

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

6:00 p.m. Executive Sessions

- 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.
- ES-3. Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
- ES-4. Executive Session pursuant to MRSA Title 1, section 405 (6) (a) to discuss a personnel matter.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Acceptance of minutes of the meetings of April 5, April 28 and May 17, 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)

Appointment of Lewiston Youth Advisory Council members for 2016-2017.

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

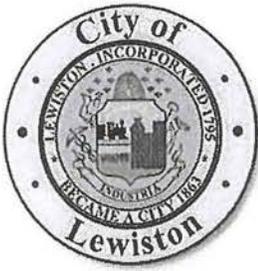
CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal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

- * 1. Amendments to the Traffic Schedule regarding parking prohibited on a portion of Warren Avenue.
- * 2. Resolve Accepting Donations for the purpose of sponsoring performing arts programs for children within the Lewiston and Auburn area.

REGULAR BUSINESS:

- 3. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for She Doesn't Like Guthries, 115 Middle Street.
- 4. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Baxter Brewing Co., LLC, 130 Mill Street.
- 5. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Acme Social Club, Inc., 255 Park Street.

6. Public Hearing for approval of an Outdoor Entertainment Permit for the Annual Great Falls Balloon Festival.
7. Public Hearing for approval of an Outdoor Entertainment Permit for a musical concert in Kennedy Park.
8. Public Hearing for approval of an Outdoor Entertainment Permit for a live musical event in Pettingill School Park and request for waiver of fees for the event.
9. Public Hearing and Order authorizing the issuance of Refunding Bonds in a principal amount not to exceed \$3,625,000 for the purpose of refunding the City's Public Improvement Bonds Series A, dated November 1, 2009, and to pay any redemption premiums thereon and costs of issuance.
10. Condemnation Hearing for the building located at 175 Stetson Road.
11. Condemnation Hearing for the building located at 143 Pine Street.
12. First Passage and Referral to Planning Board for Land Use Code Amendments regarding the keeping of chickens on residential lots of no less than 20,000 square feet.
13. First Passage regarding an amendment to the Animal ordinance regarding the keeping of chickens.
14. First Passage and Referral to Planning Board for Land Use Code Amendments regarding changes to the Net Lot Area per Dwelling Unit Calculation.
15. Resolve authorizing submittal of an Economic and Infrastructure Development Investment grant application to the Northern Border Regional Commission for \$250,000 to support the expansion of the Lincoln Street Garage.
16. Resolve approving the HOME Agreement and Declaration of Covenants and Restrictions between the City of Lewiston and Raise-Op Housing Cooperative.
17. Resolve waiving City Fees for installation of a new water service for 895 Sabattus Street and providing reimbursement to the property owner of not more than \$4,360 for the installation of the water service, such reimbursement to be from the City's Water Utility Distribution Main Bond Issue.
18. Update from the Lewiston School Committee Representative.
19. Reports and Updates.
20. Any other City Business Councilors or others may have relating to Lewiston City Government
21. Executive Session pursuant to MRSA Title 1, section 405 (6) (a) to discuss a personnel matter.
22. Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
23. Executive Session to discuss labor union negotiations regarding the city's six employee unions.



EXECUTIVE DEPARTMENT

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

TO: Mayor & City Council

FR: Dottie Perham-Whittier, Community Relations Coordinator/LYAC Advisor

RE: **Appointment of 2016 - 2017 Lewiston Youth Advisory Council**

DT: July 11, 2016



The nine young people listed below were recently selected to serve as the **2016 - 2017** membership for the Lewiston Youth Advisory Council (LYAC). They submitted applications for membership and were interviewed by Council Liaison Isobel Golden, outgoing LYAC members Eric Hall & Andrew Chin, and myself. The membership represents five **returning** youth and four **new** youth. Five (5) LYAC members graduated in June.

New Members

Magdalena Elwell, LHS
Emma Williams, LHS
Clare Kramer, St. Dom's
Carolyn Adams, LHS

Returning Members

Deni Federico
Jazlyn Dumas
Khafiya Dualeh
Courtney Caouette
Nicole Morin

The Mayor will officially announce the new membership at the July 19, 2016, City Council meeting. The youth will have orientation in August.

During the applicants' interviews, they spoke very highly of Lewiston, and pride for their community ran high! They were all interviewed individually, and all want to continue some form of LYAC's **DO YOU DO LEW** campaign to further enhance Lewiston's image. I'm looking forward to seeing what creativity they will demonstrate!

LEWISTON CITY COUNCIL

MEETING OF JULY 19, 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 JULY 19, 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.

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 JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-3

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue 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:

State statutes define the purposes for entering into an executive session.

EAB/kmm

REQUESTED ACTION:

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

LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-4

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Entering into executive session is permitted and defined under Maine State Statutes.

SPB/KSW

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)(A) to discuss a personnel matter.

LEWISTON CITY COUNCIL
MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Amendment to the Traffic Schedule regarding parking prohibited on a portion of Warren Avenue.

INFORMATION:

Due to some safety issues regarding limited visibility in the area of 44 Warren Avenue, it is recommended that no on-street parking be permitted on the odd-numbered side of Warren Avenue across from the property located at 44 Warren Avenue. The Police Department has reviewed this request and concurs with this change.

Please see the memorandum from the Police Department for additional information on this item.

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 adopt the proposed amendments to the Traffic Schedule for Warren Avenue and to prohibit parking on the odd numbered side of Warren Avenue beginning at a point 549 feet from the south east corner of Warren Avenue and East Avenue and extending easterly 25 feet on Warren Avenue.



POLICE DEPARTMENT

Sgt. Robert Ullrich
Administrative Sergeant



DATE: June 7, 2016
TO: Traffic Schedule Review
FROM: Sgt. Robert Ullrich

Subject: Traffic Schedule Amendment request

A resident of 44 Warren Ave has reported a parking issue on Warren Ave. The resident advised that it is very difficult to back out of her driveway when vehicles are parked on the south side of Warren Ave. I visited the area and spoke with the resident. A telephone pole placed directly across from the driveway of 44 Warren Ave adds to the difficulty of backing out of the driveway.

In reviewing this issue with officials from public works, fire and several residents along this area of Warren Avenue we have determined that it would be most beneficial to prohibit parking just in the area across from 44 Warren Ave near the telephone pole.

Traffic Schedule Changes:

Add:

Traffic Section 50: Parking prohibited all Times – Specified Places

Warren Avenue: Beginning at a point 549' from the South East corner of Warren Avenue and East Avenue and extending easterly 25' on Warren Ave (odd number side).

If this amendment is approved, this would require the Public Works Department to erect sign(s) and/or marking(s) designating the above change.

Respectfully Submitted,

Sgt. Robert P. Ullrich



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POLICE DEPARTMENT

Sgt. Robert Ullrich
Administrative Sergeant



Photo of parking issue in the area of 44 Warren Avenue:



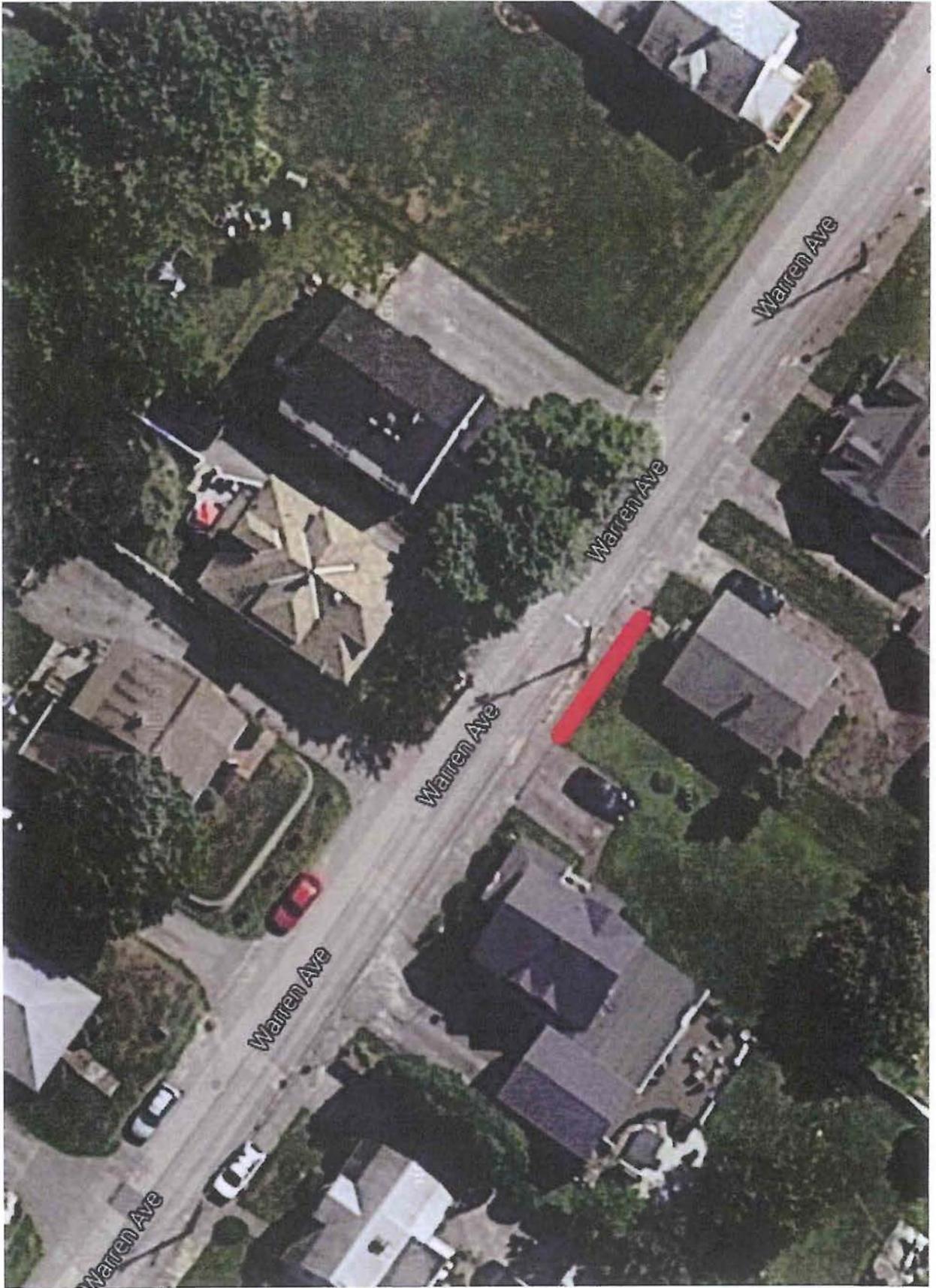
Area to be posted no parking anytime.



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LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Resolve Accepting Donations for the purpose of sponsoring performing arts programs for children within the Lewiston and Auburn area.

INFORMATION:

The Lewiston and Auburn Recreation Departments work together to bring the Wednesdays in the Park program to both communities. The performing arts program has been operating in Lewiston for over 35 years. Local businesses and organizations contribute to underwrite the entire operating budget for the program.

The Council is asked to vote to accept the donations for this program.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABKMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the Resolve accepting donations for the purpose of sponsoring performing arts programs for children in the Lewiston and Auburn area.



COUNCIL RESOLVE

RESOLVE, Accepting Donations for the Purpose of Sponsoring Performing Arts Programs for Children within the Lewiston and Auburn area.

Whereas, The Lewiston Recreation Division and the Auburn Recreation Department combine efforts to bring the Wednesdays in the Park program to both communities; and

Whereas, Wednesdays in the Park celebrates its thirty-seventh season of performing arts this year; and

Whereas, for four weeks during the summer months, various performers will entertain hundreds of children at different sites throughout Lewiston and Auburn; and

Whereas, local businesses and organizations donate funds to support the entire operating budget for the Wednesdays in the Park program;

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

the City Administrator is authorized to accept donations and in-kind services from the following local businesses and organizations that will allow the Wednesdays In The Park Program to operate:

2016 WEDNESDAYS IN THE PARK SPONSORS

Auburn Exchange Club	\$250
Evergreen Custom Printing Inc.	Printing of Posters
Great Falls Security Systems	\$50
Gammon’s Garden Center & Landscape	\$250
Lewiston Housing Authority	\$25
Mechanics Savings Bank	\$250
Pediatrics Associates	\$600
Total	\$1425

Be it Further Resolved that

the City Council hereby expresses its thanks and appreciation to local businesses and organizations that have contributed funding and promotion to make this program possible. Resolve,

LEWISTON CITY COUNCIL
MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for She Doesn't Like Guthries, 115 Middle Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from She Doesn't Like Guthries, 115 Middle 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 owners have 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 She Doesn't Like Guthries, 115 Middle Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 7/4/16

Expiration Date: 7/24/16

- 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: She doesn't like Guthries Business Phone: 207-376-3344

Location Address: 115 Middle St. Lewiston, ME

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

Mailing Address: same

Email address: guthriesplace@gmail.com

Contact Person: RANDY LETOURNEAU Phone: 207-376-3344

Owner of Business: same Date of Birth: 8-29-1977

Address of Owner: 5 Taylor Hill Rd. Lewiston, ME

Manager of Establishment: same Date of Birth: 8-29-1977

Owner of Premises (landlord): 22 Park St. LLC / CEI

Address of Premises Owner: 30 Federal St. Brunswick ME 04011

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): _____

- just this location -

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? X Yes No If yes, please explain: OVI OVER 10 yrs Age

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

Corporation Name: She doesn't like futhries

Corporation Mailing Address: 115 Middle St.

Contact Person: Randy Letourneau Phone: 707-376-3744

Do you permit dancing on premises? Yes X 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? 3rd Floor of Building

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: _____

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

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

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

Signature: [Signature] Title: owner Date: 7/4/16

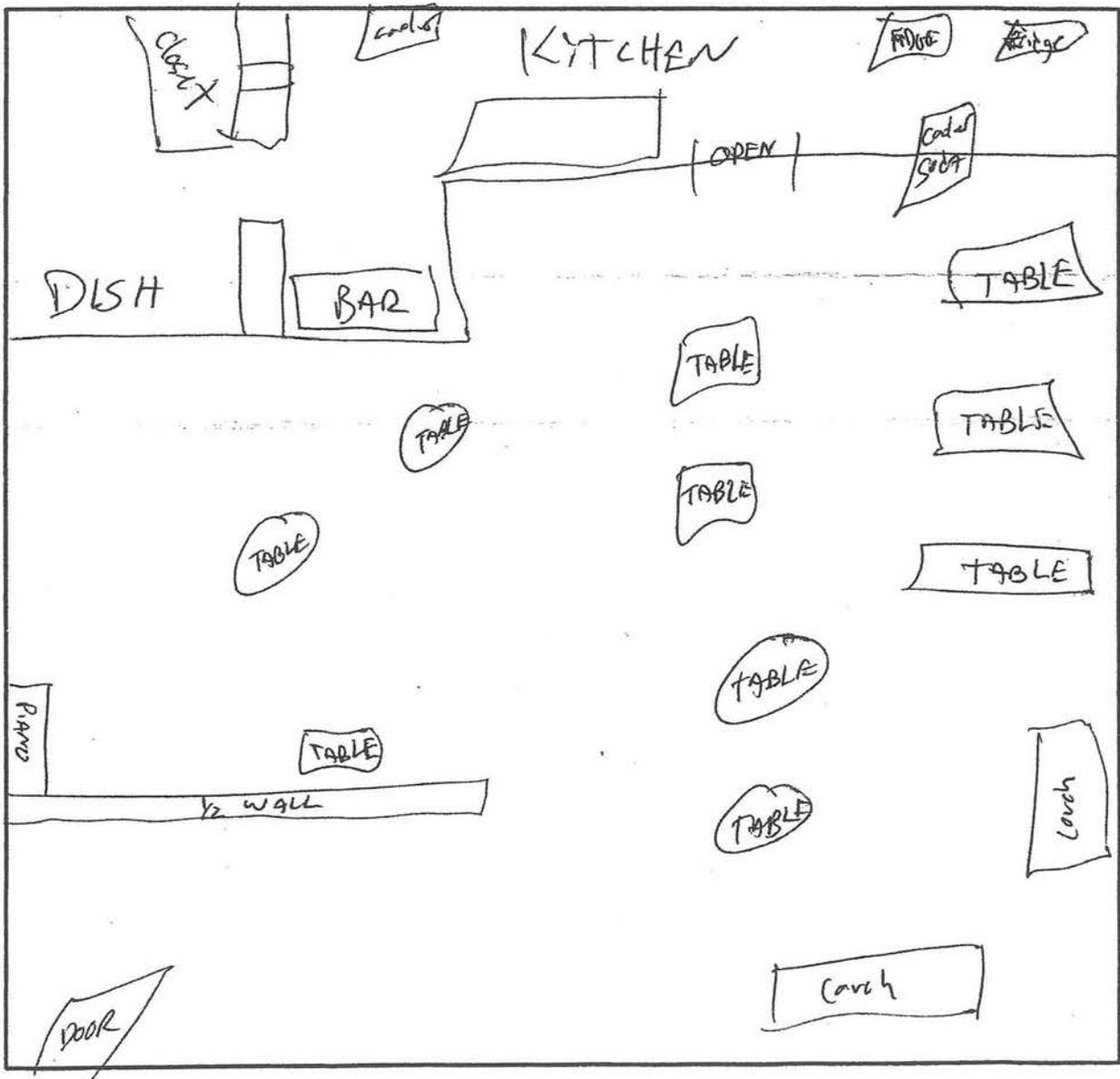
Printed Name: Randy Letourneau

Hearing Date: 7-19-16

**SPECIAL AMUSEMENT PERMIT
SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM**

In an effort to clearly define your licensed premise and areas that the entertainment is allowed, the City of Lewiston is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram showing where in the facility the entertainment will be, the direction of any speakers and where the dance floor, if any will be located.





POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: June 23, 2016

RE: Liquor License/Special Amusement Permit – **She Doesn't Like Guthries**

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

She Doesn't Like Guthries
115 Middle St.



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LEWISTON CITY COUNCIL
MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Baxter Brewing Co., LLC, 130 Mill Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Baxter Brewing Co., LLC, 130 Mill 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 Baxter Brewing Co., LLC, 130 Mill Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 6/22/14

Expiration Date: 7/11/2017

- 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: Baxter Brewing Co. LLC Business Phone: (207) 333 6769

Location Address: 130 Mill St. Lewiston, ME 04240

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

Mailing Address: Po Box 6003 Auburn, ME 04212

Email address: luke@baxterbrewing.com

Contact Person: Luke Livingston Phone: 207 240 0180

Owner of Business: See Attached Date of Birth: _____

Address of Owner: See Attached

Manager of Establishment: Luke Livingston Date of Birth: 09/11/84

Owner of Premises (landlord): Mill 1, LLC

Address of Premises Owner: 2 Great Falls Plz. Auburn, ME 04210

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): Renewal

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? _____

Please describe the type of proposed entertainment:

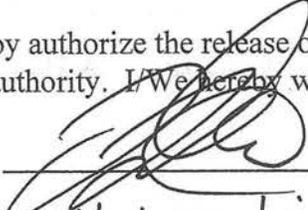
- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list _____
- other, please list _____

If new applicant, what is your opening date?: _____

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

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

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

Signature:  Title: President Date: 6/17/16

Printed Name: H. Luke Livingston

Hearing Date: 7/19/2016



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: June 23, 2016

RE: Liquor License/Special Amusement Permit – **Baxter Brewing**

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

Baxter Brewing
130 Mill Street



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LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Acme Social Club, Inc., 255 Park Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Acme Social Club, Inc., 255 Park 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 Acme Social Club, Inc., 255 Park Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 6/20/16

Expiration Date: 7/3/2017

- 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: Acme Social Club, Inc. Business Phone: 207-782-9309

Location Address: 255 Park Street Lewiston, Me 04240

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

Mailing Address: 255 Park Street Lewiston, Me 04240

Email address: _____

Contact Person: Amy Mason Phone: 207-240-0531

Owner of Business: Member owned Social Club Date of Birth: _____

Address of Owner: N/A

Manager of Establishment: Amy Mason Date of Birth: 01-14-1981

Owner of Premises (landlord): MARC LEE MASON

Address of Premises Owner: 60 Lafayette Street Lewiston, Me 04240

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): Acme Social Club, Inc. 255 Park Street, Lewiston, Me 04240

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

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

Corporation Name: Acme Social Club, Inc

Corporation Mailing Address: 255 PARK STREET, LEWISTON, ME 0424

Contact Person: MARC LEE MASON Phone: 207-576-4657

Do you permit dancing on premises? X 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 X No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 20'

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: _____

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

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

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

Signature: Amy Mason Title: Treasurer Date: 6/16/16

Printed Name: AMY MASON

Hearing Date: 7/19/2016



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: June 23, 2016

RE: Liquor License/Special Amusement Permit – **Acme Social Club**

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

Acme
255 Park St.



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



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for the Annual Great Falls Balloon Festival .

INFORMATION:

The Great Falls Balloon Festival, Inc., an independent non-profit organization, is planning to hold its twenty-fourth annual festival on August 19 - 21, 2016.

The focus of the festival is to provide a family oriented celebration, promote community pride, and provide an attraction for summer tourists and regional visitors to the Lewiston-Auburn area.

The Festival organizers are planning to hold outdoor music concerts as part of the Festival and are seeking permission for an Outdoor Entertainment permit.

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 conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Simard-Payne Memorial Park on August 19-21, 2016, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

CITY OF LEWISTON - EVENT APPLICATION

GENERAL EVENT INFORMATION (Section 1)

EVENT and/or PARK USE ONLY INFORMATION

Event Name: Great Falls Balloon Festival Requested Date: 08/19 - 8/21, 2016

Rain Date (if applicable): None

Type of Event (Walk/Run, Festival, Concert, Etc.): Balloon Festival

Event Start Time: 08/19 Event End Time: 08/21 Estimated Attendance: 100,000

Set-up Start Time: 08/15 Clean-up End Time: 08/22

- Open to the Public
Invitation Only
Age Restriction

PARK USE ONLY - Provide Overview

Event Location: Simard Payne Memorial Park

(If you will utilize a park, please check ALL that apply below)

FEES APPLY

- Simard-Payne Park \$27 x 8 days
Dufresne Plaza \$ x days

NO FEE ASSESSED

- Kennedy Park
Veterans Park
Marcotte Park
Potvin Park
Mark Paradis Park
Raymond Park
Sunnyside Park

Location Other Than Parks:

Street(s) Surrounding area
Sidewalk(s)
Other

PARK FEES & APPLICABLE DISCOUNTS

SIMARD-PAYNE PARK (check one)

- Full Price: \$135 day
Lewiston-based NP (80% discount): \$27 day
Out-of-Town, NP Fundraisers (50% discount): \$67.50 day
Out-of-Town, NP Event (34% discount): \$89.10 day

DUFRESNE PLAZA (check one)

- Full Price: \$265 day
Lewiston-based NP (80 discount): \$53 day
Out-of-Town, NP Fundraisers (50% discount): \$132.50 day
Out-of-Town, NP Event (34% discount): \$174.90 day

CITY OF LEWISTON - EVENT APPLICATION

CONTACT INFORMATION (Section 2)

Host Organization: Great Falls Balloon Festival

Mailing Address: PO Box 1238 City: Auburn, ME 04211

Name of Person Responsible for Event: Mell Hamlyn Title: Director

Name of Contact Person (if different): _____ Title: _____

Daytime Phone: 207-240-5931 Cell: 207-240-5931 Cell During Event: 207-240-5931

Contact Email: Hamlyn3@aol.com

EVENT DETAILS | PERMITTING (Section 3)

Please check all that apply; include detail if applicable. Arrow denotes who to contact.

- Park Use N/A → Administration
Fees Apply
- Sound Amplification Needed N/A → City Clerk's Office
A Permit will be required
- Live Music
 Speaker | Presenter
 Details _____
- Food N/A → Sanitarian /Code
→ City Clerk's Office
Food Services License may be required
- Sold
 Given Away
 Type Various
- BBQ (see policy: <http://www.lewistonmaine.gov/DocumentCenter/View/5535>)
- Beverages N/A → Sanitarian /Code
→ City Clerk's Office
Food Services License may be required
Requirements Apply for Alcohol at Event
- Sold
 Given Away
 Alcohol Beverage
 Type Soda/Juice/Water
- Product (Non-Food Item) → City Clerk's Office
A Peddler's Permit may be required
- Sold
 Given Away
 Type Souvenirs

LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for a musical concert in Kennedy Park.

INFORMATION:

The Maine People's Alliance is sponsoring a free music concert on Saturday, July 30 in Kennedy Park. This is being held in conjunction with their L-A Community Unity BBQ. Since they will be having live music, they are required by the Code of Ordinances to obtain an Outdoor Entertainment permit from the City Council. Staff has reviewed their application and has no concerns with this event. Approval is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application for an outdoor entertainment event in Kennedy Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for an outdoor music concert to be held at Kennedy Park on Saturday, July 30, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

GENERAL EVENT INFORMATION (Section 1)

GAZEBO/PARK USE INFORMATION

Event Name: L-A Community Unity BBQ Requested Date: 7/30/2016

Rain Date (if applicable): N/A

Type of Event/Gazebo Use: BBQ, Resource Tables, Live Music (Gazebo)

Brief

Presentations (No political candidates can present) storytelling corner;
Event Start Time: 12 Noon Event End Time: 7:00 PM Estimated Attendance: _____

Set-up Start Time: 10:30 AM Clean-up End Time: 4:00 PM

- Open to the Public
- Other (full application may be necessary)

Use of Kennedy Park (please explain)

+ gazebo
30' x 50' Foot Tent
 + Pop-up-Tents; 4 Gas Grillr;
 12 Folding tables (3'x8') + chairs
 8 Tables will be under tent
 4 Tables with pop-up canopy

GAZEBO USE REQUIREMENTS	
<input checked="" type="checkbox"/>	Electricity
<input checked="" type="checkbox"/>	Live music @ gazebo
<input checked="" type="checkbox"/>	Presenter P.A.
<input checked="" type="checkbox"/>	Announcements PA

DETAILS | PERMITTING

Please check all that apply; include detail if applicable. Arrow denotes who to contact.

Processing Fee & Event Approval → Administration

Sound Amplification Needed ___ N/A → City Clerk's Office

Live Music

A Permit will be required

Speaker | Presenter

Details No political candidates can speak

Food ___ N/A → Sanitarian /Code

Sold

→ City Clerk's Office

Given Away

Food Services License may be required

Type BBQ - Hamburgers + chicken

Zambusa's
watermelon

LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for a live musical event in Pettingill School Park and request for waiver of fees for the event.

INFORMATION:

The Friends of Pettingill Park are holding a celebration on Friday, August 5 to dedicate the new pergola in the Park. There will be a free concert as part of this ceremony.

The organization is also seeking a waiver from the City Council for all permit fees associated with this event.

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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1) To conduct a public hearing on an application for an outdoor entertainment event for Pettingill School Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for an outdoor music concert to be held at Pettingill School Park on Friday, August 5, with a raindate of Saturday, August 6, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances,

2) To approve the Order authorizing the waiver of all city fees associated with the Friends of Pettingill Fundraiser for Pettingill School Park on August 5, 2016.

CITY OF LEWISTON - EVENT APPLICATION

GENERAL EVENT INFORMATION (Section 1)

EVENT and/or PARK USE ONLY INFORMATION

Event Name: Lenny Breau Pergola Dedication Requested Date: August 5

Rain Date (if applicable): August 6

Type of Event (Walk/Run, Festival, Concert, Etc.): Denny Breau free concert5

Event Start Time: 7 pm Event End Time: 9 pm Estimated Attendance: 150

Set-up Start Time: 5 pm Clean-up End Time: 10 pm

- Open to the Public
- Invitation Only
- Age Restriction

PARK USE ONLY – Provide Overview

Event Location: Pettingill School Park
(If you will utilize a park, please check ALL that apply below)

FEES APPLY

- Simard-Payne Park \$ _____ x _____ days
- Dufresne Plaza \$ _____ x _____ days

NO FEE ASSESSED

- Kennedy Park
- Veterans Park
- Marcotte Park
- Potvin Park
- Mark Paradis Park
- Raymond Park
- Sunnyside Park

Location Other Than Parks:

Street(s) College St.

Sidewalk(s) _____

Other Pettingill School Park

PARK FEES & APPLICABLE DISCOUNTS

SIMARD-PAYNE PARK (check one)

- Full Price: **\$135 day**
- Lewiston-based NP (80% discount): **\$27 day**
- Out-of-Town, NP Fundraisers (50% discount): **\$67.50 day**
- Out-of-Town, NP Event (34% discount): **\$89.10 day**

DUFRESNE PLAZA (check one)

- Full Price: **\$265 day**
- Lewiston-based NP (80 discount): **\$53 day**
- Out-of-Town, NP Fundraisers (50% discount): **\$132.50 day**
- Out-of-Town, NP Event (34% discount): **\$174.90 day**

CITY OF LEWISTON - EVENT APPLICATION

CONTACT INFORMATION (Section 2)

Host Organization: Friends of Pettingill

Mailing Address: 405 College St. City: Lewiston

Name of Person Responsible for Event: Bill Maroldo Title: Vice-Chair

Name of Contact Person (if different): _____ Title: _____

Daytime Phone: 795-1386 Cell: 740-4640 Cell During Event: 740-4640

Contact Email: bill@billstuff.com

EVENT DETAILS | PERMITTING (Section 3)

Please check all that apply; include detail if applicable. Arrow denotes who to contact.

- Park Use N/A → Administration
Fees Apply
- Sound Amplification Needed N/A → City Clerk's Office
 Live Music Outdoor Entertainment A Permit will be required
 Speaker | Presenter
 Details Will supply ourselves
- Food N/A → Sanitarian /Code
 Sold → City Clerk's Office
 Given Away Food Services License may be required
 Type _____
- BBQ (see policy: <http://www.lewistonmaine.gov/DocumentCenter/View/5535>)
- Beverages N/A → Sanitarian /Code
 Sold → City Clerk's Office
 Given Away Food Services License may be required
 Alcohol Beverage Requirements Apply for Alcohol at Event
 Type _____
- Product (Non-Food Item) → City Clerk's Office
 Sold A Peddler's Permit may be required
 Given Away
 Type DVDs, School Bricks



**City of Lewiston Maine
City Council Order
July 19, 2016**



Order, Authorizing the Waiver of all City Fees Associated with the Friends of Pettingill Fundraiser for Pettingill School Park on August 5, 2016.

Be It Ordered by the City Council of the City of Lewiston, that

all City fees associated with the Friends of Pettingill fundraiser for the Pettengill School Park on August 5, 2016 are hereby waived.



City of Lewiston
Executive Department
Phil Nadeau, Deputy City Administrator

TO: Mayor Macdonald and Members of the City Council
FROM: Phil Nadeau
SUBJECT: **Waiver of City Fees for Pettengill School Fundraiser**
DATE: July 19, 2016

The Friends of Pettingill have scheduled a fundraiser for Pettingill School Park on August 5, 2016. Entertainer Denny Breau will be performing and donating his talents and there will be other events, sales and fundraising activity that will be a part of the evening festivities. Event start time is 7PM, ending around 9PM. No admission will be charged.

The Friends of Pettingill are requesting that the City Council waive the application fee and all applicable city permitting fees for the event in the interest of preserving all monies raised for investments in Pettingill School Park.

LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Public Hearing and Order authorizing the issuance of Refunding Bonds in a principal amount not to exceed \$3,625,000 for the purpose of refunding the City's Public Improvement Bonds Series A, dated November 1, 2009, and to pay any redemption premiums thereon and costs of issuance.

INFORMATION:

The Finance Department has done an analysis of the City's current debt to determine if it would be advantageous to refund any of the City's current outstanding obligations, and the Finance Director is recommending that the City issue refunding bonds for the General Obligation Bonds issued in 2009.

Finance Director Heather Hunter will be present to address any questions.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a Public Hearing to receive citizen input, and to approve the Order authorizing the issuance of Refunding Bonds in a principal amount not to exceed \$3,625,000 for the purpose of refunding the City's Public Improvement Bonds Series A, dated November 1, 2009, and to pay any redemption premiums thereon and costs of issuance.



City of Lewiston Maine
City Council Order
July 19, 2016



Order, Authorizing the issuance of Refunding Bonds in a principal amount not to exceed \$3,625,000 for the purpose of refunding the City's Public Improvement Bonds Series A, dated November 1, 2009, and to pay any redemption premiums thereon and costs of issuance.

Be It Ordered by the City Council of the City of Lewiston, that the Mayor and the City Treasurer are authorized to issue refunding bonds in a principal amount not to exceed \$3,625,000 in order to refund all or part of the principal of and interest on the City's General Obligation Bonds Series A dated November 1, 2009, with a par value of approximately \$3,325,000, and to pay any redemption premiums thereon and costs of issuance; and

Be It Further Ordered, that the City Council instruct the Finance Director to advertise for bids for the bonds or negotiate the sale of bonds with any qualified purchaser; to award the loan; and to employ Locke Lord LLP to furnish the legal opinion for the same; and

Be It Further Ordered, that the bonds shall be signed by the City Treasurer and Mayor; and

Be It Further Ordered, that the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director; and

Be It Further Ordered, that the bonds hereunder may be subject to call for redemption or refunded on such terms as may be determined by the Finance Director.



City of Lewiston
Finance Department
Heather A. Hunter, Finance Director

TO: Mayor Macdonald and Members of the City Council
FROM: Heather Hunter, Finance Director
SUBJECT: Refunding General Obligation Bonds
DATE: July 6, 2016

Given the current interest rate environment, the City has one more former bond issue that would be lucrative to advance refund. The following table outlines pertinent information regarding the proposed refunding issue.

Bond Issue	Par Amount	Current Rate	Projected Rate	PV Savings	FV Savings
2009A	\$3,625,000	3.5%-4.0%	2.5%	\$293,000	\$319,000

I'm targeted a late summer early fall sale date for the 2016 LCIP bonds, the remaining 2015 LCIP projects, one 2014 project, and the refunded bonds.

As you might remember, the 2015 LCIP sale was split between last year and this year's bond sale in order for the City to utilization bank qualified status last year. To qualify, the City must stay under the \$10 million threshold within the calendar year. Selling as bank qualified not only reduced issuance costs, but also saved us about 20 basis points or about \$216,000 over the amortization life of the new money. To qualify last year, I delayed the sale of \$4,098,650 worth of bonds.

Please contact me with questions you may have. I will also be available at the meeting to discuss this further.

LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Condemnation Hearing for the building located at 175 Stetson Road.

INFORMATION:

The City has begun the process for condemnation of the property at 175 Stetson Road under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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1) To conduct a hearing to determine if the building located at 175 Stetson Road has meet the dangerous building statutes as defined in Title 17, sec. 2851 et all.

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

2) With regard to the property at 175 Stetson Road, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

Know all Men by these Presents,

That We, Charlotte L. Meader and Harold Meader, husband and wife,
both of Lewiston, Androscoggin County, Maine

in consideration of one dollar and other valuable consideration

paid by Marc R. Morin & Janet L. Morin, husband and wife

whose mailing address is 85 Nichols Street, Lewiston, Maine 04240

the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and
convey unto the said Marc R. Morin & Janet L. Morin,

as joint tenants and not as tenants in common, their heirs and assigns forever,

A certain lot or parcel of land with the buildings thereon, situated in said LEWISTON, and bounded and described as follows: Beginning on the Southwesterly line of the Stetson Road, so called, at the Northerly corner of land now or formerly owned by Eugenie Bourque; thence Northwesterly by the said Southwesterly line of the Stetson Road, one hundred twenty-two and seven tenths (122.7) feet to the Easterly corner of land of O.E. Johnson; thence Southwesterly by said Johnson's land to a corner in said Johnson's line; thence Southwesterly by said Johnson's Northeasterly line two hundred and ten (210) feet to the Westerly corner of said Bourque's land; thence Northeasterly, by said Bourque's Northwesterly line four hundred seven and three tenths (407.3) feet to the point of beginning; containing about one and fifty-five hundredths (1.55) acres.

BOOK 1485 PAGE 219

To have and to hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said **Marc R. & Janet L. Morin,**

as joint tenants and not as tenants in common, their heirs and assigns, to their own use and behoof forever.

And we do warrant with the said Grantees, their heirs and assigns, that we are lawfully seized in fee of the premises, that they are free of all encumbrances

that we have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that we and our heirs shall and will warrant and defend the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, we the said **Charlotte L. Meader**

and **Harold Meader**

husband of the said **Charlotte L. Meader**

Joining in this deed as Grantor, and relinquishing and conveying all rights by descent and all other rights to the above described premises, have hereunto set our hand and seal this **26th** day of the month of **September**, A.D. 19 **80**.

L-3625

Signed, Read and Delivered in presence of

[Handwritten signatures]
.....
.....
.....
.....

[Handwritten signatures]
.....
.....

State of **Maine**, County of **Androscoggin** ss. **September 26**, 19 **80**.

Then personally appeared the above named **Charlotte L. Meader**

and acknowledged the foregoing instrument to be her free act and deed.

Before me,

[Handwritten signature]

ANDROSCOGGIN, ME.
RECEIVED OCT - 2 1980
AT 1 H. 30 M. P. M.
and recorded from original

MY COMMISSION EXPIRES
MAY 22, 1981

Notary Public
Gerald R. [Name]
Attorney at Law

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

Janet L. Morin
64 Nichols Street, Apt. 6
Lewiston, Maine 04240

Federal Home Loan Mortgage Corporation
21550 Beaumeade Circle
Ashburn, Virginia 20147

175 STETSON ROAD, LEWISTON, MAINE

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

July 19, 2016 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

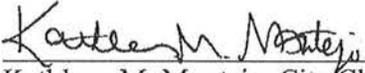
This hearing is to determine whether the residential and accessory structures at 175 Stetson Road, Lewiston, Maine, identified as Lot 6 on Tax Map 141 of the City of Lewiston Tax Maps, and further described in a Deed recorded in the Androscoggin County Registry of Deeds at Book 1485, Page 218, are dangerous buildings or nuisances within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

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

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

June 24, 2016

STATE OF MAINE
ANDROSCOGGIN, ss


Kathleen M. Montejo, City Clerk

June 24, 2016

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


Notary Public / Attorney at Law

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

SEAL ERICA L. SOIETTI
Notary Public, Maine
My Commission Expires October 5, 2019

EXHIBIT B

Return

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
175 STETSON ROAD, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On 6-27, 2016 (date), I served the above-referenced NOTICE OF HEARING upon party, Janet L. Morin, by delivering a copy of the same at the following address: 64 Nichols Street, Apt. 6, Lewiston, Maine 04240

- to the above named party in hand.
- to _____ (name), a person of suitable age and discretion who was then residing at the party's usual residence.
- to _____ (name), who is authorized to receive service for the party.
- by (describe other manner of service):

Costs of Service:

Service:	\$	<u>2100</u>
Travel:	\$	<u>400</u>
Postage:	\$	<u>200</u>
Other:	\$	<u>200</u>
 TOTAL:	\$	<u>2900</u>

[Signature]
Signature

Archascosgen SO
Agency

EXHIBIT C

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

Janet L. Morin
64 Nichols Street, Apt. 6
Lewiston, Maine 04240

Federal Home Loan Mortgage Corporation
21550 Beaumeade Circle
Ashburn, Virginia 20147

175 STETSON ROAD, LEWISTON, MAINE

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

July 19, 2016 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

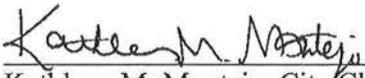
This hearing is to determine whether the residential and accessory structures at 175 Stetson Road, Lewiston, Maine, identified as Lot 6 on Tax Map 141 of the City of Lewiston Tax Maps, and further described in a Deed recorded in the Androscoggin County Registry of Deeds at Book 1485, Page 218, are dangerous buildings or nuisances within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

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

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

June 24, 2016

STATE OF MAINE
ANDROSCOGGIN, ss


Kathleen M. Montejo, City Clerk

June 24, 2016

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


Notary Public / Attorney at Law

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

SEAL ERICA L. SOIETTI
Notary Public, Maine
Commission Expires October 5, 2019

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
175 STETSON ROAD, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.

On 29th of June, 2016 (date), I served the above-referenced NOTICE OF HEARING upon party, Federal Home Loan Mortgage Corporation, by delivering a copy of the same at the following address: ~~21550 Beauneade Circle, Ashburn, Virginia 20147~~
8200 Jones Branch Dr, McLean, VA

- to the above named party in hand.
- to _____ (name), a person of suitable age and discretion who was then residing at the party's usual residence.
- to Raine Carter (name), who is authorized to receive service for the party.
- by (describe other manner of service):

Raine is the Legal Admin Senior

Costs of Service:

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


Signature

Virginia Process Servers, Inc
Agency



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

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

February 21, 2018

Dirigo Property Services
PO Box 2802
Lewiston Maine 04241

Janet Morin
175 Stetson Road
Lewiston Maine 04240

RE: 175 Stetson Road, Lewiston, Maine

To: Whom it may concern,

It has come to the attention of this office that the building at 175 Stetson Road is vacant and has suffered severe deterioration making it unfit for occupancy due to violation(s) of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, Article VI, Sections 18-200 & 18-201, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). The building is without necessary facilities such as heat, hot potable water, electricity and has been abandoned. Due to obsolescence of the mechanical systems, dilapidation and deterioration of the structural elements and unsanitary conditions, substantial rehabilitation is required for re-occupancy or the building must be demolished by no later than **July 1, 2014.**

I hereby condemn and placard the building and property at 175 Stetson Road Lewiston Maine as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-110.1 et seq, , IPMC-302.1 et seq, IPMC-304.1 et seq, IPMC-305.1 et seq, IPMC-306.1 et seq, IPMC-402.2 et seq, IPMC-504.1 et seq, IPMC-505.1 et seq,, IPMC-506.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq, IPMC-604.1 et seq, IPMC-605.1 et seq, IPMC-703.1 et seq and PMC-704.1 et seq of the Code of Ordinances of the City of Lewiston. You are hereby ordered to immediately ensure this building is secured from unauthorized entry. You are to make substantial repairs, with all appropriate permits issued by this office, or to demolish this building, leaving the property in manner to the satisfaction of this office by no later than **July 1, 2014.**

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

EXHIBIT E

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

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

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

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

You may appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the Director of Planning and Code Enforcement within ten (10) days of receipt of this notice. This petition shall be submitted on a form provided by this office along with the one hundred and five dollar (\$105.00) appeal fee. Should you fail to appeal you will be barred from any opportunity to contest or challenge the terms of this Notice and Order in any further legal proceedings.

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

Sincerely,


Corporal Jeff Baril
Code Enforcement Officer

Code Case: 2123-2014

C: Gildace J. Arsenaault, Director of Planning & Code Enforcement

175 Stetson Road

Photos taken July 7, 2016.. Front view of the building showing severely deteriorated roof structure in a state of collapse..



EXHIBIT F

Photo # 2 shows the side and rear showing another angle of the collapsing roof.



Photo # 3 shows the extensive damage due to stripping of copper wiring. The kitchen sink has been removed leaving the sanitary drainage system open allowing for the entry of sewer gases creating unsanitary conditions.



Photo # 4 is shows damage from stripped copper wiring.



Photo # 5 shows damage from the movement of the collapsing roof structure.

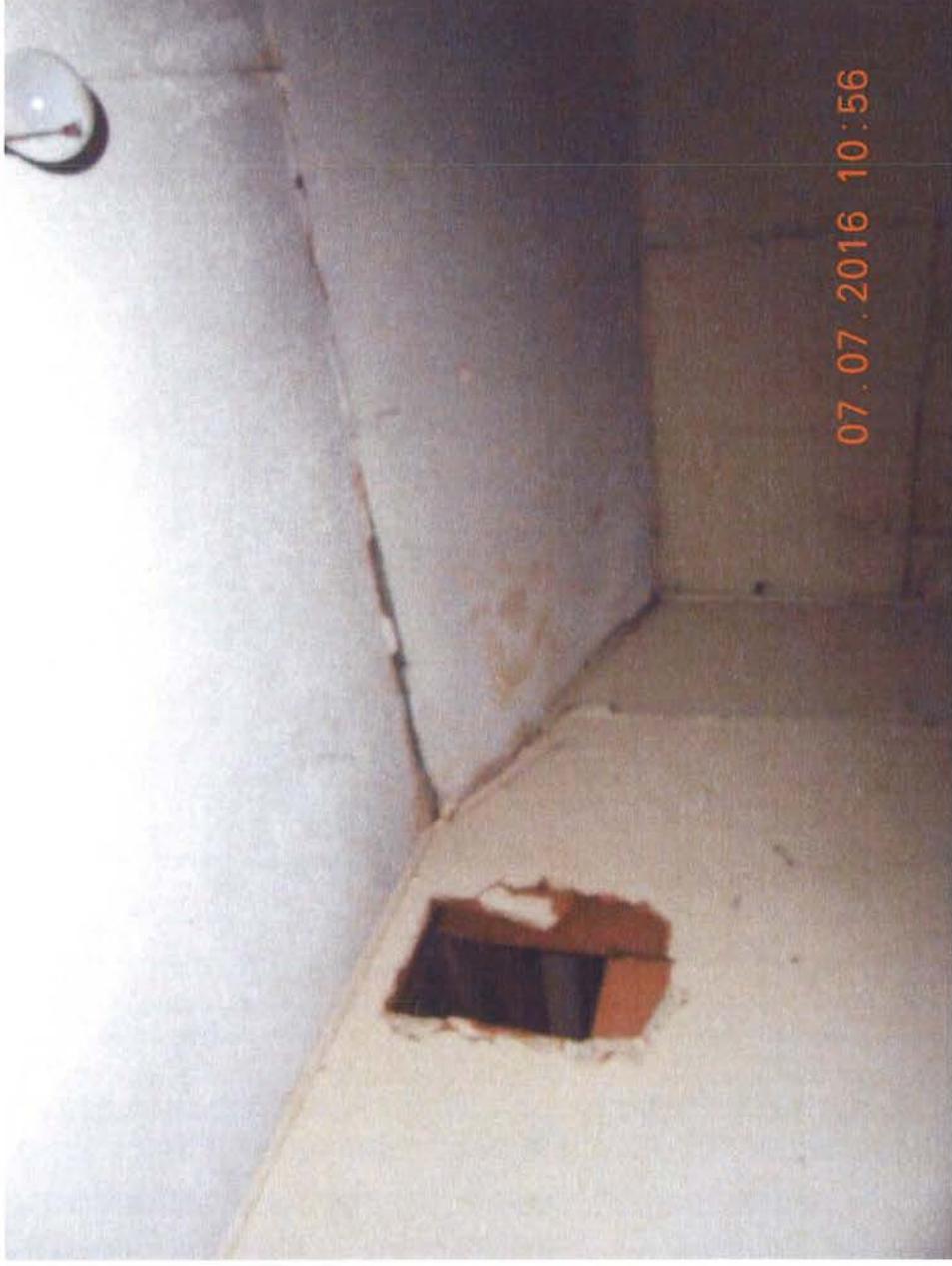


Photo # 6 shows removed and collapsed ceiling finish materials leaving exposed failing roof structural components making the structure unstable and dangerous with a potential for collapse.



Photo # 7 shows an exposed vent pipe and the ceiling height far less than the require 7 feet by Code at a varying 6 feet 6 inches and less.



Photo # 8 shows the damage from the removal of electrical wiring rendering the electrical system inoperative.



Photo # 9 shows severely damage floor covering materials.



Photo # 10 shows an unsanitary bath tub.

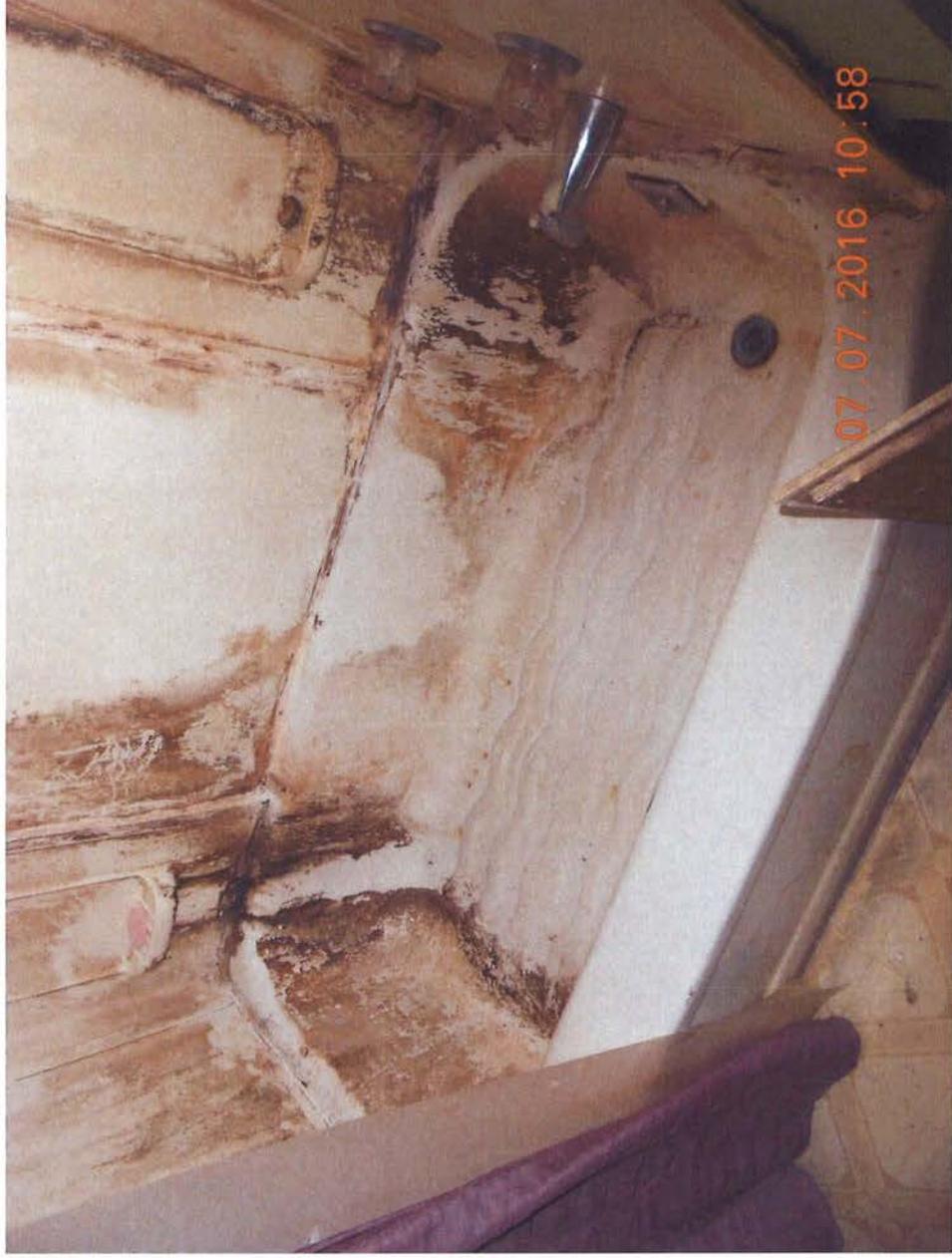


Photo # 11 shows the remnants of a flooded basement of black water effluent/sewage making the building unsanitary.



Photo # 12 shows deterioration due to flooding and debris contributing to fire loading making the structure unsanitary and dangerous.

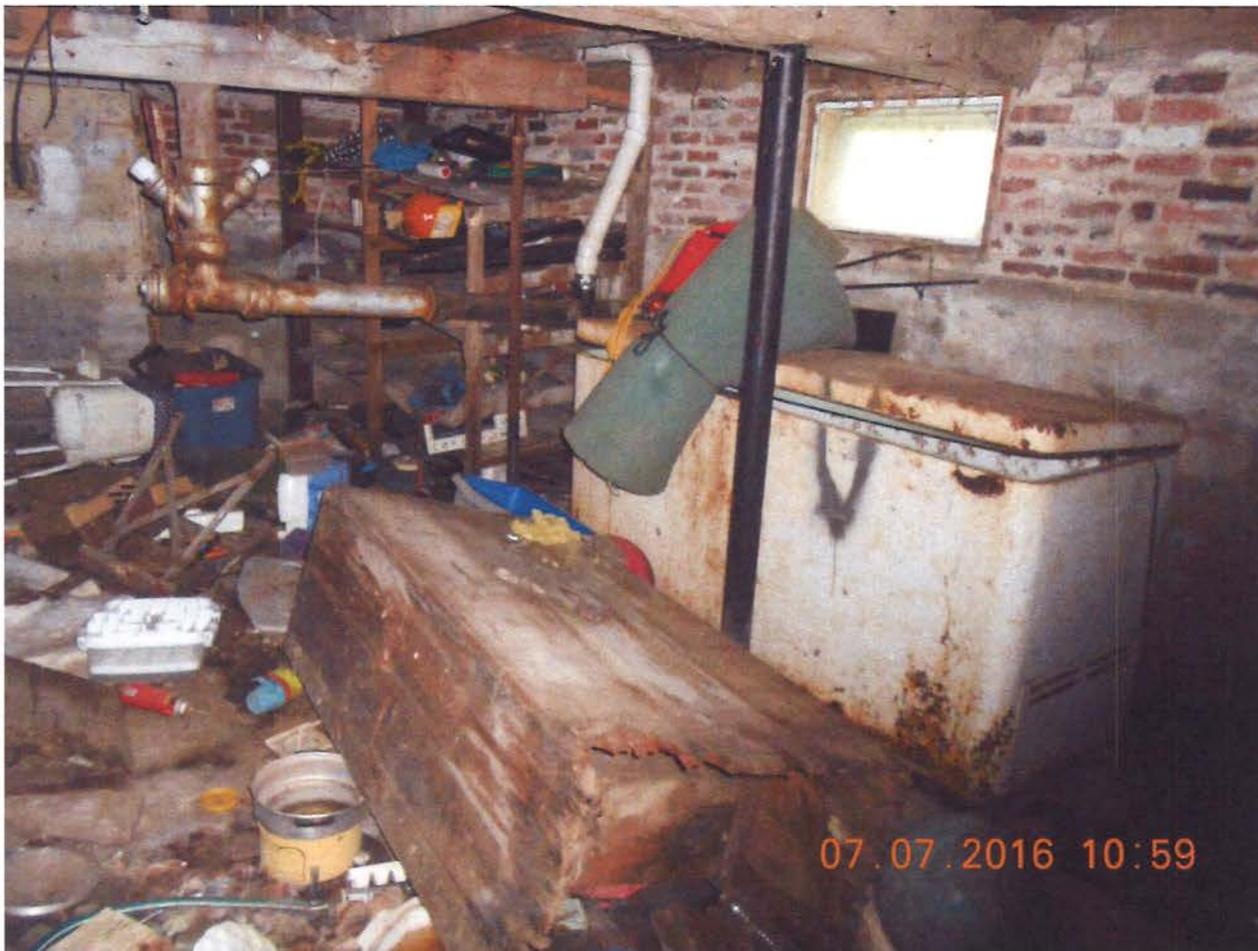


Photo # 13 shows a dismantled boiler in severe disrepair making the heating system inoperative.



Photo # 14 shows the electrical panel open with cut copper conductors rendering the system inoperative and dangerous if reenergized.



Photo # 15 shows collapse of a bearing masonry wall making the structure unstable and hazardous. A makeshift bearing wall was constructed lacking sufficient bearing capacity in violation of Code.



LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Condemnation Hearing for the building located at 143 Pine Street.

INFORMATION:

The City has begun the process for condemnation of the property at 143 Pine Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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1) To conduct a hearing to determine if the building located at 143 Pine Street has meet the dangerous building statutes as defined in Title 17, sec. 2851 et all.

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

2) With regard to the property at 143 Pine Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **JOHN S. GUPTA, CATHERINE S. GUPTA**, both of Manhattan Beach, California; **CHARLES REED**, of San Jose, California; and **MARIA MCCAUGHEY** of Manhattan Beach, California, for consideration paid, grant to **PINE STREET PROPERTIES, LLC**, a Maine limited liability company with a mailing address of 621 35th Street, Manhattan Beach, California 90266, with **WARRANTY COVENANTS**, the land in Lewiston, County of Androscoggin and State of Maine, described as follows:

A certain lot or parcel of land together with any improvements thereon, situated in the city of Lewiston, county of Androscoggin and State of Maine, more particularly bounded and described as follows:

Beginning at the southerly corner of Howe Street and Pine Street; thence running southerly on said Howe Street 100 feet; thence running at a right angle westerly 45 feet; thence running at a right angle northerly 100 feet; thence running easterly along the line of said Pine Street 45 feet to the point of beginning.

Being the same premises conveyed to the Grantors herein by deed of Theberge Realty, dated December 30, 2003 and recorded in the said Registry of Deeds in Book 5760, Page 181.

IN WITNESS WHEREOF, the said John S. Gupta, Catherine S. Gupta and Charles Reed, and Marie McCaughey have set their hand this 30th day of November, 2006.

NO MAINE R.E.
TRANSFER TAX PAID

[Signature]
Witness

[Signature]
John S. Gupta

[Signature]
Witness

[Signature]
Catherine S. Gupta

[Signature]
Witness

[Signature]
Charles Reed

[Signature]
Witness

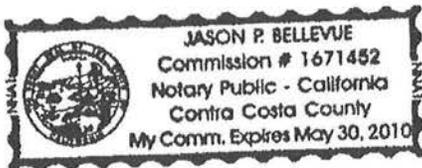
[Signature]
Marie McCaughey

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, SS.
Alameda

November 30, 2006

Then personally appeared John S. Gupta, Catherine S. Gupta and Charles Reed, and Marie McCaughey and acknowledged the foregoing instrument to be their free act and deed.

Before me,



[Signature]
Notary Public

ANDROSCOGGIN COUNTY
[Signature]
REGISTER OF DEEDS

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

Pine Street Properties, LLC
c/o John Michaud
24 Meadow Road
Augusta, Maine 04330

143 PINE STREET, LEWISTON, MAINE

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

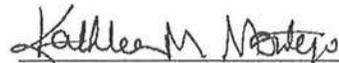
July 19, 2016 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

This hearing is to determine whether the residential structure at 143 Pine Street, Lewiston, Maine, identified as Lot 359 on Tax Map 195 of the City of Lewiston Tax Maps, and further described in a Deed recorded in the Androscoggin County Registry of Deeds at Book 7014, Page 248, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

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

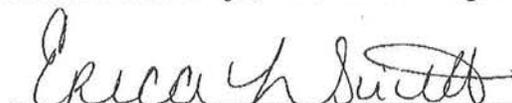
This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: June 24, 2016


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss June 24, 2016

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


Notary Public / Attorney at Law

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

SEAL
ERICA L. SOIETT
Notary Public, Maine
Commission Expires October 5, 2019

EXHIBIT B

Return

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On JUN 28 2016, 2016 (date), I served the above-referenced NOTICE OF HEARING upon party, Pine Street Properties, LLC, c/o John Michaud, by delivering a copy of the same at the following address: 24 Meadow Road, Augusta, Maine 04330

- to the above named party in hand.
- to _____ (name), a person of suitable age and discretion who was then residing at the party's usual residence.
- to _____ (name), who is authorized to receive service for the party.
- by (describe other manner of service):

Costs of Service:

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

[Signature]
 Signature
 HARRY MCKENNEY
 Chief Civil Deputy
 Agency KENNEBEC COUNTY
 Sheriff's Office

EXHIBIT C

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

March 9, 2016

Pine Street Properties, LLC
5335 Sierra Road
San Jose, California 95132

RE: 143 Pine Street
Map: 195 Parcel: 359

Dear Owner(s):

On March 9, 2016, I conducted an inspection at 143 Pine Street and found it severely deteriorated, abandoned and dangerous making it unfit for occupancy due to violations of the provisions of Chapter 18, Article III, International Property Maintenance Code, Sections 18-51 and 18-52, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code)..

I hereby condemn and placard the building and property at 143 Pine Street as being unfit for occupancy and dangerous pursuant to and in accordance with Chapter 18, Article III, International Property Maintenance Code, Sections 18-51 and 18-52. IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-110.1 et seq, IPMC-304.1 et seq IPMC-305.1 et seq, IPMC-305.1 et seq, IPMC-402.2 et seq, IPMC-504.1 et seq, IPMC-505.1 et seq., IPMC-506.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq, IPMC-604.1 et seq, IPMC-605.1 et seq, IPMC-703.1 et seq and IPMC-704.1 et seq of the Code of Ordinances of the City of Lewiston. You are hereby ordered to immediately ensure the building is maintained secured from unauthorized entry and to keep the property free of debris. You are to make substantial repairs, with all appropriate permits issued by this office, or to demolish this building, leaving the property in manner to the satisfaction of this office by no later than **March 23, 2016.**

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

EXHIBIT D

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

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

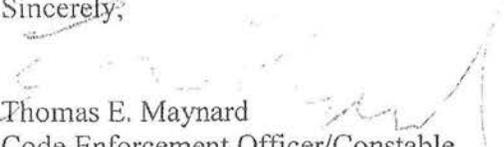
In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) for the first citation and you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

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

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

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

Sincerely,


Thomas E. Maynard
Code Enforcement Officer/Constable

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

Krista Bulick

From: Aaron Reed <areedassociates@gmail.com>
Sent: Tuesday, June 07, 2016 12:38 PM
To: Tom Maynard
Subject: RE: 143 Pine St

Hi Tom,

We have bids in to repair the property and they are in excess of \$80,000. What are the options to turn the building over to the city of Lewiston?

Thanks,
Aaron

Aaron Reed
Office 925-500-8083
Direct 510-676-5224
Realtor@
Dept. of Real Estate Lic.# 01700021

From: Tom Maynard [<mailto:TMaynard@lewistonmaine.gov>]
Sent: Thursday, April 21, 2016 5:09 AM
To: areedassociates@gmail.com
Subject: RE: 143 Pine St

Aaron

I'll call you later today. What would be the best time?

Tom

From: Aaron Reed [<mailto:areedassociates@gmail.com>]
Sent: Wednesday, April 20, 2016 5:04 PM
To: Tom Maynard
Subject: RE: 143 Pine St

Hi Tom,

I had a little delay in scheduling the clean-up and rekeying the property but it should be done today. I understand you were able to stop by as well. As a next step I'd like to explore options on surrendering the property to Lewiston and to assess the costs for repairs/renovations. I'm getting a plumbing heating bid to find out what is needed after we had the water damage over the winter due to the vacancy and water meter rupture.

Thanks again for working with us on this one.

Aaron

Aaron Reed

Office 925-500-8083
Direct 510-676-5224
Realtor®
Dept. of Real Estate Lic.# 01700021

From: Tom Maynard [<mailto:TMaynard@lewistonmaine.gov>]
Sent: Tuesday, April 5, 2016 4:57 AM
To: areedassociates@gmail.com; atlascontractor1@yahoo.com; drcharlesreed@aol.com; kategupta@aol.com
Subject: RE: 143 Pine St

Aaron

Thank you. I've now received your email. We'll stay in touch. My phone number is 207-513-3125. Chris, I'm in the office in the morning typically till 10:30 then return after 2:00 from inspections.

Tom

From: Aaron Reed [<mailto:areedassociates@gmail.com>]
Sent: Monday, April 04, 2016 7:10 PM
To: atlascontractor1@yahoo.com; drcharlesreed@aol.com; kategupta@aol.com
Cc: Tom Maynard
Subject: FW: 143 Pine St

Hi Tom,

Please see below my last email must have had a typo. I've also copied the other two owners Kate Gupta and Charles Reed.

Aaron Reed
Office 925-500-8083
Direct 510-676-5224
Realtor®
Dept. of Real Estate Lic.# 01700021

From: Chris Beal [<mailto:atlascontractor1@yahoo.com>]
Sent: Thursday, March 31, 2016 12:08 PM
To: areedassociates@gmail.com
Subject: Re: 143 Pine St

Hi Tom,

Could I have a phone number and the best time to reach you to discuss the project? My number is 207-751-2360

Thank you, Chris Beal.

[Sent from Yahoo Mail on Android](#)

On Thu, Mar 31, 2016 at 12:14 PM, Aaron Reed
<areedassociates@gmail.com> wrote:

ello Tom,

Thanks for speaking with me today about 143 Pine St. I've copied Chris Beal on this email. He is our contractor and can communicate with you on the scope of improvements needed to bring the building into code compliance. I've also given Chris a copy of the letter sent to us from your office.

Thanks for your help.

Aaron Reed

Office 925-500-8083

Direct 510-676-5224

Realtor®

Dept. of Real Estate Lic.# 01700021

143 Pine Street

Photos taken July 7, 2016. Front view of the building showing severely deteriorated roofing, trim and collapsing porch. Observe the guardrails on the porch out of level. There is an overgrowth of vegetation due to lack of maintenance and presents a hazard when dry due to the potential of fire.



Photo # 2 shows the side fronting Howe Street showing deteriorated porches, deteriorated chimney, deteriorated soffit and lack of stairs to the street. Also observe the overgrowth of vegetation.



Photo # 3 shows stripped copper piping from radiator contributing to the inoperative heating system.



Photo # 4 is shows additional stripped heating piping.



Photo # 5 shows an example of obsolete and deteriorated windows throughout the building missing the counter balance chords making the windows hazardous.



Photo # 6 shows damage from one of many roof leaks.

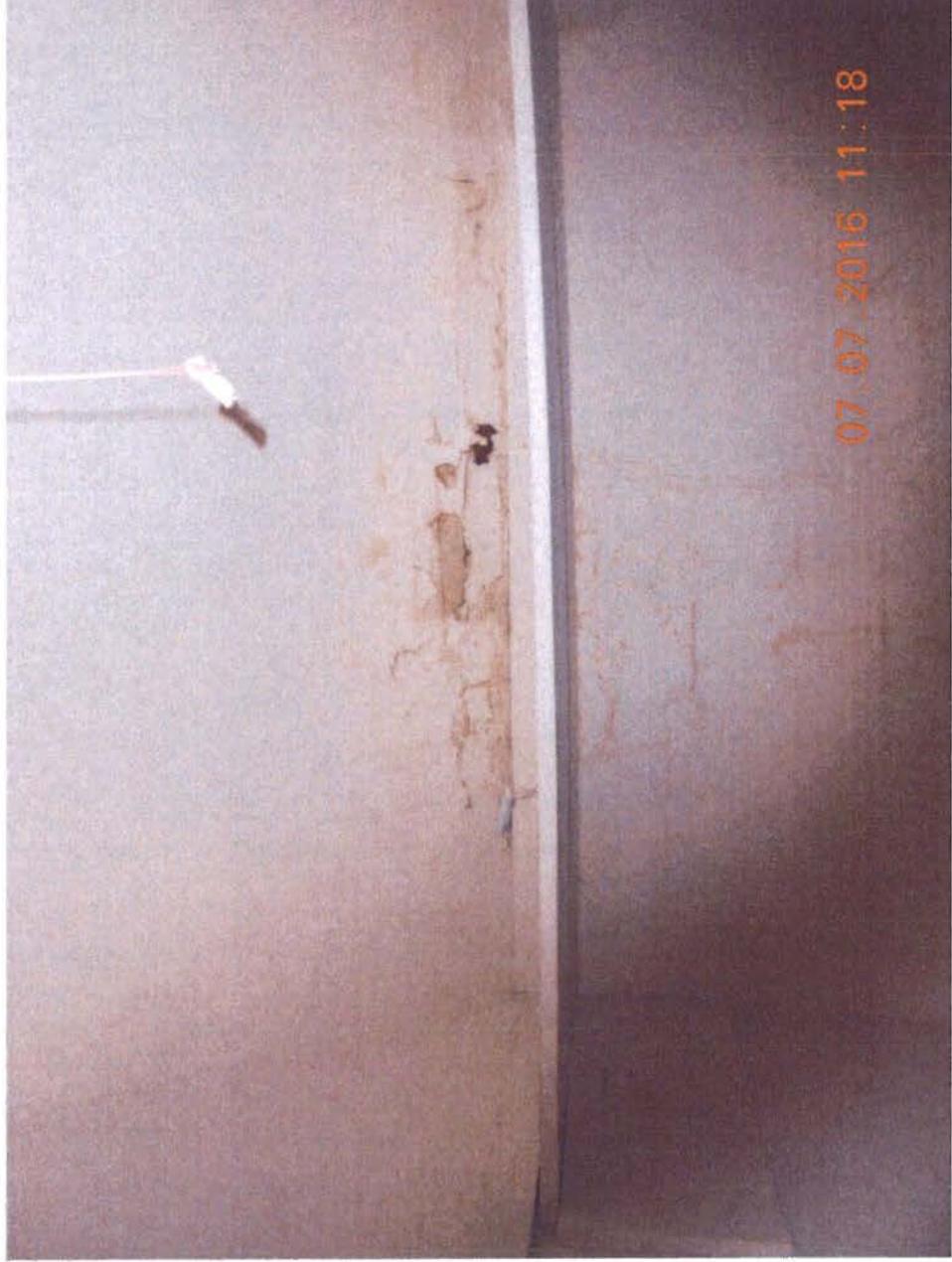


Photo # 7 shows the reverse grade on a waste pip under a sink in violation of Code.



Photo # 8 shows the damage from another roof leak and the ineffective attachment of a missing smoke detector in violation of Code. There are openings through the fire rated assembly providing for the accelerated spread of fire.



Photo # 9 shows the growth of mold from moisture infiltration due to a roof leak.

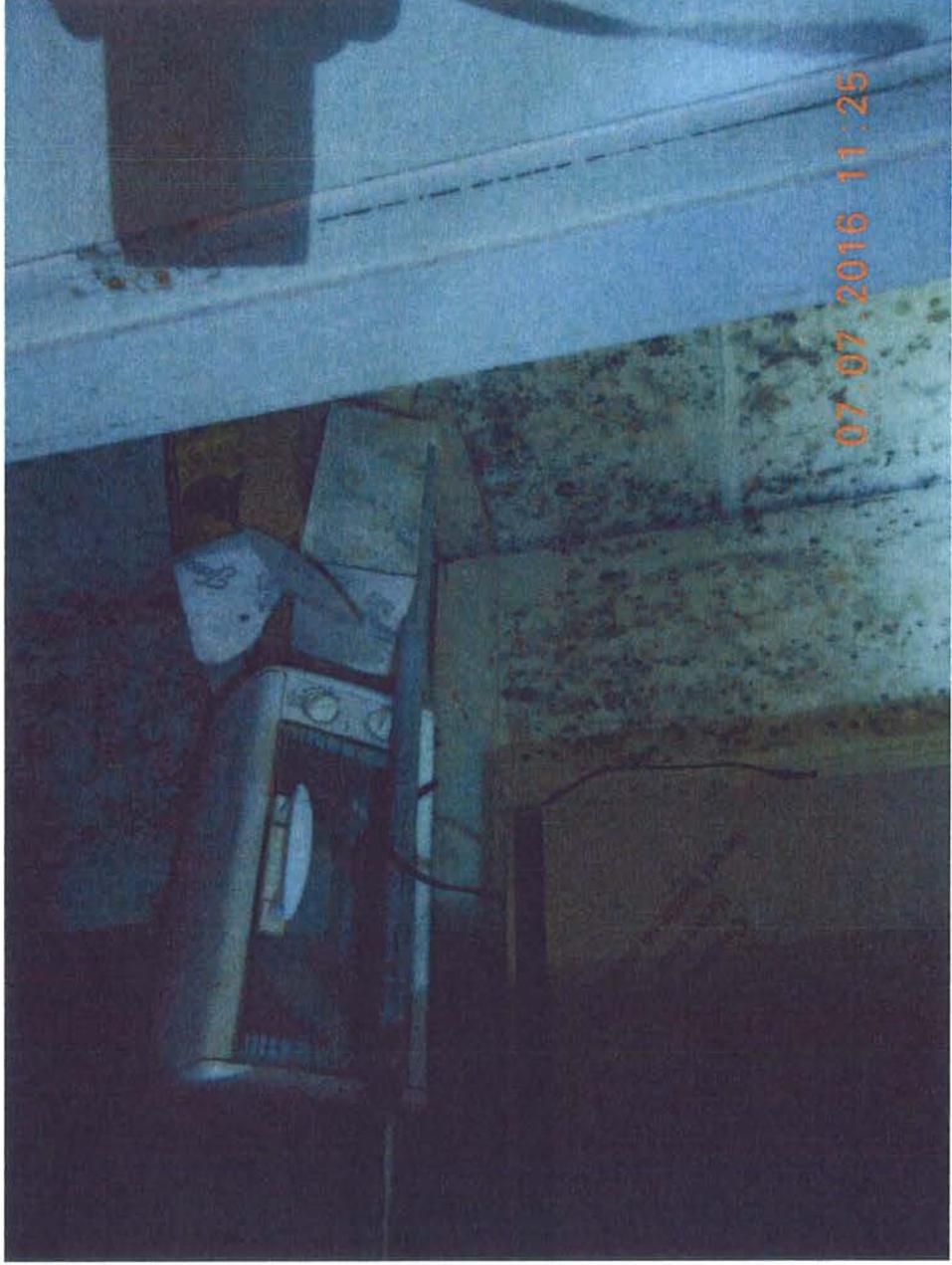


Photo # 10 shows a collapsed ceiling due to moisture infiltration resulting for a roof leak leaving exposed wiring including BX cable that is condemned and deemed hazardous if wet requiring its removal. The fire rated assembly has been circumvented making for dangerous conditions allowing for the accelerated spread of fire.



Photo # 11 shows the primary means of egress stairs that are excessively steep due to a lack of tread depth and excessive riser height. Additionally, there are missing balusters from the guardrail all in violation of Code.



Photo # 12 shows a severely deteriorated basement stairs due to rot making them hazardous. Observe the infiltration of mud and water making the structure unsanitary..



Photo # 13 shows a severely deteriorated, collapsing and dangerous open masonry chimney. Also observe the ineffective support of electrical cables in violation of Code.



Photo # 14 shows the use of timbers as floor joist bearing components making for obsolescence. Observe the installation of 2x8's and a ledger board in attempt to correct the bearing components . Also observe the inappropriate plumbing waste line pipe in violation of Code. .



Photo # 15 shows collapse of a bearing masonry wall making the structure unstable and hazardous. A makeshift bearing wall was constructed lacking sufficient bearing capacity in violation of Code.



Photo # 16 shows a timber bearing post on masonry units placed directly on soils without an appropriate bearing footing making for instability. Observe solid deposited against a wall in an effort to stabilize the wall from collapse.



Photo # 17 shows the inappropriate installation of a bearing post on masonry units without appropriate stabilizing attachments making the structure unstable.



Photo # 18 shows severely deteriorated and collapsing masonry foundation making the structure a threat of collapse.



LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

First Passage and Referral to Planning Board for Land Use Code Amendments regarding the keeping chickens on residential lots of no less than 20,000 square feet.

INFORMATION:

The City Council has held workshops on this topic several times this spring. This proposed change to the Land Use Code would allow for the keeping of chickens in residential zoning districts on lots of no less than 20,000 square feet. The City Council is asked to consider approval of First Passage of this ordinance amendment and to refer this matter to the Planning Board for their review and recommendation.

Please see the attached memorandum from City Planner David Hediger for additional information.

This agenda item is connected with Agenda Item 13.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

GAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to Appendix A, Zoning and Land Use Code, Article V, "Administration and Enforcement", Section 3 "General Provisions", of the City Zoning and Land Use Code, receive first passage by a roll call vote and to refer this matter to the Planning Board for their review and recommendation.

07/19/2016

**AN ORDINANCE PERTAINING TO THE ZONING AND LAND USE CODE
THE CITY OF LEWISTON HEREBY ORDAINS:**

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

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE V. ADMINISTRATION AND ENFORCEMENT**

Sec. 3. General provisions.

(aa) Notwithstanding the provisions under Article XI, Section 23 of this Code, the keeping of up to six chickens is permitted in residential zoning districts on lots of no less than 20,000 square feet developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained in Chapter 14, Article XIII, Sec 14-45 thru 14-53.

REASONS FOR THE PROPOSED AMENDMENT

In the City of Lewiston, the keeping of chicken is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. There has been an interest by citizens to keep domesticated chickens in zoning districts other than the RA.

The proposed amendment to Article V, Section 3(aa) of the Zoning and Land Use Code allows for the keeping of up to six chickens permitted in all residential zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained below in Chapter 14, Article XIII, Sec 14-45 thru 14-52.

**AN ORDINANCE PERTAINING TO THE KEEPING OF CHICKENS IN THE
CITY OF LEWISTON HEREBY ORDAINS:**

**Chapter 14 Animals
Article VII. Keeping of Non-Domestic Animals
Division 3. Other Animals**

Sec. 14-31. Keeping of fowl, rabbits and guinea pigs.

Fowl, rabbits and guinea pigs must be kept indoors, or if outdoors, in a secure pen or enclosure. Litter and droppings from these animals must be collected and disposed of in accordance with the provisions of section 14-41, disposal of excrement in general, shall specifically apply to the disposal of excrement of fowl, rabbits, and guinea pigs. Provided, however, that the provisions of this section and section 14-41 shall not apply to ducks or other waterfowl inhabiting natural or manmade water courses or bodies of water.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: City Council Members
Mayor Robert E. Macdonald
FROM: David Hediger, City Planner
DATE: July 7, 2016
RE: Proposed Ordinance for Keeping Chickens

The council held workshops on May 24th and June 28th, 2016 to discuss a petition filed by Shelly Suzuki, of 16 Champlain Avenue to allow the keeping of six chickens on lots developed with a single family detached dwelling on individual lots. Councilor's raised concerns with minimum lot size requirements, whether the keeping of chickens should be limited to specific zoning districts, the need for a license or permit, and if there should be increased setback requirements.

Proposed ordinance per City Council workshop discussions

Staff has prepared an amendment for the Council's consideration based upon comments received at their workshops.

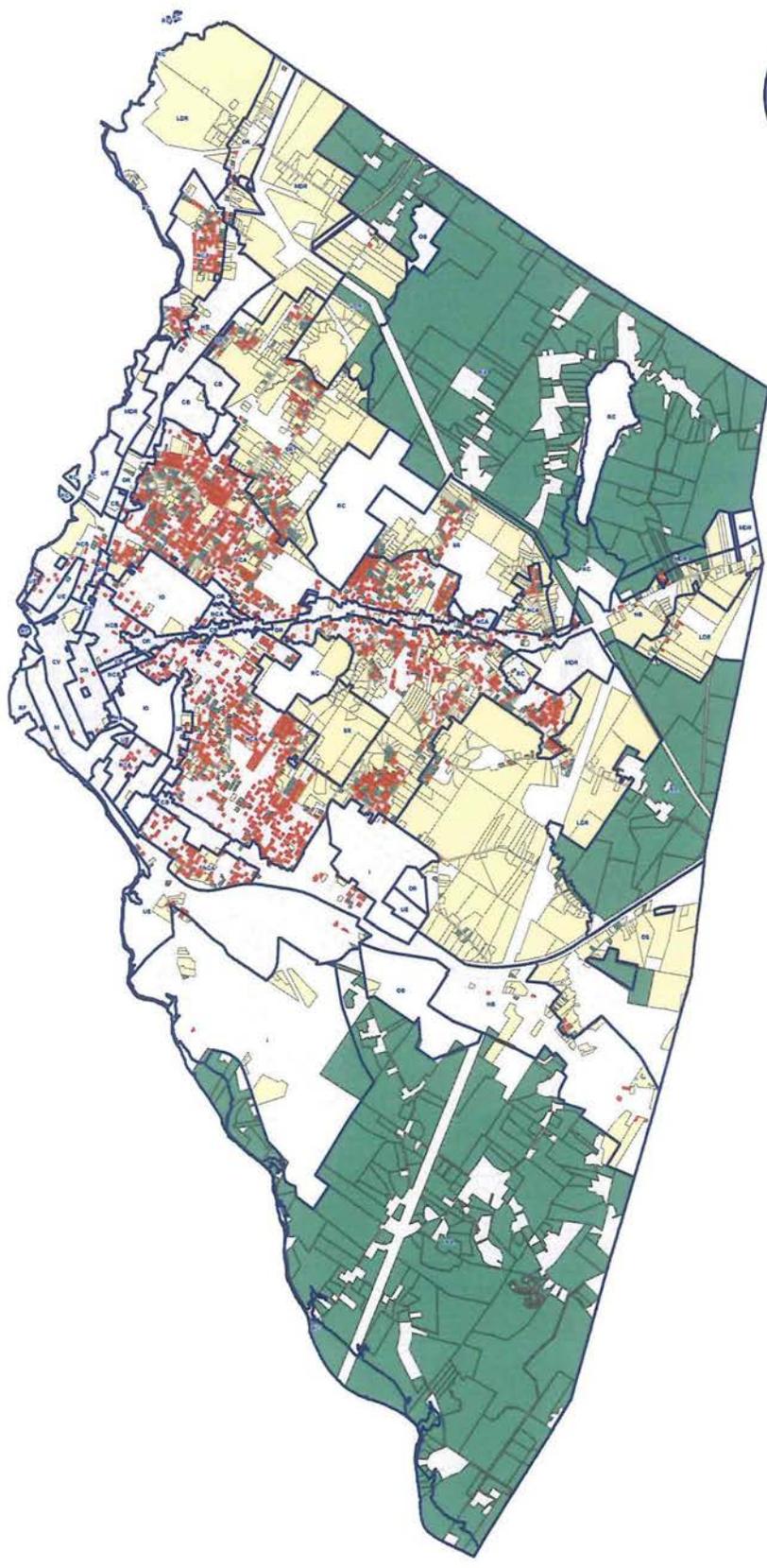
- Minimum lot size requirements:
 - The current minimum lot size is three acres limited to the Rural Agricultural (RA) district.
 - The Suzuki's proposed a minimum lot size of 20,000 square feet on lots in residential districts, including the Rural-Agricultural (RA), Low Density Residential (LDR), Suburban Residential (SR), Medium Density Residential (MDR), Neighborhood Conservation "A" (NCA), and Neighborhood Conservation "B" (NCB).
 - The proposed ordinance requires a minimum lots size of 20,000 square feet.
 - The Council was split on lot size requirements, with some looking to increase the minimum lot size to 30,000 square feet.
- Allow chickens in specific zoning districts:
 - The keeping of chickens is currently limited to the RA district.
 - The Suzuki amendment would allow the keeping of chickens in the following residential districts: RA, LDR, SR, MDR, NCA, and NCB.
 - The proposed ordinance would allow the keeping of chickens in the following residential districts: RA, LDR, SR, MDR, NCA, and NCB.
 - Some Councilor's remained concerned with allowing chickens in NCA and NCB districts, regardless of the proposed minimum lot size requirements.
 - In the NCA district, there are approximately 380 lots between 20,000 to 29,999 square feet; 381 lots 30,000 square feet or larger.
 - In the NCB district, there are approximate four lots between 20,000 to 29,999 square feet; 15 lots 30,000 square feet or larger.
 - Though not previously discussed with the Council, staff suggests consideration for existing single family homes in non-residential districts meeting the minimum lot size requirements be allowed to keep chickens;

specifically, in the Industrial (I), Urban Enterprise (UE), Office Service (OS), Highway Business (HB), Community Business (CB), and Office Residential (OR) districts.

- Licensing and permits:
 - The Suzuki amendment did not reference the need for a permit or license.
 - The proposed ordinance requires that a one-time use permit (currently, \$40) must be obtained, which will also serve as the building permit for any enclosures (i.e. fencing, coops, etc.).
 - Most Councilor's recommended the need for permitting or licensing; however, some Councilor's questioned the fee or the need for a permit. Currently, someone who wants to raise chickens (in the RA district) would be required to get a permit for an ancillary structure on their property (the chicken coop) and one for the fencing around it. This would run \$50 plus, depending on the size of the coop. Under the proposal, the use permit would replace all necessary permits and would actually cost less at \$40. Under either scenario, the property would also have to be reviewed to ensure that the property met the lot size requirement and applicable setbacks.
- Setback requirements:
 - The Suzuki amendment required that chickens shall be kept only in the rear or side yard behind the principle structure of the lot and must be kept on the property of the owner. Chicken henhouses, fenced areas, and enclosures shall not be closer than ten (10) feet to any property line.
 - The proposed ordinance requires henhouses, fenced areas, and enclosures shall not be closer than twenty (20) feet to any property line. It also requires chickens be kept only in the rear or side yard behind the principle structure of the lot and on the property of the owner.

At this time, the Council is being asked to make on motion on the proposed ordinance, to be followed by a recommendation from the Planning Board. Upon receipt of the Board's recommendation, the Council would then hold a hearing to vote on adoption of a proposed ordinance.

Staff will be available at the meeting for additional discussion.



Legend

-  vac or single family RA Lots 3 ac plus
-  vac or single family 10,000 sf to 19,999 sf
-  vac or single family 20,000 sf to 29,000 sf
-  vac or single family 30,000 sf or greater
-  Property Records
-  Zoning Districts

Parcel Zoning, Size Relationship Ordinance Consideration for Domestic Chickens



Date: 6/1/2016



LEWISTON CITY COUNCIL
MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

First Passage regarding an amendment to the Animal ordinance regarding the keeping of chickens.

INFORMATION:

This agenda item is for proposed amendments to the City's Animal Ordinance regarding the keeping of chickens in residential areas. The City Council has held several workshops on this issue during the spring. This amendment would allow six chickens as the maximum number that can be maintained at a single family dwelling and addresses such issues as enclosures, odor and noise impacts and permit requirements.

This agenda item is connected with Agenda Item 12.

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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That the proposed amendment to the City Code of Ordinances, Chapter 14 "Animals", Articles VII "Keeping of Non-Domestic Animals", receive first passage by a roll call vote and to schedule the public hearing and final passage for the next regular City Council meeting.

07/19/2016

**AN ORDINANCE PERTAINING TO THE ZONING AND LAND USE CODE
THE CITY OF LEWISTON HEREBY ORDAINS:**

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

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE V. ADMINISTRATION AND ENFORCEMENT**

Sec. 3. General provisions.

(aa) Notwithstanding the provisions under Article XI, Section 23 of this Code, the keeping of up to six chickens is permitted in residential zoning districts on lots of no less than 20,000 square feet developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained in Chapter 14, Article XIII, Sec 14-45 thru 14-53.

REASONS FOR THE PROPOSED AMENDMENT

In the City of Lewiston, the keeping of chicken is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. There has been an interest by citizens to keep domesticated chickens in zoning districts other than the RA.

The proposed amendment to Article V, Section 3(aa) of the Zoning and Land Use Code allows for the keeping of up to six chickens permitted in all residential zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained below in Chapter 14, Article XIII, Sec 14-45 thru 14-52.

**AN ORDINANCE PERTAINING TO THE KEEPING OF CHICKENS IN THE
CITY OF LEWISTON HEREBY ORDAINS:**

**Chapter 14 Animals
Article VII. Keeping of Non-Domestic Animals
Division 3. Other Animals**

Sec. 14-31. Keeping of fowl, rabbits and guinea pigs.

Fowl, rabbits and guinea pigs must be kept indoors, or if outdoors, in a secure pen or enclosure. Litter and droppings from these animals must be collected and disposed of in accordance with the provisions of section 14-41, disposal of excrement in general, shall specifically apply to the disposal of excrement of fowl, rabbits, and guinea pigs. Provided, however, that the provisions of this section and section 14-41 shall not apply to ducks or other waterfowl inhabiting natural or manmade water courses or bodies of water.

Division 4. Keeping of Chickens on Lots Developed with Single Family Detached Dwellings Including Mobile Homes on Individual Lots.

Sec. 14-45. Purpose

The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept. The provisions of this section are not to preclude other sections of Chapter 14 as applicable.

Sec. 14-47. Number and type of chickens allowed.

(a) The maximum number of chickens allowed is six (6) per lot developed with a single family dwelling.

(b) Only female chickens are allowed. There is no restriction on chicken species.

(c) Chickens must be purchased from an approved source such as the National Poultry Improvement Plan (i.e. hatcheries that participate in the National Poultry Improvement Plan).

(d) This provision shall not apply to allowed agricultural uses.

Sec. 14-48. Non-commercial use only.

Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

Sec. 14-49. Enclosures.

(a) Chickens must be kept in a fenced area or enclosure at all times. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition, in a manner that will not disturb the use of neighboring lots due to noise, odor or other adverse impact. The free ranging of chickens is not allowed.

(b) Chickens shall be secured within a henhouse during non-daylight hours.

(1) Henhouses are not allowed to be attached or located in any part of a dwelling unit. The henhouse shall be enclosed on all sides and shall have a roof and doors. The henhouse must be well-maintained.

(c) Chickens shall be kept only in the rear or side yard behind the principle structure of the lot and must be kept on the property of the owner. Chicken henhouses, fenced areas, and enclosures shall not be closer than twenty (20) feet to any property line.

Sec. 14-50. Odor and noise impacts.

The keeping of chickens authorized under this section shall not create a nuisance and shall be conducted in a manner that does not disturb the use of adjacent properties. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

Sec. 14-51. Predators, rodents, insects, and parasites.

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by the City, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

Sec. 14-52. Permit requirements.

The keeping of chickens authorized under this section shall require the issuance of a use permit as per Appendix A, Article V, Section 5 of the Zoning and Land Use Code. The issuance of a use permit will include any permitting required for enclosures referenced in Sec. 14-49. Enclosures.

Sec. 14-53. Separability.

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.

LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

First Passage and Referral to Planning Board for Land Use Code Amendments regarding changes to the Net Lot Area per Dwelling Unit Calculation.

INFORMATION:

This proposed amendment addresses the issue of the minimum net lot area per dwelling unit requirements in the Neighborhood Conservation B District (NCB). This Council held a workshop on this topic in June. This agenda item is for the Council to consider first passage and to refer the matter to the Planning Board for their review and recommendation.

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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That the proposed amendment to Appendix A, Article XI "District Regulations", of the City Zoning and Land Use Code, concerning changes to the net lot area per dwelling unit calculation, receive first passage by a roll call vote and that the matter be referred to the Planning Board for their review and recommendation.

**AN ORDINANCE PERTAINING TO NEIGHBORHOOD
CONSERVATION "B" (NCB) ZONING DISTRICT DENSITY**

THE CITY OF LEWISTON HEREBY ORDAINS:

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

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE XI. DISTRICT REGULATIONS**

Sec. 7. Neighborhood conservation "B" district (NCB).

(a) *Statement of purpose.* The purpose of the neighborhood conservation "B" district is to promote the stability and improvement of older multifamily residential neighborhoods by requiring the development of new buildings or the replacement, reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The standards of the district allow multifamily housing while encouraging the upgrading of this housing stock.

Sec. 23. Space and Bulk Requirements

Space and Bulk Table - Lots in each District shall meet or exceed the following minimum space and bulk standards as noted in the Space and Bulk Standards Table.

Space and Bulk Table: NCB Density Amendment 07/11/2016

Dimensional Requirements (13)	Neighborhood Conservation B (NCB)
Minimum net lot area per dwelling unit with public sewer	
Single family detached	
Single family attached	
Two-family dwellings	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
All permitted residential uses	<u>120 average lot size of impacted properties (26)</u>

Space and Bulk Table Notes

(26) The required minimum lot area per dwelling unit for any residential use in the neighborhood conservation "B" district shall be ~~120 percent~~ of the average lot area per dwelling unit of impacted properties ~~as of the date of adoption of this Code~~. The maximum number of dwelling units that can be placed on a parcel in the district shall be figured by the following procedures: The total lot area of all developed impacted properties shall be calculated. In determining the total area of the impacted properties, the tax records of the City of Lewiston shall be used unless the applicant or the owner of an impacted property presents definitive evidence to the contrary. The total number of legally existing dwelling units ~~as of the date of adoption of this Code~~ shall be calculated. The total lot area shall be ~~multiplied by 120 percent and then~~ divided by the total number of dwelling units existing on the impacted properties. This figure divided into the lot area of the subject parcel yields the total dwelling units which can be placed on the lot. If less than 50 percent of the impacted properties are in residential use, the minimum lot area per dwelling unit shall be the greater of: (1) One thousand five hundred square feet per dwelling unit; or (2) The minimum area derived by the procedure outlined above.

REASONS FOR PROPOSED AMENDMENT

The current provisions for determining net lot area involve a calculation that is time consuming and does not represent current density of neighborhoods in the NCB district. In order to undertake the calculation, staff must determine the number of units that existed in 1987, calculate the 1987 average lot area per dwelling unit and inflate the area by 120%. This calculation reduces the number of new units allowed by 20%. The proposed amendment to the net lot area per dwelling unit calculation shall be the average lot area per dwelling unit of impacted properties utilizing current dwelling unit density versus inflating the density that existed in December 1987. This calculation will better allow for development of new buildings or the replacement, reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood.

CONFORMANCE WITH COMPREHENSIVE PLAN

The City Council hereby determines that the changes to the Zoning and Land Use Code are in conformance with the 1997 Comprehensive Plan for the following reasons:

1. Review development review, permitting, and licensing policies and practices to see where they can be streamlined in order to better service the development community (1997 Plan, Economy, Policy 1, Strategy B and C).
2. Encourage orderly growth and development in appropriate areas of the City, while protecting the City's rural character, making efficient use of public services and preventing development sprawl (1997 Plan, Land Use, Goals, #1).

3. Continue to allow a wide range of housing types in Zoning (Long Range Planning, Policy 5, Strategy A).

The City Council hereby determines that the changes to the Zoning and Land Use Code are in conformance with the Draft 2016 Comprehensive Plan for the following reasons:

1. Strengthen neighborhoods & expand housing choice: provide a greater range of housing choices to meet the needs of young adults, families, retirees, seniors, immigrants, refugees, and people of different income levels. Housing types should include small-houses, multi-family buildings, live-work units, accessory dwelling units, and single-family homes. A more intentional and diversified housing strategy is critical to the City's quality of life and the economic growth (p. 116).
2. G-5 Infill Growth Sector: Infill Growth Sectors are areas that are mostly or fully built-out in the City's historic development pattern but that still have vacant or underutilized land. Additional growth and development in these areas is desirable due to the presence of existing infrastructure. The plan envisions that most residential and non-residential development over the next ten years will occur in this growth sector. All of these should be rezoned as character-based districts to more easily enable context-appropriate investment in the City center (p. 125).
3. Simplify the rules making it easier to develop or redevelop buildings in a way that respects the character of the neighborhood. Encourage reinvestment in older higher density residential neighborhoods by allowing full utilization of existing buildings and flexible parking requirements (p. 128).
4. Continue to provide and enhance incentive programs for new infill mixed-income housing downtown, requiring a mix of quality subsidized, affordable, and market-rate units (p.173).

MEMORANDUM

TO: Mayor Robert E. Macdonald
Members of the City Council
FR: Gildace J. Arsenault, Director of Planning and Code Enforcement
RE: Neighborhood Conservation "B" District – Amendment to the Net Lot Area per Dwelling Unit Calculation
DT: June 16, 2016

Background

On June 21, 2016, the City Council conducted a workshop to discuss the minimum net lot area per dwelling unit requirements for the Neighborhood Conservation "B" District (NCB). The space and bulk regulations for the NCB district do not provide a set number for the minimum net lot area per dwelling unit. The following calculation must be undertaken for each and every property in the NCB district to determine net lot area per dwelling unit:

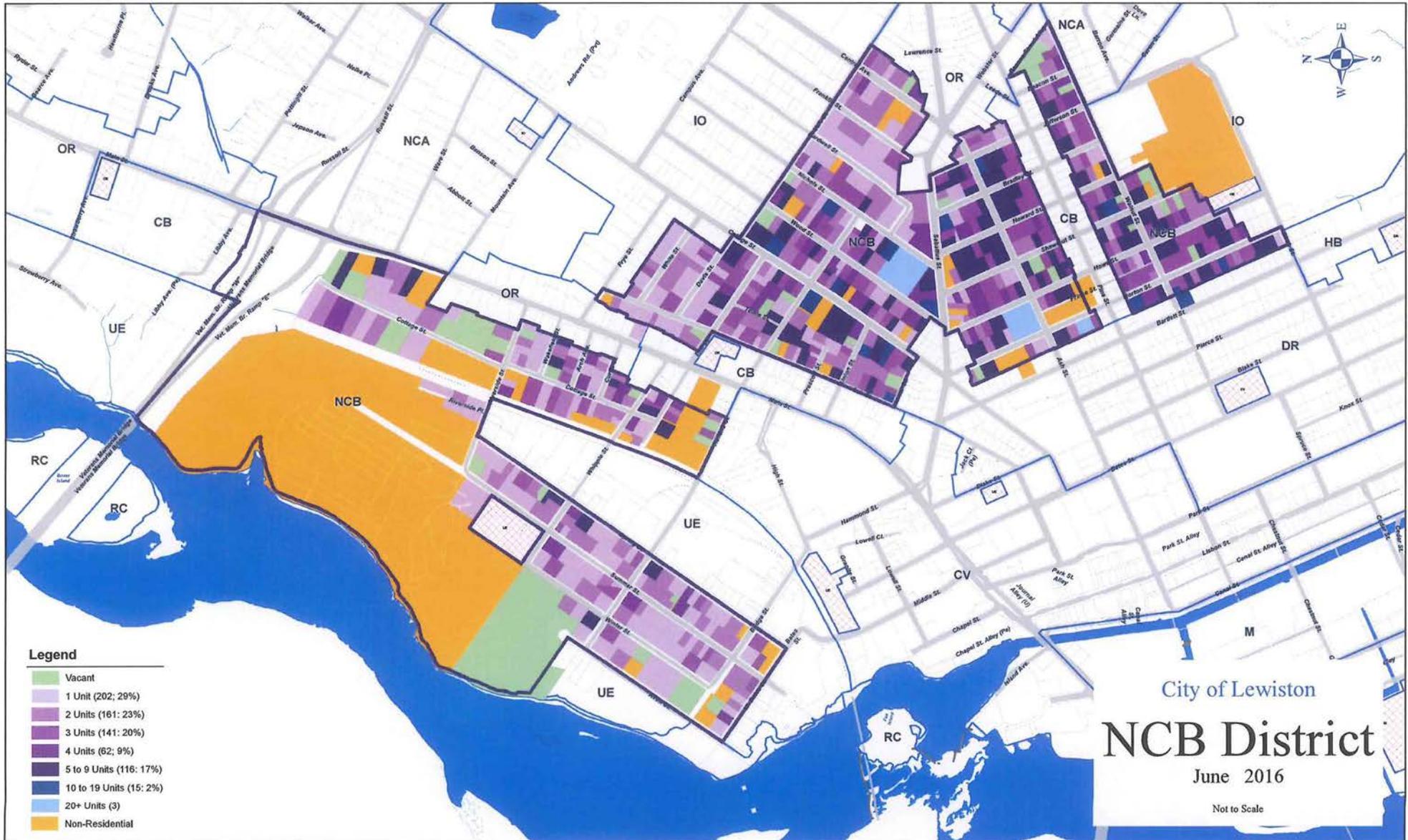
The required minimum lot area per dwelling unit for any residential use in the NCB district shall be 120 percent of the average lot area per dwelling unit of impacted properties as of the date of adoption of this Code. The maximum number of dwelling units that can be placed on a parcel in the district shall be figured by the following procedures: The total lot area of all developed impacted properties shall be calculated. In determining the total area of the impacted properties, the tax records of the City of Lewiston shall be used unless the applicant or the owner of an impacted property presents definitive evidence to the contrary. The total number of legally existing dwelling units as of the date of adoption of this Code shall be calculated. The total lot area shall be multiplied by 120 percent and then divided by the total number of dwelling units existing on the impacted properties. This figure divided into the lot area of the subject parcel yields the total dwelling units which can be placed on the lot. If less than 50 percent of the impacted properties are in residential use, the minimum lot area per dwelling unit shall be the greater of: (1) One thousand five hundred square feet per dwelling unit; or (2) The minimum area derived by the procedure outlined above.

Note the definition of an impacted property means a lot which has frontage on the same street(s) as the lot in question and lies, in whole or in part, within five hundred (500) feet of any property line of the subject lot.

As mentioned at the June 21st workshop, this calculation is time consuming and does not represent current density. In order to undertake the calculation, staff must determine the number of units that existed in 1987, calculate the 1987 average lot area per dwelling unit and inflate the area by 120%. This calculation reduces the number of new units allowed by 20%. It should also be noted that, notwithstanding the minimum net lot area per

dwelling unit requirements, density is also limited by other provisions of the Zoning and Land Use Code such as the following space and bulk standards: minimum front setback, minimum front yard, side and rear setback, side and rear yards and maximum lot coverage. The biggest factor that limits the redevelopment and development of lots in the NCB district rests with parking requirements as parking consumes a tremendous amount of land area. Depending upon the number of bedrooms, five to seven parking spaces would be required to construct a new three-unit apartment building. The land area occupied for such parking could consume approximately 2,500 square feet to 3,400 square feet of lot area. A building foot print for a three-unit three story building would likely consume another 1,200 square feet of lot area. Regardless of density provisions, it is not likely that more than a three-unit building could be constructed on a 5,000 square foot lot in the NCB.

If adopted, the proposed amendment to the net lot area per dwelling unit calculation will utilize current day dwelling unit density versus inflating the density that existed in December 1987. Staff does not expect that the change in the calculation will have an adverse impact on the NCB district. This calculation will better allow for development of new buildings or the replacement, reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood.



LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT:

Resolve authorizing submittal of an Economic and Infrastructure Development Investment grant application to the Northern Border Regional Commission for \$250,000 to support the expansion of the Lincoln Street Garage.

INFORMATION:

The City is eligible to apply for a grant from the Northern Border Regional Commission to help offset the costs of expanding the Lincoln Street parking garage. Staff is seeking permission to apply for this grant in the amount of \$250,000. There is a 20 % local match that is required in the amount of \$50,000.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABIKmm

REQUESTED ACTION:

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To approve the Resolve authorizing submittal of an Economic and Infrastructure Development Investment grant application to the Northern Border Regional Commission for \$250,000 to support the expansion of the Lincoln Street Garage.



COUNCIL RESOLVE

Resolve, Authorizing Submittal of an Economic and Infrastructure Development Investment grant application to the Northern Border Regional Commission for \$250,000 to support the expansion of the Lincoln Street Garage.

Whereas, the redevelopment of Bates Mill 5 and other properties in the riverfront island area will further increase parking demand in that area; and

Whereas, the City of Lewiston will need to expand parking in the riverfront island area to meet new demand; and

Whereas, the City of Lewiston is eligible for the Northern Border Regional Commission Economic and Infrastructure Development Investment grant to assist with parking garage expansion; and

Whereas, the grant has a local match requirement of 20% or \$50,000; and

Whereas, the initial estimate for expanding the Lincoln Street Garage is approximately \$10,000,000;

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

The City Administrator is authorized to submit an application for a Northern Border Regional Commission Economic and Infrastructure Development Investment grant in the amount of \$250,000.

Economic and Community Development

Misty Parker

Economic Development Specialist



To: Honorable Mayor and Members of the City Council
From: Misty Parker
RE: Northern Border Regional Grant Opportunity
Date: July 11, 2016

Since its founding in 2008, the Northern Border Regional Commission Federal - State partnership has provided Federal grants to employment generating projects that have helped reduce poverty, unemployment, and outmigration in northern counties in Maine, New Hampshire, Vermont and New York. This is primarily accomplished through the NBRC's Economic & Infrastructure Development (EID) Investment program. The maximum grant award for any one project is \$250,000, with a 20% local match. By statute, NBRC investments are considered non-federal for match purposes, for up to 80% of the total project, which would allow for leveraging other federal funds. Grants are awarded on a competitive basis, with the Governors of the four states determining what gets funded each year.

Under the EID Investment program, eligible projects support investment in:

- transportation infrastructure;
- basic public infrastructure;
- telecommunications infrastructure;
- workforce development, entrepreneurship and businesses and technology development;
- basic health care in distressed counties;
- resources and open space conservation, tourism and recreation; and
- renewable and alternative energy.

The Economic and Community Development department has drafted and submitted an incomplete application for \$250,000 for the EID Investment grant to help support future expansion of the Lincoln Street garage. Garage expansion is estimated to cost the City \$10,000,000. As the City prepares for new development in the riverfront island area as well as Bates Mill 5, the parking demand is expected to increase and surpass the current

capacity of the Chestnut Street and Lincoln Street Garages, which are both located in the riverfront island area.

Due to the high cost of parking garage construction, the projects relationship to employment generation, the flexibility of the grant funding source, and the deadline for the grant application, staff submitted a preliminary application pending the City Council's authorization to submit a completed application.

If the City Council authorizes the expansion of the Lincoln Street Garage, the federal match will be met by the bonds issued for the project. City staff has also begun discussions with staff from the Economic Development Administration about applying for up to \$2.5 million in grant funding from that agency to be used to help reduce debt incurred by the city for public infrastructure investment needed to support redevelopment of the Bates Mill.

The application deadline for the Northern Border Regional Commission grant was June 17, 2016. Staff was encouraged by the NBRC Director to submit an application, that, but for Council authorization to submit the grant for consideration, was complete. The application submitted is attached. The City Council is being asked to take action on a Resolution authorizing the City Administrator to sign and submit the completed application. Staff recommends approval of the Resolution.



**NORTHERN BORDER REGIONAL COMMISSION
2016 ECONOMIC AND INFRASTRUCTURE DEVELOPMENT
INVESTMENT PROGRAM**

APPLICATION

To best complete this application, please refer to the 2016 Program Manual found at www.nbr.gov.

Send application to:

upload.2016_EI.dvtbo6h9iy@u.box.com

or by US mail to EID Application, Northern Border Regional Commission, 53 Pleasant Street,
Suite 3602, Concord, NH 03301.

APPLICATION DEADLINE: 5:00PM ON JUNE 17th, 2016

CFDA # 90.601

I. General Information

1. NAME OF ENTITY APPLYING FOR FUNDING: City of Lewiston

2. CO-APPLICANT IF APPLICABLE: _____

3. AUTHORIZED OFFICIAL:
 - A. Name: Edward A. Barrett
 - B. Title: City Administrator
 - C. Street/PO Box: City: 27 Pine Street, Lewiston
 - D. State: Maine
 - E. ZIP: 04240
 - F. Phone: 207-513-3121
 - G. Email Address: ebarrett@lewistonma

4. PROJECT PRIMARY CONTACT (if different from authorized official)
 - A. Name: Lincoln Jeffers
 - B. Organization if different from above: _____
 - C. Street/PO Box: 27 Pine St
 - D. City/State/ZIP: Lewiston, ME 04240

E. Email Address: ljeffers@lewistonmai

F. Phone: 207-513-3014

5. AMOUNT BEING REQUESTED FROM NORTHERN BORDER REGIONAL COMMISSION FOR THIS APPLICATION: \$250,000
6. WHAT LOCAL DEVELOPMENT DISTRICT IS THE ENTITY LOCATED IN? Refer to the Program Manual for a list of Local Development Districts.
Androscoggin County
7. WAS THE APPLICANT REQUIRED TO SUBMIT A SINGLE AUDIT IN THE PAST 12 MONTHS?
- YES NO

II. Project Information

8. TIMELINE: Anticipated Start date: 10/1/16 Anticipated end date: 9/31/19
9. CONGRESSIONAL DISTRICT
A. State (that the project is located in): Maine
B. Congressional District(s) (that the project is located in): ME-02
10. WHAT COUNTY OR COUNTIES WILL THE PROJECT TAKE PLACE IN? List all the counties that the project will be in.

Androscoggin County

11. PROJECT DESCRIPTION

In 50 words or less, describe what the project is and what it will accomplish; in a concise manner explain both the outputs that will be completed and the intended results (outcome) that are anticipated by the investment. (e.g. *The Project will replace ~1.3 miles of 36" pipe with ~1.3 miles of 48" pipe along Broad Street (output) improving transmission to the Wastewater Treatment Plant in Cheshire City increasing capacity in order to allow future development and create jobs along Broad Street benefitting all of Beanbag County and extended area. (outcome)*)

The project will be used toward construction cost of a 500 parking space expansion of the municipally owned Lincoln Street Parking Garage, which is needed to support the redevelopment of the 350,000 s.f. Bates Mill #5 (BM5) which will be privately developed. Redevelopment of BM5 will result in a significant increase in employment and tax base and will remove blight. A TIF will be created to support the debt on the garage expansion, but the new tax revenue generated will not meet debt payments.

12. WHAT IS THE TYPE OF ACTIVITY THAT WILL BE IMPLEMENTED?

CONSTRUCTION NON-CONSTRUCTION

13. WILL THE ACTIVITY RESULT IN INFRASTRUCTURE?

YES NO

14. WILL THE PROJECT CREATE OR RETAIN JOBS?

YES NO

15. WILL THE PROJECT IMPROVE WATER OR SEWER SERVICE?

YES

NO

16. WILL THE PROJECT TRAIN INDIVIDUALS AS PART OF A WORKFORCE DEVELOPMENT PROGRAM?

YES

NO

17. PROJECT FOCUS

Please reference at least one of the "Eligible Purposes" outlined in Section I.6 of the Program Manual. Explain how the project is consistent with this/these funding categories.

The project will support expansion of publicly owned transportation infrastructure. The current Lincoln Street garage has 460 parking spaces. The proposed expansion will add 500 parking spaces needed to meet the projected demand for 1,000 new parking spaces required by tenants of the to be redeveloped BM5. Existing non-utilized parking in the area around the mill will not be sufficient to meeting the parking demand from the anticipated uses that will locate in the mill.

18. ECONOMIC IMPACT OF THE PROJECT

Provide justification that the outcomes anticipated by the NBRC investment that will result in positive economic growth for the region, and cite what the basis is for the justification. Explain how the project may assist in any of the following:

- create and/or retain jobs
- raise per capita income
- lower poverty in the region
- lower regional unemployment
- lower regional outmigration rates

Since the City of Lewiston tax acquired the Bates Mill Complex in 1992, the City has been working to put the nearly 1.1 million s.f. of mill space back into productive use, bringing renewed vitality to the city. In 1996 the City partnered with Bates Mill, LLC to begin the redevelopment of the mill complex and return the mills back to private ownership while also providing a strong tax base and economic engine for the community.

One mill in the Bates Mill Complex, BM5, remains undeveloped and in City ownership. In 2013, the City entered into an Option Agreement for BM5 with Bates Mill, LLC. Since then, Bates Mill, LLC has conducted preliminary designs and cost estimates to determine the feasibility of the project. Finding redevelopment of BM5 viable, and adequate tenant interest in the building to meet the critical mass necessary to move forward, Bates Mill, LLC renewed the option in 2015. In short, the option is dependent on Bates Mill, LLC securing lease commitments for 200,000 square feet of the mill as well as approval of a joint development agreement with the City, committing the City to providing needed public infrastructure to support the project. Bates Mill, LLC is in the final stages of securing lease commitments. The City now needs to plan funding for a \$10,000,000 parking garage expansion as well as other public improvements including bridge access from the mill to the garage, upgrades to Mill Street, and an additional surface parking on Oxford Street, one block from the mill.

Once the mill is redeveloped, the anticipated uses will add close to 350,000 square feet of new commercial space, expanding Lewiston's tax base. With known likely tenants for the first 200,000 s.f. to be redeveloped 195 jobs will be retained and 250 will be created. Redevelop of BM5 will reclaim a blighted area of the City, preserve a historic and architecturally significant mill, and will transform the Western Gateway into the city. A 125 child daycare center, and health care facility with 8 lane lap pool with seating for 600 will come to the mill complex, making it more attractive for other businesses to locate there, and attracting regional sports tourism.

19. OUTCOMES OF THE PROJECT

Outcome measurements (often also referred to as Performance Measures) are documentable ways to assess the extent to which a program/project has achieved its intended results. The main questions addressed in outcome measurement are:

- A. What has changed in the lives of individuals, families, organizations, or the community as a result of this program?
- B. Has this project made a positive economic impact?
- C. How are the lives of program participants better as a result of the program?

List between 2 and 4 Outcome Measures that can demonstrate the impact of your investment over time. See the Program Manual for information and examples of measures. Note: Make sure these are reasonable and obtainable, as the success of your project will be gaged in the future on the measurements that you choose. Please provide sources or justifications for the outcomes that you arrive at.

The redevelopment of Bates Mill 5 will result in close to 350,000 square feet of new commercial space in the community. Outcomes from this project include businesses improved and jobs created. The Lewiston Auburn YMCA plans to relocate their facility to Bates Mill 5 which will result in a state of the art facility and new partnership with Central Maine Health Care (CMHC), who will be relocating their medical rehabilitation practices to the mill. The YMCA predicts the new facility will provide 135 full and part time positions, 45 of which will be new jobs to the area. In addition to a new collaborative partnership between the YMCA and CMHC, several other businesses have expressed interest in locating in the mill. Of most recent, one business, new to Maine, has expressed interest in opening their first Maine office in the mill. While the business is not yet publicly announced their plans to locate in Lewiston and Bates Mill 5, they have stated to the developer that this location is anticipated to create 200 new jobs to the area in the next three years.

With the addition of over 250 net new jobs to the area, the redevelopment of Bates Mill 5 will also revitalize the gateway to the City by rehabilitating the existing blighted mill. Services offered to the community through the mill will improve health and wellness of area residents.

20. WORK PLAN

Provide a Work Plan that lists outputs (tasks) that will be completed in order to achieve the Outcome Measures outlined in #19. Provide a brief overview of how the tasks will lead to the outcomes the you have outlined. For guidance and examples refer to the Program Manual, Section II.I.6.

- 1) Lewiston City Council approves joint development agreement and tax increment financing for construction of additional parking and other needed public infrastructure with Bates Mill, LLC late summer/fall 2016. Bates Mill, LLC exercises their Option on BM5 and These actions will trigger the start of redevelopment of BM5 and the need for the City to begin planning public infrastructure improvements.
- 2) The City will contract for parking garage design and engineering starting late fall 2016.
- 3) Financing for garage will be secured.
- 4) Bid process for construction will begin early 2017 with anticipation of construction beginning summer 2017. Construction of the garage will correspond with redevelopment of Bates Mill 5 with both projects finishing at approximately the same time so as to meet tenant parking demand. Schedule may vary based on finalizing of tenant commitments and financing needed to start redevelopment of BM5.
- 5) Spring 2018 BM 5 opens 200,000 square feet of rehabilitated commercial space. Tenants are now settled and open for business. Tenants and patrons will be utilizing Lincoln Street garage as primary access to the mill. At opening, approximately 90 new jobs will have been created through businesses anticipated to open. An historic building at the gateway to the community will now be revitalized adding new energy to the area and no longer a site of a blighted, abandoned mill.
- 6) Summer 2019, an additional 160 jobs are planned to be added, with potential for more to be added with business growth.

21. REGIONAL PLAN

Provide a link to the regional plan, comprehensive economic development plan, or other regional planning document that supports the project, and explain how the project is consistent with the goals of the plan? (If unaware of a planning document within your region contact your Local Development District, found in the Program Manual)

The project will meet strategic action plan objectives in the Regional Comprehensive Economic Development Strategy for the Androscoggin Valley. By building a parking garage expansion to support the redevelopment of Bates Mill 5, the project will improve and expand the region's public infrastructure to meet commercial needs. It will ensure that Lewiston has adequate public infrastructure to support development.

CEDS update report: <http://www.avcog.org/DocumentCenter/View/2256>

Furthermore, the Androscoggin Valley of Governments Regional Capital Improvement Plan identifies the redevelopment of Bates Mill as an economic development project for the region. Public infrastructure improvements are critical to supporting this project.

22. STATE PLANNING

How does the project fit into a statewide economic development plan? For a list of State Plans and/or contacts see the Program Manual or contact the Program Manager within your State.

The State of Maine does not have a statewide economic development plan. With the absence of a state plan, it is noteworthy that the project is compatible with the objectives of the Regional Strategy of the Sustainable Economy Initiative.

III. Project Financing

23. PROJECT FINANCIAL OVERVIEW

TOTAL PROJECT COSTS (*this is the total project costs including what you are requesting from Northern Border Regional Commission*): \$10,000,000

NBRC REQUESTED AMOUNT: \$250,000

MATCH (*this is TOTAL PROJECT COST minus NBRC REQUEST*): \$9,750,000

24. BUDGET:

In question #12 if you checked that this is a construction project fill out the Standard Form 424C. In question #12 if you checked that this is a non-construction project fill out the Standard Form 424A.

25. IDENTIFY MATCH:

For detail of match (cost sharing) requirements and what qualifies as match see the Program Manual, Section I.11 thru 15. List all funding sources, their status (has the funding been approved and/or committed, pending - and what is the notification date?), and what is the type of match (cash, loan, grant, in-kind, etc.) Include as attachments to this application any letters of commitment, approval, etc.

The City will be funding the project through municipal bonds. Additionally, the City plans to seek funding support later this year through the Economic Development Administration to further help in offsetting the costs of the garage.

26. WILL THERE BE ANY CAPITAL INVESTMENTS MADE BY PRIVATE COMPANIES? If yes, attach participation agreements provided if available.

Cost estimates for the redevelopment of Bates Mill 5 are estimated to be near \$70 million. The developer has indicated they will need improved public infrastructure to support their investment in the mill; the most significant infrastructure needed is additional public parking near the mill.

27. ADMINISTRATION

Include 5% for the first \$100,000, and 1% for funds in excess of \$100,000 for investment administration. This amount will be reduced from your NBRC award. You will be required to use a Local Development District to administer your investment unless you are a State entity. **Include this in your budget** even if you don't currently have a relationship with an LDD. If the project is construction and you filled out an SF424A, include this amount in line 6.f. If the project is non-construction and you filled out an SF422C, include this amount in line 1. See Program Manual for more detail.

28. SUSTAINABILITY

How will the investment be sustained over time? (e.g. A water infrastructure project has been completed with NBRC funding in the Town of Somewhere. The Town of Somewhere has included future maintenance and service of the facility in their budget, and has an established a Capital Improvement Program to ensure that maintenance and issues will be covered.) A project is not deemed sustainable if it is dependent on future grants to meet its intended purpose.

The City of Lewiston currently budgets for maintenance of the Lincoln Street garage. With the expansion of the garage, annual operating costs for the garage will be increased to include the addition. The City also has a Capital Improvement Plan that accounts for more significant maintenance and repair of the City's parking garages.

29. PROPERTY

Will property or equipment be purchased with NBRC or matching funds for the project?
(NOTE: an appraisal will be required prior to any land transaction taking place, signed off on by an MAI (Member Appraisal Institute) Appraiser or a Certified General Appraiser)

YES

NO

30. OWNERSHIP

Who will own any property or improvements resulting from the investment? Please provide the procedure, or instruments that will be put in place, to maintain public control. Elaboration on this may be found in the Program Manual.

The City of Lewiston owns the Lincoln Street garage and land around the garage where the addition is planned.

31. SCOPE FLEXIBILITY

How might the project be modified with less funding from either NBRC and/or other anticipated match sources?

The total amount of public infrastructure improvement debt needed to support the redevelopment of Bates Mill 5 will be higher than the revenue generated by the redevelopment of Bates Mill 5. The City will be considering Tax Increment Financing (TIF) to help support these costs but current projections of revenue allocated through a TIF will not be enough to cover the infrastructure costs. The City is seeking grant funding to help reduce this gap. If less funding is available from NBRC or other potential grant sources, the City may consider reducing the size of the garage. As currently planned, the projected parking demand will not be able to be met solely through the Lincoln Street garage expansion, leaving the City to rely on available parking further from the Mill as well as a new 80 space surface lot on Oxford Street. Therefore, any reduction to the proposed addition may impact the potential reuses of Bates Mill 5 and deter potential tenants in the future.

32. FINANCIAL NEED

Describe efforts to fund this project with other sources, what other sources have you applied for and what is the status of these? What local efforts have been made to fund the project? Describe in detail if any of the following may happen if you don't receive NBRC funding: project happens in a longer time frame, in a less desirable fashion, with lower probability of success, and/or would not happen at all without NBRC funding.

Maine is currently experiencing a labor shortage in the trades which is resulting in higher costs for new development. The City anticipates the Lincoln Street garage expansion will cost close to \$10,000,000 for a 500 space garage. Understanding the revenue generated from the project will not be enough to cover the costs of the garage, the City Council's hesitancy to take on new debt not supported by a designated revenue source, the City is seeking additional funding through the Economic Development Administration and NBRC to help offset the higher construction costs and reduce the municipal debt to a level that can be supported by the revenue generated from the Bates Mill 5 project.

In absence of NBRC support and other grant support, the City may opt for a smaller garage expansion that can be supported by projected revenues. Due to the projected high parking demand, limited land for parking, and potential for Bates Mill 5 to be an economic engine in the area, an expansion of the garage that does not yield the maximum amount of feasible spaces would be a lost opportunity and would lower the probability of a successful mill redevelopment project.

LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT:

Resolve approving the HOME Agreement and Declaration of Covenants and Restrictions between the City of Lewiston and Raise-Op Housing Cooperative.

INFORMATION:

The Raise-Op Housing Cooperative is planning to rehabilitate the property at 141-143 Pierce Street to create 9 units of affordable quality housing. They are seeking to access HOME funds in the form of a grant and a loan to assist with this project. HOME funds are federal funds administered locally and are for the purpose of creating safe and accessible housing for residents.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

GAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve approving the HOME Agreement and Declaration of Covenants and Restrictions between the City of Lewiston and Raise-Op Housing Cooperative.



COUNCIL RESOLVE

Resolve, Approving the *HOME Agreement and Declaration of Covenants and Restrictions* between the City of Lewiston and Raise-Op Housing Cooperative.

Whereas, Lewiston has an unmet need for safe, decent, and quality affordable housing; and

Whereas, Raise-Op Housing Cooperative and a predecessor housing cooperative, Faire-Op, with which Raise-Op has merged, has a proven track record of acquiring, renovating, and managing safe, decent, and quality affordable housing; and

Whereas, cooperative housing is an ownership model that brings greater control of the rental cost and decision making about the maintenance of housing units to residents who may not otherwise be able to afford an ownership interest in real estate; and

Whereas, Raise-Op's mission is to provide equitable and democratically controlled housing to its Members and to provide housing where social and financial equity can be developed and sustained for all current and future members; and

Whereas, Raise-Op has acquired and plans to rehabilitate 141-143 Pierce Street to create 9 units of safe, decent, and quality affordable housing within which four units will be designated as HOME units and has requested \$204,750 in HOME funding from the Auburn-Lewiston HOME Consortium of which \$142,515 will be provided as a grant and \$62,235 as a 30 year 0% interest loan; and

Whereas, the details of how those HOME funds are to be provided and the regulatory and reporting requirements of the parties have been articulated in the attached *HOME Agreement and Declaration of Covenants and Restrictions* between the City of Lewiston and Raise-Op Housing Cooperative

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

The allocation of HOME funds and *HOME Agreement and Declaration of Covenants and Restrictions* is hereby approved and the City Administrator is authorized to execute the Agreement in a form substantially similar to the attached.

Economic and Community Development

Lincoln Jeffers
Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Approval of HOME Agreement with Raise-Op
Date: July 14, 2016

The City Council had a workshop on June 28th regarding Raise-Ops plans to redevelop 141-143 Pierce Street and create 9 units of affordable cooperative housing comprised of four 1-bedroom units, four 3-bedroom units, and one 4 bedroom unit. Attached is my June 20th memo for the workshop, which more thoroughly describes the project and HOME as a funding source; but, to briefly summarize, the overall project costs are estimated at \$502,150, including the purchase of the building. Raise-op has requested \$204,750 in HOME funds that will be used toward building renovations. \$142,515 of the HOME funds will be provided as a grant, the remaining \$62,235 will be provided as a 0% interest loan with monthly payments on a 30 year amortization schedule.

The level of HOME funds going into the project will result in a federally mandated 15 year period of affordability for the project. During the period of affordability, HOME units must be rented to tenants who make no more than 80% of the area median income adjusted for household size. Rents can be no more than what HUD mandates, which is based on local conditions. The U.S. Department of Housing and Urban Development (HUD) annually issues these income and rent limits. A sheet labeled *Lewiston-Auburn MSA HOME Income Limits 2016* is attached, which provides the current income and rent restrictions. For example, in 2016 the 80% income cap ranges from \$31,850 for a 1 person household, to \$45,450 for a 4 person household, to \$60,000 for an 8 person household.

Four of the nine units at 141 – 143 Pierce Street will be designated as HOME units to which the income cap and rent limits apply. No specific units in the project will be designated as HOME units, but, rather, at any given time, four units within the project will be HOME units. This flexibility helps sustain a minimum of four affordable units in the project. If a household is income eligible when they move into a HOME unit, but its income rises over time to exceed the cap, it allows the HOME designation and affordability requirements to move to another unit when a vacancy occurs. A HOME tenant who's income rises above the cap after they take tenancy cannot be asked to vacate their units because of income.

Attached is a HOME Agreement which details the structure of the agreement between the City and Raise-Op, as well as the federal documentation and reporting requirements that must be met. The City Attorney and HUD are reviewing the documents for regulatory compliance, but the document is substantially in final form. The City Council is being asked to approve the agreement and authorize the City Administrator to execute it on behalf of the City.

Economic and Community Development

Lincoln Jeffers
Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: HOME Funds to Support CoOp Housing
Date: June 20, 2016

Background

The HOME Investment Partnerships Program (HOME) is a Federal block grant program that provides funding to states and municipalities to assist in the creation or rehabilitation of affordable housing for households making 80% or less of the area median income. Funds can be used to assist in the acquisition, development or rehabilitation of affordable housing as well as to provide rental assistance to low income people. Once HOME funds are received locally, they are put back out as loans or grants to developers or individuals. Alone, neither Lewiston nor Auburn is large enough to qualify to receive HOME funds, so in 2002 the cities formed a consortium so as to be able to receive funds. Auburn has taken the lead in administering the program locally. Like CDBG, the amount of HOME funds received varies annually. In Federal Fiscal Year (FFY) 2017 the Consortium received a new allocation of \$323,341; which is split equally with Auburn after 10% is taken out for administration. Auburn, as lead partner, receives 70% of the administration dollars and Lewiston 30%.

Historically Lewiston has used its HOME funds to capitalize a low income Homeowner Rehabilitation Loan Program, Homebuyer Assistance Program, Security Deposit Program, and to support the creation of new affordable housing. The city has invested HOME funds in The Lofts at Bates Mill, Birch Hill Elderly Housing, Healey Terrace Elderly Housing, and Tedford Housing. Combined, these projects added a total of 110 safe, decent and affordable housing units in Lewiston.

Raise-Op Funding Request

Raise-Op is a housing cooperative that has successfully redeveloped two buildings on Maple Street in Lewiston. Raise-OP has evolved from Faire-Op, which was a housing cooperative founded in 2007 by Craig Saddle mire and friends. In 2011, the group purchased and renovated a 3 unit apartment building located at 75 Maple Street, borrowing funds from the Cooperative Fund of New England, the City of Lewiston and others to create a cooperative housing model, where Faire-Op owns the building and Members buy ownership shares in Faire-Op which gives them the right to lease an apartment in the building. Decisions about the maintenance, lease rates and other ownership issues are made by members of the cooperative. Raise-Op's mission is to provide equitable and democratically controlled housing to its Members, who are both

the residents of the property and owners of the corporation, which makes them homeowners according to Maine and Federal statutes.

In 2014, Faire-Op bought a neighboring 3 unit building, 79 Maple Street, with plans to renovate it as well. Wanting to expand opportunities for cooperative housing, Faire-Op merged with Raise-Op with Craig Saddlemire continuing to be the driving force behind the initiative as the staff person for Raise-Op, which has plans to continue to buy and renovate buildings. Raise-Op is governed by a board of directors elected by the Members and includes both Members and community volunteers. 79 Maple Street has been rehabilitated and is inhabited by Members.

The mission of Faire-Op, and now of Raise-Op, is to provide housing where social and financial equity can be developed and sustained for all current and future members. The cost of becoming a member is kept low, currently just \$750, so as to make home ownership affordable to a wider spectrum of people. In addition, Raise-Op hopes to save units in downtown Lewiston and Auburn so that they may be brought back to life and enjoyed as green and healthy homes. More information on Raise-Op can be found at <http://www.raiseop.com/>

Raise-Op recently purchased 141–143 Pierce Street. It is a 9 unit building that, once renovated, will include one 4-bedroom unit, four 3-bedroom units, and four 1-bedroom units. After thorough discussions with current residents of the property, as well as inspections by city code enforcement personnel, it has been determined that the basic structure of the building is in decent condition but significant rehabilitation work is needed to provide long term quality housing. Improvements include upgrading the electrical system, improving bathrooms where significant moisture damage has occurred, plumbing and cabinetry improvements in kitchens, and replacing the furnace. The building and units will be made lead safe.

Total project costs, including \$239,000 to purchase the building, are estimated at \$502,150. Raise-Op has requested \$204,750 in HOME funds that will be used for renovation work. Other financing will come from foundation grants (\$65,000), private donations (\$157,000), a loan from the Cooperative Fund of New England (\$67,500), Membership shares (\$6,750), and pledged in kind contractor work (\$1,200).

The allocation of HOME funds at this level of request to support the development of affordable housing is a City Council decision. Raise-Ops' request is an eligible use for HOME funds under HOME guidelines. Raise-Op has requested the funding as a 15 year, 0% deferred loan that is forgivable after the 15 year HOME affordability requirement is met. Effectively, it would be a grant into the project, with the mortgage providing security that reporting requirements for affordability under HOME regulations are met. Four of the units will be designated as HOME units, insuring that they are occupied by Members that make no more than 80% of the area median income adjusted by household size.

The requested funding represents 40.77% of the project budget. This is a significantly higher percentage of the total budget than the City has historically

invested HOME funds into a project. As a comparison, The Lofts at Bates Mill received a total of \$413,000 in HOME funds out of a budget of \$9.7 million, which created 48 units. This represents 9.44% of the total project costs. The current request for HOME funds to assist in development of the Hartley Block is for \$325,000, which is 2.8% of the projected total development cost of \$11.8 million and which will result in 63 units of housing.

Low Income Housing Tax Credits were among the primary funding sources for The Lofts at Bates Mill and are proposed to be the primary funding vehicle for The Hartley Block. While, the level of funding requested by Raise-Op for their Pierce Street project is not unprecedented, providing it at that level as a pure grant is unprecedented.

Staff recommends that the City Council approve commitment of the HOME funds to the project, as a grant/loan combination. Total request for funding is \$204,750, and staff recommends it be provided as a grant in the amount of \$142,515 and a loan in the amount of \$62,235, which will cover the HOME budget shortfall that is anticipated if all HOME projects move forward as expected in this budget year. (Please see the HOME budget spreadsheet that is attached for details regarding the shortfall.)

Staff ran several rental proforma to determine if this recommendation is a financially feasible option for Raise-OP. If the City Council approves a full grant, the expected the Debt Coverage Ratio (DCR) (Net income/debt service payments) is 6.58, significantly higher than the minimum Debt Coverage Ratio required under the City's Rental Rehabilitation Loan Program, which is 1.1. With a grant/loan combination, the Debt Coverage Ratio on a 20 year amortization is 3.75 and 4.38 on a 30 year amortization schedule, well within the bounds of financial capacity of the project. Additionally, with dwindling HOME funding, the City would need to allocate \$62,235 of its FFY 2017 Budget to cover the anticipated shortfall in the FFY 2016 budget. This would utilize about half of what is expected to be awarded to Lewiston in HOME funds in FFY 2017.

As noted in the background section of this memo, Lewiston receives HOME funds annually as part of a HOME Consortium with Auburn. The attached one page summary of the current funds available that have accumulated in the program since 2002 (which includes funds repaid from loans), total \$515,830. That amount, combined with projected program income for the coming year (loan repayments and cash from sale of 11 Walker) and the FFY 16 HOME allocation, results in \$760,585 in HOME funds available for eligible expenses in the current year. If the Raise-Op request is fully funded at \$204,750, and The Hartley Block is funded at \$325,000, there will be a projected shortfall of \$62,235. That shortfall can be paid from the FFY 2017 HOME allocation or by adjusting projected expenditures in other program lines. Construction on 141 – 143 Pierce Street will begin this year. Construction on The Hartley Block will not occur until spring 2017 at the earliest. All of the HOME funds do not need to go into that project at the beginning, but rather, can go in as work progresses, which is not scheduled to be completed until June 2018.

Lewiston- Auburn MSA HOME Income Limits 2016
Household Size

HOME	1	2	3	4	4	6	7	8
30% Extremely Low	\$ 11,950	\$ 13,650	\$ 15,350	\$ 17,050	\$ 18,450	\$ 19,800	\$ 21,150	\$ 22,550
50% Very Low Income	\$ 19,900	\$ 22,750	\$ 25,600	\$ 28,400	\$ 30,700	\$ 32,950	\$ 35,250	\$ 37,500
60%	\$ 23,880	\$ 27,300	\$ 30,720	\$ 34,080	\$ 36,840	\$ 39,540	\$ 42,300	\$ 45,000
80% Low Income	\$ 31,850	\$ 36,400	\$ 40,950	\$ 45,450	\$ 49,100	\$ 52,750	\$ 56,400	\$ 60,000
100%	\$ 39,800	\$ 45,500	\$ 51,200	\$ 56,800	\$ 61,400	\$ 65,900	\$ 70,500	\$ 75,000
120%	\$ 47,800	\$ 54,600	\$ 61,400	\$ 68,200	\$ 73,800	\$ 79,200	\$ 84,600	\$ 90,200

HUD Income Limits

30% Extremely Low	\$ 11,950	\$ 16,020	\$ 20,160	\$ 24,300	\$ 28,440	\$ 32,580	\$ 35,250	\$ 37,500
50% Very Low Income	\$ 19,900	\$ 22,750	\$ 25,600	\$ 28,400	\$ 30,700	\$ 32,950	\$ 35,250	\$ 37,500
60%								
80% Low Income	\$ 31,850	\$ 36,400	\$ 40,950	\$ 45,450	\$ 49,100	\$ 52,750	\$ 56,400	\$ 60,000

**Change in definitions in FY 2014 Appropriations Act has resulted in Extremely and Very Low limits being the same.*

HOME Program Rents 2016	Efficiency	1	2	3	4	5	6
Low HOME Rent Limit	\$ 520	\$ 557	\$ 668	\$ 772	\$ 862	\$ 951	\$ 1,039
High HOME Rent Limit	\$ 523	\$ 616	\$ 777	\$ 987	\$ 11,187	\$ 1,215	\$ 1,312
FMR	\$ 523	\$ 616	\$ 777	\$ 987	\$ 1,128	\$ 1,297	\$ 1,466
50% Rent Limit	\$ 520	\$ 557	\$ 668	\$ 772	\$ 862	\$ 951	\$ 1,039
65% Rent limit	\$ 689	\$ 739	\$ 889	\$ 1,019	\$ 1,118	\$ 1,215	\$ 1,312

**HOME AGREEMENT
and
DECLARATION OF COVENANTS AND RESTRICTIONS
Pursuant to 24 CFR § 92.504(c)(3)**

This HOME AGREEMENT AND DECLARATION OF COVENANTS AND RESTRICTIONS (the "Agreement") is made this ___ day of _____, 2016 by and between the CITY OF LEWISTON, a municipal corporation ("City") with a mailing address of 27 Pine Street, Lewiston, Maine 04240, and Raise-Op Housing Cooperative, a Maine Cooperative Affordable Housing Corporation with a mailing address of 75 Maple Street, Lewiston, Maine 04240 ("Raise-Op") in furtherance of the regulations issued by the United States Department of Housing and Urban Development set forth in 24 CFR Part 92 (the "HOME Regulations").

WHEREAS, Raise-Op is rehabilitating 141-143 Pierce Street, Lewiston, Maine (the "Property"), consisting of 9 units of affordable housing comprised of 1- four bedroom unit, 4 - three bedroom units and 4 - one bedroom units (the "Units") and related space for income qualified individuals and families (the "Project") on the Property;

WHEREAS, the City is providing a grant/loan to Raise-Op in the amount of up to **\$204,750** utilizing funds from the United States Department of Housing and Urban Development's HOME Investment Partnerships Program, of which \$142,515 is grant and \$62,235 will be a loan at 0% interest for up to thirty (30) years (the "funding") to pay certain eligible costs in the project budget (attached as Exhibit A) for the rehabilitation of four (4) HOME units ("HOME Units"), the terms of which are specified in the Funding Agreement between the City and the Borrower, dated as of _____ and incorporated by reference herein;

WHEREAS, Raise-Op acknowledges the City's resulting beneficial interest in the Project, and Raise-Op acknowledges its obligation to manage the rehabilitation of the Units in furtherance of discharge of the public trust; and

WHEREAS, the City has provided the Funding to Raise-Op in consideration of Raise-Op's agreement to abide by the provisions of this Agreement.

NOW THEREFORE, City and Raise-Op agree as follows:

1. **Project Description:** The project will rehabilitate and provide four (4) HOME Units of affordable rental housing to serve low-income households. The Project location is on the Property. The amount of HOME subsidy per HOME Unit is approximately \$51,188. The subsidy will be provided in the form of a grant in the amount of \$142,515 and a loan in the amount of \$62,235 @ 0% interest for 30 years unless there is a default not cured during any applicable cure period.
2. **Term of this Agreement/Affordability Period.** This Agreement shall remain in effect, in accordance with 24 CFR §§ 92.252(e) and 92.504, for the later of (i) fifteen (15) years after

the date on which the HOME Units are first occupied, or (ii) the date on which the Funding and all obligations under the Funding Documents are satisfied (“Affordability Period”).

3. **Declaration.** The covenants and restrictions contained in this Agreement shall run with the land, shall bind the successors and assigns of Raise-Op and all future owners of the Property (collectively “Raise-Op”), and shall inure to the benefit of the City during the Affordability Period. The Property is more particularly described on Schedule A attached hereto and incorporated herein. The covenants and restrictions set forth herein are enforceable by the City as a contract beneficiary, whether or not Raise-Op is or remains indebted to City under the Funding. Upon expiration of the Affordability Period, the covenants and restrictions contained in this Agreement shall terminate. Notwithstanding the foregoing, upon full payment satisfaction of all obligations of the Funding, as determined by the City, Raise-Op may request that the City modify this Agreement as permitted pursuant to the HOME Regulations. The parties shall cooperate to prepare an appropriate amendment to this Agreement, which amendment shall be duly recorded in the Androscoggin County Registry of Deeds by Raise-Op at its cost and expense. The covenants and restrictions set forth herein shall survive a sale, transfer, or other disposition of the Property by Raise-Op, including foreclosure or transfer of title in lieu of foreclosure or the repayment of the Funding, except to the extent provided herein. The covenants shall cease to apply to the Property in the event of involuntary noncompliance caused by fire or other substantial destruction, seizure, requisition, or other events that prevent the City from enforcing the covenants contained herein, provided that the Funding is repaid within a reasonable period of time after such involuntary noncompliance.

4. **Use of HOME Program Funds.** In accordance with 24 CFR §92.504(c)(3)(i), the HOME funds shall be used exclusively for the payment of HOME-eligible costs incurred in connection with construction of the Project. The HOME Funding proceeds may not be used for ongoing operating expenses of the development.

5. **Schedule.** The start and completion of rehabilitation on the Property shall be accomplished within the time provided in the Funding Documents. Construction shall be completed no later than the date which is twelve (12) months from the date of the first disbursement of the Funding.

6. **Rent Affordability.**

The Project shall comply with the affordability restrictions set forth in 24 CFR, part 92, including § 92.252, as maybe amended from time to time as follows:

- a. **HOME Unit Requirements:** Pursuant to 24 CFR § 92.252(j), all of the HOME Units will be on a floating basis. Pursuant to 24 CFR § 92.252(b), all of the HOME Units shall be rented to households whose income is at or below 80% of the area median income (“AMI”).
- b. **Rent Calculations:** During the Affordability Period defined in Section 2, all HOME Units must be leased to income eligible tenants for no more than the maximum allowable rents. The maximum allowable rents and utility allowances must be

recalculated annually. A HOME Unit is rent-restricted if the gross monthly rent does not exceed the rents for the appropriate unit size and geographic area published for the HOME Investment Partnership Program, or successor program, by HUD. Gross monthly rent shall include any payment under Section 8 of the United States Housing Act of 1937 and utility allowance, where applicable, determined by taking into account such determinations under Section 8 of the United States Housing Act of 1937. New rent maximums for the HOME Investment Partnership Program, or successor program, are published annually by the U.S. Department of Housing and Urban Development (“HUD”) to help Raise-Ops establish revised maximum allowable rents for their projects. These are available on the HUD website at:

https://www.hudexchange.info/resource/reportmanagement/published/HOME_RentLimits_State_ME_2016.pdf

The current HUD maximum allowable rents are attached hereto as Exhibit B. The maximum rent for the HOME Units shall be calculated as follows:

High HOME Rent: Pursuant to 24 CFR 92.252(b), Four (4) of the HOME Units will be occupied by a household at or below 80% of AMI. The rent for High HOME units would be the lesser of:

- a) the fair market rent determined under Section 8 of the U.S. Housing Act of 1937 for existing housing; or
 - b) 30% of the adjusted income of a family whose annual income equals 65% of AMI income as published by HUD each year as the High HOME Rent.
- c. Pursuant to 24 CFR § 92.252(a), the maximum rent for residents paying utilities and services shall not exceed the applicable maximum rent less a monthly utility allowance as determined by Lewiston Housing Authority for their federal rental voucher or certificate program. Income eligibility and rent will be determined in accordance with the HOME Regulations.
 - d. Actual rent charges for HOME Units are subject to the City’s approval, which must be obtained prior to any assessment or increase. Raise-Op shall provide prior written notice to a resident before increasing the rent in accordance with State law and HOME Regulations (24 CFR § 92.252(f)(3)) (which, as of the effective date of this Agreement, is forty-five (45) days prior written notice).
 - e. Pursuant to 24 CFR § 92.252(h), during the Affordability Period, Raise-Op is responsible for initially certifying the incomes of all tenants who lease a HOME Unit. In addition, Raise-Op must provide the City with annual documentation and certification of the incomes of tenants residing in HOME Units.

- f. Pursuant to 24 CFR § 92.252(e), HOME Units shall remain affordable in accordance with this Agreement without regard to the term of any mortgage or transfer of ownership of the Property by Raise-Op.

7. **Income Determinations.** The income for occupants of HOME Units shall be determined as follows:

- a. The income of residents shall be initially determined and recalculated annually in accordance with procedures prescribed by the HOME Final Rule 24 CFR §92.203 and 24 CFR §92.252. HOME income limits are published by HUD and are available at its website at

<https://www.huduser.gov/portal/datasets/il/il16/FY16-IL-me.pdf>

The current HOME income limits are attached hereto as Exhibit C. Raise-Op will annually determine HOME income limits from the source noted above and use them in determining tenant eligibility for living in HOME units.

- b. Subject to the requirements set forth in section 6 above, if the income of an initially eligible resident exceeds the applicable income limit set in Section 7 of this Agreement during the resident's occupancy of the applicable unit, the initially eligible resident will be treated as continuing to meet the applicable income limit, provided that Raise-Op shall rent the *next available comparable unit* in the Project to a resident whose income does not exceed the applicable income limit as follows:

- 1) If the income of a resident in a High HOME Unit increases above 80% of AMI, then Raise-Op shall rent the *next available comparable unit* in the Project to an individual or family whose income does not exceed 80% of AMI. The initially income eligible resident whose income rises above 80% of AMI shall pay rent in an amount equal to the lesser of (a) 30% of the resident's adjusted income, or (b) the market rent for comparable units in the area that are not HOME-assisted.

8. **Resident Protections.** Raise-Op shall comply with 24 CFR § 92.253, which includes the following resident protections.

- a. Written Leases. Raise-Op shall enter into a written lease with residents in HOME Units. The term of the lease shall be for a period of at least one (1) year, except by mutual written agreement of the resident and Raise-Op.
- b. Prohibited Lease Terms. The lease may not contain any of the following provisions:
 - 1) an agreement by the resident to be sued, to admit guilt, or to a judgment in favor of Raise-Op in a lawsuit brought in connection with the lease;
 - 2) an agreement by the resident that Raise-Op may take, hold, or sell personal property of household members without notice to the resident and a court decision

on the rights of the parties; provided, however, this prohibition does not apply to an agreement by the resident concerning disposition of personal property remaining in the unit after the resident has moved out of the unit, in which case Raise-Op may dispose of this personal property in accordance with Maine law;

3) an agreement by the resident not to hold Raise-Op or Raise-Op's agents legally responsible for any action or failure to act, whether intentional or negligent;

4) an agreement of the resident that Raise-Op may institute a lawsuit without notice to the resident;

5) an agreement by the resident that Raise-Op may evict the resident or household members without instituting a civil court proceeding in which the resident has the opportunity to present a defense or before a court decision on the rights of the parties;

6) an agreement by the resident to waive any right to a trial by jury;

7) an agreement by the resident to waive the resident's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease; and

8) an agreement by the resident to pay attorney's fees or other legal costs even if the resident wins in a court proceeding by the landlord against the resident; provided, however, the resident may be obligated to pay those costs if the resident loses.

- c. Termination of Tenancy. Raise-Op shall not terminate the tenancy or refuse to renew the lease of a resident except for serious or repeated violation of the terms and conditions of the lease; for violation of applicable federal, state, or local law; for completion of the tenancy period for transitional housing; or for other good cause. Any termination or refusal to renew must be preceded by not less than thirty (30) days written notice specifying the grounds for the action, which notice must be served upon the resident by Raise-Op or its agent.
- d. Resident Selection. Raise-Op shall not discriminate on the basis of race, creed, color, sex, age, handicap, marital status, sexual preference, national origin or any other basis prohibited by law in the lease, use, and occupancy of the units or in connection with the employment of or the application for employment of persons for the operation and management of the units. Raise-Op shall not discriminate against, or refuse to lease, rent, or otherwise make available the units to a holder of a certificate or voucher under the federal rental certificate or voucher program or a holder of a comparable document evidencing participation in a HOME Program tenant-based assistance program because of the status of the prospective tenant as a holder of such certificate, voucher or comparable HOME Program tenant-based assistance document. Raise-Op shall adopt written resident selection policies and

criteria specific to the targeted population of residents to be housed in the HOME-assisted Units that:

- 1) are consistent with the purpose of providing housing for low-income families;
- 2) are reasonably related to program eligibility and the applicants' ability to perform the obligations of the lease; and
- 3) provide for the selection of residents from a written waiting list in the chronological order of their application, insofar as is practicable; and
- 4) provide for the prompt written notification to any rejected applicant of the grounds for any rejection.

9. Property Standards

Raise-Op shall comply with all applicable requirements set forth in Subpart F of the HOME Regulations, as provided elsewhere in this Agreement and also including the following:

- a. The construction of the Units shall comply with City's building code and all other applicable local codes, construction standards, ordinances and zoning ordinances in effect at the time of project completion. The Property shall be decent, safe and sanitary and shall conform to all applicable codes that have been adopted by the City.
- b. The Units shall comply with the accessibility requirements set forth in 24 CFR § 92.251, which includes meeting requirements set forth at 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Energy Policy and Conservation Act and HUD's Energy Star Standards, and the Maine Human Rights Act.
- c. All Units and common areas in the Project shall comply with the lead-based paint standards set forth in 24 CFR § 92.355.
- d. During the term of this Agreement, the Units shall remain in compliance with applicable local codes or meet HUD's Housing Quality Standards for decent, safe and sanitary housing.
- e. Raise-Op hereby grants to the City and its duly authorized representatives and agents the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspecting the property to determine compliance with this Agreement.

10. Affirmative Marketing and Minority Outreach Requirements

Pursuant to 24 CFR § 92.351, Raise-Op agrees to comply with the affirmative marketing and minority outreach requirements of the City's Fair Housing and Affirmative Marketing Policy, which is attached as Exhibit D, as may be amended or replaced from time to time. The Raise-Op

shall maintain evidence to demonstrate compliance with the policy and procedures and provide the City with annual reports of compliance.

11. Records

Raise-Op shall maintain:

- a. full and correct records evidencing compliance with this Agreement, including, without limitation, certifications and verification of occupancy and resident income and resident leases;
- b. records which demonstrate the HOME Units meet the affordability and income targeting requirements of 24 CFR 92.252 for the rental period and for at least three (3) years after such tenant no longer resides in a Unit;
- c. records which demonstrate that each lease for a HOME Unit complies with the tenant and participant protections, as specified in 24 CFR 92.253;
- d. Pursuant to 24 CFR § 92.508(c), Raise-Op shall retain all books and records related to this Agreement and the Construction Agreement for a minimum of five (5) years after the Affordability Period. Records of individual tenant income verifications, Project rents and Project inspections shall be retained for a five (5) year period after the tenant moves out of the assisted HOME unit. If any litigation, claims, negotiations, audits, monitoring, inspection, or other action commenced during the record retention period, all records must be retained until the later of (i) completion of the action and resolution of all issues related to the action, or (ii) the end of the record retention period.
- e. The City shall have the right to examine such records and to inspect the Project at reasonable times upon reasonable notice by the City, and Raise-Op shall furnish copies of any such records requested by the City pursuant to 24 CFR § 92.508(d). The City, HUD and the Comptroller General of the United States, and any of their representatives, shall have the right of access to any pertinent books, documents, papers or other records of Raise-Op, in order to make audits, examinations, excerpts and transcripts.

12. Monitoring

Raise-Op shall cooperate with the City, which will regularly monitor the HOME Units and Project for compliance with program requirements. Onsite inspections for compliance with property standards will be made at least once every two (2) years. In addition, the City may annually review Raise-Op's compliance with all written agreements. Noncompliance with program requirements could result in default of all HOME financing.

13. Reports

a. Fifteen (15) days prior to the first occupancy of a HOME Unit, Raise-Op shall submit to the City a Fair Housing and Affirmative Marketing Plan in the form attached to this Agreement as Exhibit D.

b. Three (3) days prior to the first occupancy of a HOME Unit, Raise-Op shall submit to the City records which demonstrate:

1) The Units meet the property standards specified in Section 9 of this Agreement, including the lead-based paint requirements;

2) Proposed form of leases.

c. Raise-Op shall submit within thirty (30) days after initial occupancy of the HOME Units demographic data on the tenants in the form attached hereto as Exhibit E.

d. Raise-Op shall submit a report by January 30th of each year which demonstrates:

1) pursuant to 24 CFR § 92.252(f)(2), information on rents and occupancy of the HOME Units as of December 31 of the previous year in the form attached hereto as Exhibit F; and for each year thereafter, the City will provide these rents to Raise-Op annually as soon as they are published by HUD.

2) efforts to promote fair housing by adhering to the Affirmatively Marketing Plan in Exhibit D annual written report.

14. Enforcement of the Agreement

This Agreement shall be enforceable by the City in accordance with the terms hereof. A default of any document executed by Raise-Op related to this Agreement (collectively referred to as the "Funding Documents"), including, without limitation the HOME Non-Recourse Promissory Note in the aggregate original principal amount of Two hundred and four thousand seven hundred and fifty and no/100 DOLLARS (\$204,750) of which One hundred and forty two thousand five hundred fifteen and no/100 DOLLARS (\$142,515) is a grant and Sixty-two thousand two hundred thirty five (\$62,235) is a loan to Raise-Op from the City dated even herewith; the Construction Funding Agreement between the City and Raise-Op dated even herewith; the Mortgage and Security Agreement from Raise-Op to the City dated even herewith; and the Collateral Assignment of Leases and Rents from Raise-Op to the City dated even herewith. Defaults in any of the Funding Documents that are not cured within any applicable grace period shall be a default under this Agreement. Upon default of this Agreement or a default by Raise-Op under any Funding Document, where such default is not cured within any applicable grace period, the City may exercise any remedy provided herein and/or under the Funding Documents, including the right to foreclose on the Property and/or maintain an action in law or in equity (through injunctive relief or specific performance) to enforce this Agreement and/or immediately cure the default, and/or collect damages.

Notwithstanding anything to the contrary contained herein: (i) Raise-Op shall have thirty (30) days to cure any monetary default and sixty (60) days to cure any non-monetary defaults (or such longer period of time reasonably determined by the City if such non-monetary default is curable but cannot be cured within sixty (60) days despite the commercially reasonable efforts and provided cure is commenced during the sixty (60) days and diligently pursued until completion); (ii) Raise-Op shall have the right (but not the obligation) to cure any default within any applicable cure period set forth herein; and (iii) this Agreement is subject to the terms of a an Intercreditor Agreement of even date among Bank, City and Raise-Op and any amendment and restatement or other replacement of such agreement executed by the parties thereto (the "Intercreditor Agreement").

15. Other Program Requirements. 24 CFR § 92

Raise-Op shall comply with all applicable federal requirements set forth in Subpart H of the HOME regulations, including the following:

a. Other Federal Requirements and Nondiscrimination. Raise-Op acknowledges that 24 CFR 92.350 provides that the Federal requirements set forth in 24 CFR Part 5, subpart A, are applicable to participants in the HOME program and that these Federal requirements include the following:

(i) Nondiscrimination and Equal Opportunity.

(1) Civil Rights, Fair Housing, and Age and Disability Discrimination Acts Assurances: During the term of the Funding Agreement, Raise-Op assures that no otherwise qualified person shall be excluded from participation or employment, denied program benefits, or be subjected to discrimination based on race, color, national origin, sex, age, handicap, religion, or religious preference under any program or activity funded by this Agreement, as required by the Fair Housing Act (42 U.S.C. 3601-19) and implementing regulations at 24 CFR part 100 et seq.; Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652 and 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107; title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d- 2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1; the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146; section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; Title VI of the Civil Rights Act of 1964, the Fair Housing Act (42 U.S.C. 3601-20) and all implementing regulations, and the Age Discrimination Act of 1975, and all implementing regulations.

(2) Training, Employment, and Contracting Opportunities Assurance of Compliance: The Funding derives from a program providing financial assistance from HUD that is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u ("Section 3"),

and the regulations issued by HUD to implement Section 3 (24 CFR Part 135) (the "Section 3 Regulations"). Pursuant to 24 CFR 135.3, the requirements of the Section 3 Regulations apply to the recipient of such financial assistance only where the amount of federal assistance exceeds \$200,000. Raise-Op shall provide, to the greatest extent feasible, training, employment and contracting opportunities generated by the financial assistance to low- and very-low income persons and business concerns owned by low- or very-low income persons, or which employ low- or very-low income persons.

(3) MBE/WBE Affirmative Action Outreach Program: Raise-Op hereby agrees to comply with the City's minority and women business outreach program in accordance with Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971-1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development); and Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise).

(ii) Disclosure Requirements. The disclosure requirements and prohibitions of 31 U.S.C. 1352 and implementing regulations at 24 CFR Part 87; and the requirements for funding competitions established by the Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3531 *et seq.*).

(iii) Debarred, Suspended or Ineligible Contractors. The prohibitions at 24 CFR Part 24 on the use of debarred, suspended or ineligible contractors.

(iv) Drug-free Workplace. The Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*) and HUD's implementing regulations at 24 CFR Part 24.

b. Affirmative Marketing. Raise-Op shall comply with the provisions of Section 10, above.

c. Displacement, Relocation and Acquisition. If applicable pursuant to the HOME Regulations, Raise-Op shall cooperate with the City in connection with any project-specific relocation plan to be prepared by the City, and shall certify that, to the extent applicable, it will comply or has complied with the federal relocation, displacement and acquisition rules governing the HOME Program, which are contained in the Uniform Relocation Act, 49 CFR Part 24, and applicable program regulations. 24 CFR § 92.353 requires that tenants who are displaced from housing units demolished or converted as a result of HOME-funded activities be provided with relocation assistance.

d. Labor. If applicable pursuant to the HOME Regulations, Raise-Op shall pay not less than the wages prevailing in the City, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a-276a-5), to all laborers and mechanics employed in the development of any port of the housing, including ensuring the construction contract includes the above wage provisions.

e. Lead-based Paint. The Property shall comply with the lead-based paint standards in §92.355, as provided in Section 9 above.

f. Conflict of Interest.

(1) Interest of Employees, Officers and Officials. No employee, agent, consultant, officer or elected official or appointed official of the City, or employee, agent, consultant or officer of Raise-Op, and no other public official of the City who exercises any functions or responsibilities with respect to the activities assisted with HOME funds or who are in a position to participate in a decision making process or gain inside information with regard to these activities, during their tenure and for one (1) year thereafter, may obtain a financial interest or benefit from a HOME assisted activity or have an interest in any contract or subcontract or agreement with respect thereto, or the proceeds hereunder, either for themselves or those with whom they have family or business ties. Raise-Op shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of this Section. Fulfillment of “sweat equity” obligations as defined in Section 8201 of the HOME regulations shall not be considered a violation of this prohibition.

(2) Prohibition Against Occupying HOME Units. No officer, employee, agent, official or consultant of Raise-Op or applicant currently on the Raise-Op Board may occupy a HOME Unit.

g. Consultant Activities. If applicable, no person providing consultant services in an employer-employee type relationship shall receive more than a reasonable rate of compensation for personal services paid for with HOME funds. In no event, however, shall such compensation exceed the limits in effect under the provisions of any applicable statute (e.g., annual HUD appropriations acts which have set the limit at the equivalent of the daily rate paid for Level IV of the Executive Schedule). Such services shall be evidenced by written agreements between the parties that detail the responsibilities, standards and compensation. Consultant services provided under an independent contractor relationship are not subject to the compensation limitation of Level IV of the Executive Schedule.

h. Religious Prohibitions. HOME funds may not be used to provide or support inherently religious activities such as worship, religious instruction or proselytizing.

i. Repayment. If applicable pursuant to 24 CFR § 92-301, the Developer must repay the Funding from Project income.

j. Project. The Project shall consist of the Property together with a building or a portion of a building or structure or several proximate and interrelated buildings or structures and facilities functionally related and subordinated thereto, each containing one or more similarly constructed units and facilities which are functionally related and subordinate to

such units and any property leased on property other than the Property for the purpose of providing additional parking for the Project.

k. Rent to General Public. The HOME Units will, on a continuous basis, be rented or available on a non-transient basis for rental to members of the general public throughout the Affordability Period.

l. No Change to Units without first notifying the City of Change. Raise-Op shall not make any change in the nature, size, number or location of the Units in the Project or the amount of commercial or non-residential space without notifying the City of the Change at least thirty (30) days in advance, and receiving City approval of the proposed changes which will not be unreasonably withheld

16. **Violation of Agreement.** If Raise-Op or any other owner of the Property fails to comply with this Agreement, the City may, in its sole discretion, take one or more of the following actions:

a. Exercise any and all rights and remedies set forth in this Agreement and the other documents executed in connection with the Funding, including all Funding Documents, which Funding Documents are hereby incorporated by reference in this Agreement; and

b. Other appropriate action, including, without limitation, maintaining an action in law or in equity to recover damages incurred by the City from such failure, instituting an action seeking a declaratory judgment, specific performance, or temporary or permanent injunctions and any other available remedies, and the City shall recover any reasonable costs or expenses incurred in connection therewith, including, without limitation, reasonable attorneys' fees.

The exercise of any remedies by the City is subject to the terms and conditions of the Intercreditor Agreement.

17. **Compliance with Covenants and Restrictions.** Raise-Op covenants and agrees to take such action as City deems necessary to comply with the covenants herein or to correct or cure any failure of Raise-Op to comply with the covenants herein, including, without limitation, the eviction of any tenant in accordance with applicable law. Raise-Op shall immediately notify City if Raise-Op anticipates that occupancy of the Units may fall below the number of HOME units required in this Agreement and agrees to take such action as City deems necessary to prevent non-compliance with such paragraph.

18. **Indemnity.** Raise-Op and all other owners of the Property shall indemnify and hold City and its agents harmless from and against any and all claims, demands, liability, loss, cost or expense (including, but not limited to attorney's fees and other costs of litigation) which may be incurred by City arising out of or in any way related to Raise-Op's breach of any of its obligations under this Agreement as a result of such breach. The obligations survive the termination or expiration of this Agreement as necessary to effect its provisions. Any

indemnification obligations of Borrower and/or its general or limited partners or affiliates under the Funding Documents shall not extend to the repayment of the Funding.

19. Purchase Option. Notwithstanding anything to the contrary contained in the Funding Documents, the execution and delivery of a purchase option agreement shall not constitute a default under the Funding Documents or accelerate the maturity of the Funding thereunder. Any requisite City consent shall not be unreasonably withheld for (a) the exercise of such purchase option agreement by the optionee thereunder and (b) the assumption without penalty of the Funding obligations by the optionee thereunder and Borrower's release from such obligations. Subject to any such consent requirement, the exercise of the rights under such purchase option agreement shall not constitute a default or accelerate the maturity of the Funding.

20. Authority of Affordable Housing Cooperative. Raise-Op hereby covenants and represents that it is (a) a Maine Cooperative Affordable Housing Corporation validly existing under the laws of the State of Maine with all requisite power, authority and legal right to perform the obligations set forth in this Agreement; (b) Raise-Op is duly authorized to execute and deliver this Agreement and to perform the obligations set forth herein; (c) the undersigned individual is duly authorized to execute and deliver this Agreement and to bind Raise-Op to the terms and conditions hereunder

21. Taxes. Raise-Op shall pay to the City all real estate taxes assessed on the Premises, and covenants that, if ownership of the Premises is conveyed to a tax exempt organization, including but not limited to a 501(c)(3) organization, that it will provide notice to said tax exempt organization that City will require a payment-in-lieu of taxes equal to the property taxes assessed on the Premises. This covenant shall terminate upon termination of this Agreement pursuant to Section 2 above.

22. Waiver. No delay or omission by the City in exercising any right or remedy available to it under this Agreement shall impair or preclude the exercise of any such right or remedy or constitute a waiver or release of any default by Raise-Op. The provisions of this Agreement cannot be waived, except in writing by the City clearly expressing the City's intent to waive said provisions.

23. Amendment. This Agreement may be amended or modified in whole or in part only by written agreement of Raise-Op and the City clearly expressing intent to amend this Agreement.

24. Change in Federal Law. Raise-Op acknowledges that this Agreement is based upon the HOME Investment Partnerships Program as it exists on the effective date hereof and that HOME Regulations may be subsequently modified or interpreted by the federal government in a manner that the City believes is inconsistent with the covenants set forth herein. Raise-Op agrees to comply with any additional covenant and restriction that the City believes, upon advice of counsel, is necessary to ensure compliance with HOME Regulations and that is communicated in writing to Raise-Op, even though such covenant or restriction is not a part of this Agreement as originally executed. In such event, such additional covenant or restriction shall be deemed an amendment to and material part of this Agreement as if this Agreement had been amended in

accordance with Section 24 hereof. If counsel for Raise-Op disagrees with the advice of counsel for the City, Raise-Op shall have the right, at its own expense, to proceed with obtaining a ruling from HUD or a court of competent jurisdiction, whichever Raise-Op deems advisable and in its best interest.

25. **Assignment.** This Agreement and the Funding shall not be assigned by Raise-Op without the prior written consent of the City, and any such attempt to do so shall be null and void.

26. **Severability.** The invalidity or unenforceability of any clause, part or provision of this Agreement shall not affect the validity or enforceability of the remaining portions thereof.

27. **Successors and Assigns.** This Agreement shall be binding upon Raise-Op and Raise-Op's successors, transferees and assigns and shall inure to the benefit of and be enforceable by the City, its successors, transferees and assigns.

28. **Incorporation by Reference.** The above Recitals to this Agreement and all schedules and exhibits attached to this Agreement and all Funding Documents are incorporated herein and made a part of this Agreement.

29. **Notices.** Any notice or demand required or provided for in this Agreement shall be in writing and hand-delivered or mailed by overnight delivery by a nationally recognized carrier or certified or registered United States mail, postage prepaid, return receipt requested, to Raise-Op or the City at their respective addresses set forth below or at such other address as either of them may from time to time hereafter designate by notice given to the other as herein provided. Notice shall be deemed given upon receipt or rejection. Notices shall be given:

If to City:

Director, Economic and Community Development
City of Lewiston
27 Pine Street
Lewiston, Maine 04240

With a copy to:

Martin Eisenstein
Brann & Isaacson
184 Main Street
P.O. Box 3070
Lewiston, Maine 04243

If to Raise-Op:

Raise-Op Housing Cooperative
75 Maple Street
Lewiston, ME 04240

ATTN: Craig Saddlemire

30. Governing Law. This Agreement shall be governed by the laws of the State of Maine.

IN WITNESS WHEREOF, the City and Raise-Op have duly executed this Agreement effective as of the date first above written.

SIGNATURES APPEAR AT TOP OF NEXT PAGE

CITY OF LEWISTON

By: Edward A. Barrett
Its: City Administrator

**STATE OF MAINE
ANDROSCOGGIN ss.**

Date: _____

Personally appeared the above named Edward A. Barrett, City Administrator of the City of Lewiston, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said City of Lewiston.

Before me,

Notary Public/Attorney-at-Law

(Print or type name)

WITNESS:

Raise-Op Housing Cooperative

By: _____

Name:

Title: Its President

STATE OF MAINE _____, SS.
ANDROSCOGGIN COUNTY

Date: _____

Personally appeared before me the above named _____,
President of Raise-Op Housing Cooperative acknowledged the foregoing instrument to be his
free act and deed in his said capacity and the free act and deed of said corporation and said
limited partnership.

Before me,

Notary Public/Maine Attorney at Law

Printed Name

LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT:

Resolve waiving City Fees for installation of a new water service for 895 Sabattus Street and providing reimbursement to the property owner of not more than \$4,360 for the installation of the water service, such reimbursement to be from the City's Water Utility Distribution Main Bond Issue.

INFORMATION:

Community Credit Union is establishing a new office building at 895 Sabattus Street. A new water main was installed on the street in 2015 and the old service to the property was not replaced at that time. The City Council reviewed this situation during a workshop in June and agreed the city staff has some responsibility for the service line replacement. The Credit Union will need to have a larger service and the Council indicated at the workshop the City should cover part of the fee. This agenda item is to approve the waiver of city fees regarding the installation and to provide a reimbursement for the installation of the service.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve waiving City Fees for installation of a new water service for 895 Sabattus Street and providing reimbursement to the property owner of not more than \$4,360 for the installation of the water service, such reimbursement to be from the City's Water Utility Distribution Main Bond Issue.



COUNCIL ORDER

Resolve, Waiving City Fees for Installation of a New Water Service for 895 Sabattus St and Providing Reimbursement to the Property Owner of not more than \$4,360 for the Installation of the Water Service, such Reimbursement to be from the City's Water Utility Distribution Main Bond Issue.

WHEREAS, the owner, Community Credit Union is planning to develop their property at 895 Sabattus St. for their new offices; and

WHEREAS, when a new water main was installed in Sabattus Street in 2015, the old service to the property was not replaced; and

WHEREAS, the City Council has concluded that the City has some responsibility for service line replacement in this situation; and

WHEREAS, replacing the prior 1 inch service line to serve this property has an estimated installation cost of approximately \$8,000; and

WHEREAS, whereas the Credit Union will likely need a larger service, installation of which would incur City Fees of approximately \$3,640.00, which cannot be waived without City Council approval; and

WHEREAS, the City's Water Utility budget includes no funds that could be used to pay for the remaining \$4,360 amount, without Council approval;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON

That the City Council hereby approves waiving City & Water Utility Fees for the installation of a water service to the property at 895 Sabattus St. totaling approximately \$3,640 and that reimbursement to the Credit Union in an amount not to exceed \$4,360 be made using funds from the Water Utility Distribution Main Bond Issue once the service is installed and the contractor has been paid, subject to the work being completed prior to the scheduled paving of Sabattus Street in 2017.



PUBLIC WORKS DEPARTMENT

David A. Jones, P.E., Director

July 5, 2016

Mayor & Members of the City Council:

At the City Council workshop held on June 28, 2016, the Council heard an appeal from Jennifer Hogan (President and CEO of the Community Credit Union) regarding City staff's decision not to replace a water service to the property at 895 Sabattus St. The Council indicated they did not agree with City staff's position, and directed a settlement with the Credit Union to offset part of their cost to install the service, not to exceed \$8,000 (based on the Credit Union's submitted cost estimate for installing 1" service).

There is no funding in the current Water Utility budget for this purpose. Therefore, staff is seeking authorization and approval from the Council to pay this proposed settlement. City staff suggests the following as an option for the Council to consider:

- Waive City fees for the connection of the water service when it is installed. These Fees total \$3,640 (amounts provided by the Credit Union) and include:

Street and sidewalk	\$ 65.00
Street opening	\$ 250.00
Excavation	\$ 25.00
Water dept fee	\$3,300.00
- Reimburse the Community Credit Union up to \$4,360 once the new water service is installed and they demonstrate they have paid their contractor. This funding will come from the Water Distribution Main Replacement bond issue, which was used to install the water main in this section of Sabattus St;
- Reimbursement and fee waiver would be subject to the Credit Union completing the work prior to the planned repaving of this section of Sabattus Street currently anticipated during calendar year 2017.

The above totals \$8,000 per the direction of the Council. I have attached a City Council order to reflect this proposed settlement which will allow us to settle the issue, subject to Council approval.

Sincerely,

David A. Jones, P.E.

Cc: E. Barrett, K. Montejo, K. Gagne

LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 21

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter regarding appointments.

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:

Entering into executive session is permitted and defined under Maine State Statutes.



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)(A) to discuss a personnel matter regarding appointments.

LEWISTON CITY COUNCIL

MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 22

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue 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:

State statutes define the purposes for entering into an executive session.

EAB/KMM

REQUESTED ACTION:

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

LEWISTON CITY COUNCIL
MEETING OF JULY 19, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 23

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.