

LEWISTON CITY COUNCIL WORKSHOP AGENDA

CITY COUNCIL CHAMBERS, CITY HALL

TUESDAY, JANUARY 12, 2016

6:00 p.m. Workshop

Pledge of Allegiance to the Flag.
Moment of Silence.

1. Presentation of the Fiscal Year 2017 Lewiston Capital Improvement Plan - 30 minutes
 2. Review and Discussion of Downtown Building Task Force Report - 30 minutes
 3. Resolution Endorsing Androscoggin, Oxford & Coos Counties Rail Coalition - 5 minutes
 4. Discussion concerning the expansion of the Membership of the Public Works Task Force - 15 minutes
- ES-1. Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
- ES-2. Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, JANUARY 12, 2016
CITY COUNCIL CHAMBERS, LEWISTON CITY HALL
6:00 PM

1. Presentation of the Fiscal Year 2017 Lewiston Capital Improvement Plan – 30 minutes

City staff annually prepares a five year capital improvement plan for presentation to the Council, Finance Committee, and Planning Board. By Charter, this plan must be provided 5.5 months in advance of the end of the City's current fiscal year. Copies of the plan have been distributed and are available on the City's website at

<http://www.ci.lewiston.me.us/Archive.aspx?AMID=39&Type=Recent> .

Staff will present an overview of the plan to a joint workshop of the Council, Finance Committee, and Planning Board.

2. Review and Discussion of Downtown Building Task Force Report – 30 minutes

The report from the Downtown Building Task Force was accepted by the last City Council late in its term. Since the report was completed in November, the prior Council did not have the time to review it in detail and indicate which of its recommendations it would support. A copy of the report is attached for your review. The objective of the workshop is to provide direction to staff on how to proceed to implementation.

3. Resolution Endorsing Androscoggin, Oxford & Coos Counties Rail Coalition – 5 minutes

The Rail Coalition is a group that formed several years ago to support the extension of Passenger Rail Service from Portland north to Lewiston/Auburn and on to Montreal. It has sponsored several rail rallies to raise the profile of this effort and engage stakeholders. The group has also supported and lobbied for much of the legislation regarding rail that we have also supported. The Coalition recently reached out to both Lewiston and Auburn asking that we consider adopting the attached Resolution and become a member of the organization. Prior to placing this on the Council agenda, I wanted to discuss it with the Council at workshop level.

4. Expanding the Membership of the Public Works – 15 minutes

Councilor Bouchard has requested that the Council consider expanding the membership of the Public Works Committee to allow the addition of several members with experience or interest in solid waste/recycling issues. Please see attached memo.

5. Executive Session – Land disposition

6. Executive Session – Property Disposition

REPORT OF THE DOWNTOWN BUILDING TASK FORCE
NOVEMBER 2015

BACKGROUND

Mayor Robert Macdonald appointed a Downtown Building Task Force in September 2015 with the charge of addressing fire and code compliance and related issues in the City's downtown residential neighborhood. The Committee was specifically charged with reviewing the City's current compliance efforts, the need for additional compliance staff, and identifying other steps that the City might take to address building condition and safety concerns.

The Committee was composed of the following members:

- Mayor Robert Macdonald
- Councilor Shane Bouchard
- Councilor Kristen Cloutier
- City Administrator Ed Barrett
- Fire Chief Paul LeClair
- Police Chief Michael Bussiere
- Planning and Code Enforcement Director Gil Arsenault
- Assistant Fire Chief Bruce McKay
- Fire Captain Rick Cailler representing the Lewiston Fire Fighters Association
- Landlord Representative Rick Lachapelle
- Landlord, Property Manager Steven Labreque

The following report was drafted by City Administrator Ed Barrett with the assistance of Fire Chief Paul LeClair and attempts to summarize the views and recommendations of the members of the Committee.

THE PROBLEM

Lewiston's downtown residential neighborhood originally developed to provide housing for the workforce employed in the mills located adjacent to downtown along the Androscoggin River. The result was a dense neighborhood of multi-story apartment buildings on small lots with minimal separation and open space. Primarily built of wood between the 1880s and 1930s, these structures are old, require significant maintenance, and were not constructed to today's fire and code requirements. The vast majority of these structures have interior and exterior lead paint, creating a potential health issue, particularly for children.

In and of themselves, the nature of construction and the high density of this neighborhood pose a higher risk of loss, injury, and death due to fires.

In total, Lewiston has about 9,450 residential buildings providing 16,774 dwelling units. Of, these, we have about 7,300 single family homes and 9,456 apartments in roughly 2,157 separate buildings. The majority of Lewiston's residents rent. This includes the vast majority of low income residents.

The declining condition of this housing stock is the City's most pressing problem. Many of these properties have been or are in a cycle of decline. As owner occupancy rates have gone down, many properties have been purchased by investors, sometimes with an initial investment that could not be supported by relatively low rents, high vacancy rates, and increasing maintenance and utility costs. In some instances, this has led to lack of maintenance and investment, resulting in further vacancies or renting to inappropriate tenants who may worsen the situation by poor housekeeping, vandalism, and failure or inability to pay rent. When these properties can't cover expenses, their condition worsens and they may eventually be abandoned.

This has, unfortunately, been a recurrent cycle, frequently in conjunction with economic recessions that stress both landlords and tenants. This was seen most recently in the great recession of 2008, the effects of which continue today.

In response, the City has frequently taken steps to condemn and demolish the worst structures. Since 2012, when the most recent series of demolitions began, the City has demolished 58 buildings with 195 residential units. In addition, the arson fires of 2012-2013 added 9 buildings with 58 units to the total. Overall, and excluding other private demolitions, this totals 67 buildings with 253 units, or roughly 2.7% of our total rental units.

While the pace of demolitions has slowed recently, it is likely that they will continue for some time as additional buildings fail and are vacated and if currently vacant buildings are not renovated and placed back into service.

RENTAL PROPERTY INCOMES ARE TOO LOW

Underlying these problems are our low market rents. The following chart presents the General Assistance Maximums for monthly rent on a one or two bedroom heated apartment for various Maine urban areas as provided by the State Department of Health and Human Services.

COMMUNITY	1 BEDROOM	2 BEDROOM
Bangor	664	834
Lewiston/Auburn	580	767
Portland	886	1,099
Kittery York	902	1,163

In reality, we also know that some landlords will rent below these rates.

In comparison with Portland, our nearest metropolitan neighbor, our fair market rents are 30 to 35% lower.

While on the surface low rents seem to be a benefit to those who rent, particularly low-income families and individuals, rents that cannot support building operating and basic maintenance costs, let alone cover mortgages and capital improvements, are self-defeating, leading to deterioration, vacancies, and, worst case, eventual demolition.

Given these low rents, building new, market rate rental units to replace those that are being eliminated is also not supported. Notably, no new rental units have been constructed in the downtown neighborhood for many years, perhaps dating back to the 1980s, without considerable state and local funding and incentives. As a result, those units that have been built are generally subsidized and limited to low income residents.

The values set on many older multi-family buildings in the downtown are based on the income they produce and the property value that such income can support. Some of these buildings are valued in the \$25 per square foot range. Since new construction costs are generally \$125 per square foot or more, it is obvious that new construction simply cannot be supported today.

CURRENT HOUSING POLICIES

The City's overall housing policy has not been clearly defined or set forth. In general, however, its major elements are:

- Pursuing demolition of the buildings in worst repair which pose a hazard to surrounding structures;
- Focusing the City assistance that is available (almost totally through federal funding) on existing buildings that can be successful, either due to owner occupancy, relative size, limited debt, and acceptable cash flow;
- Given the current \$3.2 million Green and Healthy Homes grant, supporting efforts to eliminate lead and other environmental issues from downtown properties, recognizing that these efforts can continue only to the extent that federal funding is and remains available;
- Supporting the development of non-subsidized market rate units in the main commercial corridors and mill and riverfront districts;
- Improving the area's public spaces and infrastructure to enhance its appearance and add amenity value;
- Focusing law enforcement efforts to improve both the reality and perception of neighborhood safety; and
- Support for the current federal Section 8 housing voucher program and its expansion. Under this program, low income individuals are provided vouchers to

subsidize rent payments that can be used for any apartment that meet's the program's condition standards. The vouchers usually carry a higher rent than the local market provides, giving landlords with a higher and more dependable revenue stream.

The City currently does not have a definitive policy regarding support for 100% low income, subsidized housing developments. In the past, the City has supported such projects. However, recent controversies surrounding the St. Laurent Pierce Street project (which is intended to replace prior units lost as a result of a fire) have called this support into question given that the Council's vote to support it was subjected to a citizen initiated referendum and over-turned. Given this, it may be unlikely that the City would support any similar such projects in the near-term future, although support may be possible for mix income projects with both market and subsidized units. The Council to take office in January should consider clarifying the City's overall policy in this regard.

FIRE AND CODE ENFORCEMENT APPROACH

The City has traditionally taken an approach that emphasizes working with property owners to rectify problems and eliminate violations, not fining or penalizing them, actions which could potentially worsen the situation and add to vacancy and abandonment. In many instances, this has been successful; in others, it has not.

Recently, the City has tightened its enforcement efforts to distinguish between property owners who are cooperative and those who are unresponsive. For example, engine company multi-family inspections historically were only conducted after an appointment had been made with an owner and all tenants had been notified so that the entire building, both public and private areas, could be inspected. This system works well for owners who are cooperative. Too often, however, other owners have been unresponsive – delaying or refusing to schedule inspections; cancelling them at the last minute; or failing to show up as scheduled.

Our current policy is to conduct inspections, even when the owner has been unresponsive. These inspections focus on the public areas of the building and, where tenants are present and allow entry, individual apartments. Identified violations are noted and pursued, up to and including court action to force compliance. This approach directly targets those owners who prevaricate and delay and underscores the message that we need to work together and cooperate to address problems.

SOME POSITIVES

While the housing issues facing this area are daunting, some positives should also be noted. These include:

- The removal of the worst of the dilapidated buildings

- Improving vacancy rates
- An apparent slight uptick in rental rates
- Some properties undergoing renovations and improvements
- The successful effort to address security and safety through focused police efforts
- A generally improved appearance

OVERARCHING RECOMMENDATIONS

In the sections that follow, the task force will provide specific recommendations addressing individual issues. The recommendations below, however, are more sweeping in their scope, speaking directly to the larger policy issues involved.

1. Allow buildings to fail. Some of the buildings in the area are simply no longer economically viable and have far exceeded their useful lives. These buildings should be allowed to stand or fall on their own. The City should not invest resources in a building unless it is clear that the building can survive economically, nor should it "live with" inadequate efforts to eliminate violations just to "keep it going."
2. Continue to demolish dangerous buildings. As buildings deteriorate and become vacant, the City should continue to condemn and demolish them. Their presence poses an inherent safety risk and is a negative influence on the neighborhood.
3. Maintain and strengthen the recently adjusted enforcement approach of working with those who cooperate and taking firm action against those who do not, even if such action leads to building abandonment.
4. Recognizing that firmer enforcement will result in complaints, the City's elected officials must stand together to support enforcement staff.
5. To the greatest extent possible, City aid and assistance should be limited to buildings that can stand on their own economically; to do otherwise is to put a band aid on a gaping wound and misuse limited resources.
6. The newly elected Council should clearly define the City's policy toward subsidized housing and the extent to which the city will/will not support future such projects.
7. Address the negative impact of vacant lots. The presence of vacant lots in an area speaks to its desirability (or lack thereof), even when they are relatively clean and free of debris. When they are weed covered and trash filled, the impression is immeasurably worse. Lots that the City owns should be well maintained and, given Public Works' staff limitations, the City should consider hiring contractors to maintain them. Trash and weed ordinances should be strictly enforced on private lots. Where possible, the City should work to either return properties to private owners where they would support the viability of existing buildings or manage these lots as amenities to the area through the development of pocket parks, gardens, or other uses.

8. Continue to develop and emphasize a close working relationship between Code and Fire Prevention in identifying and addressing code and life safety issues.

SPECIFIC RECOMMENDATIONS

1. Staffing Recommendations

The consensus of the Committee is that staff reductions in the area of Fire Prevention have reduced the ability of the department to complete multi-family inspections. Similarly, while an additional position has been added to the Code Enforcement Department, additional staffing in that area could also enhance inspections. Higher staffing levels would also allow for devoting more time and attention to compliance efforts. In many ways, identifying code issues is a relatively straightforward process. Working to bring properties into compliance is often more time consuming and difficult. The committee recommends that the following three positions be added in the priority in which they are presented. The committee also recommends that these positions be included in the Administrator's base budget recommendation for FY17, not separately as an additional program or service. This will force the Council to choose to eliminate these positions from the budget proposal rather than simply fail to consider including them.

1. Full Time Fire Inspector assigned to the Fire Department.
2. Full Time Fire Prevention Clerk position (Current Position is Part Time).
3. Full Time Staff Position for Code Enforcement. ¹

Legal and Mandatory Action options associated with a Notice of Violations:

City Staff enlisted the assistance of the City Attorney's office to develop a recommendation to establish an effective, succinct, and legally sound process for Fire Department and Code Enforcement Staff to follow when faced with critical life safety issues and those issues that do not create an imminent danger. The Committee worked through potential enforcement limitations attributable to current City Code and Ordinances and requested City Attorney assistance in the review of said codes so the City Council may consider revisions intended to provide City Staff with the ability to take action to correct unsafe conditions. Based on these conversations, the following is recommended:

¹ The Committee notes that the Director of Planning and Code recommended that an additional planning position be created on the basis that this would free up more of his time to devote to Code Enforcement efforts while increasing staffing to deal with planning issues, particularly in light of the work that will soon be required to begin implementing the new comprehensive plan.

2. Implement variable time limits for correcting notices of violation

The Fire Department's current practice is to provide a notice of violation when problems are identified and to allow the property owner a thirty day period to correct. The Committee recommends that variable times to correct be adopted with the time correlated to the nature of the violations. Those that involve an immediate life safety issue should be addressed immediately or within 24 hours. Other serious but less immediate threats should be corrected within a seven to ten day period, while items not creating an imminent danger could remain at thirty days. Code Enforcement currently uses such a variable time approach. Fire Prevention staff should review the nature of frequent violations and assign an appropriate time limit for correction in the notice of violation.

3. Use of Optional enforcement Procedures

A variety of enforcement options are available to address situations where property owners fail to make corrections within the time period specified in a notice of violation.

Option #1: 80 K Process. Historically, the City has primarily relied on the 80K process. Rule 80K provides a simpler, speedier, and less costly procedure for the prosecution of violations in District Court. Under Rule 80K, the District Court can order violators to pay fines and to stop or correct a violation. Unfortunately, this process can be quite time consuming depending upon the workload of the District Court and, although the Court can impose fines and order corrections, continued monitoring to ensure compliance is required.

Option #2: 80K Process with a Temporary Restraining Order. This option can be used if immediate action is required (i.e. under the 80K rule). If the enforcement official finds a violation which must be stopped quickly before a full court hearing can be scheduled on whether a violation legally exists, the court can be asked to issue a Temporary Restraining Order (TRO) or Preliminary Injunction that requires that the violation be immediately addressed. This brings the weight of the Court and the potential for sanctions such as contempt of court to come into play.

Option #3: Citation with a fine structure as provided in Chapter 50 of the City Code of Ordinances. A number of minor violations require significant staff time that could be better utilized in addressing more serious issues. One example is trash/debris on private property. As currently structured, enforcing a violation in this area may require a lengthy and time consuming 80K action. The City currently has the option of citing and fining violations involving trash and debris left on the city's right of way adjacent to a property. This option could be extended to other minor but time

consuming violations such as the accumulation of trash and debris on private property.

Option #4: Summons which triggers a court date. This is similar to a police officer issuing a moving violation ticket. Once ticketed, violators are assigned a court date. They can avoid appearing in court by paying the fine specified for the offense. A similar process can be followed for code and fire violations. The Summons process could be applied to those situations where the property owner has demonstrated clear intent "TO NOT" cooperate with the Fire Department and Code Staff.

Given these alternative enforcement options, the City Attorney should be requested to review the Code of Ordinances and provide recommendations for any changes necessary to strengthen the City's enforcement capabilities or to amend the language of the Code to improve the guidance it provides to city enforcement personnel. Both Code and Fire staff should also work to take a similar approach to enforcement whenever possible.

4. Removal of Debris.

When an accumulation of debris near the exterior of a property is identified and if the debris is not removed within twenty-four hours, the City Administrator should be authorized to direct the Public Works Department to remove this debris if the Fire Chief or Director of Planning and Code determine that the location and nature of the debris constitutes a significant threat to adjacent properties if the debris were to catch fire. The responsible property owner should be fined and all costs associated with debris removal should be charged to that owner. The City Attorney should be requested to draft an ordinance providing the necessary authority.

5. Authorizing Additional Staff to Issue Notices of Violations and Citations

The necessary steps should be taken to authorize designated Fire Department staff to issue citations and notices of violation. Specifically, the Fire Prevention Officer should be authorized to issue citations and Company Officers supervising fire company property inspections should be authorized to issue 24 hour notices of violations for issues that pose an extreme risk to the public.

6. Legal Review of Enforcement Paperwork

The City attorney should review the forms currently used by various personnel including the notice of violation, citations, and Fire Department Order to Comply to ensure that they meet all legal requirements. In addition, staff should review this paperwork to identify any changes required to add greater clarity to the violations and compliance requirements.

7. Fire Department Smoke Detector Loan Program

The Fire Department should be authorized to install "loaner" smoke detectors when Departmental personnel, during an inspection or as a result of a call for service, find detectors to be removed or inoperative. At the same time, a notice of violation should be issued to the property owner with a requirement that an operating detector be in place and the loaned unit returned to Central Fire within 24 hours.

8. Resetting Fire Alarms

It is not unusual for the Department to respond to calls where a building's fire alarm system is sounding but there is no fire. Current practice is to attempt to contact the building owner to reset the alarm. If the owner cannot be contacted or fails to respond in a timely fashion, the alarm continues to sound posing issues for tenants who must either remain outside the building or contend with the continuing alarm. This creates a hazard should a fire occur while the alarm is already sounding and residents have returned to the building. If the owner cannot be contacted or fails to respond in a reasonable time, the Fire responders should be authorized to silence and or reset fire alarms. In addition, property owners should be allowed to authorize the Department to silence and reset alarm systems as an alternative to avoid the necessity of traveling to the site and delaying action. A fee should be established when owners request such a service. In instances where the owner cannot be contacted or fails to respond, City ordinances should be amended to institute a fine. This will also allow fire units to return more quickly to service and provide an incentive for property owners to respond to problems.

9. Re-establish a Fire Prevention Education Program.

The addition of a Fire Inspector will provide the opportunity to re-establish community based fire prevention education at the following levels:

- a. Childhood/school fire safety education
- b. Immigrant education
- c. Landlord education
- d. Tenant education
- e. Establishing a System for Community reporting of Fire Prevention issues (hotline or web site)
- f. Fire Setter program
 - i. Early outreach
 - ii. Training regarding at risk youth
- g. Firefighter Education regarding common code violations that are not necessarily a violation of a Fire Prevention inspection

10. Improve Availability of Property Owner Information

The Fire Department frequently encounters difficulty in contacting property owners when problems arise, particularly after normal business hours. The most accurate and up to date information available to the City is often found in our utility billing system. The Fire Department should be granted electronic read only access to this data base (down to the mobile units in its vehicles) or, if there are technical or cost issues with such access, the Department should be provided with a hard copy of ownership and contact information on a monthly basis.

11. Contact Information for Properties in Foreclosure.

A recently enacted state law requires financial institutions to provide an in-state contact for properties they are foreclosing. Not all institutions are aware of this requirement. A local ordinance should be adopted require the same thing. This would allow the City to issue citations and potentially fine institutions failing to provide the required notice.

12. Address Tenant Issues

Not all problems with multi-family buildings are caused by a failure of the owners to maintain them to code standards. Certain issues, such as deactivated or missing smoke alarms, blocked exits, and trash issues, are often the result of tenant actions. The City should work with landlords and their organizations to strengthen state legislative sanctions against improper behavior by tenants, including sanctions against willful damage caused by tenants to rental units.

13. Establish a Property Owner Recognition Program.

The City should consider establishing a program to recognize Landlords who are meeting their responsibilities and/or exceeding expectations. The Mayor has suggested a "gold star" property award. Committee members suggested presenting this award at a noteworthy community event.

14. Maintain a Voluntary Vacancy Registry.

Although this registry would remain voluntary, it would be an opportunity to voluntarily inform the City of buildings that are vacant and not in service. This information could be shared with the Police and Fire Departments to ensure that the properties are periodically checked to verify that they are secured.

15. Work to Change the Perception of Lewiston's In-Town Residential Neighborhoods.

A number of current initiatives should continue or be expanded in this area. The Police Department should be encouraged to continue its disorderly building,

community policing efforts, and project hot spots, all of which have already had a positive effect on crime and the quality of life in the area. The City should reach out to other organizations involved, including tenant groups, to enlist their assistance in communicating the positive aspects of Lewiston and the community's willingness to advocate for positive change.

16. Support the Expansion of the Section 8 Voucher Program.

The federal Section 8 program provides rental subsidies to low income individuals and families who otherwise might not be able to afford housing. The program requires that rental units meet code requirements, and units are periodically inspected to ensure that they do so with financial penalties assessed if they do not. In addition, Section 8 frequently pays landlords at a higher rate than other programs. On a related note, the City should review the limits on housing payments made through its General Assistance Program to verify that they are an accurate reflection of the area's fair market rents.

SUGGESTIONS CONSIDERED BUT NOT RECOMMENDED

1. Multi-Family Property Licensing.

Some jurisdictions require that the owners of multi-unit buildings be licensed. This requires the periodic payment of a licensing fee and the provision of current contact information. The Committee concluded not to recommend such a program because it would place an additional financial burden on property owners who are already frequently facing financial challenges. While such a system could be implemented without requiring a fee, the City does not have adequate staff to handle and maintain such a process and additional personnel would be required.

2. Responsible Party Ordinance.

An alternative to licensing is a responsible party ordinance that would require owners to post contact information in public areas of multi-family properties above a certain size. Landlords expressed concerns that this could result in frequent, unnecessary calls to them.

The following is the initial list of talking points/issues developed by the Downtown Building Task Force as a guide to its work.

DT Task Force Committee meeting: September 8, 2015 –Talking Points: Below is the list of talking points referenced by the committee as the guide of discussion topics for each meeting.

- Discussion on the potential of a major fire due to conditions of many in town tenement buildings.
- What can be done to demolish more of the current vacant buildings?
- What can be done to quicken the cleanup of occupied problem buildings?
- How to enforce and initiate action when staff identifies a problem with landlords who do not respond or correct the problem immediately.
- The historical impact of Fire Prevention staff cuts.
- Review of the Fire Department inspection program and how enforcement is achieved.
- Difficulty with achieving compliance and continuing a voluntary inspection program.
- Concerns the committee might villainize the landlord.
- The current market rate makes it difficult for many landlords to generate a profit.
- LHA inspects buildings on a regular basis and if not compliant rent is withheld.
- Lead Poisoning and Tax law changes have impacted landlords.
- Over 90 Buildings were torn down in the 1990's. Over the last three years the City has torn down 70 buildings with more to be demolished as City Council and Court action allow.
- Compliance requirements can come with a huge price tag.
- The general opinion of the committee is that older housing stock is not viable.
- The Government competes with the independent owner and outpaces the rent they can reasonably collect. Market housing rents are not subsidized.
- Insurance companies are also requiring compliance of the Landlords.
- It is an academic and social challenge to manage property in the downtown.
- Bad tenants have the ability to move around.
- Should there be a limit on the number of buildings so less subsidized housing is available.
- Discussion on the difficulty of operating an apartment building in the inner city.
- Landlord – Tenant issues. Many buildings are beyond their useful life.
- Discussion on how to deal with bad tenants and how to address issues with the unresponsive landlord.
- How do we address the landlord, tenant related issues?

- Any submissions for the Legislative Session coming up the 20th? Please forward to the Mayor.
- Discussion on how to use the Committee's findings in a positive way.
- City guidelines on the number of tenants that can live in an apartment unit.
- Education for people new to our community.

Resolution Endorsing Androscoggin, Oxford & Coos Counties Corridor Coalition

WHEREAS, the St. Lawrence & Atlantic Railway Corridor is comprised of workers, entrepreneurs, small businesses, and large employers whose prosperity shapes the northern border region's character and quality of life; and

WHEREAS, this region's citizens expect their elected representatives and officials to explore the benefits of regional collaboration to be gained through relationships among states, municipalities and other units of government; and

WHEREAS representatives from the communities of Androscoggin, Oxford and Coos Counties have been meeting regularly since 2010 for the purpose of exploring opportunities for collaboration in the restoration of passenger rail to this region; and

WHEREAS, the work of the Bethel Area Chamber of Commerce sub-committee for Transportation has achieved significant results, including organizing the Sept. 14, 2011 Bethel Rail Rally and adoption of recommendations from the Rally for advocacy for restoration of rail service on the St. Lawrence & Atlantic Railway Corridor

NOW, THEREFORE, BE IT RESOLVED, as follows:

That the above-referenced county municipalities may appoint a representative and work with the staff of the Western Maine Economic Development Council, and will meet on a scheduled basis as the Androscoggin, Oxford and Coos Counties Corridor Coalition for the purpose of identifying, exploring, and implementing opportunities for regional collaboration in restoration of passenger rail for economic development; and

That the report September 14, 2011 Rally for Rail and its recommendations for action, are hereby adopted as the scope of work for the Committee, with modifications and updates by the Committee as necessary; and

That operating principles of the Androscoggin, Oxford and Coos Counties Corridor Coalition, will be adopted as the structure for the Committee.

Adopted by the Governing Body of the Town of _____
On the _____ Day of _____ in the year _____.



Towns that have signed the Resolution Endorsing the Androscoggin, Oxford & Coos Counties Rail Coalition

Poland

Mechanic Falls

Oxford

Paris

West Paris

Greenwood

Bethel

Gorham

Berlin

BYLAWS
Androscoggin, Oxford & Coos Counties Rail Coalition
November 12, 2015

ARTICLE I

Name

The name of this organization shall be the Androscoggin, Oxford & Coos Counties Rail Coalition (referred to below as "AOCC Coalition").

ARTICLE II

Purpose

The purpose of the AOCC Coalition is to bring passenger rail back to Western Maine and Eastern New Hampshire as well as identify, explore, and implement opportunities for regional collaboration in economic development along the rail corridor.

ARTICLE III

Members

Section 1. Voting Members

The municipalities of Mechanic Falls, Oxford, Paris, West Paris, Woodstock, Greenwood, Bethel, Gilead, Shelburne, Gorham, Berlin, Northumberland and Groveton herein after referred to as "participating municipalities," shall each be entitled to appoint 1 voting member and 1 alternate. At least one must be an appointed or elected municipal official. The Bethel Area Chamber of Commerce, Oxford Hills Chamber of Commerce, Androscoggin County Chamber of Commerce and Mount Washington Valley Chamber of Commerce will also be allowed to appoint one voting member and one alternate member.

New voting members not listed above may be nominated by the Chair and approved by a majority vote of those present at any regular or special meeting duly called and the nomination was printed on the proposed agenda.

Section 2. Non-voting members

Any citizen of a municipality along the rail line may participate in the Coalition as a non-voting member. All meetings of the AOCC Coalition will be open to the public.

Section 3. Member appointment

Voting members shall be appointed by participating municipalities and chambers of commerce. Each municipality and chamber shall then communicate in writing to

Community Concepts Finance Corporation to formalize their appointments. Participating municipalities and chambers may change their voting members at any time via a letter to Community Concepts Finance Corporation.

Section 4. Duties of voting members

To remain in good standing, voting members should attend at least half of the AOCC Coalition's meetings in a fiscal year (July 1 – June 30). Voting members shall also keep the governing body of their municipality or chamber of commerce informed on the activities of the AOCC Coalition.

Section 5. Terms

There are no term limits for voting members. Voting members who are not in good standing may be replaced by participating municipalities and chambers of commerce at the suggestion of the AOCC Coalition.

Section 6. Attrition

When an official who was a voting member no longer represents the Town or chamber, another representative may be appointed by that town or chamber to take their place.

ARTICLE IV

Officers

Section 1. Titles

The AOCC Coalition shall have a Chair and Vice-Chair.

Section 2. Duties

The duty of the Chair is to develop meeting agendas, approve agenda items and preside at meetings. The duty of the Vice-Chair is to perform the duties of the Chair when the Chair is not present.

Section 3. Terms

The officers shall be elected for a one year term or until their successors are elected. A majority of the voting interests present at the June meeting shall elect the officers. The terms shall be based upon the fiscal year, which is July 1 to June 30.

ARTICLE V

Powers and Duties

The AOCC Coalition has the following powers and duties:

- 1) To adopt and implement a plan, to return passenger rail service to the area and promote economic opportunities along the rail corridor; and
- 2) To represent the interests of the region as they pertain to the plan; and
- 3) To pursue partnerships with other municipalities, agencies, and units of government through a Committee of the whole in order to implement the plan; and
- 4) From time to time, designate temporary sub-committees for the purpose of addressing specific issues in the plan.

ARTICLE VI

Meeting Procedures

Section 1. Times and locations

The AOCC Coalition shall meet at the times and locations determined by the Chair and staff. Every effort will be made to rotate meetings to each participating municipality. Special meetings shall be called with at least two weeks advance notice through distribution of the agenda to the voting members and alternates.

Section 2. Quorum

A quorum shall be recognized when at least five voting members are present. All business may be approved by a majority of those present at the meeting.

Section 3. Conduct of meetings

Robert's Rules of Order Newly Revised shall serve as a parliamentary guide for all matters not covered in the bylaws.

Section 4. AOCC Coalition staff

The AOCC Coalition shall be staffed by representatives of Community Concepts Finance Corporation.

Section 5. Decision making

The preferred method of making decisions shall be by consensus, defined as the collective agreement of all voting members present, with no voting member in significant opposition.

A simple majority of votes by voting members present shall constitute agreement when voting is necessary or preferable as a means of making a decision.

Votes on a substantive matter shall be taken only when the issue has been listed in the proposed agenda.

All decisions made by the AOCC Coalition, whether by voting or consensus shall be non-binding on participating municipalities and chambers of commerce. Actions voted on shall be forwarded by voting members to their governing bodies to the extent practicable with one of the following recommendations: Information only item; manager approval needed; endorsement of governing body suggested; endorsement of legislative body suggested.

Amendments to the bylaws require an affirmative vote by a majority of voting members present at any regularly scheduled meeting where the changes were listed on the proposed agenda.



EXECUTIVE DEPARTMENT

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

January 7, 2016

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Expansion of Membership of the Committee to Review Public works' Service Level Standards

At the recent new Council orientation meeting, there was some discussion of recycling and solid waste issues and how they might best be addressed – either through the existing public works committee or the creation of a new committee. This conversation continued at the public works committee at its meeting of January 7th. During that discussion, there was some talk about the need to expand the membership of the Committee to bring on board additional members who might have either expertise or a strong interest in solid waste systems and recycling.

Councilor Bouchard, the current Committee Chair, has suggested that the membership of the Committee be expanded and has proposed the following amendment to the resolve that established the Committee:

Composition and Appointment

The Committee would be composed of at least 7 and a maximum of 9 voting members: 2 Councilors, officially representing the City Council, and 5 -7 members of the public who are residents or taxpayers in the City of Lewiston, and are knowledgeable concerning public works, construction, civil engineering, equipment operations/maintenance, purchasing, customer service operations, solid waste/recycling, or related City service areas, and 2 ex-officio staff members. Additional elected officials may be selected to serve on the Committee in a citizen capacity. The 7 to 9 voting members shall be appointed by the Mayor, who shall designate one of them as Committee Chair and the 2 staff members shall be assigned by the City Administrator and shall be responsible for providing logistical support to the Committee.

Councilor Bouchard has requested that this be discussed at Tuesday's workshop. A copy of the full resolve establishing the Committee is attached.

COMMITTEE TO REVIEW PUBLIC WORKS' SERVICE LEVEL STANDARDS

Mission/Purpose:

- Establish acceptable service level baselines (Bench Marks) for the Department of Public Works;
- Review current staffing levels, organizational structure, and equipment to determine its adequacy to meet those baselines/bench marks or other service levels;
- Once the above bullets are completed, review/evaluate whether further review is warranted; if so, then proceed to:
 - Identify investments in personnel, equipment or technology that could be made to enhance or improve departmental efficiency and effectiveness in meeting the service level baselines;
 - Review current customer service system to evaluate its ability to adequately track and monitor citizen service requests;

Composition and Appointment

The Committee would be composed of 7 voting members: 2 Councilors and 5 members of the public who are residents or taxpayers in the City of Lewiston and are knowledgeable concerning public works, construction, civil engineering, equipment operations/maintenance, purchasing, customer service operations, or related areas; and 2 ex-officio staff members. The 7 voting members shall be appointed by the Mayor, who shall designate one of them as Committee Chair and the 2 staff members shall be assigned by the City Administrator and shall be responsible for providing logistical support to the Committee.

Staff Support:

The City Administrator shall assign additional staff as necessary to support the work of the Committee.

Term

The Committee shall complete its work by January 2015 at which time its report and recommendations shall be forwarded to the City Council and the City Administrator to allow for funding for its recommendations to be considered during the annual budget process. The Committee shall, however, be free to submit recommendations for changes at any point during its term.

Meetings

The Committee shall establish the times and places of its meetings. Meetings shall be open to the public and notice of such meetings shall be posted by the City Clerk. The Committee may invite such others as may be knowledgeable about subjects under discussion to provide information for its consideration.

Report

The Committee shall present a report to the City Council using the following format as an outline:

- Executive Summary
- Results of Levels of Service Baseline Evaluation
- Discussion of the Process and Results of the Organizational evaluation to determine if changes are needed to the current staffing levels, organizational structure, or equipment to meet the recommended Level of Service
- Recommendations

If further review is warranted in certain areas, the Committee may also:

- Report on the Department's efforts to keep personnel, equipment and technology current;
- Research and Report on potential personnel training, equipment improvements, and technological advances the Department could use to improve operations and the delivery of services, including an economic evaluation of the investment needed;
- Report on its evaluation of customer service in regard to tracking and monitoring customer service requests;
- Provide any other recommendations.



City of Lewiston, Maine

COUNCIL RESOLVE

December 16, 2014

Resolve, Extending the Term of the Committee to Review Public Works' Service Level Standards.

Whereas, on June 17, 2014, the City Council established the Committee to Review Public Works' Service Level Standards; and

Whereas, the Committee was charged with submitting its report and recommendations by January 2015; and

Whereas, due to delays in the appointment of the Committee and conflicts in scheduling its meetings, the Committee will be unable to complete its work within the originally prescribed term; and

Whereas, given this, the term of the Committee must be extended;

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

The term of the Committee to Review Public Works' Service Level Standards is hereby extended to March 31, 2015.

LEWISTON CITY COUNCIL
MEETING OF JANUARY 12, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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

LEWISTON CITY COUNCIL

MEETING OF JANUARY 12, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-2

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ETAB/kmm

REQUESTED ACTION:

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