

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
SEPTEMBER 6, 2016**

6:00 p.m. Workshop –

- A. Bond Issue Sale Results and Fiscal Year End Preliminary Financials – 15 minutes
- B. Discussion concerning 422 Pleasant Street – 5 minutes
- C. Installation of Pedestrian Beacons – 10 minutes
- D. Resolve Supporting the Good Food Council of Lewiston-Auburn’s LA Community Food Charter – 20 minutes

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag
Moment of Silence

Mayoral Recognition in honor of Lewiston resident achieving his Eagle Scout designation.
Acceptance of minutes of the meeting of August 9, 2016.

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

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 1.

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. Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 5 Riverside Place.
- *2. Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 55 Hillcrest Avenue.
- *3. Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 5 Orleans Street.
- *4. Authorization to accept transfer of forfeiture funds.
- *5. Order Authorizing the City Administrator to execute a Standard Easement with quit claims and construction access license to the Central Maine Power Company for a new electrical easement near Main Street water pump station.

REGULAR BUSINESS:

- 6. Public Hearing on the renewal application for a Special Amusement for Live Entertainment for The Androscoggin Bank Colisee, 190 Birch Street.
- 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 The Dempsey Challenge.
- 9. To postpone indefinitely the Final Passage on the May 3, 2016 version of an amendment of the Animal and Animal Control ordinance and an amendment to the Land Use Code regarding the keeping of chickens in residential zoning districts.
- 10. Public Hearing and Final Passage for Land Use Code Amendments regarding the keeping of chickens on residential lots of no less than 30,000 square feet.

11. Public Hearing and Final Passage regarding an amendment to the Animal ordinance regarding the keeping of chickens.
12. Public Hearing and Final Passage for Land Use Amendments regarding changes to the Net Lot Area per Dwelling Unit Calculation.
13. Public Hearing and First Passage for the conditional rezoning of the property at 117 Webster Street from Neighborhood Conservation "A" (NCA) District to the Downtown Residential (DR) District.
14. Condemnation Hearing for the building located at 24 Lemont Avenue.
15. Order approving changes to the Solid Waste Fee Schedule and authorizing use of \$6,000 for the Solid Waste Repairs to Building Account to Implement Changes in the Scale Management Software to support the fee schedule changes.
16. Resolve rescinding the current Worker's Compensation Safety Incentive Program.
17. Resolve to approve the new Auburn-Lewiston Advisory Cable TV Committee Bylaws.
18. Order authorizing the City Administrator to execute a Collective Bargaining Agreement between the City of Lewiston and the American Federation of State , County and Municipal Employees (AFSCME Council #93) Local 3855-00 on behalf of the Lewiston Professional Technical Unit.
19. Update from the Lewiston School Committee Representative.
20. Reports and Updates.
21. Any other City Business Councilors or others may have relating to Lewiston City Government.
22. Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.
23. 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.
24. 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
WORKSHOP AGENDA
TUESDAY, September 6, 2016
6:00 PM

1. Bond Issue Sale Results and Fiscal Year End Preliminary Financials – 15 minutes.

We would like to update the Council on the results of the City's bond sale on September 1st and review preliminary fiscal year end 2016 financials.

2. 422 Pleasant Street – 5 minutes

The City recently offered this property for sale through the sealed bid process with a minimum bid requirement of \$55,000 as recommended by the Planning Board. No bids were received. At this point, we would recommend that the property be listed with an agent as the next step in its disposition. See attached background memo.

3. Installation of Pedestrian Beacons – 10 minutes

The Maine Department of Transportation has donated 4 sets of rapid flashing crosswalk beacons to the City. While the beacons are available at no cost, the City is responsible for installing them and upgrading the crossings, where necessary, to meet ADA requirements. The Council has funded the removal of the Lincoln Street Alley Bridge at an estimated cost of \$30,000, and this project has been awarded at a significantly lower cost. We would like to use \$21,000 of the remaining balance to install these beacons at various locations. See attached memo from Dave Jones.

4. Resolve, Supporting the Good Food Council of Lewiston-Auburn's LA Community Food Charter – 20 minutes.

The Lewiston Auburn Good Food Council has developed a Community Food Charter that outlines a 5 element policy that promotes healthy food. This Charter was proposed in June and, since then, numerous individuals and businesses have signed on as supporters. The Council is now asking the cities of Lewiston and Auburn to adopt and support the Good Food Charter as a policy statement for: food security, sustainable agriculture, leadership, elevating good food policy, and supporting working landscapes and the development of community infrastructure. Please see the attached information, including an article from the Federal Reserve Bank of Boston describing the Good Food Council.

IMMEDIATELY FOLLOWING THE REGULAR MEETING

1. Executive Session – Labor Negotiations
2. Executive Session – Land Lease Issue
3. Executive Session – Land Acquisition

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 5 Riverside Place.

INFORMATION:

The Council is asked to approve a municipal quitclaim deed for the property located at 5 Riverside Place. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EVABKmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 5 Riverside Place.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 5 Riverside Place.

WHEREAS, the owner, Patricia A. Springer, failed to pay her utility bills on a timely basis for 5 Riverside Place (Tax Map 193, Lot 49, Parcel 00-004532); and

WHEREAS, a water lien was filed on March 2, 2012 (Book 8348 Page 139) and matured on September 1, 2013 in the amount of \$130.99; and

WHEREAS, a water lien was filed on December 21, 2012 (Book 8567 Page 250) and matured on June 22, 2014 in the amount of \$135.44; and

WHEREAS, a sewer lien was filed on March 2, 2012 (Book 8348 Page 213) and matured on September 1, 2013 in the amount of \$155.47; and

WHEREAS, a sewer lien was filed on December 21, 2012 (Book 8567 Page 318) and matured on June 22, 2014 in the amount of \$117.73; and

WHEREAS, a stormwater lien was filed on December 6, 2013 (Book 8830 Page 107) and matured on June 7, 2015 in the amount of \$104.27; and

WHEREAS, payment was received in full;

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

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 5 Riverside Place to the owner.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 55 Hillcrest Avenue.

INFORMATION:

The Council is asked to approve a municipal quitclaim deed for the property located at 55 Hillcrest Avenue. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 55 Hillcrest Avenue.



CITY OF LEWISTON, MAINE

September 6, 2016

COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 55 Hillcrest Avenue.

WHEREAS, the owners, Tammy Churchill-Caouette and Steven D. Caouette, failed to pay their utility bills on a timely basis for 55 Hillcrest Avenue (Tax Map 149, Lot 203, Parcel 00-020014); and

WHEREAS, a water lien was filed on August 29, 2013 (Book 8760 Page 117) and matured on February 28, 2015 in the amount of \$173.54; and

WHEREAS, a water lien was filed on June 19, 2014 (Book 8936 Page 224) and matured on December 19, 2015 in the amount of \$198.52; and

WHEREAS, a sewer lien was filed on August 29, 2013 (Book 8760 Page 288) and matured on February 28, 2015 in the amount of \$147.54; and

WHEREAS, a sewer lien was filed on June 19, 2014 (Book 8936 Page 136) and matured on December 19, 2015 in the amount of \$161.26; and

WHEREAS, a stormwater lien was filed on December 6, 2013 (Book 8830 Page 170) and matured on June 7, 2015 in the amount of \$103.76; and

WHEREAS, payment was received in full;

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

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 55 Hillcrest Avenue to the owner.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 5 Orleans Street.

INFORMATION:

The Council is asked to approve a municipal quitclaim deed for the property located at 5 Orleans Street. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 5 Orleans Street.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 5 Orleans Street.

WHEREAS, the owners, Randy Gervais and Penata N. Pringle, failed to pay their utility bills on a timely basis for 5 Orleans Street (Tax Map 148, Lot 137, Parcel 00-011543); and

WHEREAS, a water lien was filed on June 19, 2014 (Book 8936 Page 223) and matured on December 19, 2015 in the amount of \$127.74; and

WHEREAS, a sewer lien was filed on June 19, 2014 (Book 8936 Page 134) and matured on December 19, 2015 in the amount of \$146.79; and

WHEREAS, payment was received in full;

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

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 5 Orleans Street to the owner.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Authorization to accept transfer of forfeiture funds.

INFORMATION:

The Lewiston Police Department is requesting that the City Council authorize the acceptance of funds, in the amounts outlined below and/or attached, as reimbursement for costs associated with assisting in a criminal investigation.

The funds are available to the Lewiston Police Department due to its substantial contribution to the investigation of this or a related criminal case.

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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That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of items as outlined on the attached listing, less administrative fees or any portion thereof, in the cases of US Department of Justice Drug Enforcement Administration vs the cases outlined on the attached listing. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.



MEMO



Date: August 22, 2016
To: Kathy Montejo, City Clerk
From: Brian O'Malley, Chief of Police (Interim)
Re: Forfeiture funds

The following investigations are pending in federal court and upon a favorable final disposition, the funds in the cases listed below will be released to the Lewiston Police Department. Please make the necessary notifications to the City Council that would allow them to address the issue and consent to the acceptance of these funds.

Please credit these funds to the Federal Drug Forfeiture Account, number 5902-351450.

Our share of each of the following is yet to be determined and is less administrative fees:

Asset ID#	Case No	Asset
16-DEA-620251	CE-14-0008	\$40,703
16-DEA-620445	CE-16-0017	7,375
16-DEA-621590	CE-14-0037	\$1,630
16-DEA-619104	CE-15-0031	\$18,000
16-DEA-622915	CE-14-0036	Financial instrument – Brokerage or Investment Account – Value \$20,178.72

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Order Authorizing the City Administrator to execute a Standard Easement with quit claims and construction access license to the Central Maine Power Company for a new electrical easement near Main Street water pump station.

INFORMATION:

As part of the Central Maine Power company's upgrades to the Lewiston Lower Substation, an electrical easement near the Main Street water pump station needs to be issued to them for the completion of the work. Passage is requested.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to execute a Standard Easement with quit claims and construction access license to the Central Maine Power Company for a new electrical easement near Main Street water pump station.



City of Lewiston Maine

September 6, 2016

ORDER, Authorizing the City Administrator to execute a Standard Easement with quit claims and construction access license to the Central Maine Power Company for a new electrical easement near Main Street water pump station.

Whereas, the City of Lewiston originally acquired easement rights from W. S. Libby Company in 1987; and

Whereas, said easement was acquired for a new water pump station and 24 inch diameter water pipe for the City Water Division at the corner of Main Street and Mill Street; and

Whereas, the proposed easement to Central Maine Power Company (CMP) is to expand an existing electrical pad easement; and

Whereas, proposed easement is a 16 ft. by 16 ft. area for new electrical gear to benefit the City and the Main Street pump station; and

Whereas, the proposed easement includes a 15 ft. wide easement from Mill Street to the proposed easement pad, centered over a new underground electrical service line to benefit the City and the Main Street pump station; and

Whereas, the proposed easement has been reviewed by staff and will not interfere with the City's water utility operations; and

Whereas, Central Maine Power Company has planned improvements on this proposed easement as part of their upgrades to the Lewiston Lower Substation; and

Whereas, Central Maine Power Company shall compensate the City of Lewiston up to \$2,500 for landscaping replacement around the new pad and transformer;

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

the City Administrator is authorized to execute a Quit Claim Deed and construction access license to the Central Maine Power Company for a 16 ft. by 16 ft. easement on the Main Street water pump station parcel at Mill Street.



PUBLIC WORKS DEPARTMENT

David A. Jones, P.E., Director

To: David A Jones, PE, Director

From: Kevin A. Gagne, PE, Deputy Director

RE: City grant CMP Utility Easement at Main St Pump Station

Date: August 31, 2016

As part of the Central Maine Power (CMP) – Maine Power Reliability Project (MPRP) in Lewiston, City of Lewiston staff were contacted in February 2016 by the engineering firm of Burns & McDonnell (CMP's consulting engineers) to review and ultimately approve an easement for construction of a new power switchgear and electrical service piping located on the Main Street water pump station property parcel at Mill Street and Main Street. CMP plans to construct the proposed switchgear and service lines as early in September as possible. The easement and installation of a new concrete pad, service piping and switchgear would upgrade the electrical service to the area of Main & Mill Streets and would directly benefit the City of Lewiston's water pump station with new equipment and, ultimately, increased power reliability to the pump station.

During the City staff review process, we discussed with Burns & McDonnell the existing waterline along with the criticality and operational needs at the Main Street pump station as the installation of the new electrical switchgear/services lines would need to work around our existing piping. Burns & McDonnell modified their utility plan and electrical designs to incorporate a new switch gear pad on the property and accommodate the waterlines at the pump station. City staff received a draft easement and sketch for review at the beginning of August 2016. Staff reviewed the proposed easement and met with Burns staff on site to field verify actual size/location of the proposed work and easement, and City staff are comfortable with the proposed construction to install a new switchgear adjacent to the exiting transformer pad on the Main Street water pump station parcel.

After review of the proposed construction and easement documents, it is my recommendation to execute a Quit Claim Deed and construction access license to the Central Maine Power Company for a 16 ft by 16 ft easement on the Main Street water pump station parcel at Mill Street.

Standard Easement Quit Claim Deed

City of Lewiston, a body politic and corporate located in the county of Androscoggin, State of Maine, for consideration paid, grants to Central Maine Power Company, a Maine corporation with an office at 83 Edison Drive, Augusta, Maine 04336, with Quit Claim Covenants grants an easement to erect, bury, maintain, rebuild, respace, patrol, operate, and remove and do all other actions involving electric and communication distribution equipment and facilities, consisting of wires, cables, anchors, guywires or pushbraces, together with all necessary fixtures and appurtenances over, across and under a portion of the surface of the land of the Grantors and being a certain parcel of land, situated in Lewiston, County of Androscoggin, and State of Maine, bounded and described as follows;

A 16'x 16' easement area situated on the Northeasterly side of Mill Street but, not adjacent to, and beginning at the most northerly corner of an existing 8 foot by 8 foot concrete slab. Said slab being located approximately 18 feet from the northeasterly side of the traveled way of Mill Street.

Thence Northeasterly at an extension of the Northeasterly side of the existing slab, 4.0 feet to a point.

Thence Northeasterly at a 90 degree angle from the Northeasterly side of the existing slab, 16.0 feet to a point.

Thence Southeasterly and running parallel with the northeasterly side of the slab, a distance of 16.0 feet to a point.

Thence Southwesterly at a 90 degree angle, a distance of 16.0 feet to a point.

Thence Northwesterly in part along the Northeasterly side of said slab, a distance of 12.0 feet to the point of beginning.

Also an additional easement area for an underground utility line to run from the above described easement area to the northeasterly side of Mill Street. This easement to be 15 feet wide and to be centered on the proposed underground utility line to be installed. (See attached Exhibit A)

This easement affects land conveyed to the Grantors in a deed from W. S. Libbey Company dated April 30th, 1987, and recorded in the Androscoggin County Registry of Deeds in Book 2086 , Page 181.

THIS EASEMENT IS GRANTED AND IS SUBJECT to the following conditions and covenants:

1. The Grantee's electrical cables and underground equipment shall be located under the city of Lewiston's current water main located in and near Mill Street and shall not affect their ability to maintain, repair or replace said water main at any time.
2. The Grantor shall compensate Grantee up to \$2500.00 for landscaping materials around the new pad and transformer. Grantor will remove whatever scrubs and bushes they wish to

salvage prior to August 18th, 2016. After August 18th, 2016 the Grantee can remove and dispose of any vegetation within the easement area.

DATED: _____, 2016

City of Lewiston Maine

Printed Name and Office:

State of Maine
County of Androscoggin

The above-named _____, duly authorized to sign of behalf of the City of Lewiston personally appeared before me on _____, 2016 and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity.

Notary Public:
My Commission Expires:

Construction Access License

The city of Lewiston Maine, a body politic and corporate located in the county of Androscoggin, State of Maine, hereby grants Central Maine Power Company, a Maine corporation ("CMP"), 83 Edison Drive, Augusta, Maine 04336, a license to cross over and use the City of Lewiston's land located in Lewiston, Maine on an existing lot and parking area substantially as shown of Exhibit A, attached and made a part hereof, ("Construction Access Area"). Subject to the following conditions:

1. The location of the Construction Access Area shall be as shown on Exhibit A, attached and made a part hereof.
2. This license shall commence upon execution by both parties and expire on December 15, 2016 and may only be extended in writing by the City of Lewiston and CMP. The City of Lewiston is under no obligation to extend or renew this license. This License covers any use by CMP, its agents, contractors or those operating through CMP, its agents or contractors for the period of this license or any extensions thereof.
3. CMP shall improve the surface of the Construction Access Area as approved by the City of Lewiston in advance.
4. CMP shall comply with all applicable laws, rules, orders, ordinances, and regulations of the town, county, state and federal government or agency thereof at any time issued or in force applicable to the Construction Access Area or to CMP's use thereof.
5. Prior to the expiration of the License, CMP shall restore the surface of the Construction Access Area to as good or better condition as those existing on August 4, 2016. CMP's use of the Construction Access Area will not change the drainage on the Construction Access Area or on the City of Lewiston's abutting land either during the term of this license or as a result of the surface restoration.
6. CMP is fully familiar with the condition of the Construction Access Area and the City of Lewiston's property. The City of Lewiston has made no representations of whatever nature as to the condition of the Construction Access Area. CMP accepts use of the Construction Access Area "as is".

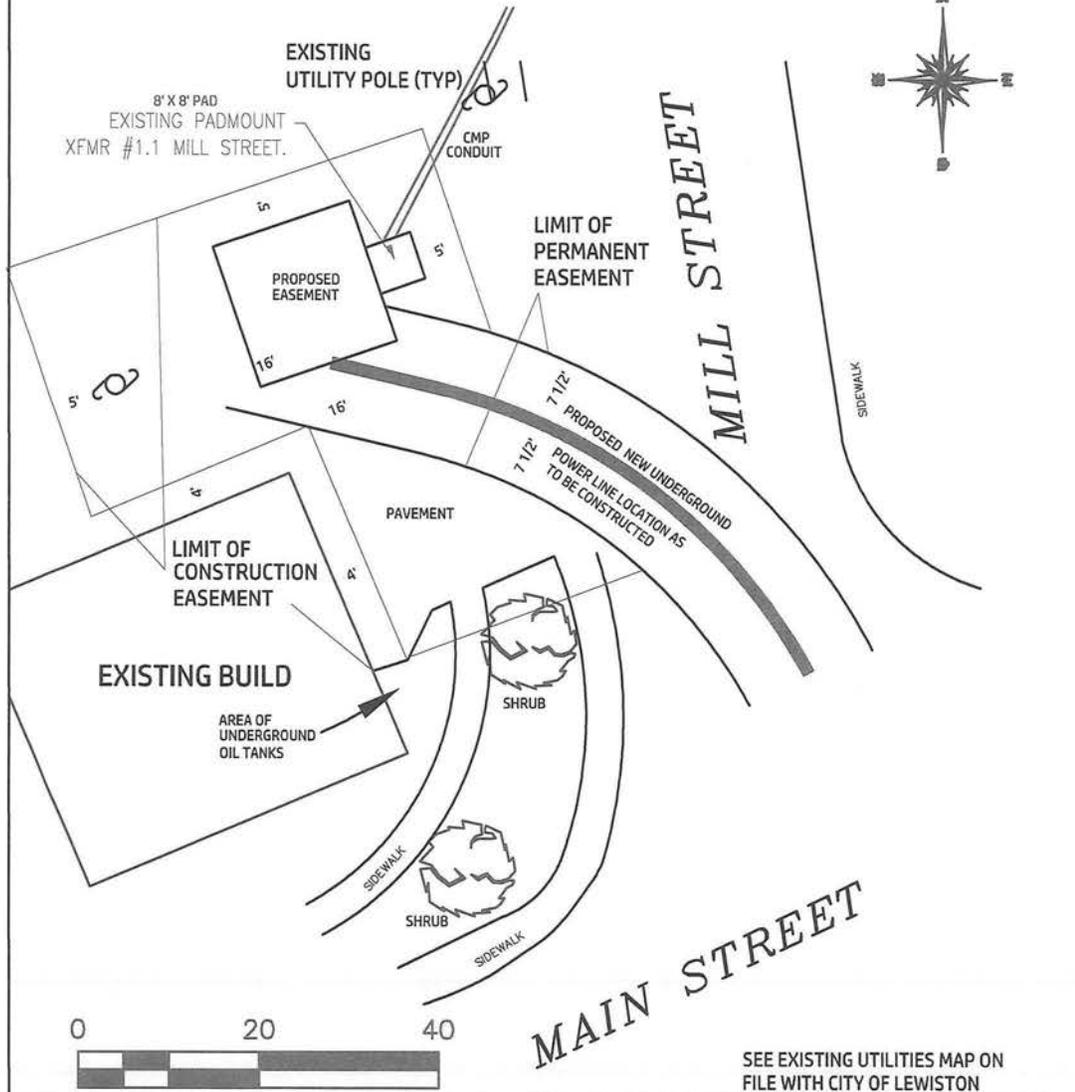
IN WITNESS WHEREOF, the parties hereto represent that the undersigned have been authorized to execute the License as of _____, 2016

Central Maine Power

City of Lewiston Maine

Alice Richards
Supervisor, Real Estate Services
Exhibit A : Construction Access Area

EXHIBIT "A"



SEE EXISTING UTILITIES MAP ON FILE WITH CITY OF LEWISTON


Dirigo Partners, Ltd
 INTEGRATED REALITY SOLUTIONS
 79 OLD WINTHROP ROAD AUGUSTA, ME

FOR
CENTRAL MAINE POWER
 MILL STREET "DB" LEWISTON, ANDROSCOGGIN

INVALID - UNLESS SIGNED, SEALED AND/OR EMBOSSED

MICHAEL J. MORIN
 P.L.S. # 2157

SCALE 1"= 20'
 08-09-2016

PROJECT # N/A

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for The Androscoggin Bank Colisee, 190 Birch Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from The Androscoggin Bank Colisee, 190 Birch 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.

ETAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to The Androscoggin Bank Colisee, 190 Birch Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: Aug 8 2016

Expiration Date: 7-31-2017

- 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: Androscoquin Bank Colisee Business Phone: 207 783 2009

Location Address: 190 Birch St. Lewiston

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

Mailing Address: 190 Birch St. Lewiston ME.

Email address: Mcain@ICEBIRKS.COM

Contact Person: Michael Cain Phone: 207 783 2009

Owner of Business: James Cain Date of Birth: 01 14 79

Address of Owner: Webster St. Lewiston ME.

Manager of Establishment: Michael Cain Date of Birth: 05 03 75

Owner of Premises (landlord): Rita

Address of Premises Owner: _____

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

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

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? Yes 6 No If yes, please explain: _____

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

Corporation Name: Lewiston Urban Civic Center LLC

Corporation Mailing Address: 190 Birch St. Lewiston Me 04240

Contact Person: Michael Cain Phone: 207 783 2009

Do you permit dancing on premises? 6 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? 360'

Please describe the type of proposed entertainment:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> dancing | <input checked="" type="checkbox"/> stand up comedian | <input checked="" type="checkbox"/> piano player |
| <input checked="" type="checkbox"/> music by DJ | <input checked="" type="checkbox"/> karaoke | <input type="checkbox"/> other, please list _____ |
| <input checked="" type="checkbox"/> live band/singers | <input checked="" type="checkbox"/> magician | <input type="checkbox"/> 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: GM Date: Aug 8 2016

Printed Name: Michael Cain

Hearing Date: 9-6-2016



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 – **Androscoggin Bank Colisee**

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

**Colisee
190 Birch 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 SEPTEMBER 6, 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 Church of All Nations located in Auburn is sponsoring a free music concert on Saturday, Sept 17 in Kennedy Park. This is being held in conjunction with their Evangelical outreach event. 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.

EVAB/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, September 17, 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.

If the applicant is not a qualifying non-profit, 100% of all applicable fees must be paid.

3. Were you paid by another non-profit agency to raise money for their organization?
 Yes No
If "Yes", provide a signed statement and with financial information from the non-profit indicating how much money they received. Church of All Nations
4. Name of Contact Person for Event: REV. DR. JEAN-PIERRE TSHAMALA
5. Title of Contact Person: REV. DR., SENIOR PASTER
6. Mailing Address: 108 SUMMER STREET AUBURN, ME 04210
7. Daytime Telephone: 207-331-7864 Cell Phone: 207-331-7864
8. Email Address: ~~XXXX~~ Jeanpbe.tshamala@yahoo.com
9. Contact Name and Cell Phone Number DURING the Event: Same as above
10. Name of Event: EVANGELISM
11. Type of Event (walk, festival, concert, etc.): _____
12. Day of Event: SATURDAY Date of Event: 09/17/2016
13. Rain Date (if applicable): _____
14. Times of Event:
Start Time including set-up: 09:00 AM Ending time including clean up: 03:00 PM
Actual Event Start Time: 10:00 AM Actual Event End Time: 03:00 PM
15. Estimated Attendance: 300 to 500
16. Open to public: Yes No
17. By Invitation Only: Yes No
18. Location(s) of Event: KENNEY PARK
19. Age restriction on Admission? Yes No
20. If yes specify age required for admission: _____

DESCRIPTION OF EVENT -- Please describe what will occur during your event

Christian music, Feed people, speak to people about the Good News of Jesus Christ.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

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

INFORMATION:

The Dempsey Challenge is now an annual event in Lewiston and this year's event will be held on October 1-2 (Friday - Sunday). As part of the athletic events, the function will also have live musical entertainment. As such, the organizers are required to obtain an Outdoor Entertainment permit from the city.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from The Dempsey Challenge Committee for outdoor musical concerts to be held at Simard-Payne Memorial Park on October 1st and 2nd, as part of The Dempsey Challenge, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the organizing committee for the outdoor music concerts, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer 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: Dempsey Challenge Requested Date: Sept 26 - Oct 3

Rain Date (if applicable): NA

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

Event Start Time: Oct.1 - 7:30am Oct.2 - 7:30am Event End Time: Oct.1 - 10:00am Oct.2 - 5:00pm Estimated Attendance: 5000

Set-up Start Time: Sept 26 Clean-up End Time: Oct 3

- Open to the Public
Invitation Only
Age Restriction

Event Location: Simard Payne
(If you will utilize a park, please check ALL that apply below)

PARK USE ONLY - Provide Overview

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): Oxford, Cross, Lincoln, Cedar
Sidewalk(s): none
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: Dempsey Center

Mailing Address: 29 Lowell St 5th Floor City: Lewiston

Name of Person Responsible for Event: Aimee Labbe Title: Special Events Mng

Name of Contact Person (if different): Jeff Corbett Title: Technical Director

Daytime Phone: _____ Cell: 803-447-4068 Cell During Event: same

Contact Email: labbeai@cmhc.org , jeff.corbett@medalistsports.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**
- 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**
Food Services License may be required
- Given Away**
Requirements Apply for Alcohol at Event
- Alcohol Beverage**
- Type** _____
- Product (Non-Food Item)** → **City Clerk's Office**
A Peddler's Permit may be required
- Sold**
- Given Away**
- Type** _____

LEWISTON CITY COUNCIL

MEETING OF MAY 3, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

To Postpone Indefinitely the Final Passage on the May 3, 2016 version of an amendment of the Animal and Animal Control ordinance and an amendment to the Land Use Code regarding the keeping of chickens in residential zoning districts.

INFORMATION:

At the May 3, 2016 City Council meeting, the Council approved first passage of ordinance changes pertaining to the keeping of chickens. This version was based upon a citizen petition that was submitted requesting these amendments on residential property of no less than 20,000 square feet. The Planning Board voted 6-1 to send an unfavorable recommendation regarding that requested change. The Council approved first passage and noted this issue would be sent to workshop for additional review prior to final passage. During the numerous summer workshops on this topic, additional versions of the ordinance changes were developed. At the July 19 City Council meeting, the Council adopted first passage of the revised versions of the ordinance amendments. Items 10 and 11 call for the final passage of these revised changes. Due to this, staff is asking the Council to take a vote to Postpone Indefinitely (to kill) the ordinance version of May 3 since it conflicts with the new language. Basically a vote is needed to formally remove the first version from the books since it did receive first passage in May.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator reserves comment on this matter until the Council meeting.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To Postpone Indefinitely final passage of the proposed amendment to the City Code of Ordinances, Chapter 14 "Animals", Article. VII "Keeping of Non-Domestic Animals", Division 4 "Keeping of Chickens on Lots Developed with Single Family Detached Dwellings Including Mobile Homes on Individual Lots" and Appendix A "Zoning and Land Use Code", Article V "Administration and Enforcement" that received first passage at the May 3, 2016 City Council meeting.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Public Hearing and Final Passage for Land Use Code Amendments regarding the keeping of chickens on residential lots of no less than 30,000 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 up to 6 female chickens in residential zoning districts on lots of no less than 30,000 square feet. The Planning Board recommended this amendment by a vote of 5-2.

This agenda item is connected with Agenda Item 11.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/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 final passage by a roll call vote.

9/6/16

**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 female chickens is permitted in the Rural-Agricultural (RA), Low Density Residential (LDR), Suburban Residential (SR), Medium Density Residential (MDR), and the Neighborhood Conservation "A" (NCA) districts. ~~residential zoning districts, with the exception of the Neighborhood Conservation "B" (NCB) district, on lots of no less than 30,000 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 female 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.



CITY OF LEWISTON

Department of Planning & Code Enforcement

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

From: David Hediger

Date: August 29, 2016

Subject: Planning Board Action

The Planning Board took the following action at its meeting held August 22, 2016 regarding a proposed amendment to Article V, Section 3(aa) of the Zoning and Land Use Code to allow the keeping of up to six chickens in residential zoning districts:

The following motion was made:

MOTION:

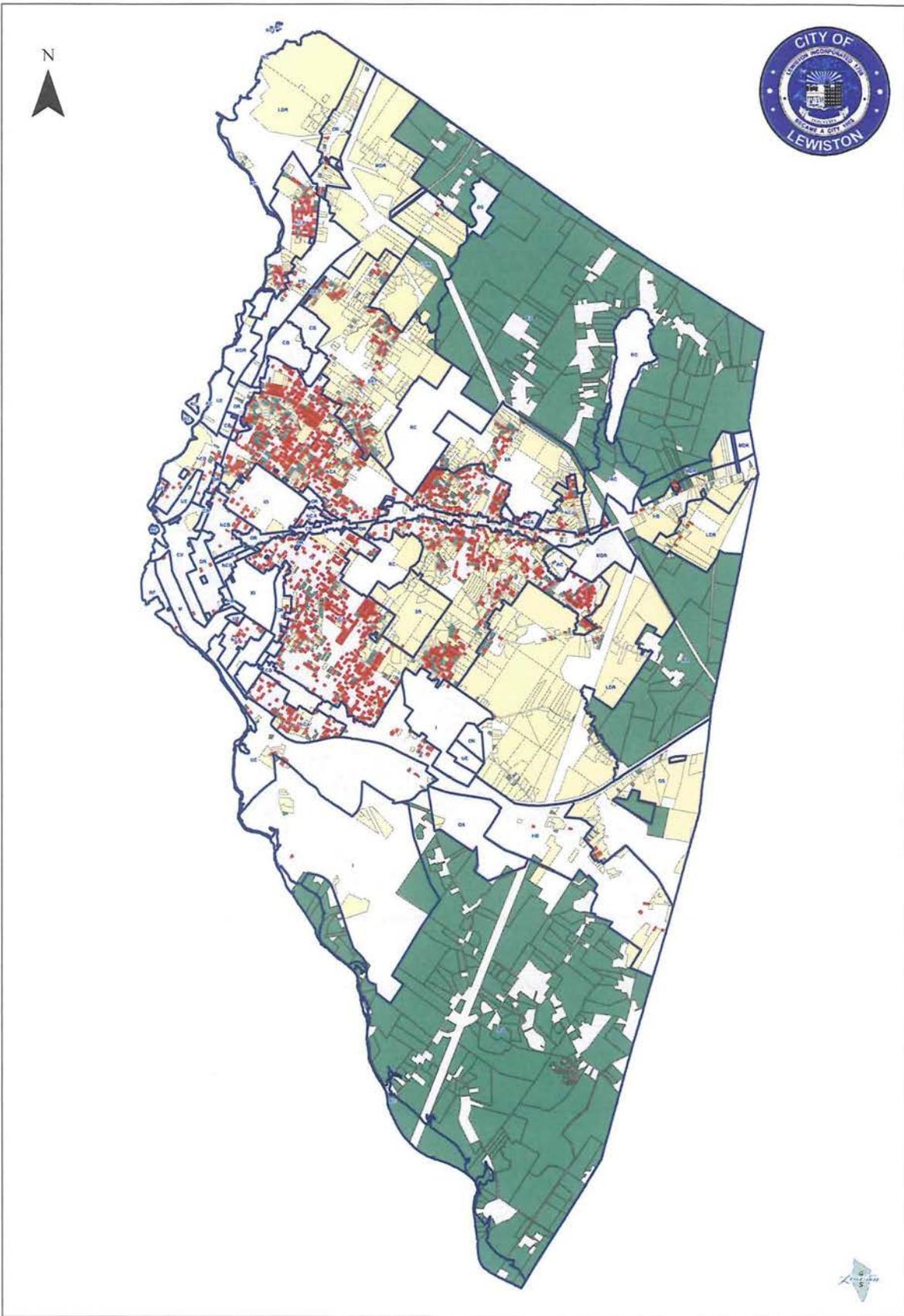
by **Michael Marcotte** pursuant to Article VII, Sections 3 and 4 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration a proposed amendment to Article V, Section 3(aa) of the Zoning and Land Use Code to allow the keeping of up to six female chickens limited to the Rural-Agricultural (RA), Low Density Residential (LDR), Suburban Residential (SR), Medium Density Residential (MDR), and the Neighborhood Conservation "A" (NCA) districts, on lots of no less than 30,000 square feet developed with single family detached dwellings, including mobile homes on individual lots. Second by **Paul Madore**.

VOTED: 5-2 (Passed) Sandra Marquis & Pauline Gudas Opposed.

Note: The Planning Board's motion was in support of the changes recommended by the City Council on July 19, 2016; however, additional language is being recommended by the Board to reinforce that only female chickens are allowed (i.e. no rosters) and to list the residential districts that chickens shall be allowed in rather than listing the one zone that they would be prohibited from (i.e. the Neighborhood Conservation "B" (NCB) district). The additional language recommended by the Board provides additional clarification and does not result in substantive changes from that of the Council's proposed language.

c: Ed Barrett, City Administrator

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



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: 6/11/2016

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Public Hearing and Final 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 female 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 10.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERB/KMM

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 final passage by a roll call vote.

**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 Female 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 SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Public Hearing and Final Passage 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). The Council held a workshop on this topic in June. The Planning Board voted at their August 22 meeting to send a favorable recommendation to the City Council regarding this amendment.

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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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 final passage by a roll call vote.

**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.

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	120% of average (26) 1,500 sf

Space and Bulk Table: NCB Density Amendment 05.31.16

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	120% of average (26) 1,500 sf

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: July 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.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: August 18, 2016
RE: August 22, 2016 Planning Board Agenda Item IV(e)

A proposed amendment to Appendix A, Article XI, Section 23, Space and Bulk Requirements, Net Lot Area Requirements of the Neighborhood Conservation “B” (NCB) district.

On July 19, 2016, the City Council voted in support of a proposed amendment concerning changes to the net lot area per dwelling unit calculation in the NCB district and that the matter be referred to the Planning Board for their review and recommendation.

The current provisions for determining net lot area involves 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. Reference should be made Director of Planning and Code Enforcement, Gil Arsenault’s memorandum to the City Council dated July 16, 2016.

Staff supports the adoption of the proposed amendment as a step toward helping property owners determine allowed densities in the NCB district with a less complicated calculation reflective of the average of the current densities in those neighborhoods.

ACTION NECESSARY

Make a motion pursuant to Article VII, Sections 3 and 4 of the Zoning and Land Use Code to send a favorable recommendation for the City Council’s consideration to adopt a proposed amendment to Article XI, Section 23, Space and Bulk Requirements, Net Lot Area Requirements of the Neighborhood Conservation “B” (NCB) district.



CITY OF LEWISTON

Department of Planning & Code Enforcement

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

From: David Hediger

Date: August September 1, 2016

Subject: Planning Board Action: NCB net lot area

The Planning Board took the following action at its meeting held August 22, 2016 regarding a proposed amendment to Appendix A, Article XI, Section 23, Space and Bulk requirements, Net Lot Area Requirements of the Neighborhood Conservation "B" (NCB) district:

The following motion was made:

MOTION:

by **Paul Madore** pursuant to Article VII, Sections 3 and 4 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to adopt a proposed amendment to Article XI, Section 23, Space and Bulk Requirements, Net Lot Area Requirements of the Neighborhood Conservation "B" (NCB) district. Second by **Zachary Pettengill**.

VOTED: 7-0 (Passed)

c: Ed Barrett, City Administrator
Planning Board Members

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

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Public Hearing and First Passage for the conditional rezoning of the property at 117 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Downtown Residential (DR) District.

INFORMATION:

The Planning Board voted 7-0 to send a favorable recommendation to the City Council to conditionally rezone the property at 117 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Downtown Residential (DR) District, subject to the conditional rezoning agreement.

The property owner has submitted a petition to request a conditional rezoning of this property which pertains to his project at 111 Webster Street which he is in the process of converting the existing commercial building into market rate multi-family housing.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator supports the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve First Passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 117 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Downtown Residential (DR) District, subject to a conditional agreement, and to continue the public hearing to the next regularly scheduled City Council meeting.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: August 18, 2016
RE: August 22, 2016 Planning Board Agenda Item IV(a)

A proposal submitted by Stoneybrook Consultants, Inc. on behalf of Jamey Pittman to conditionally rezone the property at 117 Webster Street from the Neighborhood Conservation "A" district to the Downtown Residential district to allow accessory uses to support the existing commercial/multifamily dwelling at 111 Webster Street.

Jamey Pittman has submitted a petition to conditionally rezone the property at 117 Webster Street from the Neighborhood Conservation "A" district to the Downtown Residential (DR) district to allow accessory uses to support the existing commercial/multifamily dwelling at 111 Webster Street.

This vacant property consists of approximately 0.29 acres. Given the current zoning, the property is limited to construction of a single family dwelling. The petitioner is requesting the property be conditionally rezoned to the DR district to allow accessory uses to support the existing commercial/multifamily dwelling at 111 Webster Street. That property was conditionally rezoned by the Planning Board and City Council in 2015 from NCA to DR to support redevelopment of the property with eight dwelling units. The applicant has since purchased the abutting property at 117 Webster Street from the City in July 2016. Conditionally rezoning the property will allow the applicant to construct garages, storage units, or other accessory uses to support the multi-family use at 111 Webster Street and specifically not allow the right to add multifamily units or a single-family home.

With respect to the space and bulk standards, the applicant is proposing a split between the two districts and some modifications. The NCA provisions that will remain in place include front setback, minimum frontage, and maximum height. The DR provisions to be included are minimum lot size, minimum net lot area per dwelling unit (which is not applicable since additional dwelling units are not being allowed), minimum side and rear yard, and maximum impervious ratio. Modified provisions include front yard (20' versus the NCA's 15' to 20' and the DR having none), and side and rear setback (15' versus 10' to 30' in the NCA and DR).

Staff recommends the Planning Board provide a favorable recommendation for the City Council's consideration.

ACTION NECESSARY

Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration based upon the proposal submitted by Stoneybrook Consultants, Inc. on behalf of Jamey Pittman to conditionally rezone the property at 117 Webster Street from the Neighborhood Conservation "A" district to the Downtown Residential district to allow accessory uses to support the existing commercial/multifamily dwelling at 111 Webster Street (including, if any, specific conditions raised by the Planning Board).



CITY OF LEWISTON

Department of Planning & Code Enforcement

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

From: David Hediger

Date: March 29, 2016

Subject: Planning Board Action

The Planning Board took the following action at its meeting held August 22, 2016 regarding a proposal submitted by Stoneybrook Consultants, Inc. on behalf of Jamey Pittman to conditionally rezone the property at 117 Webster Street from the Neighborhood Conservation "A" district to the Downtown Residential district:

The following motion was made:

MOTION:

by **Michael Marcotte** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration based upon the proposal submitted by Stoneybrook Consultants, Inc. on behalf of Jamey Pittman to conditionally rezone the property at 117 Webster Street from the Neighborhood Conservation "A" district to the Downtown Residential district to allow accessory uses to support the existing commercial/multifamily dwelling at 111 Webster Street. Second by **Paul Madore**.

VOTED: 7-0 (Passed)

c: Ed Barrett, City Administrator
Planning Board Members



Stoneybrook Consultants, Inc.

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

August 16, 2016

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

Re: 117 Webster Street Apartments
Conditional Rezoning Request

Dear David:

On behalf of Jamey Pittman (Pittman), we have submitted a Petition to amend the City of Lewiston Zoning and Land Use Code to Conditionally Rezone property located at 117 Webster Street. The Petition and attachments previously submitted explain our request to Conditionally Rezone the property to allow accessory uses to support the market rate apartments currently being constructed in the existing building located on the adjacent property at 111 Webster Street. That property was Conditionally Rezoned by the City last year.

The property is located in the Neighborhood Conservation "A" (NCA) district where commercial uses and multi-family use is not allowed. With this Petition, we are seeking to Conditionally Rezone the property to the Downtown Residential (DR) district to allow accessory uses associated with commercial or multi-family development. This request is very similar to the previous request for the property at 111 Webster Street which was approved last year. We have attached a Comparison Chart, showing the changes proposed in the zoning requirements between these two districts, to support our request. You will note that the changes requested allow accessory uses to support the development at 111 Webster Street, but does not allow the right to add multi-family units or single-family homes on this property.

August 16, 2016
David Hediger
RE: 117 Webster Street
Page 2

The purpose of this zoning request is to allow for driveway construction to serve the multi-family use at 111 Webster Street without larger setback requirements. While a driveway is allowed on the 117 Webster Street property, it is required to be no less than 22.5 from the property line. This zoning request would allow that drive to be closer to the property line. This zoning request would also allow for future use of this property to construct garages, storage units or other accessory uses to support the multi-family use at 111 Webster Street. Other than the driveway, already approved, no other construction is proposed on this property at this time.

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

Respectfully Yours

STONEBROOK CONSULTANTS, INC.

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

Michael F. Gotto

cc: Jamey Pittman

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

Pursuant to Appendix A, Article XVII, Section 5 - Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to conditionally rezone a portion of the property at 117 Webster Street from the Neighborhood Conservation (NCA) zoning district to the Downtown Residential (DR) zoning district as described in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
①	<i>ROGER BARD</i>	Roger Bard	103 Webster Ave	7/27/16
②	<i>[Signature]</i>	Laura Lemley	98 Webster St.	7/27/16
③	<i>[Signature]</i>	ENRICO HERRING	98 WEBSTER ST.	7-27-16
④	<i>[Signature]</i>	SHERRON HERRING	57 TALLPINES DR APT 5	7/27/16
⑤	<i>[Signature]</i>	Nicholas Meserve	89 Webster St #1	7/27/16
⑥	Bruce A. Cavanagh	BRUCE A. CAVANAGH	11 DOVE LANE	7/27/16
⑦	Lorraine A. Cavanagh	LORRAINE A. CAVANAGH	11 Dove Lane	7/27/16
⑧	<i>[Signature]</i>	Margaret Williams	35 Barron	7-27-16
⑨	<i>[Signature]</i>	RANDY BUCKLIN	21 GERMAINE	7-27-16
⑩	<i>[Signature]</i>	CAROLINE PEASE	22 GERMAINE	7-27-16
⑪	<i>[Signature]</i>	LAURIER P. PEASE	22 GERMAINE ST	7-27-16
⑫	Sandra Worthington	Sandra Worthington	28 Barron Ave	7/27/16
⑬	<i>[Signature]</i>	R. HARRIS COTE	25 GERMAINE	7/27/16
⑭	Rejeanne A. Cote	REJEANNE COTE	25 GERMAINE	7/27/16
⑮	Joseph R. Fournier	JOSEPH R. FOURNIER	100 CAMPUS RD	7/27/16
⑯	<i>[Signature]</i>	Celeste Onofri	15 Marquette Ave	7/27/16
⑰	Jan Corey	Jan Corey	127 Webster St New	7/27/16
⑱	Rita Penney	Rita Penney	30 Webster St	7/27/16
⑲	<i>[Signature]</i>	LISA L. WILSON	36 Barron Ave	7/27/16
⑳	Paul Melanson	Paul Melanson	121 Webster St Lew	7/28/16

CIRCULATOR'S VERIFICATION

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

James Pittman
Signature of Circulator

JAMES PITTMAN
Printed Name of Circulator

7/28/16
Date

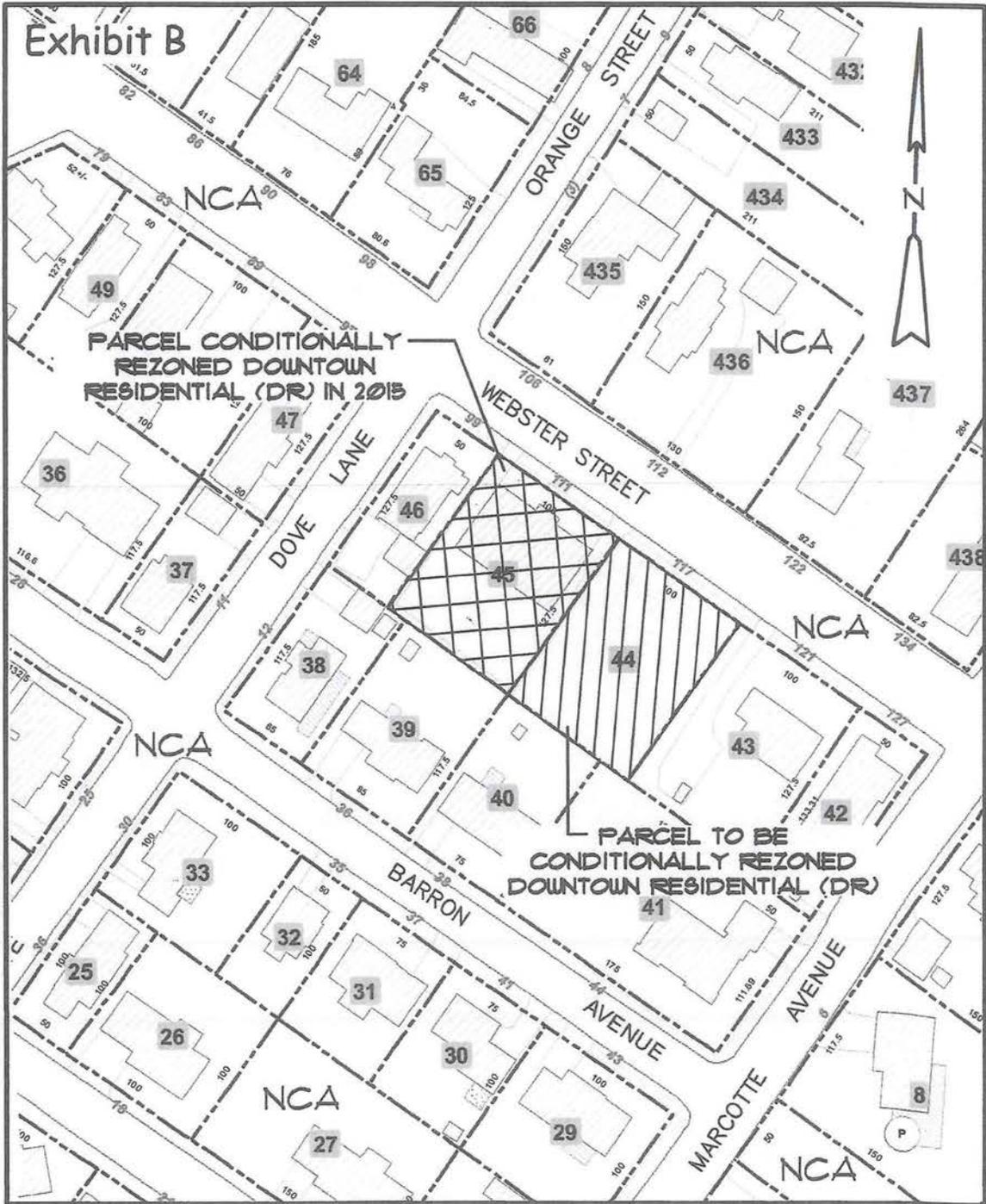
REGISTRAR'S CERTIFICATION

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

Total Valid: 19 Total Invalid: 1

Quinn P. Blain, Rep.
Signature of Registrar/Deputy Registrar

Date: 7/28/16



PROPOSED ZONING MAP AMENDMENT

117 WEBSTER STREET - LEWISTON, MAINE
 OWNER: JAMEY PITTMAN
 SCALE: 1" = 100'
 DATE OF GRAPHIC: JULY 27, 2016
 SOURCE: CITY OF LEWISTON TAX MAP 174
 PUBLICATION DATE: 2014

Stoneybrook
 Consultants, Inc.

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

THE CITY OF LEWISTON HEREBY ORDAINS:

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

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

Sec. 1. Zoning Map

The "Official Zoning Map, City of Lewiston," adopted pursuant to this Section, is hereby amended by conditionally rezoning the parcel more fully described in Exhibit "A" attached hereto, and as shown on Exhibit "B," said parcel being located at 117 Webster Street, Lewiston, Maine, from the Neighborhood Conservation "A" (NCA) zoning district to the Downtown Residential (DR) zoning district.

REASONS FOR THE PROPOSED AMENDMENT

The reason for the proposed conditional rezoning of 117 Webster Street is to allow accessory uses to support the existing commercial building located on the abutting property at 111 Webster Street which was recently rezoned for market rate multifamily housing. This site has been vacant for many years. The proposed change would allow access, additional parking and construction of garage and/or storage units for the tenants of the market rate multifamily housing units. The conditional zoning request would reinforce residential uses in this residential neighborhood. Specifically, proponent would like to have the property, which is currently zoned for the Neighborhood Conservation "A" (NCA) zoning district, conditionally rezoned to the Downtown Residential (DR) zoning district to allow for the creation of accessory structures or uses to support the market rate multifamily dwellings at 111 Webster Street in addition to those uses currently allowed in the NCA.

CONFORMANCE WITH COMPREHENSIVE PLAN

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

4. A sustainable community provides housing opportunities for all residents (Long Range Planning – Sustainable Communities, Page 130).
5. Provide incentives for adaptive reuse of building or infill construction (Long Range Planning Policy #3, Strategy A, page 134).
6. Encourage and promote affordable, decent housing opportunities for all Lewiston citizens and continue to allow a diverse range of housing types in the community (Long Range Planning Policy #5, page 135).

CONDITIONAL REZONING AGREEMENT

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

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

1. Land Use Table:

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

Land Use Table: All Zoning Districts	Conditional Rezoning (DR) 117 Webster Street
USES(15)(33)	
Accessory use or structure	P
Commercial-Service	
Veterinary facilities excluding kennel and humane societies	
Veterinary facilities including kennel and humane societies	
Small day care facilities	P(22)
Day care centers	

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

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

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

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

Applicable footnotes:

- XII Sec. 22.
(22) Accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.

2. Space and Bulk Table:

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

Dimensional Requirements	Downtown Residential DR
Minimum lot size with public sewer	
Single family detached	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Veterinary facilities	
Other uses	
All permitted uses	5,000 s.f.
Minimum lot size without public sewer	
Single family detached	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Veterinary facilities	
Other uses	
Minimum net lot area per du with public sewer	
Two-family dwellings	
Multifamily dwellings	
All permitted uses	1,250 s.f.
Minimum net lot area per du without public sewer	
Two-family dwellings	
Minimum frontage	
Single family detached, mobile homes	
Two-family dwellings	

Single family cluster development (with multiple vehicular access)	
Multifamily dwellings (with multiple vehicular access)	
Religious facilities	
Other uses	
All permitted uses	75 ft.
Minimum front setback	
Single family detached, mobile homes on individual lots	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Religious facilities	
Other uses	20 ft. (21,22)
All permitted uses	20 ft. (21, 22)
Minimum front yard	
Single family detached, mobile homes on individual lots	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Religious facilities	
Other uses	20 ft. (21)
All permitted uses	20 ft. (21)
Minimum side and rear setback	
Single family detached, mobile homes on individual lots	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Religious facilities	
Other uses	15 ft. (21)
All permitted uses	15 ft. (21)
Minimum side and rear yard	
Single family detached, mobile homes on individual lots	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Religious facilities	
Other uses	10 ft.
All permitted uses	10 ft.
Maximum height	
Other permitted uses	35 ft.
Ratios	
Maximum lot coverage	
Maximum impervious coverage	0.75

Applicable Footnotes:

- (21) Notwithstanding, applicable setback and yard requirements and the provisions of Article XII, section 17(f)(3), the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall be maintained as a yard area, except that only one (1) of the two (2) following options may be instituted: a. Access roads or drives in this area are permitted only when a minimum of twenty (20) feet of front yard area can be maintained (forty (40) feet in the NCA District); or b. No more than one (1) parking space shall be created in this area.
 - (22) In areas where the existing buildings have an established uniform setback relationship to the street, any new building or modification to an existing building shall maintain this established relationship notwithstanding the setback provisions of that district. An established uniform setback relationship is deemed to exist when the distances between the front face of the building and edge of the travel way in the adjoining street for the two adjacent parcels fronting on the same street on each side of the subject parcel are within +/- five (5) feet of mean of this distance for the four (4) parcels. For the purposes of this provision, lots shall be deemed to be adjacent even if separated by a street or public easement.
3. Notwithstanding the provisions under article XI, sections 1 through 14, district regulations, with respect to space and bulk standards for setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height, modifications of these standards may be granted pursuant to Article V, Section 3(v) and Article IX, subsections 3(9) through (11) if met and satisfied.
 4. Violations of any of the conditions herein will constitute a violation of the Code.
 5. The conditions described herein shall bind the proponent, its successors and assigns, and any person in possession or occupant of the subject premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.
 6. The proponent shall, at his own expense, record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of this proposal by the City. Such form of recording is to be in a form satisfactory to the City.
 7. The conditions described herein shall run with the subject premises.
 8. In addition to other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession of use of the subject premises fails or refuses to comply with any of the conditions imposed, any rezoning approved by the City in accordance with the conditions shall be of no force or effect. In that event, any use of the subject premises and any building or structures developed pursuant to the rezoning shall be

immediately abated and brought into compliance with all applicable provisions of the Code with the same effect as if the rezoning had never occurred.

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

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

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

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

Jamey Pittman, Proponent

On _____, 2016, personally appeared the above named Jamey Pittman and acknowledged the foregoing to be of his free act and deed.

Notary Public

My Commission Expires:

MUNICIPAL QUITCLAIM DEED
STATUTORY SHORT FORM
TITLE 33, §775

CITY OF LEWISTON, a body corporate and politic in Androscoggin County, Maine, with a mailing address of 27 Pine Street, Lewiston, ME 04240, for consideration paid, releases to JAMEY PITTMAN having a mailing address of 30 Taywood Road, Auburn, Maine 04210, a certain lot or parcel of land situated in the City of Lewiston, County of Androscoggin, and State of Maine, more particularly described in Exhibit A attached hereto and made a part hereof.

The said Inhabitants of the municipality of the City of Lewiston have caused this instrument to be signed in its corporate name by Edward A. Barrett, its City Administrator, duly authorized, this 7th day of July, 2016.

CITY OF LEWISTON

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

STATE OF MAINE
COUNTY OF ANDROSCOGGIN

July 7, 2016

Personally appeared the above-named Edward A. Barrett, City Administrator for the City of Lewiston and acknowledged the above instrument to be his free act and deed and the free act and deed of the City of Lewiston.

Before me,



Susan Y. Turcotte
Notary Public/Attorney-at-Law

Susan Y. Turcotte
(Print Name)

EXHIBIT A

The land and buildings thereon in Lewiston, Androscoggin County, Maine, bounded and described as follows:

COMMENCING in the Southwesterly line of Webster Street at the Easterly corner of a parcel of land conveyed by the Franklin Company to Annie Ross by deed numbered 1664, dated November 14, 1924; thence in a Southeasterly direction by the said Southwester line of Webster Street about one hundred (100') feet to land conveyed by the Franklin Company to Armand Poliquin by deed numbered 1744, dated August 12, 1931; thence in a Southwesterly direction by land conveyed to the said Poliquin one hundred twenty-seven and five-tenths (127.5') feet to land conveyed by the Franklin company to Paul J. and Annette M. Fortier by deed numbered 1983, dated February 10, 1959; thence in the Northwesterly direction by land of the said Fortier and by land conveyed by the Franklin Company to Lucien J. Lebel by deed numbered 1982, dated January 9, 1959, one hundred (100') feet, more or less, to land conveyed to the said Ross; thence in a Northeasterly direction by land conveyed to the said Ross one hundred twenty-seven and five-tenths (127.5') feet to the point of beginning.

SUBJECT to the restrictions that no buildings erected thereon shall be placed nearer the line of Webster Street than twenty-five (25') feet.

NO building other than a dwelling house for occupancy of not more than two (2) families and only such garage or other outbuildings as may be appropriate for or incidental to the use of the occupants of such dwelling house shall be built on the lot hereby conveyed. No such house shall be occupied by more than two (2) families and no such house or buildings shall be built for or used in whole or in part as a store or for business purposes.

ALSO hereby conveying all rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

Meaning and intending to convey the same property described in a Warranty Deed from Guildo O. Poliquin, Milio J. Poliquin, Sr., and Monita P. Collet to Jean Marie Paradis and Rita C. Paradis dated April 7, 1986, and recorded in the Androscoggin County Registry of Deeds in 1916, Page 55.

Maine Real Estate Transfer Tax Paid
TINA M. CHOUINARD, REGISTER
ANDROSCOGGIN COUNTY MAINE E-RECORDED

Informational
Land Use Comparison Chart

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

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

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

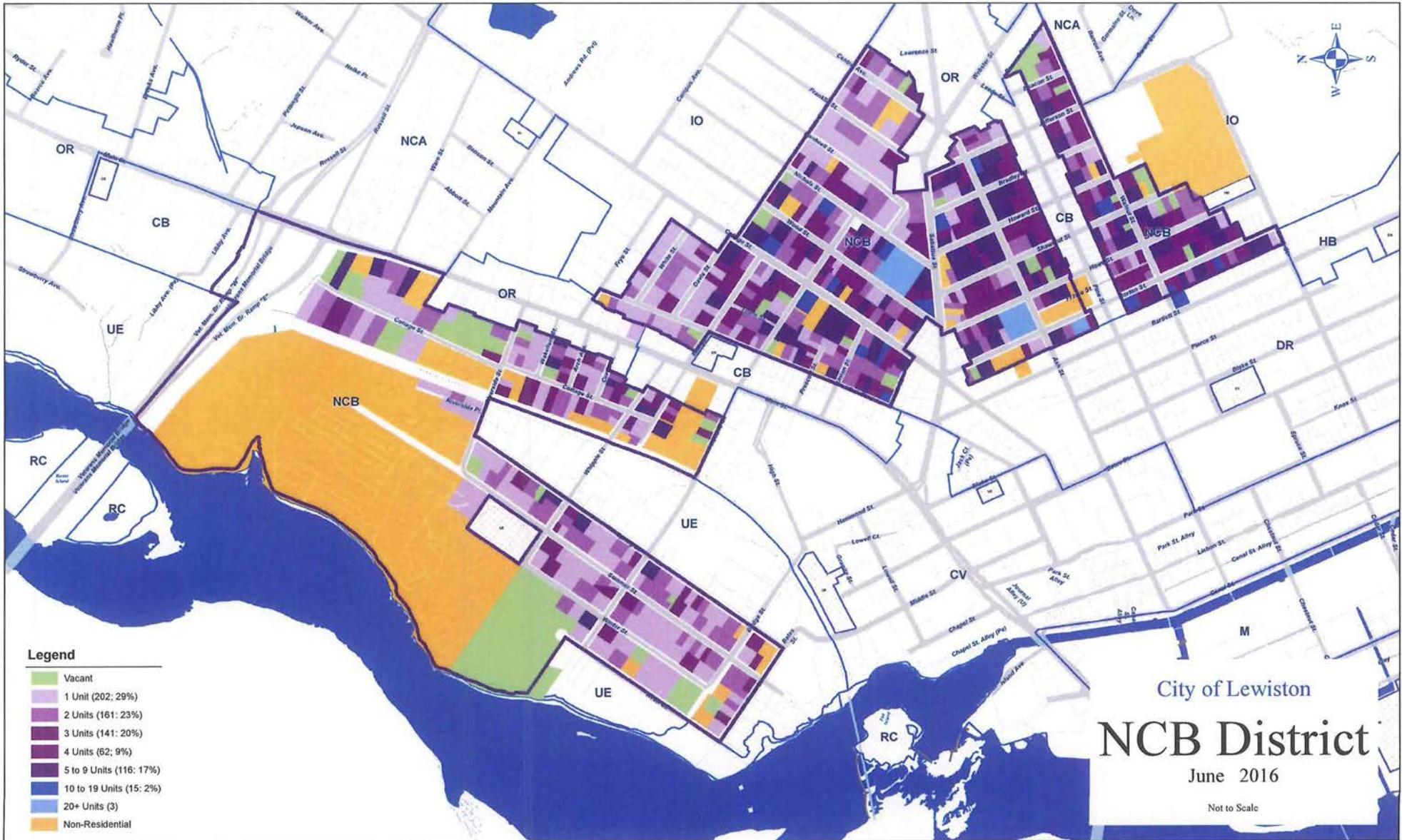
Agriculture		
Farm stands		
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	
Earth material removal		
Community gardens (20)	P	P
Water dependent uses, e.g. docks and marinas		
Non-residential structures for educational, scientific or nature interpretation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

Informational
Space and Bulk Comparison Chart

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

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

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



Legend

Green	Vacant
Light Purple	1 Unit (202; 29%)
Medium Purple	2 Units (161; 23%)
Dark Purple	3 Units (141; 20%)
Very Dark Purple	4 Units (62; 9%)
Black	5 to 9 Units (116; 17%)
Blue	10 to 19 Units (15; 2%)
Dark Blue	20+ Units (3)
Orange	Non-Residential

LEWISTON CITY COUNCIL

MEETING OF AUGUST 9, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Condemnation Hearing for the building located at 24 Lemont Avenue.

INFORMATION:

This item is being continued from the August 9, 2016 City Council meeting. The City has begun the process for condemnation of the property at 24 Lemont Avenue 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
---	---	---	---	---	---	---	---

1) To conduct a hearing to determine if the building located at 24 Lemont Avenue 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 24 Lemont Avenue, 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.

FORECLOSURE DEED

KNOW ALL BY THESE PRESENTS, that U.S. Bank National Association, as Trustee for SASCO Mortgage Loan Trust 2006-WF2, with a mailing address of c/o Wells Fargo Home Mortgage, 3476 Stateview Blvd, Fort Mill, South Carolina 29715 (GRANTOR), for consideration paid, the receipt of which is hereby acknowledged, does hereby give, grant, convey and release unto U.S. Bank National Association, as Trustee for SASCO Mortgage Loan Trust 2006-WF2, with a mailing address of c/o Wells Fargo Home Mortgage, 3476 Stateview Blvd, Fort Mill, SC 29715 (GRANTEE) its successors and assigns forever, that certain lot or parcel of land, with any buildings thereon, located at 24 Lemont Avenue, Lewiston, Androscoggin County, Maine, 04240, as more fully described in Exhibit A attached hereto and fully incorporated herein by reference.

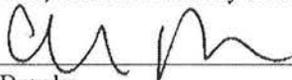
BEING THE SAME PREMISES described in a Mortgage Deed of Michael A. Conant and Julia A. Conant, dated March 3, 2006 and recorded in the Androscoggin County Registry of Deeds in Book 6689, Page 58, which mortgage was foreclosed by civil action pursuant to 14 M.R.S.A §6321 et seq. in Maine District Court, Lewiston Docket No. LEWDC-RE-14-134, entitled U.S. Bank National Association, as Trustee for SASCO Mortgage Loan Trust 2006-WF2 v. Michael A. Conant a/k/a Michael Conant and Julia A. Conant. Evidence of compliance with 14 M.R.S.A. §6323(1) is attached hereto.

Notwithstanding the date of execution or acknowledgement, this deed shall not be deemed delivered and the conveyance of the subject property and assignment of rights shall not be effected until this deed has been recorded in the Androscoggin County Registry of Deeds.

IN WITNESS WHEREOF, the said U.S. Bank National Association, as Trustee for SASCO Mortgage Loan Trust 2006-WF2 by Wells Fargo Bank NA as attorney in fact, has caused these presents to be signed this 31st day of March 2016.

MAINE REAL ESTATE
TRANSFER TAX PAID

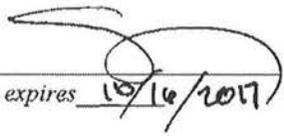
U.S. Bank National Association, as Trustee for
SASCO Mortgage Loan Trust 2006-WF2 by Wells
Fargo Bank, N.A. as Attorney-in-Fact

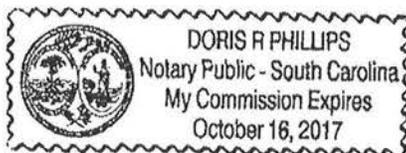
By: 
Asahia Brooks
Vice President Loan Documentation
Wells Fargo Bank NA
03/31/2016

State of South Carolina

County of York

The foregoing instrument was acknowledged before me this 31st day of March 2016 by Asahia Brooks Vice President Loan Documentation; on behalf of Wells Fargo Bank, N.A., a national banking association. Asahia Brooks [] is personally known to me or [x] produced satisfactory evidence of identification.

Notary Public 
My commission expires 10/16/2017



14-020990

EXHIBIT A

Exhibit A

A certain tract or parcel of land, with the buildings thereon, situated in Lewiston, County of Androscoggin, and State of Maine, being more particularly bounded and described as follows:

BEGINNING at a point on the southwesterly line of Lemont Avenue which point is one hundred fifty-five (155) (sic) feet from the intersection of the northwesterly line of East Avenue and the southwesterly line of Lemont Avenue; thence in a northwesterly direction, along Lemont Avenue, a distance of one hundred (100) feet to property conveyed by Joseph S. Thibodeau, et al, to Norman G. Berube and Bertha L. Berube by deed dated November 4, 1959 and recorded in the Androscoggin County Registry of Deeds in Book 815, Page 492; thence in a southwesterly direction, along said land now or formerly owned by said Berube, a distance of one hundred (100) feet to Berube's southerly corner; thence at right angles in a southeasterly direction a distance of fifty five (55) feet to land conveyed to Pierre Chabot by Albro D. Morse by deed dated July 16, 1916 and recorded in said Registry in Book 264, Page 479; thence at right angles in a northeasterly direction, along said land now or formerly of Chabot, a distance of twenty (20) feet to a point; thence at a right angle in a southeasterly direction forty five (45) feet to a point; thence at a right angle in a northeasterly direction a distance of eighty (80) feet to the point of beginning.

Reference is hereby made to a deed from Beau John Blais dated June 28, 2002 to Matthew J. Prince and Candie M. Prince and recorded in the Androscoggin County Registry of Deed in Book 5038, Page 235.

EVIDENCE OF COMPLIANCE WITH 14 M.R.S.A. §6323(1)

In accordance with the Consent Judgment of Foreclosure and Sale with Waiver of Deficiency and Waiver of Redemption entered January 12, 2016, U.S. Bank National Association, as Trustee for SASCO Mortgage Loan Trust 2006-WF2 caused a Notice of Public Sale to be published in the Lewiston Sun Journal on February 15, 2016, February 22, 2016, and February 29, 2016. This newspaper is of general circulation in Androscoggin County, and the first publication was within the 90 day period provided for by 14 M.R.S.A. §6323. An affidavit of this publication is attached hereto.

Pursuant to the Notice of Public Sale, U.S. Bank National Association, as Trustee for SASCO Mortgage Loan Trust 2006-WF2 conducted a sale of the property at 24 Lemont Avenue, Lewiston, ME 04240 on March 17, 2016 at the Law Office of Shapiro & Morley, LLC, 707 Sable Oaks Dr., Suite 250, South Portland, Maine 04106.

At said sale, the property was sold to U.S. Bank National Association, as Trustee for SASCO Mortgage Loan Trust 2006-WF2, as the highest bidder.

Above information supplied by Shapiro & Morley, LLC, Attorneys for U.S. Bank National Association, as Trustee for SASCO Mortgage Loan Trust 2006-WF2.

Sun Journal

Connecting you with your community

3/1/2016

SHAPIRO & MORLEY LLP
ATTN: CHRISTIE A. LADD
707 SABLE OAKS DRIVE SUITE 250
PORTLAND, ME 04106

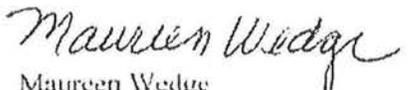
TO WHOM IT MAY CONCERN:

We hereby certify that the following:
LEGAL AD US Bank v Conant
was published in the DAILY Sun-Journal a newspaper having its principal place of
business in the County of Androscoggin. With general circulation in the Counties of
Androscoggin, Franklin and Oxford.

Date(s) Published: 2/15, 2/22, 2/29/16

Tearsheet (s): ENCLOSED
Invoice: ENCLOSED

Sun-Journal/SUNDAY
Lewiston, Me


Maureen Wedge
Vice President/ Human Resources

Subscribed and sworn to before me this 1st Day of March, 2016 at Lewiston, in the
County of Androscoggin, in the State of Maine.


NOTARY PUBLIC

KRISTINE M. POWELL
Notary Public, Maine
My Commission Expires July 18, 2021

104 PARK STREET • P. O. BOX 4400 • LEWISTON, MAINE • 04243-4400

(207) 784-5411 • toll free 1 800 482-0753 • advertising fax (207) 784-5955 • news fax (207) 777-3436

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Consented Judgment of Foreclosure and Sale entered January 12, 2016 in the action entitled **U.S. Bank National Association, as Trustee for SASCO Mortgage Loan Trust 2006-WF2 v. Michael A. Conant a/k/a Michael Conant and Julia A. Conant, et al.**, by the Maine District Court, Lewiston, Docket No. LEWDC-RE-14-134, wherein the Court adjudged the foreclosure of a mortgage granted by Michael A. Conant and Julia A. Conant to Wells Fargo Bank, N.A. dated March 3, 2006 and recorded in the Androscoggin County Registry of Deeds in Book 6689, Page 58, the period of redemption having expired, a public sale of the property described in the mortgage will be conducted on **Thursday, March 17, 2016, commencing at 10:00AM, at the Law Office of Shapiro & Morley, LLC, 707 Sable Oaks Dr., Suite 250, South Portland, Maine 04106.**

The property is located at 24 Lemont Avenue, Lewiston, Maine.

The sale will be by public auction. All bidders for the property will be required to make a deposit of \$5,000.00 in cash, certified or bank check at the time of the public sale made payable to Shapiro & Morley, LLC, which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within thirty (30) days of the public sale. In the event a representative of the mortgagee is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved. Additional terms will be announced at the public sale.

Shapiro & Morley, LLC, 707 Sable Oaks Dr., Suite 250, South Portland, Maine 04106,
(207)-775-6223.
14-020990

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

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

U.S. Bank National Association,
(as trustee for SASCO Mortgage
Loan Trust 2006-WF2)
c/o Wells Fargo Home Mortgage
3476 Stateview Blvd.
Fort Mill, SC 29715

US Bank National Association
(as trustee for Structured Asset Securities
Corporation Trust 2006-WF2)
c/o Wells Fargo Home Mortgage
3476 Stateview Blvd.
Fort Mill, SC 29715

Michael A. Conant
78 E Valentine Street
Westbrook, ME 04092

Julia A. Conant
151 Riverside Dr., Apt. 2
Auburn, ME 04210

Republic Bank & Trust Company
ATTN: Legal Department
601 West Market Street
Louisville, KY 40202

24 LEMONT STREET, LEWISTON, MAINE

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

August 9, 2016 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

This hearing is to determine whether the residential structure at 24 Lemont Street, Lewiston, Maine, identified as Lot 042 on Tax Map 146 of the City of Lewiston Tax Maps, and further described in a Deed recorded in the Androscoggin County Registry of Deeds at Book 6049, Page 237, 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.

EXHIBIT B

July 13, 2016

Kathleen M. Montejo
Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

July 13, 2016

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

Kelly J. Brooks
Notary Public /-Attorney at Law

Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept. 11, 2018

SEAL

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

Return

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
24 LEMONT STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.

On 8-2- 2016 (date), I served the above-referenced NOTICE OF HEARING upon party, U.S. Bank National Assoc., (as trustee for SASCO Mortgage Loan Trust 2006-WF2), c/o Wells Fargo Home Mortgage, by delivering a copy of the same at the following address: 3476 Stateview Blvd., Fort Mill, SC 29715

- 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 Cynthia Evans (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
YC50
 Agency

EXHIBIT C

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

U.S. Bank National Association,
(as trustee for SASCO Mortgage
Loan Trust 2006-WF2)
c/o Wells Fargo Home Mortgage
3476 Stateview Blvd.
Fort Mill, SC 29715

US Bank National Association
(as trustee for Structured Asset Securities
Corporation Trust 2006-WF2)
c/o Wells Fargo Home Mortgage
3476 Stateview Blvd.
Fort Mill, SC 29715

Michael A. Conant
78 E Valentine Street
Westbrook, ME 04092

Julia A. Conant
151 Riverside Dr., Apt. 2
Auburn, ME 04210

Republic Bank & Trust Company
ATTN: Legal Department
601 West Market Street
Louisville, KY 40202

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Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

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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.

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July 13, 2016

Kathleen M. Montejo
Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

July 13, 2016

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Kelly J. Brooks
Notary Public /-Attorney at Law

Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept. 11, 2018

SEAL

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

Return

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
24 LEMONT STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.

On 8-2, 2016 (date), I served the above-referenced NOTICE OF HEARING upon party, U.S. Bank National Assoc., (as trustee for Structured Asset Securities Corporation Trust 2006-WF2), c/o Wells Fargo Home Mortgage, by delivering a copy of the same at the following address: 3476 Stateview Blvd., Fort Mill, SC 29715

- 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 Christian EVANS (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

YC50
Agency

EXHIBIT D

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

U.S. Bank National Association,
(as trustee for SASCO Mortgage
Loan Trust 2006-WF2)
c/o Wells Fargo Home Mortgage
3476 Stateview Blvd.
Fort Mill, SC 29715

US Bank National Association
(as trustee for Structured Asset Securities
Corporation Trust 2006-WF2)
c/o Wells Fargo Home Mortgage
3476 Stateview Blvd.
Fort Mill, SC 29715

Michael A. Conant
78 E Valentine Street
Westbrook, ME 04092

Julia A. Conant
151 Riverside Dr., Apt. 2
Auburn, ME 04210

Republic Bank & Trust Company
ATTN: Legal Department
601 West Market Street
Louisville, KY 40202

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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.

July 13, 2016

Kathleen M. Montejo
Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

July 13, 2016

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Kelly J. Brooks
Notary Public / Attorney at Law

Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept. 11, 2018

SEAL

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
24 LEMONT STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.

On July 20, 2016 (date), I served the above-referenced NOTICE OF HEARING upon party, Michael A. Conant, by delivering a copy of the same at the following address: 78 E Valentine Street, Westbrook, ME 04092

- to the above named party in hand.
- to Anne Knight (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>16.00</u>
Travel:	\$	<u>9.70</u>
Postage:	\$	<u>.60</u>
Other:	\$	<u>5.00</u>
TOTAL:	\$	<u>31.30</u>


Signature

CCSO
Agency

EXHIBIT E

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

U.S. Bank National Association,
(as trustee for SASCO Mortgage
Loan Trust 2006-WF2)
c/o Wells Fargo Home Mortgage
3476 Stateview Blvd.
Fort Mill, SC 29715

US Bank National Association
(as trustee for Structured Asset Securities
Corporation Trust 2006-WF2)
c/o Wells Fargo Home Mortgage
3476 Stateview Blvd.
Fort Mill, SC 29715

Michael A. Conant
78 E Valentine Street
Westbrook, ME 04092

Julia A. Conant
151 Riverside Dr., Apt. 2
Auburn, ME 04210

Republic Bank & Trust Company
ATTN: Legal Department
601 West Market Street
Louisville, KY 40202

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July 13, 2016

Kathleen M. Montejo
Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

July 13, 2016

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

Kelly J. Brooks
Notary Public / Attorney at Law

Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept. 11, 2019

SEAL

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
24 LEMONT STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.

On July 19, 2016 (date), I served the above-referenced NOTICE OF HEARING upon party, Julia A. Conant, by delivering a copy of the same at the following address: 151 Riverside Drive, Auburn, ME 04210

- 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>21.00</u>
Travel:	\$	<u>3.00</u>
Postage:	\$	<u>2.00</u>
Other:	\$	<u>2.00</u>
 TOTAL:	\$	<u>28.00</u>

[Signature]
Signature

ASO
Agency



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

U.S. Bank National Association,
(as trustee for SASCO Mortgage
Loan Trust 2006-WF2)
c/o Wells Fargo Home Mortgage
3476 Stateview Blvd.
Fort Mill, SC 29715

US Bank National Association
(as trustee for Structured Asset Securities
Corporation Trust 2006-WF2)
c/o Wells Fargo Home Mortgage
3476 Stateview Blvd.
Fort Mill, SC 29715

Michael A. Conant
78 E Valentine Street
Westbrook, ME 04092

Julia A. Conant
151 Riverside Dr., Apt. 2
Auburn, ME 04210

Republic Bank & Trust Company
ATTN: Legal Department
601 West Market Street
Louisville, KY 40202

24 LEMONT STREET, LEWISTON, MAINE

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

August 9, 2016 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

This hearing is to determine whether the residential structure at 24 Lemont Street, Lewiston, Maine, identified as Lot 042 on Tax Map 146 of the City of Lewiston Tax Maps, and further described in a Deed recorded in the Androscoggin County Registry of Deeds at Book 6049, Page 237, 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.

July 13, 2016

Kathleen M. Montejo
Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

July 13, 2016

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

Kelly J. Brooks
Notary Public / Attorney at Law

Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept. 11, 2018

SEAL

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

Serve

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On _____, 2016 (date), I served the above-referenced NOTICE OF HEARING upon party, Republic Bank & Trust Company, ATTN: Legal Department, by delivering a copy of the same at the following address: 601 West Market Street, Louisville, KY 40202

- 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>40⁰⁰</u>
Travel:	\$	_____
Postage:	\$	_____
Other:	\$	_____
 TOTAL:	\$	<u>40⁰⁰</u>

Signature

JEFFSON CO SHERIFF

Agency

**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**

September 12, 2014

Michael Conant
24 Lemont Street
Lewiston Maine 04240

Julia Conant
24 Lemont Street
Lewiston Maine 04240

RE: 24 Lemont Street, Lewiston, Maine

Dear Mr. and Mrs. Conant:

It has come to the attention of this office that the building at 24 Lemont Street 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, potable water. Furthermore the second floor apartment continues to be occupied without these necessary facilities. 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.

I hereby condemn and placard the building and property at 24 Lemont Street 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 unoccupied and 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 **October 15, 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

EXHIBIT H

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,


Jeff Barz
Code Enforcement Officer

Code case: 2332-2014

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**MICHAEL & JULIA CONANT
24 LEMONT STREET
LEWISTON ME 04240**

2. Article (Trans)

PS Form

COMPLETE THIS SECTION ON DELIVERY

A. Signature

**Fern Twitchell*

- Agent
- Addressee

B. Received by (Printed Name)

Fern Twitchell

C. Date of Delivery

10/6/14

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

Domestic Return Receipt

1C2595-02-M-1540

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

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or I
City

**MICHAEL & JULIA CONANT
24 LEMONT STREET
LEWISTON ME 04240**

Instructions

24 Lemont Street

Photos taken July 2, 2013, August 27, 2014, June 26, 2015, March 1, 2016 and July 12, 2016. Front view of the building showing severely deteriorated asbestos siding, trim and collapsing porch.



EXHIBIT 1

Photo # 2 shows the deteriorated collapsing porch, missing and deteriorated siding

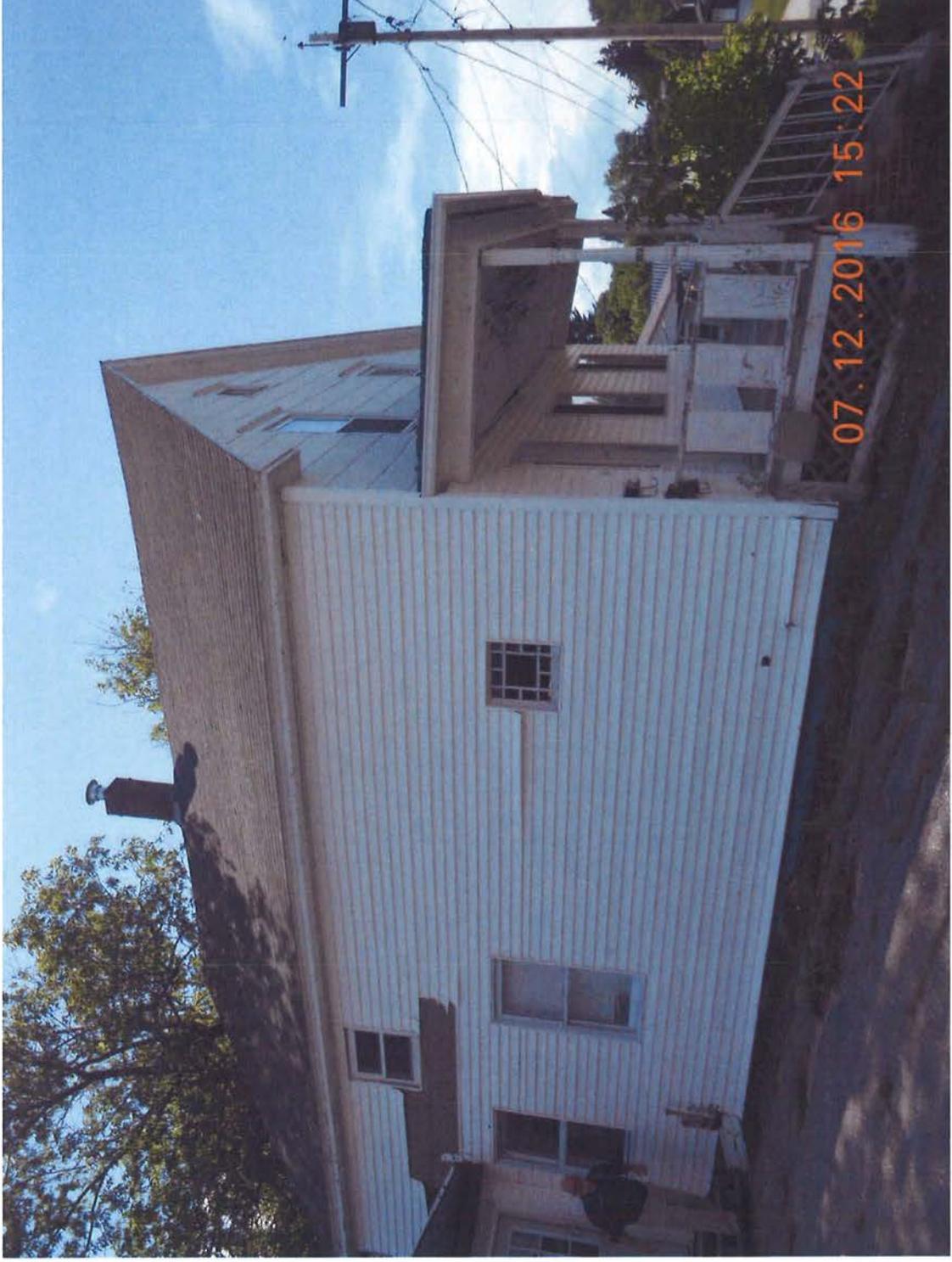


Photo # 3 shows the collapsed deck and porch roof bearing post off of the bearing metal pipe creating a dangerous potential for catastrophic collapse.



Photo # 4 shows another view of the collapsed porch.



Photo # 5 shows a raised deck plank due to the bearing steel post pushing through structural components creating instability.



Photo # 6 shows damage porch roof leak, structural failure and collapse of the ceiling planks.



Photo # 7 shows the failure of a bearing post and beam resulting in compression of the bearing members likely due to rot from moisture infiltration.



Photo # 8 shows another collapse of the porch bearing members off the bearing steel post making the structure unstable and hazardous.



Photo # 9 shows the ineffective attempts to stabilize the porch with the haphazard stacking of cinder blocks and lumber.



Photo # 10 shows another angle of the blocks and lumber. Observe the cracked stringer beam center of the photograph.



Photo # 11 shows missing siding and the collapse of the side porch and stairs making hazardous conditions.



Photo # 12 shows an ineffectively constructed porch roof with exposed unrated materials and over cantilevered 2x4 roof rafters in violation of Code .



Photo # 13 shows broken windows left on the rear porch area and exposed unrated materials.

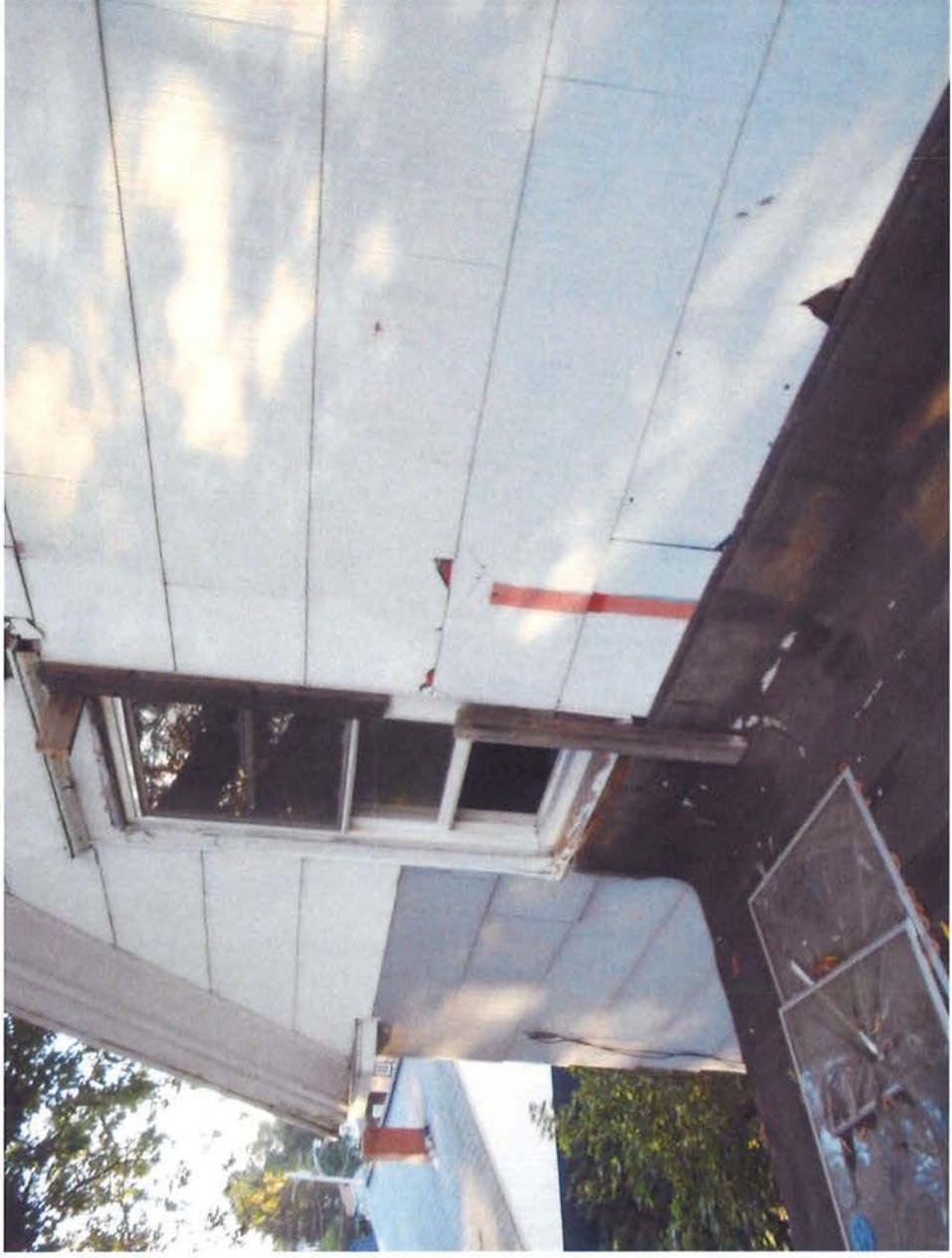


Photo # 14 shows the remnants of a removed roove structure leaving exposed unrated material.



Photo # 15 shows damage and frayed asbestos siding creating hazardous conditions and openings through the exterior finish materials into the structure allowing the entry of the elements.



Photo # 16 shows loose and collapsed siding leaving unrated materials exposed.

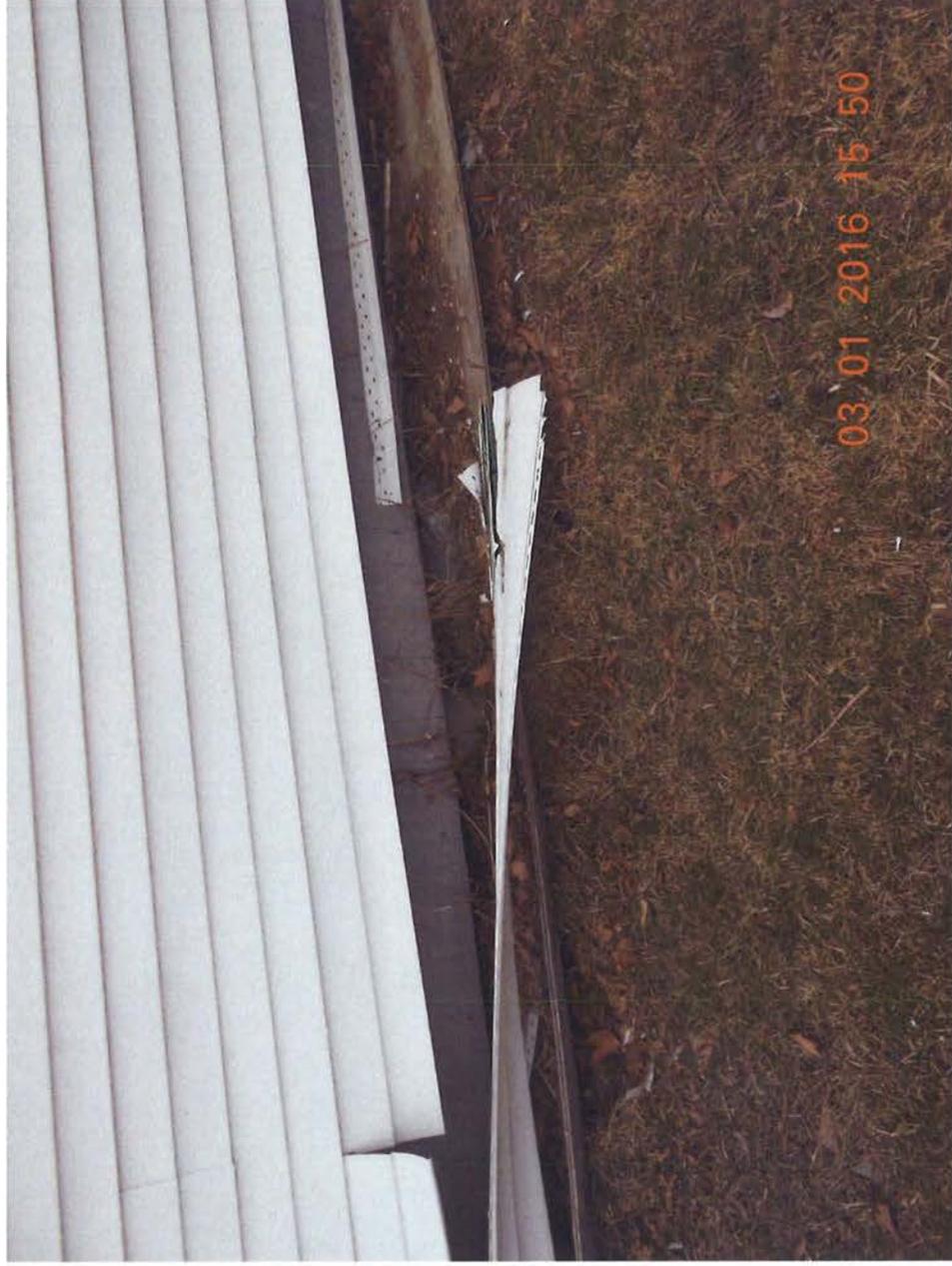


Photo # 17 shows more failing siding attachments allowing for its collapse from the building.

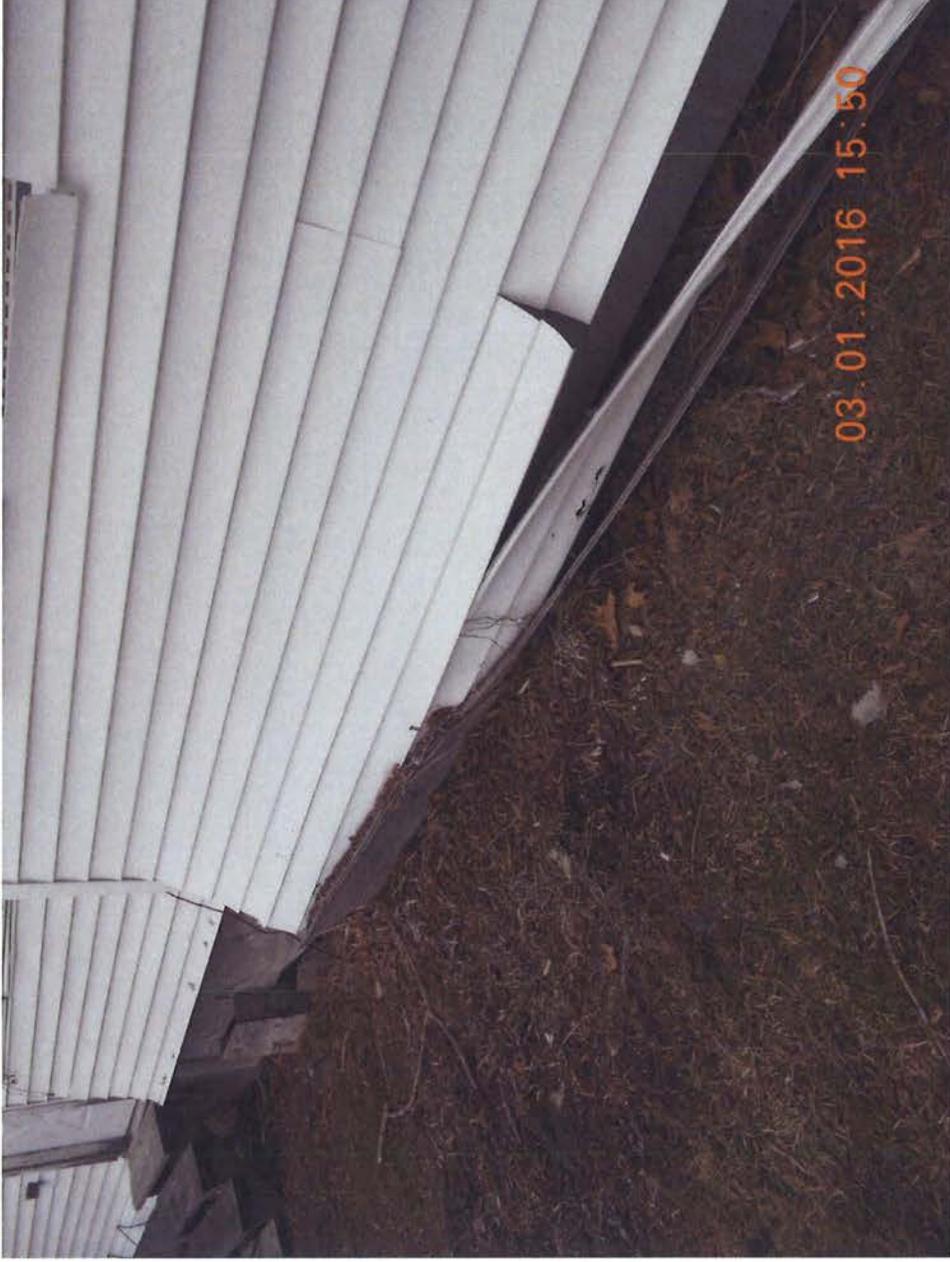


Photo # 18 shows severely deteriorated and collapsing skirting leaving unrated materials exposed.



Photo # 19 shows failing plumbing drainage system and opening through the fire rated assembly creating a pathway for the accelerated spread of fire.



07.12.2016 15:15

Photo # 20 shows the removal of copper heating pipes making the heating system inoperative.



Photo # 21 shows the open electrical panel with illegally installed conductors and a severely deteriorated and corroded service entry cable creating hazardous and dangerous conditions when energized.

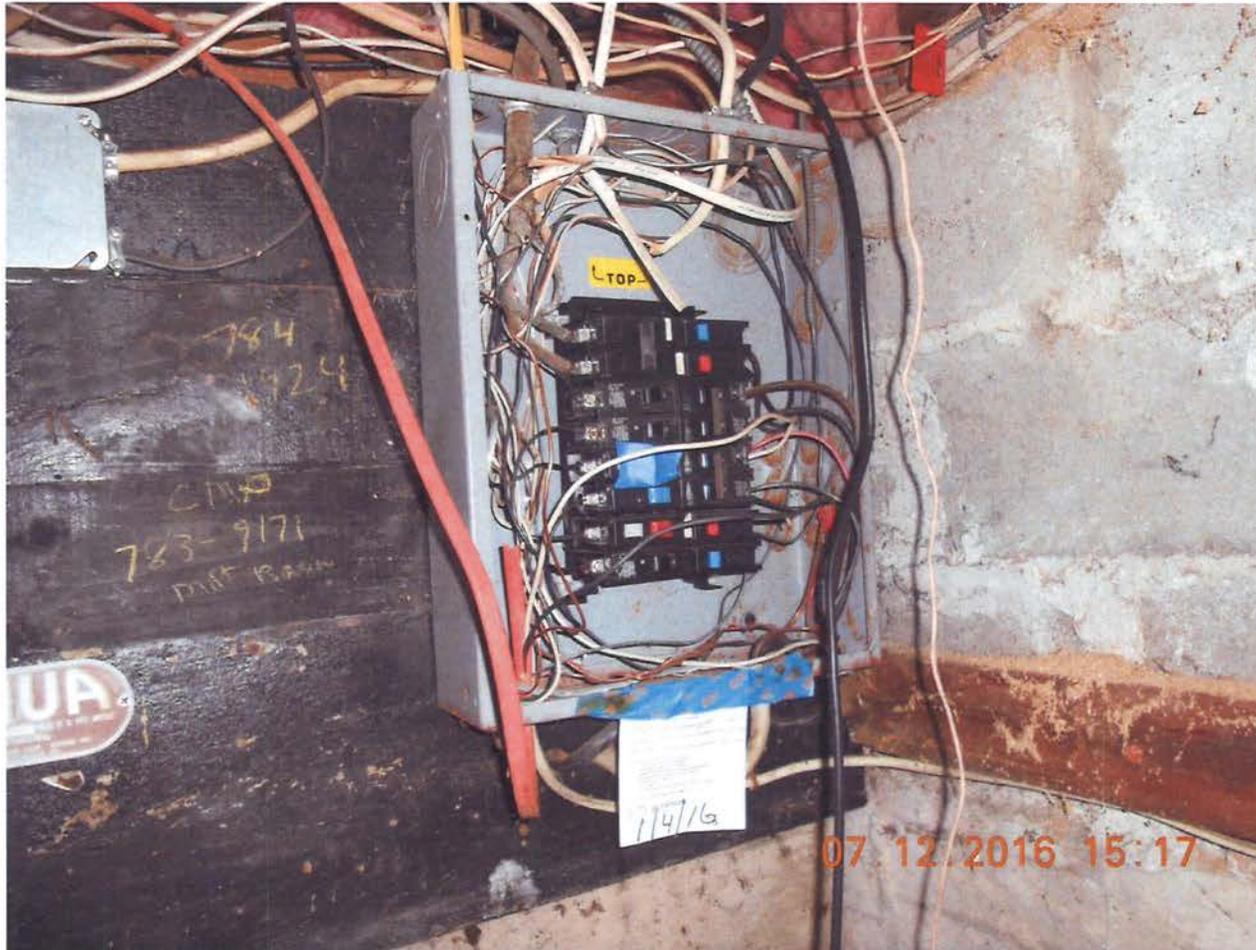


Photo # 22 shows the corroded and collapsed boiler vent pipe allowing for the hazardous byproduct s of combustion to enter the structure making for dangerous conditions.



Photo # 23 shows cut copper piping making the heating system inoperative.

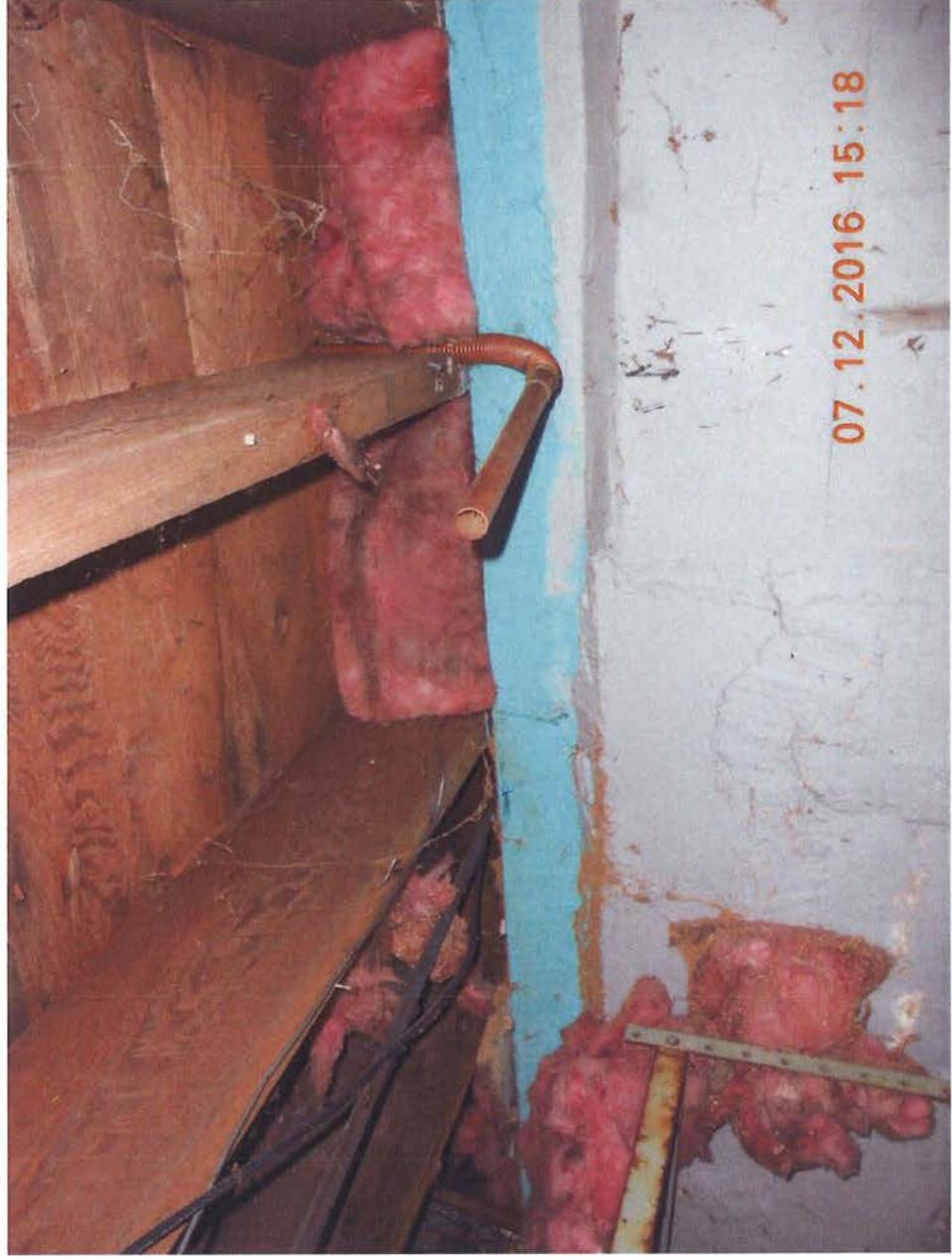


Photo # 24 shows the results of flooding where unrated electrical conductors have been submerged in violation of Code making for hazardous conditions.



Photo # 25 shows the dryer vented into the chimney cavity chase in violation of the appliances listing specifications and Code.



Photo # 26 shows the effects of the bearing material collapse likely due to infective soils preparation and/or footing structure making the structure unstable.



LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT:

Order approving changes to the Solid Waste Fee Schedule and authorizing use of \$6,000 from the Solid Waste Repairs to Building Account to Implement Changes in the Scale Management Software to support the fee schedule changes.

INFORMATION:

This is a recommendation from the Public Works Committee to simplify the Solid Waste fee schedule. Please see the attached memorandum from Public Works Director David Jones for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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

To approve the Order approving changes to the Solid Waste Fee Schedule and authorizing use of \$6,000 from the Solid Waste Repairs to Building Account to Implement Changes in the Scale Management Software to support the fee schedule changes.



City of Lewiston Maine
City Council Order
September 6, 2016



Order, Approving changes to the Solid Waste Fee Schedule and Authorizing Use of \$6,000 from the Solid Waste Repairs to Building Account to Implement Changes in the Scale Management Software to Support the Fee Schedule Changes.

Whereas, the Public Works Committee recommended simplifying the Solid Waste fee system by eliminating individual commodity fees and going to a straight fee per weight system, with a recommended fee of \$93.00/ton of waste; and

Whereas, the Public Works Department identified changes needed to the Solid Waste Fee Schedule to implement this recommended change; and

Whereas, the Public Works Department has obtained a budget estimate of \$6,000 to adjust the Scale Management software to implement this change;

Now, Therefore, Be It Ordered that the attached Solid Waste Fee Schedule changes are approved and the use of \$6,000 from the Solid Waste Repairs to Building Account to implement the changes in the Scale Management Software needed to support the Fee Schedule changes is authorized.

SOLID WASTE POLICY

Solid Waste - Fee Schedule

The following schedule of fees shall be charged for use of the City's Solid Waste Facility (Facility) and services rendered by the City's Department of Public Works (DPW). ~~A Facility employee shall determine whether a vehicle entering the Facility contains a full or partial load and the fees listed below will be adjusted accordingly:~~

- A. Vehicles with an "ePass" or an "abbreviated ePass"(as defined in Section 62-11 of the City of Lewiston Code of Ordinances) will not be charged for waste disposal of those materials identified on the "ePass" or an "abbreviated ePass" up to the limit as set on the "ePass" or an "abbreviated ePass". When material is brought to the Facility and the "ePass" or an "abbreviated ePass" is presented, it will be entered into the Facility's Scale Management System to identify that material being disposed. Once all items of a particular type on the "ePass" or an "abbreviated ePass" have been used, any additional waste material brought to the Facility will be paid for at the current disposal rates—~~identified in the following sections.~~ Failure to present the "ePass" or an "abbreviated ePass" to the Scale House Attendant will result in charges for the disposal of the waste material.
- | | |
|--|-----------------------------|
| | "Abbreviated ePass" \$10.00 |
| | First "ePass" \$20.00 |
| | Second "ePass" \$40.00 |
- B. All vehicles, which do not have a valid ~~Punch~~ePass for the type of materials to be disposed and compaction vehicles shall be weighed and charged a unit price of: \$93.00/Ton
- The minimum disposal charge shall be: \$7.00
- C. All vehicles with special waste shall be weighed and charged (in addition to the ~~\$95.00~~\$93.00/ton disposal fee) a State surcharge of: \$2.00/Ton
- ~~All vehicles with special waste shall be weighed and charged (in addition to the \$95.00/ton disposal fee and the \$2.00 State surcharge) a City surcharge of: \$11.00/Ton~~
- D. All vehicles hauling commercial, or construction debris shall be subject to a minimum charge of: \$8.00
- E. ~~All vehicles containing only recyclables and/or scrap metal, as defined in Chapter 62 of the City Code of Ordinances:~~ NO FEE
- F. ~~Scale Weights (includes Commercial & Waste Haulers, as defined:~~ \$10.00/vehicle weight

SOLID WASTE POLICY

G. ~~All vehicles not having a valid punch pass for the following waste materials will be charged at the identified rate:~~

Wood Waste	\$ 90.00/Ton
Asphalt, bricks, concrete (without rebar)	6.00/Ton
Asphalt shingles and sheetrock (March—October)	79.00/Ton
Asphalt shingles and sheetrock (November—February)	90.00/Ton
Bulky Waste	79.00/Ton
20# Propane Tanks	3.00
Refrigerant containing appliances	11.00
Batteries (Non-Universal Waste)	NO FEE
Waste Oil	NO FEE
Florescent lights	NO FEE

H. ~~All mixed loads containing recyclables mixed with solid waste as determined by the Superintendent or his designee:~~ \$180.00/Ton

I. ~~Tires from all commercial and residential vehicles will be accepted as follows:~~

Up to 16" w/o rim	\$ 3.00/tire
Up to 16" w/rim	\$ 6.00/tire
>16" to 24"	\$ 6.00/tire
over 24"	\$22.00/tire

J. Exceptions: No fees shall be levied on the City (includes all City departments, agencies and school district) for the disposal of solid waste, as defined.

K. Waste Collection and Disposal from Multi-Unit Apartment Buildings, as defined in Section 62-11 of the City Code of Ordinances: \$170.00 per dwelling unit per year. In cases where the Multi-Unit Apartment Building is owner occupied the fee on the owner's dwelling unit will be waived.

L. One time application fee for Multi-Unit Apartment Buildings not receiving waste collection service provided by the City, as of July 1, 2006: \$100.00

SOLID WASTE POLICY

~~Waste Disposal Permits – Chapter 62 Solid Waste~~

Commercial permit	_____	\$ 55.00
Contractor annual permit	_____	55.00
Individual construction project permit	_____	11.00
Waste hauler permit	_____	110.00

~~Note: This permit schedule is outlined in the City Code of Ordinances Chapter 62, Article I In General.~~

Penalties - Chapter 62 Solid Waste

The first violation minimum fine is \$100. A second violation minimum fine for a violation occurring within six months of a first violation is \$210.00. A third or any subsequent violation occurring within six months of a first violation is \$420.00. In addition, where in the opinion of the superintendent the volume of waste material is considered excessive and or if the waste material is other than solid waste the minimum fine shall also include all costs of collection, transportation and disposal. Note: This penalty is outlined in the City Code of Ordinances Chapter 62 , Article I In General.

Hazardous Material - Chapter 62 Solid Waste

A fine of \$1,055.00 for each offense. Note: This penalty is outlined in the City Code of Ordinances Chapter 62, Article III Hazardous Materials.

Solid Waste – Spring Cleanup Assistance Event

The City will provide the Clean-Up Assistance Event (if funded), which will begin on the third Saturday in April and conclude on the fourth Saturday in April. During this event –

1. The Solid Waste Facility will be open on Saturday from 8:00 am to 4:00 pm. The Solid Waste Facility will be open during its regularly scheduled hours during the week. The Solid Waste Facility will be closed on Sunday.
2. During this event, only, tip fees and use of the ePass will be waived for Lewiston residents, only. Proof of residency – presentation of a current driver’s license, City issued tax bill and/or utility bill will be required to receive this service. Tip fees will not be waived for commercial accounts or owners of multi-unit apartment buildings as defined in Section 62-11 of the City Code Of Ordinance.
3. The following Solid Waste Materials must be brought to the Solid Waste Facility, by the resident, to receive this service. The City shall not provide curbside collection of the following listed waste materials, during this event. The following solid waste items brought to the Solid Waste Facility, during this event, will have tip fees/use of the ePass waived and shall be limited to –
 - a. Bulky Waste – includes old furniture, carpeting, mattresses, bedding, etc.
 - b. Construction and Demolition Debris – includes, but is not limited to, building

SOLID WASTE POLICY

materials such as plaster and lath, plumbing fixtures, insulation, asphalt, wall board, pressure treated wood, and metal conduit, etc.

- c. Wood (does not include pressure treated wood) – includes, demolition wood, which is free of metal, sheetrock, insulation and other solid waste), brush and tree waste (does not include stumps), wood furniture, etc.
 - d. Scrap Metal – includes appliances – stoves, washing machines, dryers, etc. Scrap Metal does not include – engines of any kind, gear boxes, lawn mowers or tanks which have not been cut in half and are devoid of any residue.
 - e. Televisions/computer monitors/personal computers – no more than seven (7) of these items per customer.
 - f. Household refrigerators/freezers/wall mounted air-conditioning units, which contain a refrigerant. Commercial units will not be accepted.
 - g. No more than four (4) tires (up to 16” diameter, off the rim)
 - h. No more than two (2) 20# propane tanks.
4. During the week of the Spring Clean-Up Event (the last full week in April), The City’s Department of Public Works will collect woody yard debris~~brush~~ (butt ends are to face the street) from the City’s residential properties (as defined in Sec. 62-11 of this chapter).
- a. Quantities are limited to 3 yd³ (one (1) standard pick-up truck load) per residence.
 - b. Residents must have all woody yard debris~~brush~~ placed curbside no later than the third Sunday in April.
 - c. Once Department of Public Works staff has cleared a street of curbside woody yard debris, they shall not return to that street to collect additional woody yard debris~~brush~~.
 - d. Curbside collection is restricted to woody yard debris ~~brush and tree waste~~ only. Wood/tree waste which shall not be collected includes – tree stumps (regardless of size), tree limbs greater than 12 inches diameter, demolition wood – fencing, decking, and/or wood from construction/demolition projects.



PUBLIC WORKS DEPARTMENT

David A. Jones, P.E., Director

August 3, 2016

Mayor and Members of the City Council,

At the May 10, 2016 City Council meeting, we provided you information and the recommendations of the Public Works Committee regarding suggested changes for the Solid Waste Facility, the Solid Waste Fee Schedule, and Solid Waste Ordinances. As a reminder, here is a summary of the three recommendations:

1. Simplify the fee system by eliminating the individual commodity fees and going to a straight fee per weight system. The committee recommends \$93/ton of waste. This is \$2/ton less than the current fee at the landfill, but \$5/ton more than MMWAC charges to encourage use of that facility. We checked a number of commodities and found this system would not significantly change the cost to consumers, but would simplify the administration of the program. Examples include:

Type of waste (approx average weight)	Current Fee	Proposed Fee
Refrigerator (weighs an average of ~250 lbs)	\$ 11.00	\$ 11.63
Tires w/o rim (25-30 lbs)	\$ 3.00	\$ 1.28
Tires w/ rim (30-36 lbs)	\$ 6.00	\$ 1.53
Bulky Waste - Recliner Chair (105 lbs)	\$ 4.15	\$ 4.88
Bulky Waste - Sleeper Sofa (350 lbs)	\$ 13.83	\$ 16.28

2. Revise the ePass system as follows:
 - a. Reduce the ePass to disposal of 1,000 lbs. of waste materials (regardless of waste type)
 - b. Homeowners would be eligible to receive a free pass once they paid their March property tax bill (No additional pass would be available)
 - c. A renter could obtain the new ePass for \$20 (limited to 1 pass per year)
 - d. A landlord who is an owner occupant would be eligible for 1 free ePass per year for the unit they occupy, when they pay their March property taxes
 - e. Landlords of multi-unit apartment buildings on the City Collection Program (City Ordinance Sec 62-13) would be eligible to purchase 1 ePass per year for every 3 non-owner occupied units for \$20 for each ePass.
3. Cleanup Assistance Week at the landfill would be eliminated as homeowners can use their free ePass (see above) any time during the year. The Lewiston Public Works Department will continue to collect brush placed butt ends to facing the street each spring. Quantities are limited to no more than one (1) standard pick-up truck load per residence.

During the discussion that night, we all agreed there should be more public input solicited regarding recommendations 2 & 3, and we hope to be able to set up public meetings to address those in the next month or so. Staff also asked for some time to identify what internal changes were needed to implement recommendation 1.

For recommendation 1, we found we will need to change the scale management software in order to accommodate this change and our consultant has provided a budget estimate of \$6,000 to implement these changes. The FY2017 solid waste budget is tight, but staff would suggest we use funding from the Solid Waste Repairs to Building Account 4343-427500 if the City Council would like to proceed with implementation. We recommend you approve use of these funds as part of the attached order.

In addition, we also identified changes needed to the current Fee Schedule to implement recommendation 1. These are included in the package and as part of the order we recommend the Council approve.

Once more Public input is received for recommendations 2 & 3, we will return to the City Council with recommended changes needed implement them.

Sincerely,

David A. Jones, P.E.

Cc: E Barrett, K. Montejo, M. Bates, R. Stalford

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT:

Resolve rescinding the current Worker's Compensation Safety Incentive Program.

INFORMATION:

In 2003, the City created a Worker's Compensation Safety Incentive program in which employees were awarded for extended periods of time without a lost time accident or injury. However, the goals of this program can be difficult to attain for some departments given the nature of their work since they deal with potentially greater physical hazards than others. The recommendation is to eliminate the current program and to establish an employee committee to create an incentive program that works for all employees regardless of their work exposure.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends the passage of this item.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve rescinding the current Worker's Compensation Safety Incentive Program.



COUNCIL RESOLVE

Resolve, Rescinding Current Workers Compensation Safety Incentive Program

Whereas, beginning in 2003, the City has offered a Workers Compensation Safety Incentive Program under which all employees were eligible for awards; and

Whereas, if a department operated for a set period of time without a lost time accident, all of the employees of that department were eligible for a cash payment (or gift card) in recognition of their safety record, with the length of time and the amount of the award varying by department; and

Whereas, staff has recently been reviewing this program due to a number of issues including the administrative burden it places on Human Resources and Finance in tracking the program and that it rewards Part-time employees who, basically, have no impact on lost time; and

Whereas, in addition, questions exist whether the system is fair in that some groups, such as City Hall, regularly receive these awards given staffs working environment while other departments, with greater hazards, do not; and

Whereas, staff intends to convene a group of employees to evaluate how best to structure a safety incentive program for the future, recognizing the issues identified with the current program.

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

The current Workers Compensation Safety Incentive Program is hereby rescinded and staff is authorized to convene a group of employees to design a replacement program for the future.



EXECUTIVE DEPARTMENT

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

August 31, 2016

To: Honorable Council Chair and Members of the City Council
Fr: Edward A. Barrett
Su: Rescinding the Current Workers Compensation Safety Incentive Program

Beginning in 2003, the City offered a Workers Compensation Safety Incentive Program under which all employees were eligible for awards. Basically, if a department operated for a set period of time without a lost time accident, all of the employees of that department were eligible for a cash payment (or gift card) in recognition of their safety record. The length of time and the amount of the award varied by department, given that some departments, such as Public Works, operate in a more challenging safety environment that do others, such as those in City Hall.

It appears that this program was reviewed by the City Council at the time it was implemented, although it also appears that implementation was by way of an administrative directive, rather than formal Council action.

Staff has recently been reviewing this program due to a number of issues including the administrative burden it places on Human Resources and Finance in tracking the program and that it rewards Part-time employees who, basically, have no impact on lost time. In addition, questions exist as to the fairness of the system in that some groups, such as City Hall, regularly receive these awards while other departments, with greater hazards, do not.

The annual cost of this program falls in the range of \$30,000 to \$45,000 per year.

Our plan is to pull together a group of employees to evaluate how best to structure a safety incentive program for the future, recognizing the issues we have identified with the current plan. Before doing so, however, we would like to rescind the current program given that a number of awards have recently been made and we are at a reasonable spot to place the program on hiatus.

A brief summary of the incentive structure is attached.

SAFETY INCENTIVES

ALL EMPLOYEES SHALL BE ELIGIBLE FOR AWARDS, HOWEVER, SINCE THE VARIOUS DEPARTMENTS HAVE DIFFERENT SEVERITY EXPOSURES, THE AWARDS AND THE AMOUNT OF TIME WITHOUT A LOSS TIME ACCIDENT WILL VARY
[NOTE: IN DEFINING A LOSS TIME ACCIDENT, THE MAINE WORKERS' COMPENSATION ACT PROVIDES FOR A 7-DAY WAITING PERIOD. THEREFORE, FOR THE PURPOSE OF DEFINING A LOSS TIME ACCIDENT, AN EMPLOYEE MUST BE OUT MORE THAN 7- CONSECUTIVE DAYS]

AWARDS

Public Works, Public Services Departments:

3-	months	without	loss	time	accident	--\$45	Check	for	All
6-	"	"	"	"	"	--1	Additional	vacation	
							Day	for	All
9-	"	"	"	"	"	--\$45	Check	for	All
12-	"	"	"	"	"	--\$100	Check	for	All
24-	"	"	"	"	"	--\$175	Check	for	All
36-	"	"	"	"	"	--\$225	Check	for	All

Police Department:

3-	months	without	loss	time	accident	--(9)	\$50	Checks	Drawn	
6-	"	"	"	"	"	--(12)	\$50	Checks	Drawn	
9-	"	"	"	"	"	--(9)	\$50	Checks	Drawn	
12-	"	"	"	"	"	--	\$100	Checks	for	All
24-	"	"	"	"	"	--	\$175	Checks	for	All
36-	"	"	"	"	"	--	\$225	Checks	for	All

City Hall, Library & Recreation Department:

3-	months without loss time accident	--(3)	\$50 Checks Drawn
6-	" " " " "	--(6)	\$50 Checks Drawn
9-	" " " " "	--(3)	\$50 Checks Drawn
12-	" " " " "	--	\$100 Checks for All
24-	" " " " "	--	\$175 Checks for All
36-	" " " " "	--	\$225 Checks for All

Fire Department:

3-	months without loss time accident	--(9)	\$50 Checks Drawn
6-	" " " " "	--(12)	\$50 Checks Drawn
9-	" " " " "	-- (9)	\$50 Checks Drawn
12-	" " " " "	--	\$100 Checks for All
24-	" " " " "	--	\$175 Checks for All
36-	" " " " "	--	\$225 Checks for All

NOTE: Out of fairness for all, an employee's name may only be drawn once in a calendar year,

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT:

Resolve to approve the new Auburn-Lewiston Advisory Cable TV Committee Bylaws.

INFORMATION:

There is a newly re-created Cable TV committee comprised of residents of Lewiston and Auburn. The new committee was established under the Interocal Agreement approved in 2015. This agenda item is for the adoption of their Committee bylaws.

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 to approve the new Auburn-Lewiston Advisory Cable TV Committee Bylaws.



COUNCIL RESOLVE

Resolve, To Approve the New Auburn-Lewiston Advisory Cable TV Committee By Laws.

WHEREAS the Auburn-Lewiston Advisory Cable TV Committee Interlocal Agreement was approved by both City Councils in 2015 and required that new By Laws be proposed by the Committee and submitted to both Auburn and Lewiston City Councils for approval; and

WHEREAS the new Auburn-Lewiston Advisory Cable TV Committee unanimously approved the proposed By-Laws at their August 4, 2016 meeting; and

WHEREAS the new By Laws reflect all stated requirements of the Auburn-Lewiston Advisory Cable TV Committee Interlocal Agreement;

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

The attached new Auburn-Lewiston Advisory Cable TV Committee By Laws be approved.



The Office of
Deputy City Administrator
Phil Nadeau
MEMORANDUM

TO: Mayor and City Council
FR: Phil Nadeau
CC:
RE: New Auburn-Lewiston Advisory Cable TV Committee By Laws
DT: 9/6/16

1. BACKGROUND

The A-L Advisory Cable TV Committee voted to unanimously approve the proposed Committee By-Laws on 8/5/16. Chair Richard Wagner and our committee members have requested that the new By-Laws be acted upon as soon as possible.

A few highlights about the new By-Laws:

- There are no substantive changes to those By-Law requirements expressed in Section A. of the Interlocal Agreement.
- Much of the wordsmithing in Article III, Section A of the By-Laws preserves the original intent of Section A of the Interlocal Agreement: Eight total members on the committee--four from each city; Auburn committee appointment policies and ordinances take precedence for all Auburn appointments; Lewiston City Administrator will appoint a staff person, Mayor and Council will appoint an elected official, and Mayor will nominate and Council will appoint two remaining members; with the exception of the five members subject to the "blind draw" that staggers the inaugural member term, all future terms will be for two years with no member serving more than three consecutive terms.
- Tele-video conferencing for quorum purposes will be limited to one member voting by tele-video conference and a minimum number of three present to conduct an official meeting (no voting can occur); and all voting must require a quorum of five with a minimum of four present with one member permitted to vote by tele-video conferencing.
- All affirmative votes will require five votes.
- A minimum of three affirmative votes from one city must be cast by for any action impacting only that city.
- Language to fill vacancies and for removal of members (Section III.D.).
- All By-Law conditions expressed in Section A of the Interlocal Agreement have been satisfied.

2. RECOMMENDED ACTION

To approve the proposed By-Laws.

**BY-LAWS
OF THE
AUBURN-LEWISTON ADVISORY CABLE TV COMMITTEE**

I. MISSION, PURPOSE AND SCOPE

A. Mission

The cities of Auburn and Lewiston, acknowledging a need and desire for the establishment of local public access, educational and government (PEG) channels, have established the Auburn-Lewiston Advisory Cable TV Committee (sometimes referred to as "Committee") whose primary mission is to provide policy oversight for the broadcasting of a variety of PEG programming utilizing both on site and community assets to operate Great Falls TV (sometimes referred to as "GFTV") as an open and accessible resource to all concerned.

B. Purpose and Scope

- 1) To oversee the operation and investment of available revenues in facilities, operations and equipment that provide GFTV viewers quality and dependable local cable television and internet streaming/archiving services;
- 2) To oversee the production and programming that is generated by both GFTV and other sources from within and outside of our community;
- 3) Advising the City Councils and the public on matters relating to the administration of GFTV policies and programming;
- 4) Encouraging other PEG access stations utilizing GFTV services to reflect its policies and values relative to content broadcasted on GFTV;
- 5) Relaying pertinent operations, programming and policy information to the City Councils and the public on a timely basis;
- 6) Acting on such matters as the City Councils or the Auburn City Manager/Lewiston City Administrator deem appropriate provided that such matters relate to GFTV services/operations;
- 7) Advocate for quality local programming within the context of available resources and revenues;
- 8) Advocate for the needs of GFTV viewers;
- 9) Raise the public awareness of the Committee, inform the community of the Committee's role, and solicit public opinion and needs.

II. MEETINGS OF MEMBERS

A. Monthly Meeting of Members

Unless otherwise posted, the regular Monthly Meeting of the Committee shall be held at Auburn Hall on the first Thursday of each month, at 6:00 P.M. for transacting business as may properly come before the Committee. The time and place of the Monthly Meeting and items to be acted upon/discussed shall be posted in the agenda and submitted to the City Clerks in both cities for public posting no later than three (3) business days prior.

B. Special Meetings of Members

Special Meetings of the Committee shall be called by the Chair or upon the request of a majority of the Committee Members (sometimes referred to as "Members"). Notice for any Special Meeting must include the nature of the business to be acted upon/discussed by the Committee and must be submitted for public posting to the City Clerks in both cities no later than twenty-four hours prior to the meeting.

C. Members Eligible to Vote

Those persons who have been formally appointed as Members shall be eligible to vote at all meetings in one of the following manners:

- 1) In person.
- 2) By telephone or videoconference

D. Quorum of Members

An official meeting shall require a quorum consisting of no less than four (4) Members present at the meeting or three (3) Members present and no more than one (1) by telephone or videoconference. If no quorum is present, a majority of those present may adjourn and reschedule the meeting in accordance with the meeting notice provisions within these by-laws.

For purposes of voting, no less than four (4) members shall be present but a quorum of five (5) members (with no more than one Member by telephone or videoconference) shall be required (see Article III.C).

E. Meetings of Members Open to Public

- 1) All meetings of the Committee shall be open to the public and shall be conducted in accordance with those public and confidential provisions outlined in Maine law.
- 2) Members of the public shall be welcomed as guests at any Regular or Special meeting of the Committee.
- 3) Members of the public may present written requests for information to any Committee Member at any time; a period of time during each Regular Meeting shall be made available for questions or comments from guests.

- 4) Guests shall have no vote on Committee matters but may be invited to participate in discussion of such matters.
- 5) Guest policies at Special Meetings shall be at the discretion of the Chair.

III. MEMBERS

A. Tenure and Qualifications of Members

Four (4) Members from Auburn and four (4) Members from Lewiston shall be appointed in accordance with these By-Laws and the terms outlined in Auburn-Lewiston Local Cable TV Operations Interlocal Agreement (sometimes referred to as "Agreement") but all committee selection/appointment ordinances and policies for the City of Auburn shall take precedence:

- 1) One (1) City Councilor or Mayor from each city may be appointed to serve two (2) year terms (to correspond with Mayor/City Council elections), and may be reappointed to an unlimited number of consecutive terms; and
- 2) with the exception of the staff position who shall serve at the pleasure of the Lewiston City Administrator, the inaugural terms of the remaining five Committee Members shall be staggered as a one (1), two (2) and three (3) year term of service based on a blind draw conducted by the Chair of the Committee at the first inaugural meeting of the Committee. Terms for all five Members thereafter shall be two year terms; and
- 3) in Auburn, three (3) Committee Members shall be appointed by and serve no more than three (3) two (2) year terms; and
- 4) in Lewiston with the noted exception of the City Administrator staff position, the Mayor shall nominate two Members who shall be appointed by the City Council and serve no more than three (3) two (2) year terms.

In the event that a Member resigns, is removed for cause, dies or fails to be re-appointed, a new Member may be nominated by the Committee and submitted for approval by the applicable City Council to fill the vacancy. All appointments shall fill the remaining term of the vacated position or shall fill the vacancy in accordance with those provisions, ordinances or policies governing committee appointments for the applicable municipality.

All Members must be at least 18 years of age at the time of their appointment to serve as a Member.

B. Election and Appointment of Officers

At the inaugural meeting of the Committee, the Chair, Vice-Chair, and Secretary shall be chosen by a majority vote of the Committee with all future elections being conducted at the Regular Meeting scheduled the month prior to the expiration of terms for all Officers.

C. Voting Requirements and Email Communications

All legislative actions of the Auburn-Lewiston Cable TV Committee will require no less than five (5) affirmative votes. All voting actions must take place in accordance with the attendance and quorum requirements stated in Article II.D. of these by-laws.

No email voting is authorized but email may be used to communicate meeting notices, assess quorum availabilities, and other pertinent business information to Committee Members.

When a matter before the Committee only affects cable customers in one city, no less than three (3) Members representing the city involved must vote in the affirmative for passage.

D. Member Eligibility - Removal of Members - Vacancies

Residency shall be a requirement for all Members in both municipalities. Any action or cause resulting in a change of Member residency shall result in immediate ineligibility for Committee participation and immediate termination of Member's appointment to the Committee.

In the absence of submitting an excused absence request to the Chair, any Member who does not attend three (3) consecutive Committee meetings shall be deemed to have resigned voluntarily from the Committee, effective at the close of the third unattended meeting, unless the Committee, at the request of the Member and for good cause, shall have taken action to retain the Member.

Any Member may be removed with or without cause at any time by the affirmative vote of two-thirds of the City Council which appointed the Member or by a two-thirds vote of the Committee which must also be affirmed by a two-thirds vote of the applicable City Council. A new Member may be nominated by the Committee and submitted for approval to the applicable municipality to fill the vacancy. All such appointments shall fill the remaining term of the vacated position or shall fill the vacancy in accordance with those provisions, ordinances or policies governing committee appointments for the applicable municipality.

In the event that a Member resigns, is removed for cause, or dies, a new Member may be nominated by the Committee and submitted for approval by the applicable municipality to fill the vacancy. All such appointments shall fill the remaining term of the vacated position or shall fill the vacancy in accordance with those provisions, ordinances or policies governing committee appointments for the applicable municipality.

In the event of the removal or resignation of the Chair, the Vice-Chair shall become the interim Chair until the next Monthly Meeting at which time a person shall be elected to serve for the balance of the term of the removed Chair.

E. Roberts Rules

Roberts Rules of Order, Revised, shall govern the proceedings of all Committee meetings and its constituent parts except as provided in these By-Laws.

IV. OFFICERS

A. Officers

The Officers of the Committee (sometimes herein "Officers") shall consist of a Chair, Vice-Chair, and Secretary. No person may concurrently hold more than one office.

B. Term, Removal, Vacancy of Officers

The Officers shall be elected at the Inaugural Meeting of the Committee and shall hold office for one (1) year or until a successor is elected. No Officer may serve more than three consecutive terms in the same office. Any Officer may be removed by vote of the Committee with or without cause if it determines in its discretion that the best interests of the Committee would be served thereby.

A vacancy shall be filled by a vote of the Committee for the unexpired portion of the term.

C. Duties and Authority of the Chair

The Chair shall preside at all meetings of the Committee. Subject to the control of the Committee, the Chair shall be responsible for supervising and directing the affairs of the Committee and shall see that all orders and resolutions of the Committee are carried into effect. The Chair or a majority vote of the Committee may appoint Members and other public individuals to ad hoc committees to work on a variety of initiatives for the full Committee to consider. All ad hoc committee meetings shall be posted in accordance with the meeting notice and participation requirements listed in Section II of these By-Laws. The Chair or Committee authorizing the ad hoc committee may terminate the ad hoc committee at any time but must post the proposed action on the agenda of any Regular Meeting.

D. Duties and Authority of the Vice-Chair

The Vice-Chair shall perform such duties as shall from time to time be prescribed by the Committee or delegated by the Chair. In the absence of the Chair, the Vice-Chair shall act in his/her stead unless otherwise prescribed by the Committee.

E. Duties and Authority of Secretary

The Secretary shall be responsible for: keeping the minutes of the proceedings of Members in one or more books provided for that purpose; seeing that all notices are duly given in accordance with the provisions of these By-Laws or as required by law; custody of the Committee records; keeping a register of the address of each Member and updating the same regularly; and in general performing all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him/her by the Chair or by the Committee.

V. REPORTS AND BUDGETS

A. Annual Report

The Committee shall issue an Annual Report which shall be distributed to Members and the public no later than 5 months following the end of the fiscal year. The Annual Report shall include, among other things, information as to:

- 1) Revenues and expenditures and a comparison of those amounts to the amounts budgeted;
- 2) The number of people trained in the use of the Committee's equipment;
- 3) The nature and amount of programming produced by the Committee;
- 4) The nature and amount of programming produced in cooperation or conjunction with the Committee;
- 5) The number of persons and/or organizations utilizing the community access programming facilities;
- 6) Actions taken to encourage broad-based utilization of the community access programming facilities;
- 7) Actions taken to coordinate the Committee's programs and activities with those of other public and private organizations involved in the production of community-based cable TV programming in Maine;
- 8) Complaints received about access operations, and actions taken by the Committee to resolve such complaints;
- 9) Grants/donations awarded to the Committee for programming;
- 10) The work of each or any sub-committee appointed by the Chair.

B. Annual Budget

Working through the department head, the station manager and the Committee shall prepare a proposed budget for each new fiscal year which shall be made available to the Lewiston City Administrator and the Auburn City Manager no later than January 31st of each year.

VI. AMENDMENT OF BY-LAWS

These By-laws may be amended only in the following manner: an amendment may be introduced on the agenda of any Regular Monthly Meeting of the Committee. All by-law amendments receiving an affirmative vote from the Committee will be submitted to the City Clerks of both cities for action by the City Councils.

Once notice has been received by the City Clerks, the Committee approved By-Law amendment must be posted in the agenda no later than sixty (60) days within receipt of the written Committee notice. The City Councils shall be required to vote on any By-Law amendment within sixty (60) days of posting on the agenda.

VII. FRANCHISE AGREEMENT OVERSIGHT PROCEDURES

The powers and duties of the Committee shall be:

- A. By appropriate orders and directions of the Auburn or Lewiston City Councils, to take action to ensure cable television service franchisee(s) compliance with the terms and conditions of their respective present and future franchise agreements with the cities of Auburn and Lewiston.
- B. To investigate complaints made to the Committee by subscribers and others within the community with respect to the access to the facilities of franchisees, the charges made for installation, service and use of such facilities, equipment rental and other charges, the quality of service provided by franchisees, billing and other matters pertaining to such service and, where feasible, to assist in resolving such complaints by appropriate order or otherwise.
- C. To advise the City Councils on all matters affecting the provision of cable television service to present and future inhabitants of the community and to recommend appropriate changes in this chapter and regulations relating to cable television service.
- D. To review, evaluate and make recommendations to the Auburn and Lewiston City Councils with respect to renewal of existing franchises and to proposals for award of future franchises for cable television service to inhabitants and others within the village.
- E. To inspect the books, records and other information sources of any franchisee as permitted or required by the terms of any franchise agreement now or hereafter entered into by the cities of Auburn and Lewiston.
- F. To meet periodically with franchisees as provided by franchise agreements to discuss the manner in which such agreements are being implemented and such other topics as are of interest to the village and franchisees. The Committee may delegate this duty by its rule or regulation to a sub-committee or to one or more Members of the Committee.
- G. In cooperation with the Auburn and Lewiston Planning Boards, to conduct studies, surveys and investigations as necessary with respect to present or future provision of cable television service within the community as may be necessary to carry out the general purposes of this chapter.
- H. To maintain liaison and communication with franchisees, federal and state regulatory bodies and public and private agencies, institutions and individuals of local, state or national scope whose activities have an impact on the quality or availability of cable television service and who can be of assistance to the Committee.
- I. To coordinate, assist and unify efforts of private groups, institutions and individuals within the community to assist the Committee in the exercise of its powers and the discharge of its duties as expressed in these by-laws.
- J. To plan, coordinate and make arrangements for broadcast of a civic and informational nature and public emergency broadcasting and two-way voice and data transmission by the one or both cities as available, utilizing the facilities of present and future franchises in accordance with applicable state and federal regulations and the terms and conditions of the respective present and future franchise agreements.

K. To make recommendations with respect to the installation and use of service connections and radio-frequency distribution systems in buildings owned by both cities for the provision of cable television service to such buildings.

L. To carry out such other duties as may be assigned from time to time as mutually agreed to by the Auburn and Lewiston City Councils.

VIII. MISCELLANEOUS

A. Fiscal Year

The Corporation shall utilize a fiscal year ending June 30.

B. Web Page Posting.

All policies, agendas and meeting notices, along with other Committee business, franchise agreement, programming and other related Committee business shall be posted on the Committee's web page.

Approved by AL-ACTC 05-16

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 18

SUBJECT:

Order authorizing the City Administrator to execute a Collective Bargaining Agreement between the City of Lewiston and the American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 3855-00 on behalf of the Lewiston Professional Technical Unit.

INFORMATION:

The City Council is requested to ratify a three year agreement with AFSCME Council 93 representing the Lewiston Professional Technical Unit. This agreement is for the period of Fiscal Years 2015, 2016 and 2017.

Please see the attached memorandum from Deputy City Administrator Phil Nadeau for details regarding the highlights of the new agreement.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to Execute a Collective Bargaining Agreement between the City of Lewiston and the American Federation of State, County and Municipal Employees (AFSCME Council #93) on behalf of the Lewiston Professional Technical Unit.



COUNCIL ORDER

ORDER, Authorizing the City Administrator to Execute a Collective Bargaining Agreement with the AFSCME Professional Technical Unit

Whereas, the City has been working for the last twenty-two months with the Unit negotiating team to reach agreement on a new collective bargaining agreement; and

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

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

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

The City Administrator is hereby authorized to execute the collective bargaining agreement for FY2015-16-17 for the AFSCME Professional Technical Unit in accordance with the terms and conditions outlined on the enclosed memorandum from Deputy City Administrator Phil Nadeau.



The Office of
Deputy City Administrator
Phil Nadeau
MEMORANDUM

TO: Mayor and City Council

FR: Phil Nadeau

CC:

RE: AFSCME Professional Technical Unit Collective Bargaining Agreement

DT: 9.6.16

BACKGROUND

The city has been working for the last twenty-two months with the Professional Technical Unit negotiating team to develop a new collective bargaining agreement. The Unit membership voted to support the contract. Notable features of the proposed contract are as follows:

- One contract for three years: FY2015, FY2016, and FY2017
COLA: FY2015 – 1.5% eff 1/1/15; FY2016 – 1.5% eff 7/1/15; FY2017 – 2.0% eff 7/1/16
- Health Insurance & New Wellness Program:
 - ✓ PPO 500 becomes primary insurance effective upon signing of contract
 - ✓ POS C optional if employee pays difference in cost to city
 - ✓ HRA: \$1000 for single; \$2000 for family effective upon signing of contract with increase to \$1200 for single and \$2400 for family effective 7/1/17
 - ✓ Minimum Employee health insurance payment: 15% for employees hired before 9/1/07; 20% for employees hired on or after 9/1/07 after 10% Wellness program rewards are achieved
 - ✓ New Wellness program with enhanced wellness standards to become effective in 2017
- Health screening annual leave time for all shifts
- Increasing sick leave accrual to 180 days and retirement payout to 80 days.
- Second shift differential of 0.45 per hour for Equipment Mechanic Leadperson
- Cell phone stipends for nine additional positions
- Optional annual cash-out of compensatory time

RECOMMENDED ACTION

To approve the proposed contract.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 22

SUBJECT:

Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

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 International Association of Firefighters, Local 785.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 23

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 SEPTEMBER 6, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 24

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.