

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
JANUARY 19, 2016**

6:00 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.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.

Moment of Silence.

Acceptance of minutes of the meeting of January 5, 2016.

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 2.

**REGULAR BUSINESS:**

1. Public Hearing on renewal application for a Special Amusement Permit for Live Entertainment for the Elks Lewiston Lodge #371, 1675 Lisbon Street.
2. Public Hearing and First Passage for re-zoning of the property of 2-4 Avon Street.
3. Amendments to the Facility Use Policy regarding the prohibition of hoverboards and other similar devices in city buildings.
4. Resolve Endorsing Androscoggin, Oxford & Coos Counties Rail Coalition.
5. Order authorizing the City Administrator to dispose of the property located at 168 Blake Street.
6. Resolve Expanding the membership of the Public Works Committee.
7. Update from the Lewiston School Committee Representative.
8. Reports and Updates.
9. Any other City Business Councilors or others may have relating to Lewiston City Government.
10. Executive Session to discuss Labor Union negotiations regarding the six city's employee unions.

**LEWISTON CITY COUNCIL**  
**MEETING OF JANUARY 19, 2016**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6:00pm**

**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.

*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 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 JANUARY 19, 2016**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Elks Lewiston Lodge #371, 1675 Lisbon Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Elks Lewiston Lodge #371, 1675 Lisbon 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.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Elks Lewiston Lodge #371, 1675 Lisbon Street.

**CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 12/28/2015

Expiration Date: 1/25/2016

- 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:** Elks, Lewiston Lodge #371 **Business Phone:** 207-784-4801

**Location Address:** 1675 Lisbon St, Lewiston, ME 04240

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

**Mailing Address:** same

**Email address:** lewistonelks@roadrunner.com

**Contact Person:** Lysanne Dalcette Treasurer **Phone:** 207-784-4801

**Owner of Business:** \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_

**Address of Owner:** \_\_\_\_\_

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

**Owner of Premises (landlord):** \_\_\_\_\_

**Address of Premises Owner:** \_\_\_\_\_

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): \_\_\_\_\_

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? 1/2 mile

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?: N/A

\*\*\*\*\*

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: Winnifred Gray Title: Secretary Date 12/28/2015

Printed Name: Winnifred Gray

\*\*\*\*\*

Hearing Date: 1-19-16



## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



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TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: November 24, 2015

RE: Liquor License/Special Amusement Permit – **Elks, BPOE #371**

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

**Elks, BPOE #371**  
**1675 Lisbon Street**



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# LEWISTON CITY COUNCIL

## MEETING OF JANUARY 19, 2016

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Public Hearing and First Passage for re-zoning of the property at 2-4 Avon Street.

**INFORMATION:**

Property owners of 2-4 Avon Street have submitted a petition to the City to rezone the property at 2-4 Avon Street from the Resource Conservation (RC) District to the Urban Enterprise (UE) District to reflect changes in the boundaries of the flood zone as shown on the 2013 FEMA Flood Insurance Rate Map.

The Planning Board held a public hearing on this proposal at their January 11, 2016 meeting and voted 7-0 to recommend passage of this item.

Please see attached material from City Planner David Hediger.

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

The City Administrator recommends approval of the requested item.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendment to re-zone the property at 2-4 Avon Street from the Resource Conservation (RC) District to the Urban Enterprise (UE) District, receive first passage by a roll call vote and that the public hearing on this issue be continued to the next regular City Council meeting for final passage.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement



**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: January 13, 2016**  
**RE: Request to rezoning of 2-4 Avon**

On January 11, 2016, the Planning Board voted unanimously to pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration based upon the proposal submitted by Robert Faunce on behalf of Sprinkle Systems, Inc. to rezone a portion of 2-4 Avon Street from the Resource Conservation (RC) District to the Urban Enterprise (UE) District to reflect changes in the boundaries of the flood zone as shown on the 2013 FEMA Flood Insurance Rate Map

This property of approximately .99 acres is located along the Androscoggin River and consists of two structures used for office and warehousing totaling 17,012 SF. The Assessor's records note the buildings were constructed in 1900.

In 1979, FEMA produced Flood Insurance Rate Maps (FIRM) for the city of Lewiston identifying properties that were at risk from a 100-year flood event (meaning that there is a 1% chance of the property flooding in any given year). In 1988, as part of a city wide rezoning and adoption of the community's first comprehensive plan, nearly all areas located within flood zones were mapped RC. This was done in part to protect potentially sensitive habitats and discourage redevelopment and new development from occurring in flood prone areas that may be subject to adverse impacts and insurance claims from flood damage. It is also a recommendation of FEMA as part of the City's participation in the National Flood Insurance Program's Community Rating System (CRS) to discourage development in flood prone areas in effort to reduce flood insurance rates for Lewiston. (Our participation in the CRS results in a 10% reduction in Lewiston flood insurance rates.)

FEMA updated the 1979 FIRM's effective July 8, 2013. The City and FEMA held informational meetings contacting impacted property owners regarding the changes. The updated maps did not result in many changes in Lewiston; however, some properties were added to the flood zone and others removed.

The property at 2-4 Avon Street is one of the properties in which the flood zone was significantly reduced to the point of actually removing the structures from the flood zone. This is a significant benefit to the property owner from a financing, marketing, and insurance perspective. However, because the property remains zoned RC by the City, should the owner want to expand or rebuild, significant limitations would be imposed by the City as the RC currently makes the use of the property and structures nonconforming. This creates issues if the buildings were destroyed or damaged by more than 80 percent market value, abandoned, or if a change of use or expansion were proposed.

The proposed rezoning will keep those portions of the property located in the 100-year flood zone within the RC district with the remaining portion to be zoned UE, consistent with the zoning pattern of the abutting property at 10 Avon Street (previously Pineland Lumber). The property will remain subject to shoreland zoning provisions for lots in UE district, including a 25' setback from the river.

# AN ORDINANCE PERTAINING TO ZONING DISTRICT BOUNDARIES

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

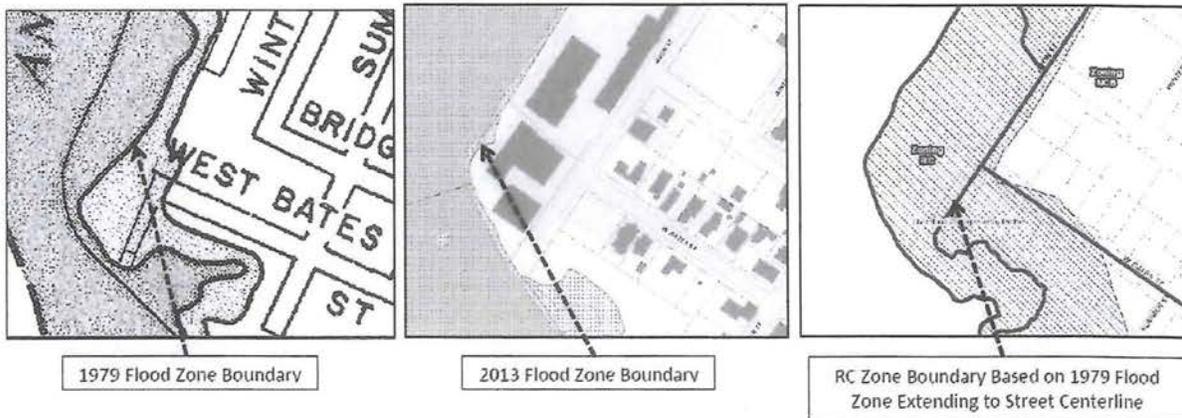
## APPENDIX A ZONING AND LAND USE CODE ARTICLE IV. ESTABLISHMENT OF DISTRICTS

### Sec. 2 Zoning Map

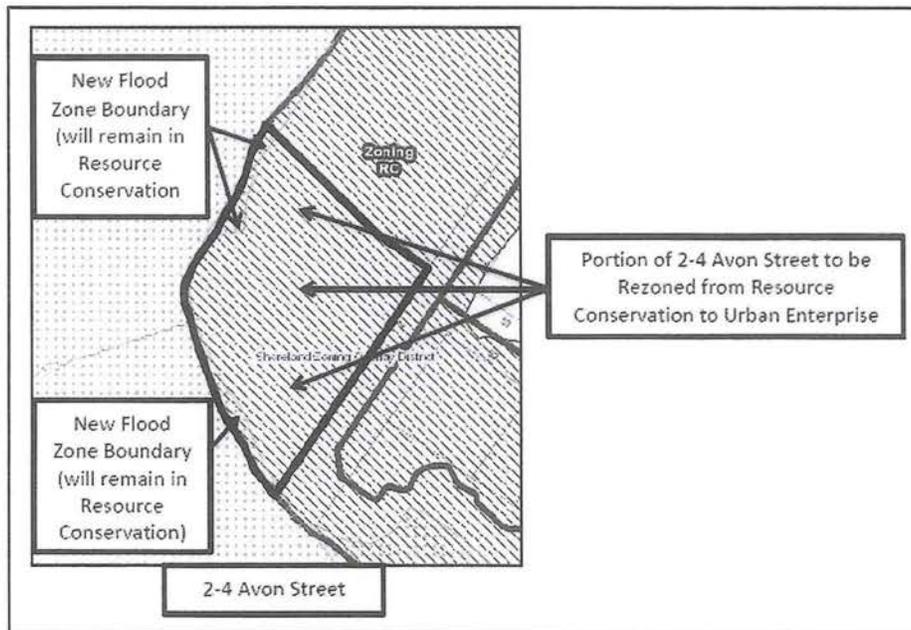
The Zoning Map, adopted pursuant to this Section, is hereby amended to rezone a portion of 2-4 Avon Street from the Resource Conservation (RC) District to the Urban Enterprise (UE) District to reflect changes in the boundaries of the flood zone as shown on the 2013 FEMA Flood Insurance Rate Map.

### REASONS FOR THE PROPOSED AMENDMENT

The reason for the proposed amendment is that the 1979 and earlier editions of the FEMA Flood Insurance Rate Map (FIRM) showed much of the project parcel as being within the flood zone. When the City of Lewiston created the Resource Protection District in 1974 and the successor RC District in 1991 it included within the districts all the land identified on the previous FEMA FIRMs as being within the flood zone. In addition, it extended the RC boundary to the centerline of Avon Street, effectively putting all of 2-4 Avon Street within the RC District. The earlier FIRMs were based on topographic mapping with a 10-foot contour interval and had limited accuracy. In 2013 FEMA issued a new FIRM based on LiDAR topographic mapping with a 2-foot contour interval, yielding flood maps of much greater accuracy. The 2013 FIRM shows only a small portion of the project parcel within the flood zone. These conditions are illustrated on the following maps.



As shown on the middle map above, the project parcel is now almost completely developed with buildings and pavement. While the uses and structures on the property are legally grandfathered, their non-conforming status is an issue for purposes of refinancing, sale, insurance, etc. As shown on the following map, the proposed rezoning would revise the boundary of the RC District so it conforms to the 2013 FEMA flood zone and the balance of the property would be placed in the UE District, which is consistent with the zoning in rest of the adjacent light industrial neighborhood.



#### CONFORMANCE WITH THE ZONING AND LAND USE CODE

Appendix A, Article XI, Section 18 of the Zoning and Land Use Code states that *“the purpose of the resource conservation district is to protect fragile ecological systems, vulnerable areas and areas of unique natural or scenic value from development or use which would adversely affect water quality, productive or unique wildlife and aquatic habitat, biotic systems, ecological relationships or scenic and natural values or which would create unreasonable risks to the public safety and welfare due to flooding, earth movement or slides or unstable soil conditions. To accomplish this purpose, uses are permitted which avoid disruption of the natural environment and are compatible with the natural risks associated with development within these areas while allowing productive use to be made of the land”*. The area proposed to be rezoned to the UE District is now fully developed and is not within the flood zone so there is no basis for it being within the RC District.

Appendix A, Article XI, Section 16 states that *“the purpose of the urban enterprise district is to encourage the improvement, reuse and redevelopment of older mixed use areas of the city by allowing a wide range of uses with appropriate development standards”*. This zoning designation is consistent with the existing use of the project parcel and the absence of a flood zone.

#### CONFORMANCE WITH THE COMPREHENSIVE PLAN

Page 124 of the Draft Lewiston Comprehensive Plan identifies floodplains as a resource to be protected from development within a proposed Critical Natural Resource Sector. With the issuance of the 2013 FEMA FIRM, almost all of the project parcel has been removed from the flood zone and it no longer needs protection from development.

Page 125 of the Draft Lewiston Comprehensive Plan states the proposed G-5 Infill Growth Sector is for areas that are mostly or fully built-out in the City’s historic development and is to include all of the UE District.



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Robert F. Faunce, Authorized Representative



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:** January 14, 2016

**Subject:** Planning Board Action

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The Planning Board took the following action at their meeting held on January 11, 2016 regarding the rezoning of 2-4 Avon Street.

The following motion was made:

**MOTION:** by **Paul Madore** to pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration based upon the proposal submitted by Robert Faunce on behalf of Sprinkle Systems, Inc. to rezone a portion of 2-4 Avon Street from the Resource Conservation (RC) District to the Urban Enterprise (UE) District to reflect changes in the boundaries of the flood zone as shown on the 2013 FEMA Flood Insurance Rate Map. Second by **Sandra Marquis**.

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

c: Ed Barrett, City Administrator  
Planning Board Members

December 7, 2015

David Hediger  
City Planner/Deputy Director Planning and Code Enforcement  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240-7201

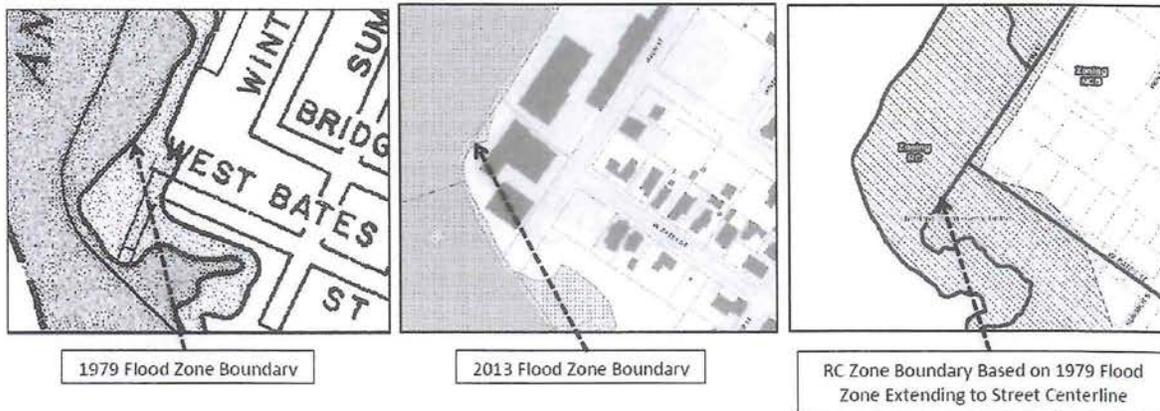
Re: Rezoning of 2-4 Avon Street

Dear Mr. Hediger:

I am submitting a petition and supporting documentation to amend the Lewiston Zoning and Land Use Code to rezone a portion of the Sprinkler Systems property at 2-4 Avon Street. As attested to in the attached letter, I have been authorized to represent the owner in the rezoning request.

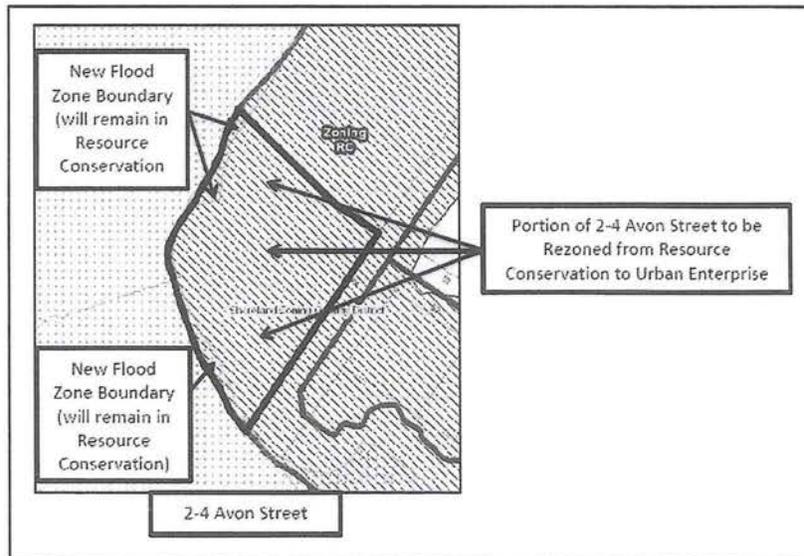
The site has been in commercial use for many years and is now considered fully developed. Prior to creation of the original Resource Protection (RP) District in 1974 and the Resource Conservation (RC) District in 1988, the property was in the Industrial District.

As shown on the first map, below, the 1979 FEMA Flood Insurance Rate Map (FIRM) placed most of the project parcel within the flood zone. The RP and RC Districts were created, in part, to protect those areas within FEMA flood zones from development but the City actually expanded the RC District beyond the flood zone to the centerline of Avon Street, effectively putting the entire property within the RC District as shown on the third map. In 2013 FEMA issued a new FIRM based on more accurate topographic data and, as shown on the second map, only a small portion of the property is now within a flood zone.



As you know, the RC District prohibits all types of commercial use, creating a hardship for the property owner. In order to address the changes in the flood zone and remove the

unnecessary restrictions posed by the RC District, we propose to rezone all of the project parcel not within the flood zone to Urban Enterprise (UE), which is consistent with its original Industrial District designation and with the adjacent UE District. The proposed rezoning is shown on the following map.



Attached is a petition in support of the rezoning as well as the proposed ordinance amendment and supporting narrative. We hope you find this information complete and can schedule a meeting with the Planning Board to discuss the proposal at a regular meeting in January 2016. Please be aware that we contacted the owner of the abutting former Pineland Lumber property and offered to include his property in the rezoning but there was no response to this suggestion.

Best Regards,

Robert F. Faunce

# Sprinkler Systems, Inc.

P.O. Box 1285

Lewiston, Maine 04243-1285

Ph. (207) 782-0104 Fax (207) 783-4865

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Lewiston City Building  
Planning and Code Enforcement  
27 Pine Street  
3rd Floor  
Lewiston, ME 04240

November 10, 2015

Re: 2-4 Avon Street

To Whom It May Concern:

On behalf of Sprinkler Systems, Inc., I authorize Robert F. Faunce to request the City of Lewiston to rezone a portion of the property at 2-4 Avon Street, Lewiston, that is currently within the Resource Conservation District to the Urban Enterprise District.

If I can be of any further assistance, feel free to call.

Very Truly Yours,



J Marc Kannegieser  
President

# Four Avon Street, LLC

P.O. Box 1285

Lewiston, Maine 04243-1285

Ph. (207) 782-0104 Fax (207) 783-4865

Lewiston City Building  
Planning and Code Enforcement  
27 Pine Street  
3rd Floor  
Lewiston, ME 04240

January 11, 2016

Re: 2-4 Avon Street, Lewiston

To Whom It May Concern:

On behalf of Four Avon Street, LLC, I authorize Robert F. Faunce to request to the City of Lewiston, re-zoning the property at 2-4 Avon Street, Lewiston, that is currently within the Resource Conservation District into an Urban Enterprise District.

If I can be of any further assistance, feel free to call.

Very Truly Yours,

Daniel H. Gatz  
Managing Owner



1-11-16

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

Pursuant to Appendix A, Article XVII, Section 5, Amendments, of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to amend the Zoning Map as shown on the reverse side of this petition:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Donna Giroux</i>	DONNA GIROUX	4 SHANK ST Lew.	11-12-15
2	<i>Suz Cote</i>	Suz Cote	100 Baird Ave Lew	11-12-15
3	<i>Clayton Saucier</i>	Clayton Saucier	43 Central Ave Lew.	11-12-15
4	<i>Ryan Ouellette</i>	Ryan Ouellette	15-Bairley Ave - Lew	11-12-15
5	<i>Robert Garoche</i>	Robert Garoche	6 Clair St - Lew	11-18-15
6	<i>William Cyr</i>	William CYR	147 HORTON ST	11/18/15
7	<i>John Chasse</i>	John Chasse	4 J. II ST	11/25/15
8	<i>David E Ashton</i>	DAVID E ASHTON	50 DeLafre Ln	11/25/15
9	<i>John Casse HC</i>	John Casse HC	160 Baird Ave.	11-25-15
10	<i>Walter Cary</i>	Walter Cary	384 Central Ave #1	11-25-15
11	<i>Angie Silke</i>	Angie Silke	7 Big Dons Way	11-25-15
12	<i>Fredricka Hall</i>	FREDRICKA HALL	72 FRANKLIN ST	11/30/15
13				
14				
15				
16				
17				
18				
19				
20				

**CIRCULATOR=S VERIFICATION**

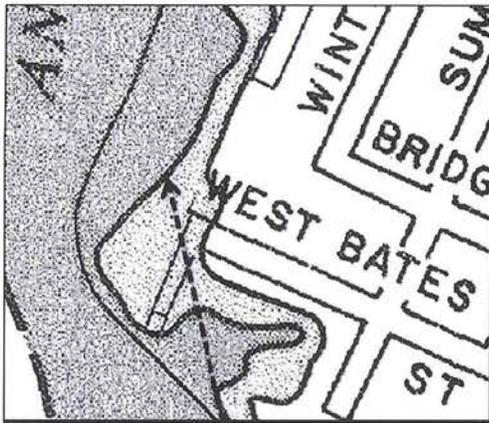
I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.

*J. Marc Kannegiesser*  
Signature of Circulator

J. Marc Kannegiesser  
Printed Name of Circulator

12-1-15  
Date

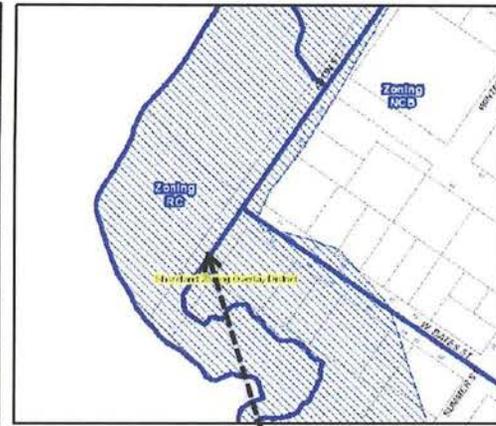
*Lucy Smith, Asst. Clerk 12/1/15*



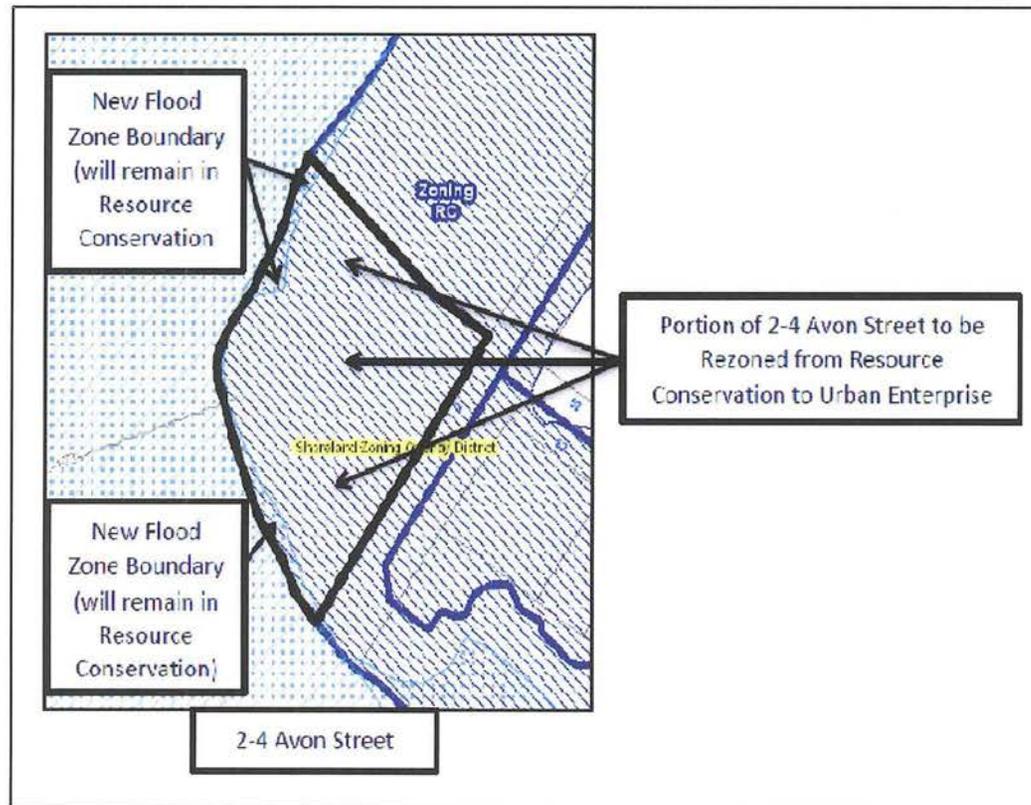
1979 Flood Zone Boundary



2013 Flood Zone Boundary



RC Zone Boundary Based on 1979 Flood Zone Extending to Street Centerline



**LEWISTON CITY COUNCIL**  
**MEETING OF JANUARY 19, 2016**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Amendments to the Facility Use Policy regarding the prohibition of hoverboards and other similar devices in city buildings.

**INFORMATION:**

The proposed amendments to the Facility Use Policy are really a matter of safety. The staff is recommending the prohibition of hoverboards and similar items in all city owned buildings. Recently there have been safety concerns around the country regarding hoverboards catching fire while in use, not to mention injuries from falls and accidents. In addition, staff is suggesting a ban on the use of wheeled devices such as skateboards, roller skates, etc. inside city buildings.

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

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

The City Administrator recommends approval of the requested action .

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the proposed amendments to the Facility Use Policy, Policy Manual Number 28, as recommended by the City Administrator and the Recreation Division.

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

# FACILITY USE POLICY

## ARTICLE I. USE OF CITY OWNED FACILITIES

Application must be signed and returned no later than thirty (30) business days prior to the date of the event and a \$50 non-refundable application processing fee must accompany the application except where exempted elsewhere in this policy.

This Policy is designed to govern the use of City-owned facilities by other individuals, groups, and/or organizations that are not directly associated with the City of Lewiston. The Policy governs all city owned property, even if such property is not specifically listed within the Policy.

The following rules and regulations have been adopted with the intent to better serve those who have occasion to use the facilities while protecting the public's interest.

### Section 1 - Definitions

**Public Use Facility:** Any City-owned property that has been designated by policy to be available for use by individuals, groups, or other organizations that are not directly associated with the City of Lewiston, Maine.

<b>Facility:</b>	Any City-owned property
<b>Director:</b>	1. Assistant Director of Public Works for Recreation or his/her designee when referring to use of the Armory. 2. Library Director or his/her designee when referring to use of the Library or Hartley Center.
<b>Armory:</b>	City of Lewiston Memorial Armory
<b>Hartley Center:</b>	Marsden Hartley Cultural Center
<b>Library:</b>	Lewiston Public Library
<b>Committee:</b>	Facilities Use Review Committee

### Section 2 - Definition of Facility Use

The City, by this Policy, defines the following facilities as public use facilities, subject to the regulations, restrictions and other requirements that are established.

- A. The Memorial Armory, 65 Central Avenue
- B. Certain athletic and public parks, subject to the other policies and ordinances that have been, or may in the future, be adopted to govern those specific locations.
  - 1. Chapter 54 of the City Code of Ordinances regarding Public Park usage.

## FACILITY USE POLICY

or the refund of any fees paid in connection with the application.

- E. Organizations that wish to hold an event in either the Memorial Armory or Library to which the general public is invited and where there is to be no admission fee charged, donations accepted, or other income derived, may make application in writing to the City Administrator for free use of the facilities (does not include overtime, floor covering, set-up, take down, etc.). Allocation of the facilities for free use will be approved or rejected by the City Administrator or may be referred to the Facilities Use Review Committee for further investigation.
- F. Rental Rate Schedule (See Appendix A Attached)

### Section 13 - Copyright

Licensee assumes full responsibility for any copyright infringements, charges, or royalties that may occur on account of activities at the facility pursuant to this Agreement. Licensee warrants that all copyrighted material to be performed has been duly licensed or authorized by the copyright owners or their legal representatives and agrees to indemnify and hold the City harmless from any and all claims, losses or expenses incurred with regard thereto, including legal fees. Licensee, upon request, shall provide the City with written proof prior to the start time of rental that all copyright provisions and laws have been satisfied by Licensee or some other party. The City reserves the rights to contact owners of copyrights to inform them of the impending event and to inquire whether appropriate copyright(s) fees have been paid. If these fees have not been paid and the City is informed of a claim which could or will result from the event contemplated by Licensee in this Agreement, then the City or the City Contractor shall have the right to withhold from the box office receipts a sum of money sufficient to satisfy any such claims and shall have the right to pay such amount to the holder(s) of the copyright(s).

## ARTICLE II. CITY BUILDINGS

### Section 14 – Prohibited Uses

The use, possession or storage of hoverboards and other similar electronic or powered devices is prohibited in any city owned buildings. The use of other similar wheeled devices such as inline skates, roller skates, skate boards and the like, is prohibited in any city owned buildings. If these devices are in use as part of an official city-approved event, their use is permitted.

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

**LEWISTON CITY COUNCIL**  
**MEETING OF JANUARY 19, 2016**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Resolve Endorsing Androscoggin, Oxford & Coos Counties Rail Coalition.

**INFORMATION:**

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. Adopting the attached resolution would accomplish this.

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

The City Administrator recommends approval of the requested action.

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To adopt the Resolve, Endorsing Androscoggin, Oxford & Coos Counties Rail Coalition.



COUNCIL RESOLVE

**Resolve,** Endorsing Androscoggin, Oxford & Coos Counties Rail 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 by the City Council of the City of Lewiston**

That the above-referenced county municipalities, working with the staff of the Androscoggin Valley Council of Governments and Community Concepts Finance Corporation, will meet on a regular basis as the Androscoggin, Oxford and Coos Counties Rail 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 the bylaws of the Androscoggin, Oxford and Coos Counties Rail Coalition will be adopted as the operating structure for the Committee.

Adopted by the Governing Body of the City of Lewiston on the 12th Day of January, 2016.

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.



## **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

# LEWISTON CITY COUNCIL

## MEETING OF JANUARY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

**SUBJECT:**

Order authorizing the City Administrator to dispose of the property located at 168 Blake Street.

**INFORMATION:**

The City condemned and demolished a structure on this 5,000 square foot lot some time ago. Subsequently, a tax lien matured and the City took possession. Staff was recently approached by an abutter expressing potential interest in acquiring this property to provide parking for his building. Staff has determined that the City has no need to retain this property and the Planning board has reviewed and recommended that it be sold. This Order will direct the City Administrator to dispose of this property through a bid process with a minimum bid requirement of \$10,000 as recommended by the Planning Board.

**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 dispose of the property located at 168 Blake Street.



COUNCIL ORDER

**Order,** Order, Authorizing the City Administrator to Dispose of the Property Located at 168 Blake Street.

Whereas, the City condemned and demolished a structure on this 5,000 square foot lot some time ago; and

Whereas, subsequently, a tax lien matured and the City took possession of the lot; and

Whereas, staff was recently approached by an individual expressing potential interest in acquiring this property to provide parking for his nearby building; and

Whereas, staff has determined that the City has no need to retain this property; and

Whereas, the Planning Board has reviewed and recommended that it be sold through a bid process with a minimum bid requirement of \$10,000;

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

The City Administrator is hereby authorized to dispose of the property at 168 Blake Street through the bid process with a minimum bid requirement of \$10,000 and in accordance with the recommendation of the Planning Board.

RE00008716  
154 BLAKE ST  
(Addr Pt ID 2139)

RE00010174  
107 PIERCE ST  
(Addr Pt ID 339)

RE00007342  
158 BLAKE ST  
(Addr Pt ID 5272)

RE00002808  
109 PIERCE ST  
(Addr Pt ID 5270)

RE00003124  
166 BLAKE ST  
(Addr Pt ID 1612)

RE00007307  
113 PIERCE ST  
(Addr Pt ID 1614)

RE00007304  
168 BLAKE ST  
(Addr Pt ID 6968)

RE00008451  
115 PIERCE ST  
(Addr Pt ID 6971)

Zoning  
D5

RE00010158  
172 BLAKE ST  
(Addr Pt ID 5567)

RE00004989  
119 PIERCE ST  
(Addr Pt ID 8223)

RE00010158  
174 BLAKE ST  
(Addr Pt ID )

RE00010158  
176.5 BLAKE ST  
(Addr Pt ID )

RE00010158  
176 BLAKE ST  
(Addr Pt ID )

RE00010199  
178 BLAKE ST  
(Addr Pt ID 3121)

RE00003039 RE00002586  
182 BLAKE ST 131 PIERCE ST  
(Addr Pt ID 5822) (Addr Pt ID )

RE00008117  
186 BLAKE ST  
(Addr Pt ID 7361)

Cond. CV





## CITY OF LEWISTON

### Department of Planning & Code Enforcement



**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: January 6, 2016**  
**RE: Planning Board recommendation: disposition of 168 Blake Street**

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 Administrator was contacted by the owner of 166 Blake Street asking if the City would be willing to sell the abutting vacant lot at 168 Blake Street. The owner is interested in using the property for parking.

The property at 168 Blake Street consists of approximately 5,000 square feet and is located in the Downtown Residential "DR" district. In September 1999, the City received a court order condemnation against Michael Sultan and Parties-in-Interest WMC Mortgage Corp and Jeffery Higgins for the demolition of a multi-unit structure. The property was tax acquired in December of 2000 and was demolished in January of 2001 by St. Laurent and Son at a cost of \$9,664 including tipping fees. None of the cost of demolition was recouped and the City wrote off \$3,901.82 in unpaid taxes. The lot is currently vacant and is encroached upon by the abutting property at 172 Blake Street for parking. The current assessment is \$19,130. The City Assessor has noted this may be on the high side as a vacant 7,900 square foot lot at 188/194 Blake is currently listed at \$14,000. A vacant 5,000 square foot property at 154 Blake Street was sold by the City this year for \$7,500.

No concerns have been expressed by City staff with the sale of this land.

On December 14, 2015 the Board voted unanimously to send a favorable recommendation to the City Council for the disposition of 168 Blake Street through a formal bid process with a minimum bid amount of \$10,000 and that notification is provided to all property owners within 200' of the sale of the property.



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:** January 6, 2016

**Subject:** Planning Board Action

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The Planning Board took the following action at their meeting held on December 14, 2015 regarding the disposition of 168 Blake Street.

The following motion was made:

**MOTION:** by **Paul Madore** 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 disposition of 168 Blake Street through a formal bid process with a minimum bid amount of \$10,000 and that notification is provided to all property owners within 200' of the sale of the property Second by **Sandy Marquis**.

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

c: Ed Barrett, City Administrator  
Planning Board Members

# LEWISTON CITY COUNCIL

## MEETING OF JANUARY 19, 2016

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Resolve Expanding the membership of the Public Works Committee.

**INFORMATION:**

At the recent new Council orientation meeting, there was 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 7<sup>th</sup>. During that discussion, a Committee member expressed an interest in expanding 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, proposed amending the resolve that established the Committee by adding two additional members who could either be Citizens or members of the Council. In addition, the charge of the Committee would be specifically modified to explicitly cover solid waste and recycling issues.

A revised version of the Commission’s charter is attached showing the proposed changes.

**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 expanding the membership of the Public Works Committee.



COUNCIL RESOLVE

**Resolve,** Expanding the Membership of the Public Works Committee.

Whereas, at the recent new Council orientation meeting, there was 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; and

Whereas, this conversation continued at the Public Works Committee at its meeting of January 7<sup>th</sup>; and

Whereas, during that discussion, interest was expressed in expanding 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; and

Whereas, at the request of the Chair of the Committee, an amendment has been prepared to the charge of the Committee that would expand its membership by two and explicitly include in it solid waste and recycling issues;

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

The attached organizational charter and charge of the Committee to Review Public Work's Service Level Standards is hereby approved.

## 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 at least 7 and a maximum of 9 voting members: 2 Councilors officially representing the City Council 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, 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.

### 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 December 21, 2016 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.

**LEWISTON CITY COUNCIL**  
**MEETING OF JANUARY 19, 2016**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 10**

**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:**

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 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.