBLICSCHOOLS

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



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

**From:** David Hediger

**Date:** November 6, 2015

**Subject:** Planning Board Action

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The Planning Board took the following action at their meeting held on October 26, 2015 regarding a request by the Lewiston School Department for a capital expenditure not included in the 2016 Lewiston Capital Improvement Program of an estimated \$1.7 million for the addition and equipping of six new classrooms at Farwell Elementary School:

The following motion was made:

**MOTION:** by **Walter Hill** pursuant to Article VII, Sections 4(f) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for a capital expenditure at an estimated cost of \$2.3 million for the construction and financing of a six classroom stick built building adjacent to Farwell Elementary School for occupancy no later than August 2016. Second by **Normand Anctil**.

**VOTED:** **5-2 (Passed)**  
**Michael Marcotte and Paul Madore Opposed**

Note: The Planning Board voted to recommend \$2.3 million dollars versus the original \$1.7 million dollar request by the School Department so that a stick built structure could be constructed versus the initially proposed modular recognizing that a stick built structure will be permanent, better designed, and maintain its value. However, some Board members remained concerned that the additional classrooms appear to be a quick fix and not well thought out. Other Board members desired to see additional classrooms attached to the existing school as a permanent structure and that efforts are made to not further reduce open space or worsen parking. They also noted the School Department needs to improve predications of student enrollment so schools can be designed to accommodate future expansions and to improve communication with the public regarding school proposals.

c: Ed Barrett, City Administrator  
Planning Board Members

**LEWISTON CITY COUNCIL**  
**MEETING OF NOVEMBER 17, 2015**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Resolve Authorizing the Transfer of \$26,920 from the Gendron Business Park Phase II Project for the purpose of replacing lighting at the Lewiston Public Library.

**INFORMATION:**

Lighting needs to be replaced in various sections of the City Library and the recommendation is to install LED lighting in these areas. Funds are available in the Gendron Business Park Phase II project and staff is recommending the funds be transferred to cover the lighting upgrade at the Library.

Please see attached memorandum for additional information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

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To approve the Resolve authorizing the transfer of \$26,920 from the Gendron Business Park Phase II Project for the purpose of replacing lighting at the Lewiston Public Library.



COUNCIL RESOLVE

**Resolve,** Authorizing the Transfer of \$26,920 from the Gendron Business Park Phase II Project for the Purpose of Replacing Lighting at the Lewiston Public Library.

Whereas, problems have been recently identified with the vintage 1999 metal halide lighting in the grand reading rooms of the original library building; and

Whereas, in in the midst of annual bulb replacement, wiring problems were identified at certain fixtures resulting from the intense heat generated by the metal halide bulbs and inadequate ventilation around the fixtures; and

Whereas, an option to simply repairing the existing fixtures would be to replace them with LED fixtures, reducing energy costs and annual bulb replacement expenses including the need to rent a lift necessary to reach the fixtures; and

Whereas, the cost to upgrade the system to LED lights is estimated at \$26,920; and

Whereas, such an upgrade will pay for itself in about five years through energy and out of pocket maintenance cost savings; and

Whereas, funds to undertake this project are available from a completed capital project – Gendron Business Park Phase II;

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

The amount of \$26,920 is hereby transferred from the Gendron Business Park Phase II project, account number 7702-702702, for the purposes of installing LED lighting in the Lewiston Public Library.



## EXECUTIVE DEPARTMENT

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

November 10, 2015

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: Library Lighting

The Library and Building Maintenance recently discovered a problem with the metal halide lights in the library. The lighting system in the original library building (in the grand reading rooms) has been in use since 1999. It has been expensive to operate and maintain, but we have kept it going because we had no other choice.

The Library was in the midst of its annual replacing of all of the lamps (major ordeal because we have to rent a lift to get up to those high-ceiling fixtures) and, as usual, found some fixtures that were not working even with replacement lamps. A contractor was brought in to replace what we thought were some bad ballasts. It turns out that some of the ballasts were bad, but, in at least four of the fixtures, the wiring and the ballasts were totally fried due to the intense heat generated by the metal halide lights and inadequate air flow around the fixtures. One option would be to replace all of this wiring, ballasts, and other lighting components; however, with all of the labor involved in such work, this option seems short-sighted, not to mention expensive. In addition, even when the fixtures are working, they are energy inefficient and expensive to maintain given the cost of the building maintenance personnel labor and the requirement to rent a lift annually in order to replace all of the lamps each year.

In the past year, we requested a quote for replacing these fixtures with energy efficient LED ceiling fixtures; however, with no budgeted funding and no Efficiency Maine program that would help reimburse us for a portion of the cost, we have not been able to move forward with this replacement project.

A recent estimate from a contractor for replacing the current lighting system with an LED system was for \$26,920, an amount which may be lower when the project is competitively bid.

The estimated direct out of pocket costs to maintain the current system (bulb replacement, lift rental, ballast replacement, and contract labor for ballast replacement) is estimated at about \$1,500 per year. In addition, in-house labor to perform the work runs approximately \$550 per year. The cost to replace the burned out wiring and ballasts is estimated at \$2,000. Upgrading to an LED system would generate \$3,200 in annual electric savings.

Given these figures, the return on investment of upgrading the system to LED can be calculated as follows:

Annual Out of Pocket Direct Expenses	\$1,500
Electricity Cost Reduction	\$3,200
TOTAL ANNUAL SAVINGS	\$4,700
LED Upgrade Cost	\$26,920
Less: Current Estimated Repair Costs	(\$2,000)
TOTAL EXPENSE FOR UPGRAGE	\$24,920

Based on these figures, the City will recover its expenses in upgrading to LED lighting in 5.3 years. This does not include in-house staff expenses of \$550 (2 personnel for 8 to 10 hours each) that can be redirected to other work. If this was included in the calculation, the return on investment would be reduced to 4.7 years. It also does not include an estimate of future repair costs that might be required due to additional wiring replacement.

Overall, therefore, investing in an upgrade to LED lighting should be undertaken given how relatively quickly the up-front cost will be recovered.

Funds are potentially available for this project from the Gendron Business Park Phase II project from 2012. That project has been finalized with a remaining balance of \$129,885. The proposed Council resolve will transfer \$26,920 to this library project. I recommend your approval.

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 17, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Order Authorizing the Transfer of \$184,500 from the City's 2015 Telephone Project to the FY2016 School Telephone Project.

**INFORMATION:**

This past fiscal year, the Lewiston Capital Improvement Plan included \$500,000 for replacing the telephone system throughout the City/Schools. Initially, the funding was split equally between the two entities. As the project has developed, however, it has become apparent that the initial allocation must be adjusted due to higher costs associated with the School Department. This order will adjust the allocation. The allocation, in total, will remain the same.

Note, however, that an issue with the aged and beyond life expectancy of the required switches at the high school means they will have to be replaced at an additional estimated cost of \$100,000. The School Department plans to request this funding in the FY17 capital plan.

Please see the attached memo from Timothy Earle for more detail including an analysis of the anticipated return on investment.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EA/BK/mm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Order authorizing the transfer of \$184,500 from the City's 2015 Telephone Project to the FY2016 School Telephone Project.



COUNCIL RESOLVE

**RESOLVE,** Authorizing the Transfer of \$184,500 from the City's 2016 Telephone Project to the FY2016 School's Telephone Project.

**WHEREAS,** in the FY2016 LCIP, the City Council approved \$500,000 to fund a Citywide Telephone project with equal cost-sharing between the City and the School Department; and

**WHEREAS,** upon further research into the infrastructure needs to implement this project, it has been determined that the cost-sharing amounts needed adjustment; and

**WHEREAS,** given the number of switches and telephones in the school system, their apportionment of the project should increase from \$250,000 to \$434,500; and

**WHEREAS,** the City's appropriation for the project was \$250,000 and our revised apportionment is \$65,500; and

**WHEREAS,** in preparation for bidding this project, it was discovered that the Power Over Ethernet switches at Lewiston High School required for the proper operation of the proposed new telephone system have exceeded their end of life by five years and were provided by a company that no longer exists; and

**WHEREAS,** these switches must be replaced at an additional cost of \$100,000; and

**WHEREAS,** the additional \$100,000 required to complete the project at the Lewiston High School will be included in the FY2017 LCIP;

**NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON** that \$184,500 from the City's Telephone Project is hereby transferred to the Lewiston School Department's Telephone Project.



# Information Technology

Timothy J Earle  
Director

---

**To:** Ed Barrett  
**From:** Timothy J Earle  
**Subject:** City and School Telephone System  
**Date:** November 9, 2015

I was asked to assist with the assessment of the School Departments telephone system in hopes of reducing cost. Joe Perryman explained that the School's existing telephone system are 10+ years past their useful life. One system requires the services of an outside vendor every time a change is needed due to the systems age and the old MS-DOS Operating System. Every School has a different telephone system creating a training nightmare. They rely upon 4 different outside vendors to service the current systems.

Overall, the School Department currently has 134 analog telephone lines with a cost of \$4,824 per month or \$57,888 annually. Investing in a new telephone system will reduce these analog lines down to 18 total, or two per location, reducing the monthly cost to \$648 or an annual cost of \$7,776, saving about \$50,000 per year. Joe Perryman also mentioned that two of the Schools are in need of new PA Systems at a combined cost of \$100,000. With the new telephone system, these Schools will not need a new PA System.

On the City side, there are no cost savings, but we will have a redundant/fail-over system once this project is complete.

I did not have the numbers until later in the process (too late for the LCIP meeting with Council). So I just estimated a 50/50 cost allocation between the city and school department, knowing that this allocation would require adjusting as the project moved forward. With numbers in, we are now looking more like \$65,453.50 (or 13%) for the City and \$434,441.71 (or 87%) for the School.

Originally, I was informed that the High School had all POE (Power Over Ethernet) Switches. While this is true, closer inspection revealed that these switches are and have been End-of-Life for 5 years. The Company that supplied them has been out of business about the same amount of time. The current switches will not support this new telephone project and will need to be replaced. To replace all the switches at the High School will add an additional \$100,000.00 on the School side of this LCIP project, bringing the total to \$600,000. The return on investment for the Schools, taking into account the avoided costs associated with the PA systems and the line charge reductions, will be slightly less than 9 years. If the ROI also takes into account the reality that the current switches at the High School need to be replaced due to age and obsolescence, the new system will pay for itself in less than 7 years.

Once the new telephone system is in place, the City and School Department will be completely integrated for Voice over Internet (VoIP) telephone service as well as data. All locations will be on Dark Fiber (through Oxford Networks) giving us up to a 10GB data connection between locations. The HR Department will be moved from a dual system (one for the City and one for the School) to a single system with the completion of the Munis Project.

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City of Lewiston, 27 Pine Street, Lewiston, ME 04240 – (207) 513-3000

**LEWISTON CITY COUNCIL**  
**MEETING OF NOVEMBER 17, 2015**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Resolve appropriating \$6,000 in unanticipated Revenues for the purpose of replacing a Police Vehicle.

**INFORMATION:**

The Police Department is seeking approval to use some funds from unanticipated Revenues to be applied toward the purchase of a police vehicle to replace one that has recently been damaged in an accident. The attached Resolve outlines the proposal for funding the replacement vehicle and these funds will be used in conjunction with insurance money and other funding sources.

**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 appropriating \$6,000 in unanticipated Revenues for the purpose of replacing a Police Vehicle.



COUNCIL RESOLVE

Resolve, Appropriating \$6,000 in Unanticipated Revenues For the Purpose of Replacing a Police Vehicle.

Whereas, a police patrol vehicle was extensively damaged in a recent accident in which the employee operating the vehicle was not at fault; and

Whereas, our insurer has determined that the cruiser is beyond repair, will pay the City \$11,475, and we anticipate recovering the City's \$1,000 deductible from the other party's insurer; and

Whereas, the proceeds from insurance recoveries are automatically appropriated toward addressing the item that was damaged and can, therefore, be used toward purchase of a replacement vehicle; and

Whereas, the damaged vehicle was scheduled to be transferred to the detective division to replace a 2004 unit with about 116,000 miles; and

Whereas, this unit still needs to be replaced; and

Whereas, the Police Department recommends that a relatively new program car be purchased for this purpose; and

Whereas, the Department anticipates that the cost of such a unit will be about \$18,000; and

Whereas, \$12,545.65 in abandoned cash from within the Department's evidence room has been recently released to the City and deposited in the City's General Fund; and

Whereas, using \$6,000 from this source in conjunction with the insurance recovery on the totaled vehicle will allow the purchase of a replacement vehicle;

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

The amount of \$6,000 is hereby appropriated within the General Fund for the purpose of purchasing a replacement vehicle for the criminal investigation division of the Police Department.



## *POLICE DEPARTMENT*

Sgt. Robert P. Ullrich  
Administration / Accreditation



October 30, 2015

To: Chief Bussiere  
Fr: Sgt. Robert Ullrich  
Re: Cruiser P-8 replacement

Chief,

The Maine Municipal Association has informed us that the damage to P-8 due to a recent accident was extensive and therefore they chose to total out the vehicle. They advised that they will pay out \$12,475 minus our \$1,000 deductible. We will get our \$1,000 deductible back from Maine Municipal once they settle with the other operator's (who was at fault) insurance carrier.

P-8 was scheduled to be transferred into the CID fleet from the patrol fleet upon arrival of our new cruisers (within the next 2 months). P-8 was to replace P-24, a 2004 Mercury Grand Marquis with 115,962 miles. P-24 is one of our vehicles that will be traded in to the dealer upon arrival of the new patrol cruisers. It is critical that we maintain our current fleet level and replace the vehicle that was totaled. The CID fleet is aging and even before this accident currently does not have enough vehicles to meet the needs of the division.

I have spoken with several dealers in regards to available used low miles program cars (Ford Taurus, Chevy Impala, Dodge charger). They informed me that we could likely purchase one of these vehicles with 20,000 to 30,000 miles on them for around \$18,000.

Purchasing a nearly new program car will be financially beneficial to our department. The life of the program vehicle would likely be beyond 10 years as proven by P-24 (purchased new in 2004) which is mentioned above. A CID vehicle that is transferred from the patrol division typically last two to three years before it is necessary to trade it out. Keep in mind P-8 (vehicle that was totaled) had over 90,000 miles on it. The 24 hour a day 7 day a week run time of these patrol vehicles must also be kept in consideration in regards to maintenance issues and life expectancy.

Our department recently obtained \$13,545.65 from abandoned cash property from within our evidence room which was deposited into city general fund account # 4151-373101 on 10/23/2015.

I request that we go out to bid to purchase a used, low mile program car utilizing the insurance payout of \$12,457 and up to \$6,000 from the above listed general fund account. This amount would cover the cost of the vehicle and installation of necessary police radio equipment.

Respectfully Submitted,

Sgt. Robert P. Ullrich



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[www.lewistonpd.org](http://www.lewistonpd.org)



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# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 17, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

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

**INFORMATION:**

The City has received a request from 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.

The Planning Board voted 6-1 to send a favorable recommendation to acquire the property.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*GAB/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; and

Whereas, the Planning Board has review this offer and recommends that it be accepted;

**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

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

November 6, 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.

When this item first came before the Council, it was approved; however, I neglected to request a recommendation from the Planning Board as is required by City ordinance. Subsequently, the Council action accepting the property was rescinded and the process restarted. The Planning Board has now reviewed and recommends that you accept this property.

August 14, 2015

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

RE: 00-003235

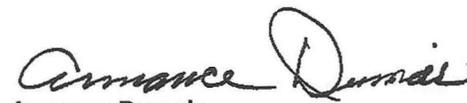
Dear Janet Labbe,

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



1:2400



FIRM Flood Zone AE

No Name Creek

BFE-202

BFE-203

BFE-204

FIRM Flood Map Panel 23081C0332E  
Effective July 8, 2013

LELAND ST.

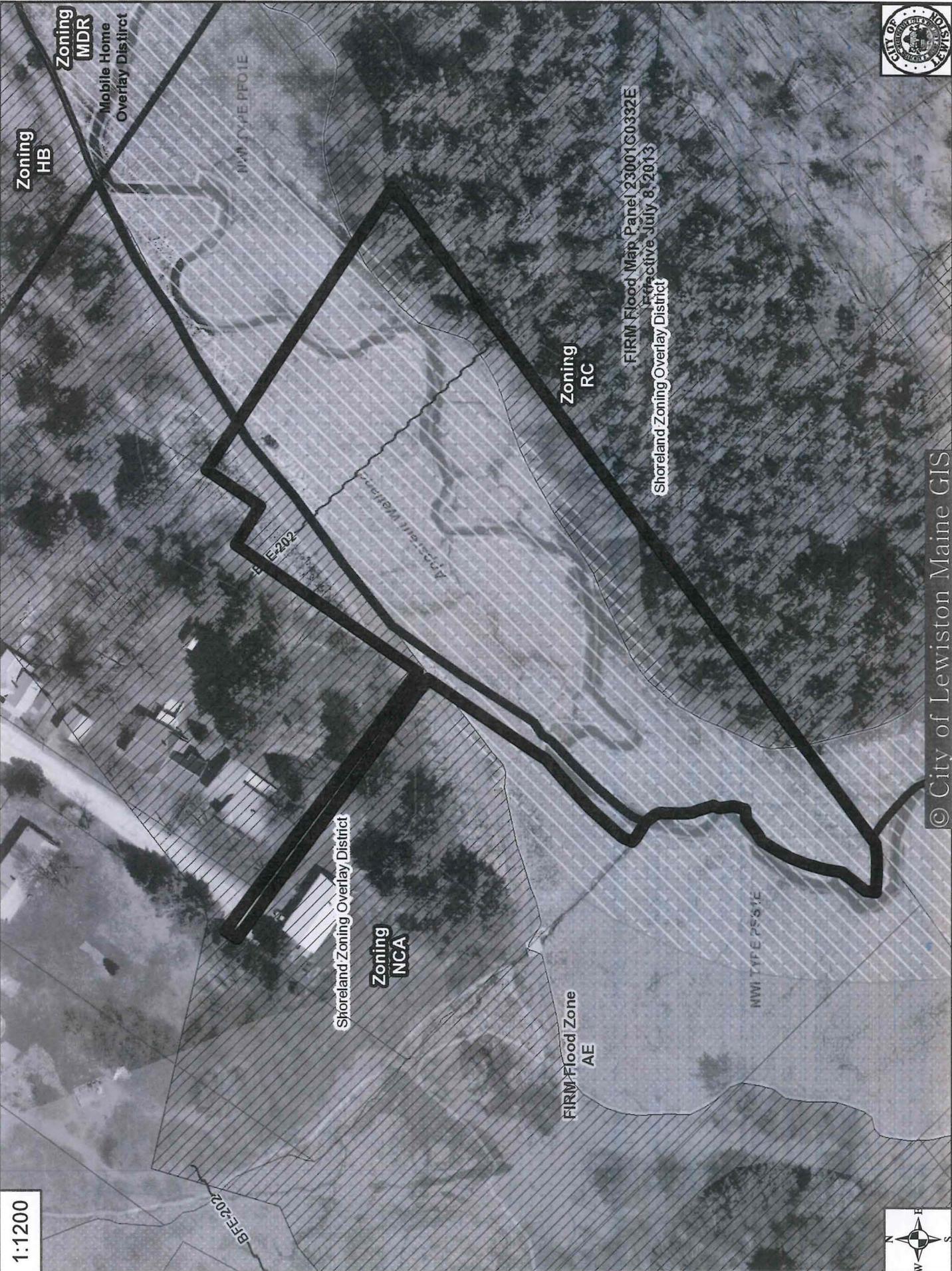
DAMON ST.

GROVE ST.

BFE-202



1:1200



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## CITY OF LEWISTON

### Department of Planning & Code Enforcement



**TO:** Honorable Mayor and Members of the City Council  
**FROM:** David Hediger, City Planner  
**DATE:** November 6, 2015  
**RE:** 35 Ellis Street Rear–Land Donation

Administration received a request from owners Rudolph and Armance Dumais to donate 35 Ellis Street Rear to the city. This vacant 2.62 acre parcel is almost entirely located in the Resource Conservation (RC) district and is essentially undevelopable having no frontage, is significantly impacted by shoreland zoning, flood plain, wetlands, a sewer line as part of a cross country sewer collection system, and an inland wading waterfowl habitat. The current assessed value on this property is \$1,920. There are 10 abutters, three of which are the City owning lots that are also undevelopable.

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

The City Council voted unanimously on September 19, 2015 to execute the required documents to accept ownership of the parcel of vacant land located at 35 Ellis Street Rear. On September 28th the Board voted that proposed acquisition be referred back to the City Council for purposes of rescinding their action taken on September 15, 2015 and for the Council to follow ordinance requirements accordingly by first requesting a recommendation from the Planning Board in accordance with Article VII, Section 3(e) and 4(h) of the Zoning and Land Use Code. On October 6<sup>th</sup>, the Council passed a resolve 7-0 rescinding their September 19th resolve and requested the Planning Board to review the potential acquisition of 35 Ellis Street and to provide its recommendation to the City Council, consistent with the city ordinance.

On November 6th the Planning Board voted 6-1 to send a favorable recommendation to the City Council for the acquisition in the form of a donation of 35 Ellis Street Rear.



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



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

**From:** David Hediger

**Date:** November 6, 2015

**Subject:** Planning Board Action

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The Planning Board took the following action at their meeting held on October 26, 2015 regarding the acquisition 35 Ellis Street Rear.

The following motion was made:

**MOTION:** by **Pauline Gudas** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the acquisition in the form of a donation of 35 Ellis Street Rear. Second by **Walter Hill**.

**VOTED:** **6-1 (Passed)**  
**Michael Marcotte Opposed**

c: Ed Barrett, City Administrator  
Planning Board Members

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# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 17, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 8**

**SUBJECT:**

Order authorizing the City Administrator to execute the Second Amendment #2 to Interlocal Cooperation Agreement #2 for Lake Auburn Intake & Water Treatment.

**INFORMATION:**

The City of Lewiston and the Auburn Water District have an Interlocal Agreement for the Lake Auburn Intake and Water Pretreatment facilities at the Lake. The two groups completed the joint Ultra-Violet Light Water Treatment Facility in 2012 to comply with the federal Safe Drinking Water Act. The proposed amendments are designed to simplify personnel management and scheduling and improve the efficiency of the plant operations.

Please see the attached memorandum from Public Works Director David Jones 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 Order authorizing the City Administrator to execute the Second Amendment #2 to Interlocal Cooperation Agreement #2 for Lake Auburn Intake & Water Treatment.



**City of Lewiston, Maine  
City Council Order  
November 17, 2015**



**ORDER,** Authorizing the City Administrator to Execute the Second Amendment #2 to Interlocal Cooperation Agreement #2 For Lake Auburn Intake & Water Treatment

- Whereas, Maine Law permits municipalities to enter into interlocal cooperation agreements to make efficient use of their powers and to cooperate with other municipalities or political subdivisions on a basis of mutual advantage to provide services and facilities to the local communities; and
- Whereas, on October 3<sup>rd</sup>, 1997, the City of Lewiston and the Auburn Water District signed an Interlocal Agreement for the Lake Auburn Intake and Water Pretreatment facilities at the lake, an agreement which remains in effect and binding on both parties; and
- Whereas, the parties completed a joint ultra-violet (UV) light water treatment facility in 2012 to comply with the Safe Drinking Water Act; and
- Whereas, the complexity of the operation of the UV light treatment plant requires management and oversight by a Class IV Water Treatment Operator as mandated and licensed by the Maine Drinking Water Program; and
- Whereas, on June 4, 2013, the City of Lewiston and the Auburn Water District signed an Interlocal Agreement Amendment #1 for hiring of a Licensed Class IV Treatment Operator/Manager to manage the UV Facility, subject to a 50/50 cost sharing arrangement with the Lewiston Water Division; and
- Whereas, the Trustees of the Auburn Water District approved moving forward with the hiring of up to 2 additional Licensed Class IV operators to assist with operations of the UV Facility under the direction of the Water Treatment Manager at their October 21, 2015 meeting, subject to a 50/50 cost sharing arrangement with the Lewiston Water Division; and
- Whereas, the attached proposed Amendment to the 1997 agreement has been signed by the current Auburn Water District Acting Superintendent and has been reviewed and is recommended by City of Lewiston staff; and
- Whereas, the funding for the Water Treatment Plant is available in the City of Lewiston Water Utility budget;

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

**the City Administrator is Authorized to execute the Second Amendment #2 to Interlocal Cooperation Agreement #2 For Lake Auburn Intake & Water Treatment**



## PUBLIC WORKS DEPARTMENT

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David A. Jones, P.E., Director

November 17, 2015

To: Ed Barrett (City Administrator), Kathy Montejo (City Clerk)

Re: Amendment #2 to Interlocal Cooperation Agreement #2 -- Lake Auburn Intake & Water PreTreatment for Consideration at the November 17, 2015 City Council Meeting

Ed & Kathy:

We are requesting the City Council consider and approve an order authorizing the City Administrator to sign a proposed Amendment #2 to the 1997 Interlocal Cooperation Agreement #2 for Lake Auburn Intake and Water Pretreatment.

On October 3<sup>rd</sup>, 1997, the City of Lewiston and the Auburn Water District signed an Interlocal Cooperation Agreement for the Lake Auburn Intake and Water Pretreatment facilities located at the lake. The agreement addressed the facilities at the lake and how the joint use and funding of the facilities would be shared. That agreement currently remains in effect and is binding on both parties.

With the construction of the joint ultraviolet light water treatment facility in 2012 (required in order to comply with the Safe Drinking Water Act) and given the complex operations of the treatment facility, the two utilities recognized and understood the need for professional management and oversight of this new facility by a Maine licensed Class IV Water Treatment Operator. As a result, the interlocal agreement was amended to create the position of Water Treatment Plant Manager to oversee operations and ensure compliance with State and Federal rules and regulations. This position is funded on a 50/50 basis by Lewiston and the Auburn Water District.

While a full time manager is now on site, the prior system of operational staffing remained in place. Under this system, each party designates two employees who each spend alternate weeks (one half their time) at the lake. Our employees spend one week at the lake and the next on alternate duties elsewhere in our system. As the operations of the plant have become more complex, it has become clear that this rotation of employees through the facility is not the most efficient and effective since staff assigned to the Lake are limited as to the amount of time available to complete tasks.

A revised operational plan has been developed under which each organization will provide one employee full-time at the lake. This will ensure that the employees assigned become familiar with all aspects of the plant's operation and maintenance and will improve overall productivity by avoiding issues such as delaying tasks that arise late in the week that the operator would not be able to complete prior to rotating away from the lake. Note that this change will not increase overall costs since both entities effectively assign one full time equivalent (.5 of two positions) to the lake now.

The current operational plan also requires that Lewiston and Auburn water provide personnel for after hours, on-call, and replacements for absences. The proposed agreement will modify and simplify staffing and arrangements in this area. Auburn water has agreed to provide up to 2 additional Class IV Treatment Operators to handle these emergency calls and to cover for absences. Since both utilities have historically paid for 50% of the cost for such services, this change will not have an impact on Lewiston's overall costs; rather, again, it will simplify personnel management and

scheduling and should improve the overall efficiency of the operation as employees assigned gain skills and familiarity.

In summary, these changes are designed to simplify personnel management and scheduling and improve the efficiency of plant operations by eliminating the current system of personnel rotation allowing employees to increase their skills and abilities at plant operation and maintenance at no increase in costs to the parties.

Sincerely,

David A. Jones, P.E.  
Director

Cc: K. Gagne, S. Hazelton

**AMENDMENT #2 TO:  
INTERLOCAL COOPERATION AGREEMENT # 2  
FOR LAKE AUBURN INTAKE & WATER PRETREATMENT**

This Second Amendment to Interlocal Cooperation Agreement #2 for Shared Lake Auburn Intake & Water Pretreatment Services is made as of this \_\_\_\_\_ day of 2015, by and among the Trustees of the Auburn Water District, (“Auburn”) and the City of Lewiston, (“Lewiston”) for the purposes of consolidating operations at the joint Lewiston Auburn Water Treatment Plant.

**WITNESSETH THAT:**

WHEREAS, Maine law permits municipalities to enter into interlocal cooperation agreements to make the most efficient use of their powers and to cooperate with other municipalities of political subdivisions on a basis of mutual advantage, in order to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, the parties hereto executed an Interlocal Cooperation Agreement for Shared Lake Auburn Intake & Water Pretreatment Services in 1997, which currently remains in effect and is binding on all parties hereto; and

WHEREAS, the parties hereto completed a joint ultra-violet light water treatment facility in 2012, necessary to comply with amendments to the Safe Drinking Water Act, in order to safe guard public health; and

WHEREAS, the parties hereto executed Amendment #1, in June 2013, to Interlocal Cooperation Agreement #2, whereby the Trustees of the Auburn Water District hired a Licensed Class IV Operator to manage the joint UV Water Treatment Facility, subject to a 50/50 cost sharing arrangement with the Lewiston Water Division; and

WHEREAS, the complexity of operation and required staff-hours of the ultra-violet light water treatment plant requires oversight by Class IV Water Treatment Operators, as mandated and licensed by the Maine Drinking Water Program; and

WHEREAS, in order to prepare a succession plan and to adequately train individuals for continuity of operations with the loss or incapacitation of the Water Treatment Plant Manager, and to ensure continued protection of public health.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree that the above recitals are made a part of this Second Amendment, and as follows:

1. The Auburn Water District will employ one (1) Class IV Water Treatment Operator, and the Lewiston Water Division will employ one (1) Class IV Treatment Operator. These employees will work full-time at the joint Lewiston Auburn Water Treatment Plant. The two Class IV Operators will report directly to the joint Water Treatment Plant Manager. *(Currently both Lewiston and Auburn are providing an operator that reports to the treatment plant every fourth week. This corresponds to a 0.5 FTE for each entity).*
2. The Auburn Water District will employ up to two (2) additional Class IV Treatment Operators who will be assigned to the Lewiston Auburn Water Treatment Plant to be “on-call” to cover after hour issues. This Operator will be assigned to the Plant as needed on a rotational basis with the full- time Operators above.

These Operators will perform secondary on-call duty for the week prior to assignment. In addition, this Operator may be called in to the Plant to assist with emergencies, or to cover for employee absences.

3. The Lewiston Water Division agrees to reimburse the Auburn Water District for one half (1/2) of the cost that the additional Class IV Water Treatment Operator(s) is/are assigned to the Plant. Cost will include all pertinent miscellaneous overhead and pro-rated benefits, insurance, etc. Ongoing operational costs will continue to be shared on a 50/50 basis, such as power, heat, property & casualty insurance, etc. Operational chemicals will continue to be pro-rated based on actual use.
  
4. Auburn and Lewiston will continue to consult weekly regarding treatment plant operations (current operation meetings occur every Tuesday morning at 8:00 AM). Auburn and Lewiston will also consult regularly regarding employment, supervision, and evaluation of the Treatment Plant Manager and designated Class IV Operators. The Treatment Plant Manager will continue to prepare both Auburn and Lewiston's required Monthly Operating Reports to the State of Maine Drinking Water Program.
  
5. The Water Treatment Plant Manager shall meet regularly with both Auburn and Lewiston to discuss required capital projects and budget issues for the joint operations of the water treatment facility. Both Auburn and Lewiston will continue to fund mutually-agreed-to capital projects on a 50/50 basis, unless cost share is specifically negotiated for a different allocation.
  
6. Either party may cancel this joint operational agreement at any time, pending a 90 day written notice of intent to terminate. Upon termination, each utility would become solely responsible for the operational requirements of their systems.

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed by their duly authorized representatives pursuant to due legal authorization and authority as of the day and year first written above.

**AUBURN WATER DISTRICT**

\_\_\_\_\_  
WITNESS By: Sid Hazelton P.E., Its Superintendent

**CITY OF LEWISTON**

\_\_\_\_\_  
WITNESS By: Edward A. Barrett, Its  
City Administrator

October 23, 2015

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 17, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 9**

**SUBJECT:**

Resolve authorizing the Lewiston Recreation Division to introduce new, self-supporting recreational programs that are currently not anticipated in the 2016 Activities Account Budget.

**INFORMATION:**

The programs offered by the Recreation Division are presented annually in the Recreation Activities Budget. In recent years, expenditures in this account have exceeded revenues. An objective of the Recreation Division is to eliminate this deficit and become more self-supporting. In order to do so, the Division is reviewing other potential program offerings. Among these currently is a Ski/Snowboard program. Others may also be identified and possibly implemented.

Since such programs are not included in the Recreation Activities Budget, Council approval is being requested. Since they are likely to arise from time to time, the request is that the Division be authorized to institute such programs once it has been determined that they will be at least self-supporting through registrations. The additional hope is that these programs will generate sufficient revenue to not only cover costs, but assist the Division as a whole in lowering its reliance on general fund support.

**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 Lewiston Recreation Division to introduce new, self-supporting recreational programs that are currently not anticipated in the 2016 Activities Account Budget.



COUNCIL RESOLVE

Resolve, Authorizing the Lewiston Recreation Division to Introduce New, Self-Supporting Recreational Programs that are Currently not Anticipated in the 2016 Activities Account Budget.

Whereas, the Lewiston Recreation Division would like to introduce new, self-supporting programs to expand its offerings to the community, allow the Division to remain competitive and grow, and be consistent with other Recreation Departments throughout the State of Maine; and

Whereas, investigating expanded program offerings is one effort of the Department aimed at reducing its overall impact on the City's general fund budget by increasing program revenues to offset overhead and administrative expenses; and

Whereas, in order to ensure that these new programs will be self-supporting, Division staff will survey the public to determine if there is sufficient public interest; and

Whereas, such programs will only be offered when the minimum required number of participants enroll in them and will not be offered if enrollment is inadequate to meet program costs; and

Whereas, the initial new program is anticipated to be a Ski/Snowboard program to be offered for four weeks this winter at Mt. Abram to allow families of all abilities to have the opportunity to enroll; and

Whereas, this program will only be offered if a minimum of 15 individuals sign up, at which point the program would be self-supporting and have no impact on taxpayers;

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

the City Administrator/Recreation Division is authorized to offer the Ski/Snowboard program at Mt. Abram as a new program and to add other new programs once the Division has determined that adequate interest exists to ensure that they are self-supporting and will not require subsidies from the taxpayer.

**LEWISTON CITY COUNCIL**  
**MEETING OF NOVEMBER 17, 2015**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 10**

**SUBJECT:**

Order taking possession of Tax Acquired Property at 422 Pleasant Street.

**INFORMATION:**

The property at 422 Pleasant Street has been vacant for some time and is currently bank owned due to a foreclosure. Outstanding taxes go back to 2012 and the taxes and utilities owed to the City total \$18,564. A City tax lien has matured.

Code has reviewed the property and, although some vandalism has occurred, believes it is salvageable and could be put back into service. The City has received one expression of interest in potentially purchasing it.

At this point, we are recommending that the City take possession of the property primarily in the hopes of seeing it sold, renovated, and returned to use. In addition, this might allow the City to recover some or all of the amounts owed on it.

**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 taking possession of Tax Acquired Property at 422 Pleasant Street.



COUNCIL ORDER

**Order,** Taking Possession of Tax Acquired Property at 422 Pleasant Street.

Whereas, the property located at 422 Pleasant Street is a single family home that has been vacant for some time and on which the City is owed \$18,564 in back taxes and utilities; and

Whereas, the property has suffered from vandalism; however, Code has inspected it and believes it remains suitable for rehabilitation and future occupancy; and

Whereas, Bank of America has foreclosed on this property and taken ownership; however, it has not paid the City the amounts due nor has it exercised appropriate stewardship over it; and

Whereas, a tax lien has matured on this property; and

Whereas, taking possession of this property will potentially allow the City to recover at least a portion of what it is owed and to proceed to return this property to productive use;

**Now, therefore, be it Ordered by the City Council of the City of Lewiston** that, based on a matured tax lien, the City take formal possession of the property located at 422 Pleasant Street.

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 17, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 11**

**SUBJECT:**

Order approving the City's commitment of \$38,737 in Neighborhood Stabilization Program Grant Funding to the rehabilitation of 46 Lisbon Street and authorizing the City Administrator to execute a Joint Development Agreement between the City and the building owners to effect the same.

**INFORMATION:**

The City has previously received \$1.47 million dollars in federal Neighborhood Stabilization program grant funding to assist with the redevelopment of properties.

The owners of 46 Lisbon Street have plans to redevelop the building into two apartments and two floors of commercial space. They are seeking to utilize some of these grant funds to restore the building.

Additional information is contained within the attached material.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EA BKmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Order approving the City's commitment of \$38,737 in Neighborhood Stabilization Program Grant Funding to the rehabilitation of 46 Lisbon Street and authorizing the City Administrator to execute a Joint Development Agreement between the City and the building owners to effect the same.



**City of Lewiston Maine  
City Council Order  
November 17, 2015**



- Order,** Approving the City's commitment of \$38,737 in Neighborhood Stabilization Program Grant Funding to the rehabilitation of 46 Lisbon Street and authorizing the City Administrator to execute a Joint Development Agreement between the City and the building owners to effect the same.
- Whereas,** PoMo &Co., owners of 46 Lisbon Street, have plans to fully redevelop the building resulting in the creation of two apartments and two floors of commercial space; and
- Whereas,** debt on the estimated project costs of \$420,000 cannot currently be supported by market rents; and
- Whereas,** the City previously received approximately \$1.47 million in federal Neighborhood Stabilization Program Grant funding which was fully expended to rehabilitate six properties in Lewiston that resulted in the creation of 12 new housing units that were income restricted to renters or owners making less than 120% of the area median income; and
- Whereas,** \$38,737 of that grant funding has been recaptured through the sale of two of the rehabilitated properties and the city wishes to use these funds to further the goals of the Neighborhood Stabilization Program; and
- Whereas,** redevelopment of 46 Lisbon Street will further the goals of the Neighborhood Stabilization Program by renovating a vacant building and returning it to productive use, increasing the supply of affordable housing, increasing owner occupancy, and will save a building that without significant new investment would contribute to the deterioration of the neighborhood;

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

The City commits \$38,757 in Neighborhood Stabilization Program funding to 46 Lisbon Street in the form of a grant and authorizes the City Administrator to execute a JOINT DEVELOPMENT AGREEMENT [NSP FUNDS] BETWEEN CITY OF LEWISTON, MAINE AND POMO & CO. FOR THE RE-DEVELOPMENT OF 46 LISBON STREET, which details how the funds are to be invested and disbursed.

# Economic and Community Development

Lincoln Jeffers  
Director



**To:** Honorable Mayor and Members of the City Council  
**From:** Lincoln Jeffers  
**RE:** 46 Lisbon Street Neighborhood Stabilization Program Agreement  
**Date:** November 11, 2015

In 2008, the Federal government created the Neighborhood Stabilization Program (NSP) to counteract the effects of historically high foreclosure rates and neighborhood deterioration. The primary purpose of the funding was to purchase and rehabilitate abandoned or foreclosed properties and put them back on the market, which would help stabilize neighborhoods. The city received approximately \$1.47 million in funding, the use of which was largely governed by the state. The city primarily used the funding to partner with the private sector and non-profit housing agencies on multiple projects. Housing saved or created with NSP funds must be purchased or rented by households making no more than 120% of the Area Median Income by household size, which is effectively market rate housing in Lewiston. For example, the income cap ranges between \$49,920 for a one person household, to \$71,280 for a four person household, up to \$94,200 for an eight person household.

The city partnered with private developers, Coastal Enterprises Inc., Habitat for Humanity, and Community Concepts to rehabilitate 6 properties with NSP funds. In those six properties, 15 residential units were developed or rehabilitated with 12 of those units income restricted. The space currently tenanted by The Vault is in a building where NSP funds leveraged other investment, although NSP funds were only used for residential expenses.

Two of the properties funded with NSP that were sold to new home owners have returned \$38,737 in funds to the program. These funds can only be used for an NSP eligible project.

City staff has been working with the owners of 46 Lisbon Street to help them cobble together the financing for the full rehabilitation of the building. Total project costs are estimated at \$420,000. Market rents will not support the debt service on the building if it was all borrowed.

City staff has identified 46 Lisbon Street as a project well suited to the commitment of \$38,737 of NSP funds to the project as a grant. The building is on the National Register but has not seen any significant new investment in

decades. The upper two floors have not been used for 30 or more years. They have never been used for residential purposes. Redevelopment plans call for a 2 bedroom apartment on the second floor and a 2 bedroom apartment on the third floor. The owners of the building plan to make one of the apartments their home. The street level and basement space will be developed for commercial use. It is in a neighborhood that has seen the rehabilitation of other historic buildings. This project will help stabilize and continue those transformative efforts.

NSP funds will be used in just one of the apartments. The income restriction will only apply to that one unit for a period of 10 years.

Attached is a narrative from the building owner describing the project and some of its financial challenges. Total project costs are estimated at \$420,000. In addition to the request for \$38,737 in NSP grant funding, the developers are also seeking to utilize \$15,000 in city Façade Program funding (\$7,500 grant, \$7,500 loan at 3%/10 years); \$5,000 in Life Safety Program Funding (\$2,500 grant, \$2,500 loan at 3%/10 years); and \$3,775 in Brownfield Revolving Loan program funding.

Attached is a Neighborhood Stabilization Grant Agreement between the City and owners of 46 Lisbon Street. It details the funding to be dedicated to the project, the work to be completed with funds, federal requirements associated with the funding, and how disbursements will be made.

City staff is supportive of this project. It will assist in the rehabilitation of a historic downtown building, increase owner occupancy and the number of market rate apartments downtown, and add to the economic vitality of Lisbon Street. The City Council is asked to approve the attached NSP Agreement and to authorize the City Administrator to execute the document on behalf of the City.

**PoMo & Co., LLC**  
46 Lisbon Street  
Lewiston, ME 04240

## **NEIGHBORHOOD STABILIZATION PROGRAM GRANT PROJECT SUMMARY**

The building at 46 Lisbon Street is an historic structure, and was listed on the National Register of Historic Places in 1986. It is an important building to the character of Lewiston and the continuing revitalization of Lisbon Street. It was built by the Lewiston Trust & Safe Deposit Company in 1898. In the 1930s it was purchased by the owners of Grant's Clothing who moved their business to the building and built the now iconic Deco storefront and projecting marquee, and were in business until the mid-1980s. It was most recently occupied by Terry's Bridal on the first floor and basement. The upper two floors have been vacant for at least 30 years.

The current rehabilitation project has two primary goals:

- (1) Bring a viable, historically significant building back into service on downtown Lisbon Street. This goal will be accomplished by rehabilitating the historic façade, renovating the first floor and basement to accommodate a new retail / commercial tenant, and rehabilitating the second and third floors to create two market rate apartments.
- (2) Promote the continuing revitalization of Lisbon Street. This will be accomplished by bringing more people and activity to the street. The apartments will create more permanent residents of downtown. The ideal tenant of the retail space will be an active, community-based tenant promoting a diversity of visitors and workers at hours that extend beyond the normal 8am-6pm.

Although the building is visually in good condition considering its age and general lack of upkeep over the years, it is a challenging project financially. Finding a retail tenant is of utmost importance, but a close second in priority is creating two market rate apartments. The building requires entirely new electrical, plumbing, and heating systems. Nothing can be salvaged in the building as it relates to these services except for an oil boiler in the basement. It has also been discovered that the electrical service to the building is likely inadequate to power two modern apartments and a retail or commercial business. Because the electrical service is underground rather than on poles in this area of the city, the cost of this upgrade will be upwards of \$40,000. Although certain grant programs exist for low income or income restricted rental properties, money available will not offset the loss of potential rent. Costs for the electrical, plumbing, and heating systems represent 35% of the total project cost do not change based on whether the apartment is market rate or income restricted. It is an absolute certainty that without all of the grant and loan programs that the project is eligible for, this would not be a financially viable venture. The Neighborhood Stabilization Program grant is the largest sum of grant money the project is eligible for and is critical to the success of this project.

**JOINT DEVELOPMENT AGREEMENT [NSP FUNDS]**

**BETWEEN**

**CITY OF LEWISTON, MAINE**

**AND**

**POMO & CO.**

**FOR THE**

**RE-DEVELOPMENT OF 46 LISBON STREET**

THIS AGREEMENT made this \_\_\_ day of November 2015 by and between THE CITY OF LEWISTON, a body politic and corporate situated in Androscoggin County, Maine (hereinafter sometimes referred to as “City,” which expression shall include its successors and assigns), and PoMo & Co., who own 46 Lisbon Street, Lewiston, Maine (hereinafter sometimes referred to as “Developer,” which expression shall include his successors and assigns).

WHEREAS, The Housing and Economic Recovery Act, hereafter the “Act”, effective July 31, 2008, established the Neighborhood Stabilization Program of the U.S. Department of Housing and Urban Development; and

WHEREAS, Section 2301 of Title III of Division B of the Act contemplates the use of Neighborhood Stabilization Program funds to assist communities facing economic decline from property vacancy and home foreclosures; and

WHEREAS, Federal regulations, effective September 30, 2008, and published in the Federal Register (FR-5255-N-01) on October 6, 2008, sets forth requirements governing the expenditure of Neighborhood Stabilization Program funds, establishes certain funding ratios for allocating funds, and requires the set aside of 25% of the funds to insure benefit to persons of very-low income; and

WHEREAS, all Neighborhood Stabilization Program funds must be expended under the Community Development Block Grant national objective of low- and moderate-income benefit expanded to include individuals and families whose household income is below 120% of area median income; and

WHEREAS, specific objectives of the Neighborhood Stabilization Program are to acquire and rehabilitate foreclosed properties, redevelop vacant property and then return these properties to viable use; and

WHEREAS, under the Neighborhood Stabilization Program the City is entitled to utilize proceeds from the sale of buildings purchased, rehabilitated, and resold towards eligible costs on other approved Neighborhood Stabilization Program projects.

NOW, THEREFORE, The City and Developer agree to all the foregoing and further agree as follows:

1. Scope of Work / National Objectives. As part of City's Neighborhood Stabilization Program, hereinafter called NSP, Developer will construct two residential apartment units, one of which will meet NSP affordability criteria (the "Residential Unit") and otherwise undertake the development activities in the Building described in Exhibit A (the "Project"), which is attached hereto and incorporated by this reference herein (including any additional contract provisions) as if fully set forth. In addition to the scope of work described for the Project on Exhibit A (the "Scope of Services"), Developer shall in the development of the residential units utilize the national objective of low- and moderate-income benefit expanded to include individuals and families whose household income is below 120% of area median income

2. Term of Agreement The term of this Agreement shall begin once confirmation is received that private financing has been secured and shall run for a term of 24 months. Funding provided by City to Developer under the terms of this Agreement shall be expended within 24 months of notice of financing being secured and all work set forth on Exhibit A shall be complete by that time. In the event private financing is not secured by June 1, 2016, this agreement shall be void. Timely completion of the work specified in this agreement is an integral and essential part of performance. The parties acknowledge that NSP funds are subject to Federal deadlines and failure to comply could result in the loss of the Federal funds. By the acceptance and execution of this agreement, it is understood and agreed by the Developer that the Project will be completed as expeditiously as possible and that the Developer will make every effort to ensure that the Project will proceed to completion by the end of the Term and will not be delayed. Failure to meet these deadlines can result in cancellation of this contract and the revocation and/or recapture of NSP funds by the City from Developer.

3. Funding

a. Contingent upon the availability of funds under NSP for Project, the City shall provide a grant of \$38,737 in NSP funds (the "NSP Funds") to Developer in connection with the Project in accordance with and subject to the terms and conditions contained in this Agreement.

b. Developer will contribute approximately \$381,263 in additional funds (the "Developer Funds") from private financing and other sources, necessary to complete the Project. NSP Funds shall only be disbursed upon evidence that Developer has expended an amount of Developer Funds for Project costs equal to the sum of (i) the amount of NSP Funds being requested and (ii) an inspection by City staff confirming completion of the work funds are being requested for. NSP funds shall pay a portion of the redevelopment costs of approximately 25% of the square footage of the building; up to \$38,737 in NSP funds. NSP funds shall be contingent on Developer securing private financing.

c. The parties acknowledge and agree that the total NSP Funding under this Agreement is contingent upon Developer's performance of its obligations under this Agreement and related documents and is not an entitlement to a certain grant amount and that NSP Funds shall only be disbursed for approved Project costs.

d. The NSP Funds shall be disbursed for eligible and allowable expenses within thirty (30) days of the receipt of the invoice and supporting documentation. Inspections of the work performed may be required prior to disbursement of funds. The number of payments issued to the developer depends on the size of the project. Advancing federal funds to the Developer is prohibited. All requests for payment must include documentation that describes the scope and nature of the work performed. The City may reject any and all requests for payment that are not within the scope of the project as approved by City Council. A release of lien will be required for

payments requested by the Developer which are paid to a third party vendor or contractor.

e. Developer may not use any NSP Funds towards costs associated with any commercial portions of the Project. Developer will ensure that all costs for the residential and commercial portions of the Project will be adequately segregated prior to any request for funds.

f. The approved budget is attached to this agreement in Exhibit A. It is understood and agreed that funds will be used according to the approved budget. To the extent that there may be changes to the total Project cost, the approved budget may be modified accordingly.

g. This obligation of the City to provide the NSP Funds is conditional upon satisfactory completion of environmental review under 24 CFR Part 58. Notwithstanding any provision of this Agreement, the parties hereto agree and acknowledge that this Agreement does not constitute a commitment of funds or site approval, and that such commitment of funds or approval may occur only upon satisfactory completion of environmental review and receipt by City of a release of funds from the U.S. Department of Housing and Urban Development under 24 CFR Part 58. The parties further agree that the provision of any funds to the Project is conditioned on City's determination to proceed with, modify or cancel the Project based on the results of environmental review. Further, the Developer will not undertake or commit any funds to physical or choice-limiting actions, including property acquisition, demolition, movement, rehabilitation, conversion, repair or construction prior to the environmental clearance, and acknowledges and understands that violation of this provision may result in the denial of any funds under the Agreement.

h. Developer shall receive a Certificate of Occupancy from the City of Lewiston for the Residential Unit within three months of the conclusion of this agreement. If a Certificate of Occupancy has not been received within three months of the completion of this agreement, Developer shall be responsible for refunding all NSP dollars spent on the Residential Unit to the City of Lewiston.

4. Subcontracts. Developer may enter into subcontracts for necessary assistance in completing the Project. Such subcontracts shall be in accordance with applicable law and regulations; and further, Developer shall be responsible for the work performed by such subcontractors and for all expenditures made under such subcontracts.

5. Developer shall comply with all federal, state and municipal laws, rules and regulations applicable to the Program that is the subject of this Agreement, including without limitation the following:

a. Title VI of the Civil Rights Act. No person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, or national origin. Developer shall maintain complete records on all applicants, and disposition of such applications to assure compliance with this section.

b. NSP Requirements. Federal regulations, effective September 30, 2008, and published in the Federal Register (FR-5255-N-01) on October 6, 2008, and all other applicable state and federal requirements governing the Neighborhood Stabilization Program and the use of funds pursuant thereto.

It is the responsibility of the Developer to gain understanding of all the requirements that Developer is subject to under this Agreement and applicable law.

6. Independent Contractor Status. The Developer shall be an independent contractor of the City. Developer agrees to conduct itself in a manner consistent with such status and further agrees that it will neither hold itself out as nor claim to be an officer, employee or agent of the City by reason of this Agreement, and that it will not by reason of this Agreement make any claim, demand, or application for any right or privilege applicable to an officer, employee or agent of the City, including, but not limited to, Worker's Compensation coverage, unemployment insurance benefits, social security coverage or retirement benefit or credit.

7. Termination This Agreement may be suspended or terminated prior to the expiration of the term by unanimous written Agreement by the parties to this Agreement. The City may also unilaterally terminate or suspend this Agreement, in whole or in part, upon ten (10) day written notice from the City to the Developer for the following reasons:

- (a) Failure to perform the services set forth in the Scope of Services and requirements incident thereto.
- (b) Making unauthorized or improper use of funds provided under this Agreement.
- (c) Submission of an application, report or other documents pertaining to this Agreement which contains misrepresentation of any material aspect.
- (d) The carrying out of the Scope of Services or the objectives of this Agreement is rendered improbable, unfeasible, impossible, or illegal.
- (e) Failure of the U.S. Department of Housing and Urban Development (HUD) or State Department of Economic and Community Development (DECD) to make funds available which the City intends to use for its obligations and purposes of this Agreement or if HUD or DECD suspends funds for any reason.

8. Miscellaneous Should it become necessary to determine the meaning or otherwise interpret any word, phrase or provision of this Agreement, or should the terms of this Agreement in any way be the subject of litigation in any court of laws or equity, it is expressly agreed that the laws of the State of Maine shall exclusively control same.

9. Certification Developer agrees to provide City with the name and address of each contractor and subcontractor so that the City can certify that the companies are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

10. Income Verification Upon the initial lease of the NSP funded unit, and upon each successive tenant turnover of the unit, the Developer agrees to provide documentation to the City that the tenant's household income is less than 120% of the area median income. Once a year during the tenure of each tenant the City will send a letter to the tenant verifying that they are still occupying the property. This condition will apply for 10 years from the date of issuance of a Certificate of Occupancy from the City for the NSP funded unit.

**IN WITNESS WHEREOF**, the parties have executed this instrument on this \_\_\_\_ day of November 2015.

**THE CITY OF LEWISTON**

\_\_\_\_\_  
By: Edward A. Barrett  
Its: City Administrator

**DEVELOPER**

\_\_\_\_\_  
By: PoMo & Co.  
Its member: Kevin Morin

\_\_\_\_\_  
By: PoMo & Co.  
Its member: Dianna Pozdniakov

## EXHIBIT A

### SCOPE OF WORK/NATIONAL OBJECTIVES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM

Developer shall remain in conformance with the City's approved Consolidated Plan approved by HUD the City's NSP Funding application to the State of Maine or any revised plan and subsequent amendment to same as approved by the Federal/State agency allocating NSP Funds for the carrying out of the Program. NSP Activities currently approved by said agencies include acquisition, rehabilitation, demolition, reconstruction and disposition of abandoned or foreclosed homes in designated neighborhood stabilization areas.

Developer shall carry out activities under this Agreement in accordance with City-approved Neighborhood Stabilization Program (NSP) procedures, with applicable NSP Regulations as set forth in Section 2301 of Title III of Division B of the Housing and Economic Recovery Act, and with Community Development Block Grant Regulations promulgated under 24 CFR Part 570, including any amendments to said procedures as published by the City or any subsequent amendments, notices or guidance to the Regulations as published by the U.S. Department of Housing and Urban Development (HUD).

#### **PART A: TASKS TO BE PERFORMED**

Developer shall be responsible for the following general activities:

**Rehabilitation:** Developer shall undertake the redevelopment of the Premises in accordance with its proposal approved by Lewiston City Council on November 17, 2015 attached hereto. Redevelopment shall comply with applicable statutes, codes, and ordinances of the City of Lewiston, Maine relating to the use, maintenance, and occupancy of property, including building, plumbing, heating, electrical and housing codes. These standards include a set of provisions for the physical rehabilitation of older residences that will enable the restoration of such properties to a reasonable condition of safety and habitability. Residential properties constructed prior to 1978 are subject to lead-based paint policies promulgated by the U.S. Department of Housing and Urban Development for properties assisted with Federal funds. Certain residential properties must also meet requirements for historic preservation where applicable.

#### **Disposition:**

RENT RESTRICTIONS: Developer shall rent all residential areas of the property to eligible renters. For the purposes of this agreement, eligible renters shall include those whose income, adjusted for household size, does not exceed 120% of the area median income at the time of move-in. Likewise, Developer shall ensure that no renter pays rents in excess of 30% of the gross adjusted monthly income at the 120% limit for their household size.

CONTINUED AFFORDABILITY: Developer shall ensure that housing that is assisted with NSP Funds shall remain affordable to income-eligible individuals or families for a period conforming to standards at 24 CFR §92.252 and §92.254 as applicable. Developer will ensure continued affordability through deed restrictions, covenants running with the land, mortgages, or other mechanisms as approved or directed by the City.

**THIS AGREEMENT SHALL BE OF NO FORCE OR  
EFFECT UNLESS THIS DOCUMENT HAS BEEN  
ATTACHED.**

ATTACHMENT TO EXHIBIT A  
Project and Scope of Services

The developer intends to rehabilitate the property located at 46 Lisbon Street with a Scope of Work that is depicted in the attached architectural drawing A-002. The NSP funding will be used in its entirety to fund a portion of the renovation costs of one of the two residential apartments. Total project costs are estimated at \$420,000, of which \$42,000 has already spent on the purchase of the property, and the remaining \$378,000 will be spent on the renovation.

The building at 46 Lisbon Street is a distinctive structure and is individually listed on the National Register of Historic Places. It is a three story building with a full basement and is currently vacant. The first floor and basement had most recently been occupied by Terry's Bridal, and the upper floors have been vacant for at least 30 years. The project will bring in a new retail or commercial tenant to the first floor and basement and create one new apartment each on the second and third floors. The goal of this project is to rehabilitate a building in the downtown of Lewiston, and contribute to the continuing revitalization of Lisbon St. The vast majority of the historic features are being maintained, allowing the building to maintain a very authentic feel.

The Scope of Work includes a complete gut renovation of the building and is broken down into the following broad categories and costs:

**EXTERIOR IMPROVEMENTS:**

The Lisbon St façade will be maintained as-is and restored to highlight its distinctive character. This includes repointing and cleaning the granite, new windows, repairing the broken glass panels on the storefront, and repairing the marquee. The rear façade is brick and will be fixed to repair crumbling masonry and poor drainage. The roof will be repaired.

**Cost of Exterior Improvements:** \$61,000 of which \$36,000 is eligible for Façade Grant funding.

**HEATING, VENTILATING, AIR CONDITIONING (HVAC), AND PLUMBING:**

The entire building is going to receive new, efficient HVAC and Plumbing systems. The existing oil boiler will be reused and converted to natural gas, but otherwise all other existing systems are either broken or nonexistent and will be removed from the building. The new systems will include a new forced hot water natural gas heating system with repurposed cast iron radiators in the apartments. New mini-split wall-mounted heat pumps will be installed in each apartment to provide efficient air conditioning and supplemental heating. Water and gas lines will be run to each apartment as needed for the installation of kitchens and bathrooms. A new natural gas powered hot water heater will be installed in the basement.

**Cost of HVAC & Plumbing:** \$59,500

**ELECTRICAL:**

The entire building is going to receive a new electrical system. No existing electrical panels,

wiring, fixtures, etc will be reused as they are outdated, broken, and no longer code-compliant. The scope of work includes all wiring, panels, devices, light fixtures, and other necessary components of a modern electrical installation.

**Cost of Electrical:** \$48,500

**ELECTRICAL SERVICE:**

The current electrical service to the building is likely inadequate to power two apartments plus a commercial unit. The service is three phase 200 amps, and in this area of downtown all of the electrical service is underground rather than from telephone poles. This means an electrical service upgrade will involve excavating from the back of the building, through the alley behind the building and up to an electrical vault on Park Street, a distance of approximately 250 feet. Once excavated, a new underground conduit will be installed with wiring capable of handling new 400 amp service.

**Cost of Electrical Service Upgrade:** \$35,000

**RETAIL BUILDOUT:**

Funds have been allocated to provide a “white box” space for a future retail tenant. This means that the current space will be demolished and rebuilt to provide new drywall on the perimeter walls, a restroom, new flooring, a new ceiling, heat, basic lighting and electrical, and air conditioning. The tenant will be responsible for fit out beyond these provisions. Included in the Retail Buildout are certain upgrades that are eligible for Life Safety Grant funding such as fire rated walls and doors in the boiler room, fire rated ceilings, exit signage, etc. The Retail Buildout costs also include asbestos remediation in the basement which is eligible for Brownfield Remediation Loan funding.

**Cost of Retail Buildout:** \$30,000, of which \$10,000 is eligible for Life Safety Grant funding and \$3,775 for Brownfield Remediation

**RESIDENTIAL APARTMENTS:**

The building is currently vacant, but the upper floors appear to have been used as offices. There is no indication that the building ever held residences. Therefore, certain floor plan changes are necessary to create residences. The second and third floors contain one non-functional half bathroom each and are not suitable for reuse. New kitchens must be created. The existing plaster walls are going to be covered with a new layer of drywall in order to reduce the amount of demolition that is required. Code-compliant fire rated floor and wall separations must be created between each unit and also between the retail unit below. The following costs are the cost of demolition, new walls, new ceilings, repairing existing walls, and the general fit out and finishing of modern apartments including wood floor refinishing, kitchen and bathroom cabinetry, new doors, repairing existing woodwork and stairs, painting, insulating the building, etc. The apartments will be turnkey. Each will be fully furnished with new appliances including refrigerator, range, microwave, dishwasher, washer, and dryer. The following costs are exclusive of the HVAC, Plumbing, and Electrical costs described above.

**Cost of Second Floor Apartment:** \$64,000

**Cost of Third Floor Apartment:** \$80,000

**PoMo & Co., LLC**  
46 Lisbon Street  
Lewiston, ME 04240

**SOURCES OF FUNDS:**

• Owner Capital	
◦ Building Purchase	\$42,000
◦ Additional Owner Capital	\$9,263
• Bank Financing	\$303,225
(Note: Matching funds for City of Lewiston Grant Programs listed below is included in bank financing)	
• Life Safety Grant – City of Lewiston	\$2,500
• Life Safety Loan – City of Lewiston	\$2,500
• Façade Grant – City of Lewiston	\$9,000
• Façade Loan – City of Lewiston	\$9,000
• Brownfield Remediation Loan – City of Lewiston	\$3,775
• Neighborhood Stabilization Program Grant – City of Lewiston	\$38,737
<b>TOTAL SOURCES OF FUNDS</b>	<b>\$420,000</b>

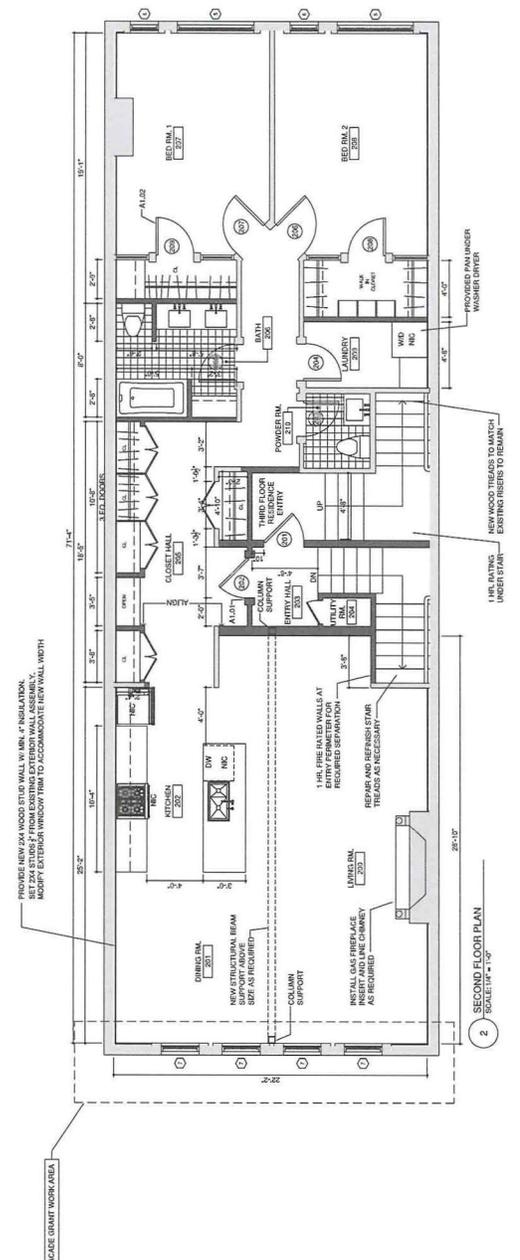
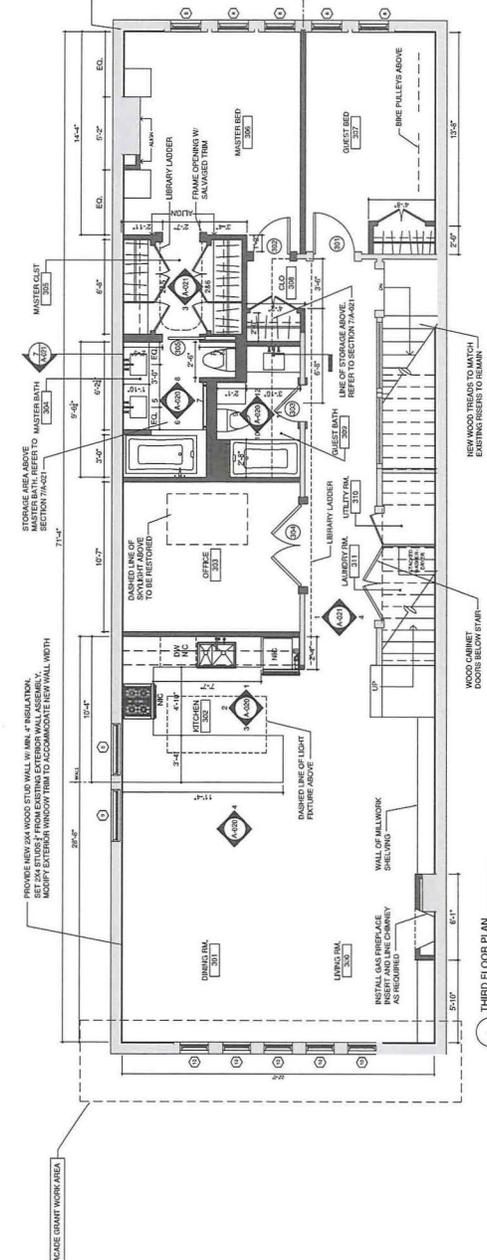
**USES OF FUNDS:**

• Building Purchase	\$42,000
• Improvements & Rehabilitation	\$328,225
• Life Safety Grant Improvements	\$10,000
• Façade Grant Improvements	\$36,000
• Brownfield Remediation Improvements	\$3,775
<b>TOTAL SOURCES OF FUNDS</b>	<b>\$420,000</b>

**NOTE:**

Historic Tax Credits have been applied for at both the state and federal level for this project. They are not listed on the Sources of Funds list because the tax credits are only eligible to be reimbursed after the project is complete. Therefore, if the project completes in 2016, then the first tax credit reimbursement will be after taxes are filed in early 2017. State tax credits are reimbursed over a four year period and Federal tax credits are reimbursed for up to 29 years depending on the amount of tax credits earned and one's tax burden when filing.

The NSP funds are crucial to the project because Historic Tax Credits may not be applied to costs associated with owner-occupied residential property. Therefore, all costs associated with the third floor apartment, which will be owner occupied, are not eligible. The NSP funds will be applied to the third floor apartment, helping offset the loss of tax credits for that work.



- LEGEND**
- EXISTING TO REMAIN
  - NEW WALL CONSTRUCTION
  - 1:0.0:0 SCOPE - DESCRIPTIONS ARE TO BE APPROXIMATE - CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO START OF WORK.
  - DOOR TYPE
  - REFER TO SCHEDULE
  - REFER TO SCHEDULE
- GENERAL NOTES:**
1. 1x4x8 FINE FINISH REQUIRED AT ALL WALL & FLOOR ASSEMBLIES TO ALL FIRST, SECOND AND THIRD FLOORS.
  2. ALL APPLIANCES TO BE PURCHASED AND INSTALLED BY OWNER.
  3. 1.00. SCOPE OF WORK
  4. EXISTING TRIM DETAILS AT DOOR OPENINGS TO BE REINSTALLED AT LOCATION NOTED.
  5. ALL EXISTING WOOD TRIM, ETC. TO REMAIN IN PLACE UNLESS NOTED OTHERWISE. REMOVE AND APPLY NEW STAIN FINISH.
  6. ALL NEW PARTITIONS TO BE 2x4 WOOD STUDS WITH 1 LAYER 5/8\"/>

SECOND & THIRD FLOOR  
CONSTRUCTION PLANS

SCALE 1/4" = 1'-0"

**A-002**

46 LISBON STREET  
LEWISTON, ME 04240

NOT FOR CONSTRUCTION

PoMo & Co., LLC

NO.	DATE	ISSUE
1	04.13.2016	ISSUED FOR BID







# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 17, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 12**

**SUBJECT:**

Order Authorizing the City Administrator to Execute a Collective Bargaining Agreement with the Association of Federal, State, County and Municipal Employees (AFSCME) Local 1458-00, on behalf of the Lewiston Public Works Unit.

**INFORMATION:**

The City Council is requested to approve a three year agreement with the AFSCME Local 1458-00, on behalf of the Lewiston Public Works Unit which represents the public works employees of the City.

This agreement is for the period of July 1, 2014 to June 30, 2017.

Please see the attached memorandum from Deputy City Administrator Phil Nadeau which outlines the highlights of the contract.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.



**REQUESTED ACTION:**

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To approve the Order authorizing the City Administrator to Execute a Collective Bargaining Agreement with the Association of Federal, State, County and Municipal Employees (AFSCME) Local 1458-00, on behalf of the Lewiston Public Works Unit.



**CITY OF LEWISTON, MAINE**

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**November 17, 2015**

**COUNCIL ORDER**

**ORDER**, Authorizing the City Administrator to Execute a Collective Bargaining Agreement with the Association of Federal, State, County and Municipal Employees (AFSCME) Local 1458-00.

Whereas, the City has been working for the last sixteen months with the AFSCME negotiating team to reach agreement on a new collective bargaining agreement; and

Whereas, the negotiated agreement has been approved by the AFSCME membership; and

Whereas, the terms and conditions of the proposed agreement fall within the negotiating guidelines provided by the City Council;

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

The City Administrator is hereby authorized to execute a collective bargaining agreement with the Association of Federal, State, County and Municipal Employees Local 1458-00 in accordance with the terms and conditions outlined on the attached memorandum from Deputy City Administrator Phil Nadeau.



The Office of  
 Deputy City Administrator  
 Phil Nadeau  
 27 Pine Street • Lewiston, Maine • 04240  
 Tel. 207-513-3121, Ext. 3201 • Fax 207-795-5069  
 Email: pnadeau@lewistonmaine.gov



## MEMORANDUM

<b>TO:</b>	<b>Mayor and City Council</b>
<b>FROM:</b>	Phil Nadeau, Deputy City Administrator & Chief City Negotiator
<b>DATE:</b>	November 17, 2015
<b>RE:</b>	<b>Proposed AFSCME Local 1458 Unit Contract</b>

### 1. BACKGROUND

The city has been working for the last sixteen months with the AFSCME Local 1458 negotiating team to develop the enclosed proposed contract. The Local membership voted to support the contract. Notable features of the proposed contract are as follows (contract copy forwarded electronically):

- Contract for three years: FY2015, FY2016 and FY2017
- WAGES: FY15, effective 1/1/15—1.5%; FY16, effective 7/1/15—1.5%; FY17, effective 7/1/16—2.0%
- Health Insurance:
  - ✓ PPO 500 becomes primary insurance effective 1/1/16
  - ✓ POS C optional if employee pays difference in cost to city
  - ✓ HRA: \$1000 for single; \$2000 for family effective 1/1/16
  - ✓ Min Employee health insurance payment: 15% for employees hired before 9/1/07 after 10% Wellness program rewards are achieved; 20% for employees hired on or after 9/1/07 after 10% Wellness program rewards are achieved
  - ✓ New Wellness program with elevated wellness standards to become effective in 2017
- Shift differential pay of \$0.30 for second shift mechanics
- Shift differential for temporary assignments increased to \$0.55
- Comp time accumulation increased to 120 hours
- Stand-by pay increased to \$200
- Sick leave payout increased to 70 days
- Tool allowance increased to \$600
- One time seniority bonus of 1.5% for FY16 and FY17
- One time contract signing bonus of \$100

### 2. RECOMMENDED ACTION

To approve the proposed contract.

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 17, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 13**

**SUBJECT:**

Resolve authorizing the transfer of \$11,587 from the General Fund's Health Insurance Account to the City Clerk's Office to cover election expenses.

**INFORMATION:**

Due to a budgeting error in the City Clerk's elections budget, funding for printing of the November 3, 2015 municipal ballots was not included in the overall budget. The cost of this service was \$4,354. In addition, funding is not available in the elections budget for the City Clerk to run the December 8 Mayoral Run-Off Election. The projected cost for the special election is \$7,233. The Finance Director is recommending a transfer of funds from the General Fund Health Insurance account to cover these expenses.

Please see attached material for additional information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.



**REQUESTED ACTION:**

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To approve the Resolve authorizing the transfer of \$11,587 from the General Fund's Health Insurance Account to the City Clerk's Office to cover election expenses.



CITY OF LEWISTON, MAINE

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November 17, 2015

**COUNCIL RESOLVE**

**Resolve,** Authorizing the Transfer of \$11,587 from the General Fund's Health Insurance Account to the City Clerk's Office to Cover Election Expenses.

Whereas, the City Clerk's election budget inadvertently did not provide funding for printing the November municipal election ballots at a cost of \$4,354; and

Whereas, in addition, that budget did not include funding for costs associated with the Mayoral Run Off Election required by City Charter in instances where no candidate received a majority of the votes, such election estimated to cost \$7,233; and

Whereas, given the relatively small size of the City Clerk's budget, these costs cannot be covered through transfers within the Department; and

Whereas, sufficient funds to cover these expenses are available within the General Fund's employee Health Insurance account;

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

The amount of \$11,587 is hereby transferred from the General Fund's Health Insurance Account, account number 4921-417100, to the City Clerk's election budget (41440) for the purposes of addressing anticipated shortfalls in this budget.

**DECEMBER 8, 2015 - Mayoral Run-Off Election Budget**

<b>Expense Item</b>	<b>Cost Estimate</b>	<b>Accounts Charged</b>
Sun Journal - Election Notice/ advertisement - required by state law	\$242.00	4144-421000
Public Works OT for set-up & breakdown of voting booths, tables, etc.	\$625.00	4144-412000
PW Vehicle Rental to transport equipment	\$110.00	4144-426000
City Clerk's office staff overtime on Dec 3, 7 and 8	\$660.00	4144-412000
City staff overtime - Ward Clerk	\$250.00	4144-412000
Temporary office help - 37.5 hours for 4 weeks to help with issuing absentee ballots, processing voter registrations cards, etc.	\$2,250.00	4144-412500
Police Officer in school lobby (requirement of School Dept) during time students are present in building	\$175.00	4144-412500
Police Officer with cruiser at cross walk between The Colisee parking lot and the Longley parking lot from 5pm - 8pm for safety and better visibility - we typically provide this for a large, winter, special election	\$114.00	4144-412500
Rental of Spot light at crosswalk for safety - we typically provide this for a large, winter, special election	\$100.00	4144-441000
Deputy Registrars - registering voters at the polls - 7-8am and 4:30pm - 8pm	\$220.00	4144-412000
Citizen Election Workers 20 @ \$50 per shift	\$1,000.00	4144-412500
Citizen ballot counters/workers 20 @ \$20	\$400.00	4144-412500
Postage - mailing absentee ballots mailed 1,000 x \$ .49	\$490.00	4144-421500
Printing of ballots - 5,000 folded and bundled	\$247.00	4144-431000
Contingency/Miscellaneous	\$350.00	4144-428800
<b>TOTAL</b>	<b>\$7,233.00</b>	

Notes:

1) Interest in this election is extremely high - 395 absentee ballots have been issued in the past three days since they have been available, which is on par with the pace of a presidential election. Reasons being - high interest in election, winter time election (elderly do not want to risk having a bad weather day on election day)

2) Additional office staff support is needed to prepare for this election:

- City of Lewiston (pop 36,592) City Clerk regular office staff - 4 full time employees
- City of Bangor (pop 32,673) City Clerk regular office staff - 4 full time and 3 part time employees plus hire 1 full time and 2 part time employees 1 month before each election to help in office with issuing absentee ballots, processing voter registrations, etc.

**LEWISTON CITY COUNCIL**  
**MEETING OF NOVEMBER 17, 2015**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 16**

**SUBJECT:**

Executive Session to discuss labor union negotiations regarding the city's six employee unions.

**INFORMATION:**

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

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions - International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458.

**LEWISTON CITY COUNCIL  
MEETING OF NOVEMBER 17, 2015**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 17**

**SUBJECT:**

Executive Session regarding a Legal Matter.

**INFORMATION:**

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

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The state statutes outline the issues that will be discussed in executive session.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter.