

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
NOVEMBER 1, 2016**

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

Pledge of Allegiance to the Flag  
Moment of Silence

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 5.

**REGULAR BUSINESS:**

1. Public Hearing on applications for a new liquor license and special amusement permit for Live Entertainment for Big Mike's Smoke House, 838 Lisbon Street.
2. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Ramada, 490 Pleasant Street.
3. Public Hearing and First Passage for amendments to the Solid Waste Ordinance regarding the ePass Program and Clean-Up Assistance Week.
4. Public Hearing and First Passage for Land Use Code Amendments regarding stormwater management.
5. Public Hearing & First Passage for re-zoning the even-numbered addressed properties from 10 King Avenue to 108 King Avenue from Community Business (CB) District to the Neighborhood Conservation "A" (NCA) District.
6. Order authorizing the sale of tax acquired property at 422 Pleasant Street.
7. Resolve authorizing staff additions to the Department of Social Services and transferring the required funding from elsewhere in the City General Fund Budget.
8. Resolve authorizing the donation of a 1988 Emergency One Pumper to the Town of Greene Fire Department.
9. Update from the Lewiston School Committee Representative.
10. Reports and Updates.
11. Any other City Business Councilors or others may have relating to Lewiston City Government.

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 1, 2016

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Public Hearing on applications for a new liquor license and special amusement permit for Live Entertainment for Big Mike's Smoke House, 838 Lisbon Street.

**INFORMATION:**

We have received applications for a new liquor license and special amusement permit for Live Entertainment from Big Mike's Smoke House, 838 Lisbon Street

The Police Department has reviewed and approved the application.

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.

*BPB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Big Mike's Smoke House, 838 Lisbon Street.

**DIVISION OF LIQUOR LICENSING & ENFORCEMENT**  
**164 STATE HOUSE STATION**  
**AUGUSTA, ME 04333-0164**



**DEPARTMENT USE ONLY**

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

RESTAURANT (Class I,II,III,IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL-OPTINONAL FOOD (Class I-A)

HOTEL (Class I,II,III,IV)

CLASS A LOUNGE (Class X)

CLUB-ON PREMISE CATERING (Class I)

CLUB (Class V)

GOLF CLUB (Class I,II,III,IV)

TAVERN (Class IV)

OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)		2. Business Name (D/B/A)	
Michael Berube DOB: 2/18/63		Big Mike's Smoke House LLC	
DOB:		838 Lisbon Street	
DOB:		Location (Street Address)	
Address		Lewiston Me 04240	City/Town State Zip Code
60 Vickery Rd		PO Box 260	Mailing Address
City/Town	State	City/Town	State
Auburn	ME	Auburn	ME
Zip Code	Zip Code	207-240-8334	Zip Code
Telephone Number	Fax Number	Business Telephone Number	Fax Number
207-240-8334			
Federal I.D. #	81-3696007	Seller Certificate #	

3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_

4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_

5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES  NO

7. If manager is to be employed, give name: Michael Berube

8. If business is NEW or under new ownership, indicate starting date: 10/23/16

Requested inspection date: 10/15/16 Business hours: 11am-12am

9. Business records are located at: 838 Lisbon street Lewiston Maine 04240

11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married: Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Michael Beube Auburn, ME	2/18/63	Leicester, ME
Robin Beube Auburn, ME	12/31/65	Carabon, ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: \_\_\_\_\_

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) \_\_\_\_\_

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES  NO  Applied for:  \_\_\_\_\_

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 mile Which of the above is nearest? School

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

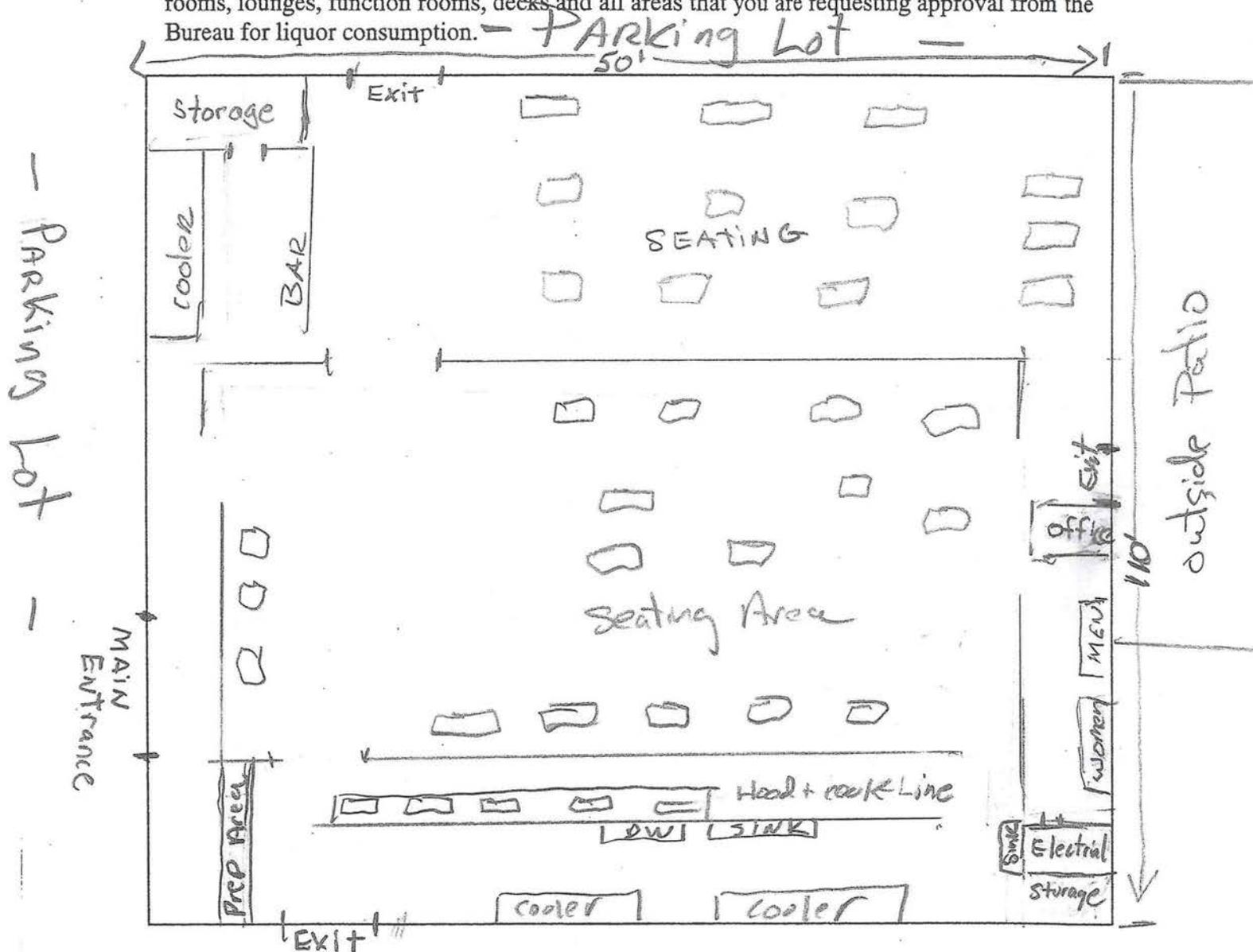
Print Name



## SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your licensed premise and the areas that consumption and storage of liquor is allowed, The Bureau of Liquor Enforcement is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Bureau for liquor consumption.



OFFICES LOCATED AT: 397 WATER STREET GARDINER, MAINE 04345

(207) 624-8745 (Voice)

(207) 624-4478 (TDD)

(207) 624-8767 (Fax)

# MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE  
Liquor Licensing & Inspection Division  
164 State House Station  
Augusta ME 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424



## SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS

- Exact Corporate Name: Mike's Big Mike's Smoke House LLC  
Business D/B/A Name: The BBQ PIT
- Date of Incorporation: August 26, 2016
- State in which you are incorporated: Maine
- If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: —
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
Michael Bernbe	60 Vickery Rd	2/10/63	100%	President

- What is the amount of authorized stock? 100 Outstanding Stock? —
- Is any principal officer of the corporation a law enforcement official? Yes  No
- Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes  No
- If YES, please complete the following: Name: \_\_\_\_\_  
Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_  
Location: \_\_\_\_\_ Disposition: \_\_\_\_\_  
Dated at: \_\_\_\_\_ City/Town \_\_\_\_\_ On: \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Duly Authorized Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Duly Authorized Officer

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 10/18/16

Expiration Date: \_\_\_\_\_

- 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: Big Mike's Smoke House Business Phone: 240-8334

Location Address: 838 Lisbon Street Lewiston Maine

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

Mailing Address: Po Box 260 Auburn, Me 04212

Email address: mbhockeyone@gmail.com

Contact Person: Michael Bembé Phone: 240-8334

Owner of Business: Michael Bembé Date of Birth: 2/10/63

Address of Owner: 60 Vickery Rd Auburn Me, 04212

Manager of Establishment: Michael Bembé Date of Birth: 2/10/63

Owner of Premises (landlord): Lanhee Lewiston LLC

Address of Premises Owner: 5050 Belmont Ave, Youngstown OH, 44505

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):  
Rak n Robin's 885 Lisbon Street Lewiston

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

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

Corporation Name: Big Mike's Smoke House LLC

Corporation Mailing Address: PO Box 260 Auburn, ME 04212

Contact Person: Michael Beube Phone: 240-8334

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

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

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: 10/16/16

\*\*\*\*\*

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: Michael Beube Title: President Date: 9/21/16

Printed Name: Michael Beube

\*\*\*\*\*

Hearing Date: 11/1/16



## ***POLICE DEPARTMENT***

Brian O'Malley  
Chief of Police (Interim)



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TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: October 21, 2016

RE: Liquor License/Special Amusement Permit – **Big Mike's Smoke House**

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

**Big Mike's Smoke House**  
838 Lisbon St.



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# CITY OF LEWISTON

## PUBLIC NOTICE

A hearing on the following liquor license application will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, November 1, 2016, at 7:00 p.m.***, or as soon thereafter as they may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said application.

Big Mike's Smoke House, LLC  
838 Lisbon Street  
Michael Berube, owner

The City of Lewiston is an EOE. For more information, please visit our website @ [www.lewistonmaine.gov](http://www.lewistonmaine.gov) and click on the Non-Discrimination Policy.

***PUBLISH ON: October 26, 27 & 28, 2016***

Please bill the City Clerk's Dept. account. Thank you.

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 1, 2016

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Ramada, 490 Pleasant Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Ramada, 490 Pleasant 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.

*EPAS/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 Ramada, 490 Pleasant Street.

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 10-13-16

Expiration Date: 11/23/2017

- 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: ADAMAR ASSOC, dba RAMADA Business Phone: 207-784-2331

Location Address: 490 PLEASANT ST, LEWISTON, ME 04240

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

Mailing Address: SAME

Email address: OFFICE@RAMADA@AOL.COM

Contact Person: GEORGE GENDRON Phone: 207-784-2331

Owner of Business: GEORGE GENDRON Date of Birth: 5/26/1949

Address of Owner: 490 PLEASANT ST.

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

Owner of Premises (landlord): SAME

Address of Premises Owner: SAME

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): GENDRON'S U-SAVE  
1290 LISBON ST, LEWISTON, ME

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

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

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

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

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

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

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

Please describe the type of proposed entertainment:

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> dancing           | <input type="checkbox"/> stand up comedian | <input type="checkbox"/> piano player             |
| <input checked="" type="checkbox"/> music by DJ       | <input type="checkbox"/> karaoke           | <input type="checkbox"/> other, please list _____ |
| <input checked="" type="checkbox"/> live band/singers | <input 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: \_\_\_\_\_ Title: owner Date: 10/17/16

Printed Name: George J. Gendron

\*\*\*\*\*

Hearing Date: 11/1/2016



## **POLICE DEPARTMENT**

Brian O'Malley  
Chief of Police (Interim)



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: October 6, 2016

RE: Liquor License/Special Amusement Permit – **Ramada Inn**

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

**Ramada Inn**  
**490 Pleasant St.**



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**LEWISTON CITY COUNCIL  
MEETING OF NOVEMBER 1, 2016**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Public Hearing and First Passage for amendments to the Solid Waste Ordinance regarding the ePass Program and Clean-Up Assistance Week.

**INFORMATION:**

The Public Works Committee has recommended certain changes in the City's current ePass program for solid waste disposal. The current ePass program allows owners of residential properties to purchase a \$20 pass permitting them to dispose of certain wastes at our landfill. If necessary, these owners can then purchase a second pass, for \$40. As proposed, residential property owners would receive 1 ePass at no charge after they have paid their March property tax bill. The allowable amount of waste, however, would be reduced to 1,000 lbs. Any materials in excess of the ePass authorized amounts would be paid for at the established landfill rate of \$93 per ton. Tenants are now able to purchase one "abbreviated" ePass for \$10 which would be increased to \$20, again with a lower amount of waste accepted.

Landlords who pay for City waste collection are currently eligible to receive one free ePass for every 3 dwelling units. This would change to eligibility to purchase 1 ePass per year for every 3 non-owner occupied units, again with a 1,000 lbs limit per ePass. The cost of this ePass would be \$20.

The City's current spring clean-up assistance week, allowing for free disposal of material at the landfill by homeowners, would no longer be offered since homeowner/taxpayers would receive a free ePass that could be used at any time throughout the year.

The current once annual collection of brush (limited to no more than 1 standard pick-up load per residence) would continue without change.

**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

That the proposed amendments to the City Code of Ordinances, Chapter 62 "Solid Waste", Section 62-11 "Definitions"; Section 62-12 "Waste Disposal Permits"; Section 62-22 "Recycling Agreement"; Section 62-24 "ePass Program"; Section 62-31 "License or authorization required"; Section 62-32 "Duration of license; revocation" and Section 62-33 "Voluntary Relinquishment of license", receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting.



COUNCIL ORDINANCE

Ordinance, Amending Chapter 62 of the Code of Ordinances – Solid Waste – ePass Program and Clean-Up Assistance Week.

Whereas, the Public Works Committee has spent significant time reviewing the City's overall solid waste management programs and has recommended certain changes to the ePass and clean-up assistance week programs; and

Whereas, these changes are intended to address a number of issues posed by the current structure of these programs; and

Whereas, the City Council has previously reviewed and accepted the most recent report of the Public Works Committee;

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

Chapter 62 of the Code of Ordinances, Solid Waste, is hereby amended as shown in the attached revision wherein additions are underlined and deletions are struck through.

## Chapter 62

### SOLID WASTE\*

#### Article I. In General

- Sec. 62-1. Depositing solid waste in public places or in sources of water.
- Sec. 62-2. Reserved.
- Sec. 62-3. Containers required; permitting unauthorized collections.
- Sec. 62-4. Duty of citizens to deliver to collectors.
- Sec. 62-5. Conveyance regulated.
- Sec. 62-6. Municipal collection from certain establishments.
- Sec. 62-7. Reserved.
- Sec. 62-8. Reserved.
- Sec. 62-9. Reserved.
- Sec. 62-10. Dumping of certain waste prohibited.
- Sec. 62-11. Definitions.
- Sec. 62-12. Waste disposal permits.
- Sec. 62-13. Municipal collection of solid waste and recyclable materials.
- Sec. 62-14. Fee schedule.
- Sec. 62-15. Payments.
- Sec. 62-16. Penalties and enforcement.
- Sec. 62-17. Special waste.
- Sec. 62-18. Solid wastes not accepted for disposal at the facility.
- Sec. 62-19. Demolition debris.
- Sec. 62-20. Covering of loads.
- Sec. 62-21. Dump picking prohibited.
- Sec. 62-22. Recycling agreement.
- Sec. 62-23. Spring cleanup assistance event.
- Sec. 62-24. ePass program.
- Secs. 62-25--62-30. Reserved.

#### Article II. Private Collectors

- Sec. 62-31. License or authorization required.
- Sec. 62-32. Duration of license; revocation.
- Sec. 62-33. Voluntary relinquishment of license.
- Secs. 62-34--62-55. Reserved.

#### Article III. Hazardous Materials

- Sec. 62-56. Definitions.
- Sec. 62-57. Disposal and storage of hazardous waste.
- Sec. 62-58. Waste oil.
- Sec. 62-59. Penalty for violation of article.
- Secs. 62-60--62-69. Reserved.

\*Cross references: Littering prohibited, § 6-2; buildings and building regulations, ch. 18.

State law references: Maine Litter Control Act, 17 M.R.S.A. § 2261 et seq.

## SOLID WASTE

### Sec. 62-7. Reserved.

**Editor's note:** Ord. No. 03-10, effective Aug. 1, 2003, repealed § 62-7 in its entirety. Formerly, said section pertained to authority to designate public solid waste facility; duty to use as enacted by Code 1982, § 29-7.

### Sec. 62-8. Reserved.

**Editor's note:** Ord. No. 03-10, effective Aug. 1, 2003, repealed § 62-8 in its entirety. Formerly, said section pertained to removal of materials from solid waste facilities as enacted by Code 1982, § 29-8.

### Sec. 62-9. Reserved.

**Editor's note:** Ord. No. 03-10, effective Aug. 1, 2003, repealed § 62-9 in its entirety. Formerly, said section pertained to duties of police chief pertaining to solid waste facilities; abatement of violations as enacted by Code 1982, § 29-9.

### Sec. 62-10. Dumping of certain waste prohibited.

No person shall dump solid waste on any public or private land in the city.

(Code 1982, § 29-10)

### Sec. 62-11. Definitions.

The following words and terms as used in sections 62-12 through 62-24 of this article will have the meanings ascribed thereto, unless the context otherwise indicates:

~~*Abbreviated ePass:* An ePass (as defined) issued to a tenant of a residential property (as defined) or multiple unit apartment building (as defined).~~

*Authorized collector:* Employees or contractors of the city or a private collector employed by the owner, occupant, agent or other person having custody of a building, for the purpose of hauling solid waste to the facility or other location for waste disposal as designated by the city.

~~*Asphalt shingles:* Asphalt roofing shingles and tar paper and shall be devoid of any other solid waste.~~

*Batteries:* Wet cell (lead-acid) batteries collected for recycling and alkaline batteries. This definition will not include rechargeable batteries defined as universal waste.

*Building:* Any structure or vessel, whether public or private, that is adapted to or used for: dwelling occupancy; the transaction of business; the rendering of professional services; amusement; the display, or sale, or storage of goods, waste, merchandise, articles or equipment; the performance of work or labor; office buildings, stores, theaters, markets, restaurants, warehouses, day care facilities, hotels, motels, bed and breakfast facilities, worship, garages, bakeries; structures where domestic or other animals or fowl are kept; or sheds, barns, outbuildings, or other structures or premises used as accessory to any such use.

*Bulky waste:* Any items whose large size or weight precludes or complicates their handling by normal collection, processing or disposal methods (includes old furniture; carpeting; appliances such as stoves, dryers, washing machines, etc., but does not include universal waste or refrigerant containing appliances) or as further defined by the rules and regulations of public

## SOLID WASTE

works.

*City:* The City of Lewiston, Maine, a municipality organized and regulated by the laws of the state.

*Commercial waste:* Solid waste generated by a commercial property or as a result of commercial activity.

*Commercial activity:* Any property or service provider, which has received a license from the City of Lewiston to conduct business and/or a structure used for commercial or business purposes including, but not limited to, the following:

- (1) Hotels, motels, bed and breakfast facilities, restaurants, warehouses;
- (2) Markets, bakeries, grocery stores, food vendors;
- (3) Manufacturing or industrial facilities;
- (4) Business offices;
- (5) Any business establishment adjoining a residential structure;
- (6) Trailer parks and manufactured home parks, and;
- (7) Condominiums.

*Construction and demolition debris:* Solid waste generated through construction, remodeling, repair or demolition of structures. This includes but is not limited to: building materials such as plaster and lath, plumbing fixtures, insulation, asphalt, wall board, pipes, treated wood (wood products, which have been treated with copper, chromium, arsenic and/or creosote), asphalt shingles, roofing felt, sheetrock and metal conduits. It excludes: partially filled containers of any kind, friable asbestos and other special waste.

*ePass:* A voucher, distributed by the city annually, for the purpose of disposing of specific types of solid one thousand (1,000) pounds of waste material at the facility. The ePass is nontransferable and is invalid if used by anyone other than the authorized user.

*Facility:* The city's solid waste and recycling facility, located on 424 River Road, which is a division within the city's department of public works.

*Inert fill:* Clean soil material including soil from road ditching and sand from winter sand cleanup. Inert fill can also include crushed clean glass and porcelain (not included in recycled glass) as well as bricks, rocks and cured concrete (that does not contain rebar or wire mesh).

*MEDEP:* The Maine Department of Environmental Protection.

*Multiple unit apartment building:* An apartment building or complex of buildings, which contain a total of four or more dwelling units per parcel of property or three or more dwelling units per parcel of property, which are not owner occupied.

*Occupant:* The person that has the use of or occupancy of any building or a portion thereof, whether the actual owner or tenant. In the case of vacant buildings or any vacant portion of a building, the owner, agent or other person having custody of the building will have the responsibility of an occupant of the building or portion thereof.

*Owner:* The actual owner of the building, whether individual, partnership or corporation, or the agent of the building, or other person having custody of the building or to whom the rent is

## SOLID WASTE

~~*Sheetrock:* Clean and dry sheetrock, which is devoid of paint, wall paper and other solid waste.~~

*Solid waste:* Municipal solid waste as defined by Maine's Solid Waste Regulations (MEDEP Reg. Ch. 400), which states "solid waste emanating from household and normal commercial sources". This waste will include, but is not limited to garbage, trash, rubbish, paper, plastics, metal cans, glass, crockery, cold ashes and refuse.

*Special waste:* Any solid waste generated by sources other than residential and commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that it may disrupt or impair effective waste management or threaten public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to; ash, industrial and industrial process waste, sludge and dewatered septage, nonfriable asbestos and asbestos containing materials and all other solid wastes designated special waste as defined in Maine's Solid Waste Regulations.

*Suitable container:* For solid waste generated at a residential property, including recyclable material, means a suitable plastic container, which is covered and watertight and prevents the attraction of vectors (such as birds, rodents, insects, etc.). The container shall be no larger than 36 gallons and shall be covered. The weight of the solid waste/recyclable material placed in the container shall not exceed 30 pounds. Plastic bags, in and of themselves, shall not be considered a suitable container, for the purposes of this definition. For solid waste generated through commercial activities or at multiple unit apartment buildings, suitable containers may include metal dumpsters or plastic totes, specifically designed and manufactured for the storage of solid waste/recyclable material and which prevent the attraction of vectors (such as birds, rodents, insects, etc.) Suitable containers, which contain recyclable material shall have a "RECYCLING" sticker (distributed by the City) affixed to the container.

*Superintendent:* That person appointed by the director of public works as the city's superintendent of the division of solid waste management.

*Tenant:* A person, group of individuals or family that pays rent to the owner of a residential property or multi-unit apartment building for use of that building's dwelling unit(s). Use of the buildings by the tenant shall not include use for Commercial Activities, as defined in this section.

~~*Tires:* Tires (with and without rims) from all commercial and residential vehicles (refer to fee schedule provided for under section 62-14 to determine charges).~~

*Universal waste* includes the following:

- (1) Rechargeable batteries, which contain lead, cadmium and/or mercury. Rechargeable batteries, do not include wet-cell (lead acid) batteries.
- (2) Lamps, which contain mercury (include fluorescent lamps, mercury vapor lamps, high pressure sodium lamps, and all other mercury containing lamps as defined by MEDEP Hazardous Waste Regulations, Chapter 850).
- (3) Mercury containing switches, thermostats, manometers and thermometers.
- (4) Polychlorinated biphenyl (PCB) ballasts, which are totally enclosed and nonleaking.

## SOLID WASTE

- (5) Cathode ray tubes, including video display components of televisions, computer monitors (includes flat screen monitors) and other video display devices.
- (6) Computer central processing unit.
- (7) Desk-top printer.
- (8) Architectural paint, as defined in 38 MRSA 2144, Maine's product stewardship law for paint.

*Waste material:* Any waste materials, including, but not limited to, solid waste, recyclable material, bulky waste, commercial waste, construction and demolition debris, inert fill, scrap metal, special waste, universal waste refrigerant containing appliances, waste oil, asphalt shingles, batteries, tires, special waste, wood and sheetrock.

*Waste oil:* Used motor oil delivered to the facility in clear plastic containers in order to facilitate inspection. Waste oil does not include; synthetic motor oil, hydraulic fluid or any other lubricants or liquids of any kind.

*Wood* includes all wood including demolition wood (free of metal, sheetrock, insulation, and other solid waste), brush and tree waste (does not include stumps). Does not include treated wood (refer to construction and demolition debris).

*Yard debris:* Brush (low trees, bushes & shrubs) and tree limbs less than twelve (12) inches in diameter. Yard debris does not include stumps from trees, bushes and/or shrubs.

(Ord. No. 03-10, 8-1-03; Ord. No. 04-13, 7-1-04; Ord. No. 06-11, 7-27-06; Ord. No. 12-11, 10-18-12; Ord. No. 13-09, 10-17-13; Ord. No. 15-01, 02-19-15)

### **Sec. 62-12. Reserved. ~~Waste disposal permits.~~**

~~Any vehicle engaged in a commercial activity, which requests the services of the facility shall have a permit issued by the city. There will be a charge for each permit issued in accordance with the city's policy manual as approved by the city council.~~

- ~~(1) — *Commercial permit.* Issued to any Lewiston business that generates commercial waste (excluding recyclable material and scrap metal) and does not have waste collected by a waste hauler and brings their waste to the facility for disposal. Any and all solid waste brought to the facility in a vehicle which has been issued a commercial permit will be charged for the disposal of that waste in accordance with the current fee schedule. Commercial permits are renewable each October.~~
- ~~(2) — *Contractor permit.* Issued to any contractor hauling construction or demolition debris from a job site located within Lewiston. Evidence of job location shall be presented prior to entry into the facility. A contractor can be issued either an annual permit or a permit for an individual project. Any and all solid waste brought to the facility by a vehicle which has been issued a contractor permit will be charged for the disposal of that waste in accordance with the current fee schedule. Contractor permits (annual) are renewable each October.~~
- ~~(3) — *Waste hauler permit.* Issued to all authorized collectors engaged in solid waste collection. All applicants for a waste hauler permit shall provide the superintendent with an updated list of customers they are servicing with an estimated annual tonnage for each customer. In addition, haulers will provide an~~

## SOLID WASTE

~~annual estimated tonnage of recyclable material diverted for each customer.  
Waste hauler permits are renewable each October.~~

~~(Ord. No. 03-10, 8-1-03; Ord. No. 06-11, 7-27-06; Ord. No. 08-06h, 8-14-08)~~

### **Sec. 62-13. Municipal collection of solid waste and recyclable materials.**

- (a) *Collection of solid waste and recyclable materials from residential properties.* Public works will provide for the collection of solid waste and recyclable material from all residential properties receiving waste collection provided by the city, in accordance with this chapter.

Occupants of residential properties that receive city waste collection in accordance with section 62-4 of this chapter shall utilize suitable containers for the storage, transportation and disposal of solid waste. This includes all solid waste placed curbside for disposal. The weight of solid waste placed in each suitable container shall not exceed 30 pounds.

All residents who live in residential structures receiving city waste collection shall separate recyclable material from their rubbish. Recyclable material must either be transported to the facility or be placed in suitable containers, which have a city issued "RECYCLING" sticker affixed to the container, for curbside collection.

Recyclable material and solid waste are to be set curbside no earlier than 6:00 p.m. of the day preceding regularly scheduled waste collection and no later than 7:00 a.m. of the day of waste collection as established by public works.

- (b) *Collection of solid waste and recycling materials from commercial properties and multiple unit apartment buildings.* Solid waste and recyclable material will not be collected by the city from any commercial activity or property engaged in a commercial activity, as defined in section 62-11 of this chapter.

Private vendors providing curbside solid waste and recyclable material collection service to commercial properties and multiple unit apartment buildings not receiving this service from the city shall schedule their collection to occur on the same day as the city-provided service for the geographic area of the city where the property is located.

Recyclable material and solid waste are to be set curbside no earlier than 6:00 p.m. of the day preceding regularly scheduled trash collection and no later than 7:00 a.m. of the day of waste collection. All solid waste and recyclable material must be removed by the end of the scheduled day of collection. This applies to all curbside collection, whether it is provided by the city or through a private vendor.

The city will collect solid waste and recyclable material from multiple unit apartment buildings for only those buildings who:

- (1) Received solid waste and recyclable material collection from the city on May 6, 2003; and
- (2) Complete and submit an application fee to continue this service and receive approval from the city to continue this service.

The city will provide service to these limited multiple unit apartment buildings on a fee-for-service basis. The amount of the fee will be reviewed and adjusted

## SOLID WASTE

material.

(Ord. No. 03-10, 8-1-03)

### **Sec. 62-21. Dump picking prohibited.**

No person, resident, business or city employee shall enter the facility without authorization or remove waste material or recyclable materials from the facility without specific authorization from the superintendent. Violation of this may result in the immediate revocation of the disposal privileges by the superintendent. (Ord. No. 03-10, 8-1-03)

### **Sec. 62-22. Reserved ~~Recycling agreement.~~**

~~Any municipality or quasi-municipal organization requesting disposal and/or transfer services of recyclable material shall be required to enter into a formal agreement for use of the facility which is approved by the Lewiston City Council. (Ord. No. 03-10, 8-1-03; Ord. No. 13-09, 10-17-13)~~

### **Sec. 62-23. Spring clean-up assistance event.**

The Solid Waste Policy (ref. Spring Cleanup Assistance Event) describes a limited service to residential property owners, by the City, for the collection of woody yard debris ~~solid waste materials~~, which ~~is~~ are not typically collected curbside and for which the City charges a fee for disposal. This policy and any modifications to this policy shall be filed with the city clerk. (Ord. No. 03-10, 8-1-03; Ord. No. 13-09, 10-17-13)

### **Sec. 62-24. ePass program.**

~~The city issues an ePass and an abbreviated ePass through the treasurer's office and the Scale House at the Solid Waste Facility for a fee, as described in the solid waste fee schedule (section 62-14). ePasses are sold at these locations, only, and cannot be obtained at any other location. ePasses will be sold to:~~

- ~~(1) Owners of residential properties, as defined in section 62-11 of this chapter. Limit, two ePasses, per property owner, per year.~~
- ~~(2) Owners of multi-unit apartment buildings, as defined, who are eligible and have paid for trash collection services provided by the city will be eligible to receive ePasses based on the following—One ePass per three dwelling units (i.e. a five unit building will be eligible for two ePasses), per year. The ePass will only be valid for the fiscal year in which it was issued. The City's fiscal year is from July 1 through June 30.~~
- ~~(3) Tenants of residential properties and multiple unit apartment buildings are eligible to purchase abbreviated ePasses.~~

~~The ePass is good for one year from the day of issue. If a second ePass is purchased by the owner of a residential property, as defined, it will expire on the expiration date listed on the first pass. The abbreviated ePass is good for 30 days from date of issue. Only one abbreviated ePass shall be issued per tenant, per year, from date of issue.~~

~~The ePass will allow the holder to dispose of waste material at the facility at no charge. Types and quantities of materials, which can be disposed at no charge for each ePass~~

## SOLID WASTE

shall be:

- ~~(1) Six items of bulky waste (includes one universal waste item and one freon-containing appliance);~~
- ~~(2) Three tons (6,000 pounds) of solid waste (may include construction and demolition debris); and~~
- ~~(3) Two tires (16 inches or less) without rims.~~

~~The ePass will allow Lewiston residents free disposal of items listed above at the facility. The city will not be responsible for hauling these waste items. Waste hauling is the responsibility of the ePass holder. Only items listed in sec. 62-24 will be accepted at no charge. The ePass holder will present the pass (their driver's license) at the time he/she enters the facility in order to receive this service and the items to be disposed of will be recorded on the city's computer system at that time. Once the item is recorded, that item will be excluded from further disposal at no charge. Expired ePasses will not be accepted at the solid waste facility.~~

~~The abbreviated ePass will allow the holder to dispose of waste material at the facility at no charge. Types and quantities of materials, which can be disposed at no charge for each abbreviated ePass shall be:~~

- ~~(1) Six items of bulky waste (includes one universal waste item and one Freon-containing appliance);~~
- ~~(2) 800 pounds of solid waste (shall not include construction and demolition debris); and~~
- ~~(3) Two tires (16 inches or less) without rims.~~

~~The ePass service is not transferrable. Individuals eligible to receive this service included:~~

- ~~(1) The purchaser of the ePass.~~
- ~~(2) A member of the purchaser's household (as determined by reviewing the address on the driver's license of the individual wishing to use this service) is eligible to use the service described in Sec. 62-24 ePass Program.~~
- ~~(3) Individuals wishing to use this service will be asked to present their driver's license to the Scale House attendant when entering the solid waste facility, to determine their eligibility to receive this service. Failure to present a driver's license or meet the eligibility requirements listed in this ordinance may disqualify the individual from receiving the services listed in this ordinance.~~

~~The city issues one (1) ePass, at no cost, annually to the following:~~

- ~~(1) Owners of residential properties as defined in Sec. 62-11 of this chapter) who live in one of the dwelling units of that property, year round. The ePass will be issued to property owners who are current on all outstanding debts to the City.~~
- ~~(2) Owners of multiple unit apartment building (as defined in Sec. 62-11 of this chapter) who live in one of the dwelling units of that property, year round. The ePass is issued for the dwelling unit in which they reside. The ePass will be issued to property owners who are current on all outstanding debts to the City and~~

## SOLID WASTE

who have paid the City for curbside trash collection services in accordance with Sec. 62-13 of this chapter.

The following individuals are eligible to purchase an ePass from the City –

- (1) Owners of multiple unit apartment buildings (as defined in Sec. 62-11 of this chapter) and who have paid the City for curbside trash collection services in accordance with Sec. 62-13 of this chapter may purchase one (1) ePass per year for every three (3) dwelling units, which they own (i.e. a five (5) unit building would be eligible for two (2) ePasses). The owner will be eligible to purchase the ePass(es) if they are current on all outstanding debts to the City.
- (2) Tenants (as defined in Sec. 62-11 of this chapter) who reside in the City of Lewiston.

The ePass is issued through the Treasurer's office when the property owner pays their property tax bill in full for the given year or when the tenant purchases the ePass. The price of the ePass shall be established as provided in Sec. 62-14 – Fee Schedule – of this chapter.

The ePass service is not transferable and is limited to only one (1) ePass per year. Individuals eligible to receive this service include:

- (1) The holder of the ePass.
- (2) A member of the holder's household (as determined by reviewing the address on the driver's license of the individual wishing to use this service) is eligible to use the service described in Sec. 62-24 – ePass Program.
- (3) Individuals wishing to use this service will be asked to present their driver's license to the Scale House attendant when entering the solid waste facility, to determine their eligibility to receive this service. Failure to present a driver's license or meet the eligibility requirements listed in this ordinance may disqualify the individual from receiving the services listed in this ordinance.

(Ord. No. 03-10, 8-1-03; Ord. No. 06-11, 7-27-06; Ord. No. 12-11, 10-18-12; Ord. No. 13-09, 10-17-13)

**Secs. 62-25--62-30. Reserved.**

## ARTICLE II. PRIVATE COLLECTORS

### **Sec. 62-31. Reserved License or authorization required.**

~~No person shall collect any house offal, swill or garbage, or carry the same through any of the streets or sidewalks of the city, except such person as may be authorized or licensed by the department of public works.~~

~~(Code 1982, § 29-20)~~

### **Sec. 62-32. Reserved Duration of license; revocation.**

~~(a) The department of public works shall determine the length of time for which any license under this article shall issue, and all such licenses for the collection of garbage shall be~~

## SOLID WASTE

~~granted subject to revocation by the department.~~

- ~~(b) — The department of public works may at any time revoke any or all licenses granted, in whole or in part, upon failure of any licensee to comply with the provisions of this article. Upon revocation of any license, the department shall send a notice thereof by registered mail to the licensee at least 15 days before the date such revocation shall become effective.~~

~~(Code 1982, § 29-21)~~

### **Sec. 62-33. Reserved Voluntary relinquishment of license.**

~~Any licensee wishing to discontinue the collection of garbage, in whole or in part, shall notify the department of public works in writing of his intention to do so, at least 15 days prior to the date of such discontinuance, and shall return his license to the department.~~

~~(Code 1982, § 29-22)~~

### **Secs. 62-34--62-55. Reserved.**

## ARTICLE III. HAZARDOUS MATERIALS\*

\*Cross references: Fire prevention and protection, ch. 38.

### **Sec. 62-56. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Disposal* means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous or solid waste, sludge or septage into or on any land, water, sanitary or storm drainage system so that the hazardous or solid waste, sludge or sewage or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including groundwater.

*Generator* means a person whose activity results in the generation of waste which is or may be hazardous.

*Hazardous waste* means any chemical substances or materials, gas, solid or liquid, designated as hazardous by the United States Environmental Protection Agency pursuant to the United States Resource Recovery and Conservation Act, Public Law 94-580, and amendments to the act or designated hazardous by the act or its amendments.

*Oil* means any of a class of substances typically unctuous, viscous, combustible, liquid at 60 degrees Fahrenheit and soluble in ether or alcohol but not in water.

*Storage* means the placement of materials in drums, tanks or other structures intended to retain the materials for subsequent use or disposal.

*Waste oil* means discarded oil generated by residential, institutional, commercial, industrial or agricultural sources or oil recovered from spills.



## EXECUTIVE DEPARTMENT

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

October 18, 2016

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: Proposed Changes to ePass Program

The Public Works Committee has recommended certain changes in the City's current ePass program for our solid waste landfill. This recommendation has previously been reviewed by the Council at the time the Public Works Committee's report was accepted.

### SUMMARY OF PROPOSED CHANGES

#### RESIDENTS

Current: The ePass program allows owners of residential properties to purchase a \$20 pass permitting them to dispose of certain wastes<sup>1</sup> at our landfill. If necessary, these owners can then purchase a second pass, for \$40, which will allow them to dispose of a second, equal amount of waste.

Proposed: Residential property owners would receive 1 ePass at no charge after they have paid their March property tax bill. The amount of waste, however, would be reduced to 1,000 lbs. Any materials in excess of the ePass authorized amounts would be paid for at the established landfill rate of \$93 per ton.

#### TENANTS

Current: Tenants are now able to purchase one "abbreviated" ePass for \$10.<sup>2</sup>

Proposed: Tenants could obtain an ePass for \$20, limited to 1 ePass per year and 1,000 lbs of waste.

#### LANDLORDS

Current: Landlords who pay for City waste collection are currently eligible to receive one free ePass for every 3 dwelling units.

<sup>1</sup> Currently, allowed for disposal are: 6 bulky waste items including 1 universal waste item and 1 freon containing appliance; 6,000 lbs of solid waste, and 2 tires (16 inches or less) without rims.

<sup>2</sup> Tenant ePasses allow for the same disposals with the exception of solid waste which is limit to 800 lbs.

Proposed: Landlords who pay for City waste collection would be eligible to purchase 1 ePass per year for every 3 non-owner occupied units, again with a 1,000 lbs limit per ePass. The cost of this ePass would be \$20. Note that a landlord who is an owner occupant would be eligible for one free ePass when they pay their March property taxes.

#### CLEAN-UP ASSISTANCE WEEK

The City's current spring clean up assistance week, allowing for free disposal of material at the landfill by homeowners, would no longer be offered given that all homeowner/taxpayers would receive a free ePass that could be used at any time throughout the year.

#### SPRING BRUSH COLLECTION

The current once annual collection of brush (limited to no more than 1 standard pick-up load per residence) would continue without change.

Explanations for these proposed changes can be found in the Public Works Committee Report.



October 18, 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.

**Status:** The Council approved the Solid Waste Policy Fee Schedule changes at their September 6 meeting and our consultant is finalizing changes to the Scale Management Software to implement the change.

The following recommendations are what we are workshopping here tonight:

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.

**Status:** City Staff has identified the needed changes to Chapter 62 Solid Waste Ordinance and the Solid Waste Policy Fee Schedule and they are attached for the City Council's Consideration. Before we officially presented these, we thought it would be helpful to workshop the issue to ensure everyone understands the changes being considered and the potential impact. Our plan is as follows:

- October 25<sup>th</sup> - Workshop with the City Council to get them familiar with the issue,
- November 1<sup>st</sup> - Council would have a first reading of the Ordinance Change,
- November 15<sup>th</sup>- 2<sup>nd</sup> Workshop (only if necessary), then 2<sup>nd</sup> Reading of the Ordinance Change and approval and approval of the Solid Waste Policy Fee Schedule Changes

City Staff will be sending out letters explaining the changes to Landlords with their ePass information reminders on Oct 31<sup>st</sup> or November 1<sup>st</sup>. We will also include an item in the Landlord Notify–Me part of the city’s website to ensure they are made aware of the potential changes. City Staff will also include information about the changes as part of the tax bills which will be mailed later in November.

Attachment (1) is a brief summary comparing the services before and after the proposed changes. Attachment (2) is the draft changes to Chapter 62 Solid Waste Ordinance needed to implement the proposed changes.

Attachment (3) is the draft changes to the Solid Waste Policy Fee Schedule needed to implement the proposed changes.

We will be happy to respond to any questions, comments or suggestions the Council may have.

Sincerely,

David A. Jones, P.E.

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

EXERPTS FROM FEBRUARY 4, 2016 MEMO FROM ED BARRETT RE: CITY SOLID WAST SYSTEM DISCUSSING THE CURRENT EPASS PROGRAM.

**ePass Program**

The City sells ePasses (formerly known as "Punch Passes") to Lewiston residents at the Treasurer's Office and at the Scale House at the Solid Waste Facility. These passes allow individuals to deliver certain wastes to our Facility at a significantly discounted rate. ePasses are good for one year from the date of purchase. The cost of the first pass is \$20. If necessary, a resident may purchase a second pass during the year for \$40.

The ePass allows the holder to dispose of the following:

- o 2 - tires (off the rim)
- o 1 - television or computer monitor
- o 1 - refrigerated appliance
- o 6 - Bulk Waste items (i.e. furniture, rolls of carpet, etc.)
- o 6,000 lbs. of trash/construction and demolition debris/yard debris

The retail value of an ePass, assuming all materials are actually disposed of, is about \$350. A \$20 price represents over a 90% discount. In FY 15, the City sold 2,348 ePasses. Only 110 of these were the higher priced second passes. This produced \$47,740 in revenue.

The City also offers an abbreviated ePass program for renters. This pass costs \$10 and allows the resident to dispose of similar quantities of material except for a reduction in the weight of trash/construction/yard debris from 6,000 lbs. to 800 lbs. During FY 15, 71 of these passes were sold for \$710 in total revenue.

A final element of the ePass program relates to landlords with a large number of properties. They are eligible to receive, free of charge, one ePass for every 3 units enrolled in the City's fee collection system. Given the significant discount associated with this program, it is possible that large property owners can manage their properties in such a way as to minimize their overall costs by balancing the number of units for which they pay the city fee against the number that they service on their own using the ePass' allowance for solid waste (6,000 lbs). The average residence produces about 2,600 lbs. of solid waste per year. Given this, every no charge ePass provided to a property owner allows that owner to deliver waste generated from an estimated 2.3 units to the City's solid waste facility and incur no disposal costs.

**PUBLIC WORKS COMMITTEE EPASS RECOMMENDATIONS**

**VI. ePass and Ordinance Changes**

- At the January 27<sup>th</sup> meeting, Ed Barrett, with assistance from staff gave a brief summary of the solid waste program and informed the Committee a City Council workshop on PAYT (Pay As You Throw) was scheduled for February 9th. The Committee requested data regarding:

- How many punch passes / e-passes are sold each year
- How many punch passes / e-passes are given to multi-unit apartment bldg. landlords
- Cost - Value of punch passes / e-passes
- Cost to dispose of materials at the landfill compared with MMWAC

- How much of an increase in recycling it would take to make the cost per ton the same as for solid waste
- How much would Re-Energy charge for CD wood and brush brought directly to them
- At the February 17<sup>th</sup> Committee meeting, Ed Barrett presented a good summary of the Solid Waste Program including:
  - Solid Waste Collection
  - Incineration in Maine and the City's relationship with MMWAC
  - Recycling collection and the City's relationship with Casella's MRF (Materials Recovery Facility) – current recycling rate is ~8.6% with State Goal of 50%
  - The City's ePass Program
  - A summary memo dated February 4, 2016 was included in the Agenda material.
- A discussion followed including:
  - Suggestions to change the ePass program to:
    - Reduce the epass disposal to 1,000 lbs. of waste materials (regardless of waste type);
    - Homeowners would be eligible to receive a free pass when they paid their March property tax bill (No additional pass would be available);
    - A renter could obtain the new epass for \$20 and would be limited to 1 pass per year;
    - A landlord who is an owner occupant would be eligible for 1 free epass for the unit they occupy when they pay their taxes and would be eligible to purchase 1 pass for every 3 additional units for \$20 per epass, as would non-owner occupant landlords.
    - Staff will evaluate the feasibility and impacts of these suggestions
  - Suggestion that the City go to a fee of \$93 per ton of waste material to simplify the fee schedule and to help automate the scale house operations. (This amount is \$5/ton more than MMWAC charges)

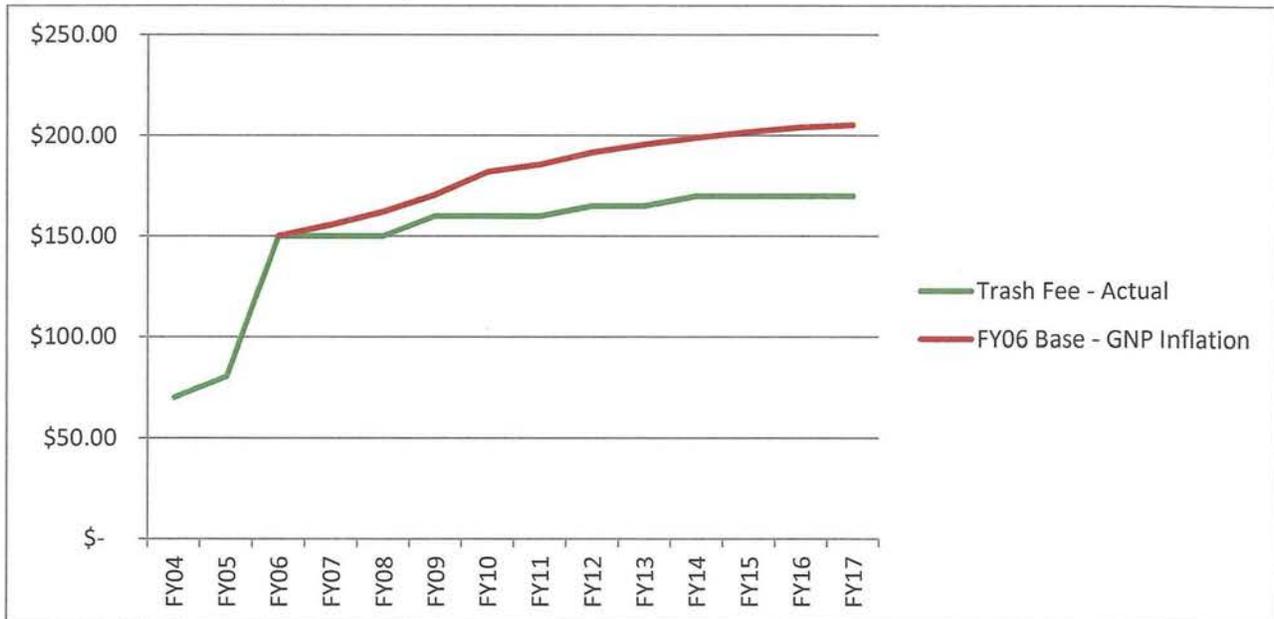
## Summary of Changes Proposed for Solid Waste

<u>Current</u>	<u>Proposed</u>
Each ePass allowed disposal of: bulky waste items (included 1 universal waste item and 1 freon containing appliance); three tons (6,000 lbs.) of solid waste; 2 tires (16 inches or less) without rims	6 Recommendation 2.a. Reduce ePass to disposal of 1,000 lbs of waste material (regardless of waste type): Each ePass will allow disposal of 1,000 lbs of waste material (regardless of waste typ)
Owners of residential properties are limited to two ePasses per year with the first ePass costing \$20 and the second ePass consting \$40.	Recommendation 2.b. Homeowners would be eligible to receive a free pass once they paid their March property tax bill (No additional pass would be available)
Tenants of residential properties were able to purchase "abbreviated ePases" for \$10 (abbreviated ePases allowed disposal of: bulky waste items (included 1 universal waste item and 1 freon containing appliance); 800 lbs. of solid waste; 2 tires (16 inches or less) without rims	6 Recommendation 2.c. A renter could obtainin a new ePass for \$20 (limited to 1 ePass per year.
The current code does not provide an allowance for an owner occupied apartment.	Recommendation 2.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
Owners of multi-unit apartment buildings, who are eligible and have paid for trash collection services provided by the City is eligible to receive one ePass per 3 dwelling units.	Recommendation 2.e. 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.
The Solid Waste Policy described Cleanup Assistance Event (if funded) as beginning the third Saturday in April and concluding on the fourth Saturday in April when: 1. Solid Waste Facility is open 8:00AM to 4:00PM (closed on Sunday) 2. Tip fees and use of ePass was waived for residents only (proof of residency must be provided) Commercial customers and multi-unit apartment buildings not allowed) 3. Acceptable Waste Materials brought to the Facility would be accepted with no tip fee. 4. LPW would 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.	Recommendation 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.

## Information about Collection of Solid Waste from Multi-Unit Apartment Properties

### History

1. Section 62-13 (b) deals with the collection of solid waste and recyclable material from multiple unit apartment buildings for properties who were receiving this service from the City in May 2003.
2. The current program of charging these properties for the service began in August of 2003 (FY2004) with the initial bills being \$70.20 per living unit per year. (Not \$35 per unit per year quoted at the workshop)
3. The bills had a small increase in FY2005, but in FY2006 the bills were increased to \$150 per living unit per year to more accurately reflect the actual cost to the City for the services rendered.
4. Since 2006, there have been modest rate increases with the totals falling below the GNP inflation line (see chart)



Multi-Unit Apartment Bldg Solid Waste Collection Cost (\$ per unit per year)

### Comparison Information

#### Other Cities/Towns

Portland – Provides collection services for up to nineteen (19) units per building under a pay-per-bag system. Most large apartment buildings are not participating in the City collection service as they prefer other services.

Bangor – Collection limited to private residences or apartment buildings of four (4) units or less.

Augusta - Collection limited to private residences or apartment buildings of four (4) units or less.

Waterville – Collection limited to private residences or apartment buildings of four (4) units or less. Also have pay-per-bag for all.

## **Information about Collection of Solid Waste from Multi-Unit Apartment Properties**

South Portland - Collection limited to private residences or apartment buildings of four (4) units or less. There are a few properties with more than 4 units and dumpsters meeting City requirements that were grandfathered and still get collected.

### Commercial Haulers

We asked commercial haulers providing solid waste disposal services in the area what their rates were. For comparison purposes, we assumed a four unit building would generate ~ 2 cubic yards (~200 lbs) of trash per week and would need a 2 yard dumpster to be hauled once per week. The following are the quotes we received for comparison purposes:

Waste Management	\$1,272 per year
Pine Tree Waste	\$1,560 per year
Andy Valley Refuse	\$ 972 per year
Troiano	\$1,152 per year
Almighty Waste	\$2,700 per year
City of Lewiston	\$ 680 per year

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 1, 2016

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Public Hearing and First Passage for Land Use Code Amendments regarding stormwater management.

**INFORMATION:**

The Planning Board voted 6-0 at their October 24, 2016 meeting to recommend that the Council amend the Land Use Code regarding stormwater management. These amendments are to update the city's ordinance to be consistent with the Maine Stormwater Management Law. Please see the attached memorandum from City Planner David Hediger for additional information.

Passage is recommended.

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

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendments to Appendix A, Article XIII. "Development Review and Standards", Section 4. "Approval Criteria" of the City Zoning and Land Use Code, concerning stormwater management, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting for final passage.

**AN ORDINANCE PERTAINING TO STORMWATER MANAGEMENT FOR  
DEVELOPMENT REVIEW**

**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 XIII. DEVELOPMENT REVIEW  
AND STANDARDS**

Sec. 4. Approval criteria.

(f) *Stormwater management.* Adequate provisions shall be made for the disposal of all stormwater collected on streets, parking areas, roofs or other impervious surfaces through a stormwater drainage system which will not have adverse impacts on abutting or downstream properties. All projects disturbing less than one acre shall be designed to meet the requirements of this subsection 4(f). All projects including one acre or more of disturbed land shall meet the requirements of this subsection 4(f) and the requirements of the Site Location of Development Law, 38 MRSA, 481--490, the Maine Stormwater Management Law, 38 M.R.S.A. Section 420- D, and regulations promulgated there under, specifically Rules 500, 501, and 502, ~~having an effective date of December 31, 1997, repealed and replaced on November 16, 2005, and further~~ as amended on December 21, 2006 August 12, 2015. At the discretion of the director of public works or his/her designee he/she may waive the above requirements, based on a finding that a particular site will have no significant runoff.

- (1) ~~To the extent possible,~~ The plan will demonstrate the disposal ~~dispose~~ of stormwater on the land at the site of development, and do so through the wise use of the natural features of the site. Stormwater runoff systems will infiltrate, detain or retain water falling on the site such that the rate of flow from the site does not exceed that which would occur in the predevelopment undeveloped state for a storm of intensity equal to at least a 2-, 10-, and 25-year storm, with a duration equal to the time of concentration. The stormwater quantity calculations must be in accordance with acceptable engineering practice. Acceptable stormwater methodologies and models include but are not limited to TR-20-Computer Program for Project Formulation--Hydrology, Second Edition, U.S. Department of Agriculture, Soil Conservation Service (May 1983); TR-55-Urban Hydrology for Small Watersheds, Second Edition, U.S. Department of Agriculture, Soil Conservation Service (June 1986); TR-55 Microcomputer Program, Version 2.0, (January 15, 1990); and HEC-1 Flood Hydrology Package, U.S. Army Corps of Engineers. Any methodology other than those listed must have prior approval from the director of public works or his/her designee city. Use of the 25-year, 24-hour storm as a design standard in this chapter is not intended to prohibit appropriate use of

the rational method. The outlet structures of each detention basin must be designed to control 24-hour storms of 2-, 10-, and 25-year frequencies. Each detention basin must be constructed with an emergency spillway designed to independently convey the unrouted runoff from a 25- year, 24-hour storm event. ~~At his discretion, the director of public services may waive the above requirements, based on a finding that a particular site will have no significant runoff.~~ Additionally, a waiver from these standards may be granted by the ~~City of Lewiston~~ the director of public works or his/her designee in the cases specifically identified below:

- a. *Discharge to the Androscoggin River.* A project conveys stormwater exclusively in a manmade piped or open drainage system directly into the Androscoggin River. Areas of the project or adjoining properties to be flooded during the 2-, 10-, and 25-year, 24-hour storms must be identified and easements secured, if necessary. A project that changes the flow-type (example: sheet to shallow concentrated), changes the flow channel, or increases the stormwater discharge must secure easements on the intervening property that meet the easement and covenant requirements following in this section. The discharge may not result in erosion of any upland or freshwater wetlands. ~~The director of public works or his/her designee The City of Lewiston Public Works~~ may allow a waiver if it is determined they determine that the increase in peak flow from the site will not significantly affect the peak flow of the receiving waters or result in unreasonable adverse impact on the river.
  - b. *Public stormwater system.* A project discharges its stormwater flow into the City of Lewiston Stormwater System, when the applicant has adequately demonstrated to ~~the public services department of the city~~ the director of public works or his/her designee that it has the capacity to accommodate increases in flow. ~~The director of public works or his/her designee city~~ may allow an insignificant increase in the peak flow from the site or in the peak flow of the receiving waters, if it is determined they determine that the increase cannot be avoided by reasonable changes in project design or density and does not significantly impact abutters or city property.
- (2) If the outflow volume is greater than that for the undeveloped site, the developer will demonstrate that downstream channel or system capacity is sufficient to carry the flow without adverse effects, or will be responsible for the improvements to provide the required increase in capacity.
  - (3) All natural drainage ways will be preserved at their natural gradients and will not be filled or converted to a closed system except as approved by the director of public works or his /her designee and/or by the planning board and appropriate state agencies.
  - (4) The design of stormwater drainage systems will insure the

- acceptance and disposal of stormwater runoff based on quantities calculated per subsection 4(f)(1) above, without damage to streets, adjacent properties or downstream properties.
- (5) The design of the storm drainage systems will be fully cognizant of upstream runoff which must pass over or through the site to be developed. The system will be designed to pass upstream flows, based on quantities calculated per ~~subsection~~ 4(f)(1) above, from the land, as fully developed, without surcharging the system.
  - (6) The maximum length for carrying open stormwater in a street gutter prior to intake at a catch basin will be three hundred feet. No stormwater will be permitted to drain on the surface across a street or across an intersection.
  - (7) The storm drainage system to serve a proposed development will be designed and installed in accordance with the plans and specifications prepared by a professional engineer, unless waived at the discretion of the director of public works or his/her designee.
  - (8) The developer will maintain and inspect all components of the stormwater runoff system unless the system is formally accepted by the city, or is placed under the jurisdiction of legally created property owners association whose charter and powers require maintenance of the system, with adequate financing to carry out this responsibility. Any approved plans must include a statement as to who will be responsible for said maintenance and inspections. The components of the stormwater run-off system shall include, but not be limited to, detention ponds, level spreaders, inlet and outlet protection and structures, swales, etc., and the piping unless the piping is under an accepted city street. For piping under accepted city streets, at the time of street acceptance, the piping shall become the property and maintenance responsibility of the city. An easement shall be provided to the city for the maintenance of this piping. In addition, a separate access easement for all other stormwater runoff components shall be provided to the city for emergency purposes.
  - (9) The biological and chemical properties of the receiving waters will not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source.
  - (10) The filling of wetlands on-site will be conducted only in accordance with applicable federal and state law and regulations, including the Natural Resources Protection Act.

#### **REASONS FOR PROPOSED AMENDMENT**

On August 12, 2015 an amendment to Maine DEP's Stormwater Management Rule (also known as Chapter 500 Rules) became effective. The changes include, but are not limited to, providing additional options for when treatment is required of stormwater, providing credits for Low Impact Development (LID), establishing new standards for

the redevelopment of existing sites, and providing updates to best management practices associated with stormwater management.

DEP has granted delegated review authority to the City for reviewing projects subject to the Site Location of Development Act (Site Law; essentially projects involving 3 to 7 acres of development activity) and capacity for reviewing and issuing permits subject to state Stormwater Management Rules. With the new rule changes adopted by the State, the city must amend the applicable sections of the Zoning and Land Use Code referencing these new provisions. Failure to do so puts the City at risk of losing its delegated review authority and capacity for review certain sized projects. Maintaining this authority from DEP is welcomed by property owners and developers, as the City is able to provide an expedited and less costly review of projects.

### **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 reason:

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).

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. Improve stormwater management: Implement plans, programs, policies, and projects to meet the City's requirements under the Municipal Separate Storm Sewer Systems (MS4) Phase II Permit and Clean Water Act Master Plan (p. 218).
2. Protect Lewiston's natural resources: Consider amending local land use ordinances, as applicable, to incorporate low impact development standards and Ensure that land use ordinances are consistent with applicable state law regarding critical natural resources (p. 24 for Lewiston Comprehensive Plan Implementation Matrix).



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: October 21, 2016**  
**RE: October 24, 2016 Planning Board Agenda Item IV(c)**

**A proposed amendment to Appendix A, Article XIII, Section 4(f) of the Zoning and Land Use Code to amend the city's development review stormwater provisions to be consistent with the Maine Stormwater Management Law.**

On August 22, 2016, upon a presentation by staff, the Planning Board voted unanimously pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to prepare an amendment for the Planning Board's recommendation to the City Council to amend the city's development review stormwater provisions to be consistent with the Maine Stormwater Management Law.

On August 12, 2015 an amendment to Maine DEP's Stormwater Management Rules (also known as Chapter 500) became effective. The changes include, but are not limited to, providing additional options for when treatment is required of stormwater, providing credits for Low Impact Development (LID), establishing new standards for the redevelopment of existing sites, and providing updates to best management practices associated with stormwater management.

DEP has granted delegated review authority to the City for reviewing projects subject to the Site Location of Development Act (referred to as Site Law; essentially projects involving 3 to 7 acres of development activity) and capacity for reviewing and issuing permits subject to state Stormwater Management Rules. With the new rule changes adopted by the State, the city must amend the applicable sections of the Zoning and Land Use Code referencing these new provisions. Failure to do so puts the City at risk of losing its delegated review authority and capacity for review certain sized projects. Maintaining this authority from DEP is welcomed by property owners and developers, as the City is able to provide an expedited and less costly review of projects.

#### **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 to the City Council to amend to Appendix A, Article XIII, Section 4(f) of the Zoning and Land Use Code amending the city's development review stormwater provisions to be consistent with the Maine Stormwater Management Law, 38 M.R.S. Section 420- D, and regulations promulgated there under, specifically Rules 500, 501, and 502, as amended on August 12, 2015.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

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

**From:** David Hediger

**Date:** October 26, 2016

**Subject:** Planning Board Action

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The Planning Board took the following action at its meeting held October 24, 2016 regarding a proposed amendment to development review stormwater regulation.

The following motion was made:

**MOTION:**

by **Pauline Gudas** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to amend to Appendix A, Article XIII, Section 4(f) of the Zoning and Land Use Code amending the city's development review stormwater provisions to be consistent with the Maine Stormwater Management Law, 38 M.R.S. Section 420- D, and regulations promulgated there under, specifically Rules 500, 501, and 502, as amended on August 12, 2015.

Second by **Zach Pettingill**.

**VOTED:** 6-0 (Passed)

# What are the 2015 Changes to Maine's Stormwater Management Laws?

## ***In a Nutshell: What is New in Chapter 500?***

For each bullet point, the related Chapter 500 rule section is cited in parentheses:

### **General Standards:**

- The Department provides for reduced stormwater treatment levels if the remaining land is set aside from development. (4(C)(2)(a)(iii))
- The redevelopment standards were revised to provide greater clarification and as a way to incentivize redeveloping existing properties. (4(C)(2)(d))
- The storage volume requirement for wetponds was increased by 33%. (4(C)(3)(a))
- Innovative stormwater treatment measures are allowed provided that they perform at least as well as conventional measures. (4(C)(3)(e))
- A new low impact development (LID) credit is introduced. Eligible projects can use the credit to reduce the developed area requiring treatment by up to 20%. (4(C)(4))
- The portion of a road crossing a wetland is not required to meet the general standards provided its design allows wetland flow under the road. (4(C)(5)(e))
- Runoff from sloped, non-asphalt roofs of non-industrial facilities needs to be treated for thermal impact and for channel protection only. (4(C)(5)(f))

### **Phosphorus Standard:**

- If an applicant can demonstrate that a project meets the site allocation contrary to the standard phosphorus export calculation results, the Department may decide that the phosphorus standard is met. (4(D)(3))

The Maine Department of Environmental Protection's Chapter 500 Stormwater Management rules underwent a revision in 2015, its first revision in four years. The changes are intended to provide greater flexibility while encouraging the use of innovation stormwater design and low impact development techniques to help address climate change. One notable change was that the "Compensation and Mitigation Credit" section was removed from Chapter 500, and released as a new stand-alone chapter, Chapter 501.

### **Sensitive Watersheds:**

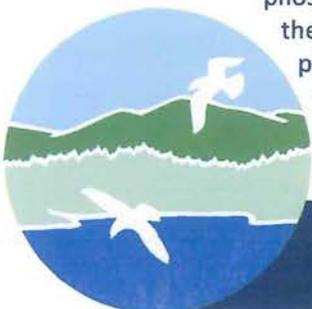
- Permittees may be required to hire a Department-approved inspector to oversee construction projects in the watersheds of lakes most at risk or urban impaired streams. (10(A))

### **Inspection, Maintenance and Housekeeping:**

- Permittees are asked to retain their stormwater inspection and maintenance logs for a minimum of five years after the completion of permanent stabilization. (Appendix B(2)(d))
- Authorized and unauthorized non-stormwater discharges were identified to more closely align with federal stormwater regulations. (Appendix C(6 & 7))

### **Infiltration Systems:**

- The infiltration basins must be designed to drain completely within a 24 to 48-hour period. (Appendix D(4)(a))
- In certain cases, the Department may require:
  - \* Groundwater quality monitoring to determine the effectiveness of any infiltration system. (Appendix D(4)(a))
  - \* A "mounding analysis" demonstrating that the water table will be below the bottom of an infiltration system within 48 hours after the end of a storm event. (Appendix D(4)(d))



### ***Vegetated Soil Filters:***

- Liners are required on all vegetated soil filters unless certain site conditions are met. (Appendix E(4)(a)(iii))

### ***Buffers:***

- An alternative buffer design is provided for residential subdivision lots to meet either the general standards or the phosphorus standard using compensation. (Appendix F(7))

The full text of the current Chapter 500 Rules can be accessed at: <http://www.maine.gov/dep/land/stormwater/storm.html>

### ***In a Nutshell: What is New in Chapter 501?***

For each bullet point, the related Chapter 501 rule section is cited in parentheses:

#### ***Urban Impaired Streams:***

- The compensation fees were increased to more closely reflect the actual cost of mitigation projects. (3(A)(1))
  - \* Non-roof impervious area: \$12,500 per acre
  - \* Roof: \$5,000 per acre
  - \* Landscaped area: \$2,500 per acre
- Mitigation credits are defined for an expanded group of developments, including different parking lot types. (3(A)(3))

#### ***Phosphorus Standards:***

- A project can earn credits by treating the following off-site phosphorus sources if they are determined to be significant by the Department: (3(C)(2))
  - \* Roads: Credits can be earned by paving them
  - \* Chronic erosion sites: Credits can be earned by repairing them

Credits that can be earned by treating other phosphorus sources are decided on a case-by-case basis.

- An applicant can pay a compensation fee in lieu of reducing phosphorous export beyond a project's allotment provided that the phosphorous export from the proposed development site has already been reduced by at least 60%. The maximum compensation fee is \$25,000 per pound of

phosphorus export. Compensation fees are prorated such that less compensation fee is paid for projects achieving a higher reduction in phosphorus export. The compensation fee option is unavailable: (3(C)(3))

- \* For projects or portions of projects that are residential subdivisions or roads within residential subdivisions, unless the project is using only wooded or meadow buffers and associated level spreaders and ditch turnouts to address the remaining phosphorus export reduction required to meet the projects phosphorus allocation.
- \* Unless a mitigation project is identified and approved by the Department in the same watershed.

The full text of the current Chapter 501 Rules can be accessed at: <http://www.maine.gov/dep/land/stormwater/storm.html>

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For more information on Maine's stormwater management rules, please contact staff in one of our four regional offices:

Augusta, Main Office and Central Maine Regional Office  
(Mail) 17 State House Station, Augusta, Maine 04333-0017

(Physical) 28 Tyson Drive, Augusta, Maine 04333-0017  
(207)287-7688 • (800)452-1942 • FAX (207)287-7826

Bangor, Eastern Maine Regional Office  
106 Hogan Road, Bangor, Maine 04401  
(207)941-4570 • (888)769-1137 • FAX (207)941-4584

Portland, Southern Maine Regional Office  
312 Canco Road, Portland, Maine 04103  
(207)822-6300 • (888)769-1036 • FAX (207)822-6303

Presque Isle, Northern Maine Regional Office  
1235 Central Drive, Presque Isle, Maine 04769  
(207)764-0477 • (888)769-1053 • FAX (207)760-3143

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 1, 2016

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Public Hearing & First Passage for re-zoning the even-numbered addressed properties from 10 King Avenue to 108 King Avenue from the Community Business (CB) District to the Neighborhood Conservation "A" (NCA) District.

**INFORMATION:**

The property owner of 18 King Avenue would like to convert the building from a three unit building to a single-family home. However the current zoning district does not permit single family homes in this area.

On October 24, 2016 the Planning Board voted unanimously (6-0) to send a favorable recommendation to the City Council to rezone the above referenced portion of King Avenue, pursuant to Appendix A, Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code of the City of Lewiston.

The attached memorandum from City Planner David Hediger offers additional information regarding this item.

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

The City Administrator recommends approval of the requested action.

*EAB/ymm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendment to re-zone the even-numbered addressed properties from 10 King Avenue to 108 King Avenue from the Community Business (CB) District to the Neighborhood Conservation "A" (NCA) District. receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting for final passage.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

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

**From:** David Hediger

**Date:** October 26, 2016

**Subject:** Planning Board Action

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The Planning Board took the following action at its meeting held October 24, 2016 regarding a proposed amendment to the zoning on King Avenue.

The following motion was made:

**MOTION:**

by **Pauline Gudas** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to rezone the even-numbered addressed properties on the north side of King Avenue, 10 King Avenue to 108 King Avenue, from the Community Business (CB) district to the Neighborhood Conservation "A" (NCA) district.

Second by **Norm Anctil**.

**VOTED: 6-0 (Passed)**



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO: Mayor and City Council**  
**FROM: David Hediger, City Planner**  
**DATE: October 25, 2016**  
**RE: King Avenue Rezoning**

On October 25, 2016 the Planning Board voted unanimously pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to rezone the even-numbered addressed properties on the north side of King Avenue, 10 King Avenue to 108 King Avenue, from the Community Business (CB) district to the Neighborhood Conservation "A" (NCA) district. This amendment was initiated by the Planning Board at staff's request.

Staff has been approached by the owner of 18 King Avenue to convert an abandoned three-family dwelling into a single family dwelling. This property is located in the Community Business (CB) district in which multifamily dwellings are a permitted use, but single-family dwellings are not. The options currently available for the owner of this property are to either reestablish the use of the property as a three-family structure or to pursue some other use allowed in the CB district.

The property owner inquired about rezoning the property to Neighborhood Conservation "A" (NCA) district which permits single family dwellings. The NCA district is located directly across the street. Rather than having that single property rezoned, staff believes there is good reason to consider rezoning other properties on the northerly side King Avenue from CB to NCA. In 1953, all of the properties on the north side were zoned Residential to the rear property line abutting the Fairgrounds, today known as Sparetime Business Park. That changed in 1958 with properties on the northerly side of King Ave rezoned to Commercial. It has remained a nonresidential district ever since. Nearly all of the 21 impacted properties on the northerly side are residential: one-three family dwelling; four-two family structures; 15 single family structures; and, one vacant lot. With the exception of one-three family dwelling, all the uses on this side of the road are legally nonconforming. The likelihood of these small sized lots being combined and utilized for commercial purposes is slim; nothing has occurred in 58 years.

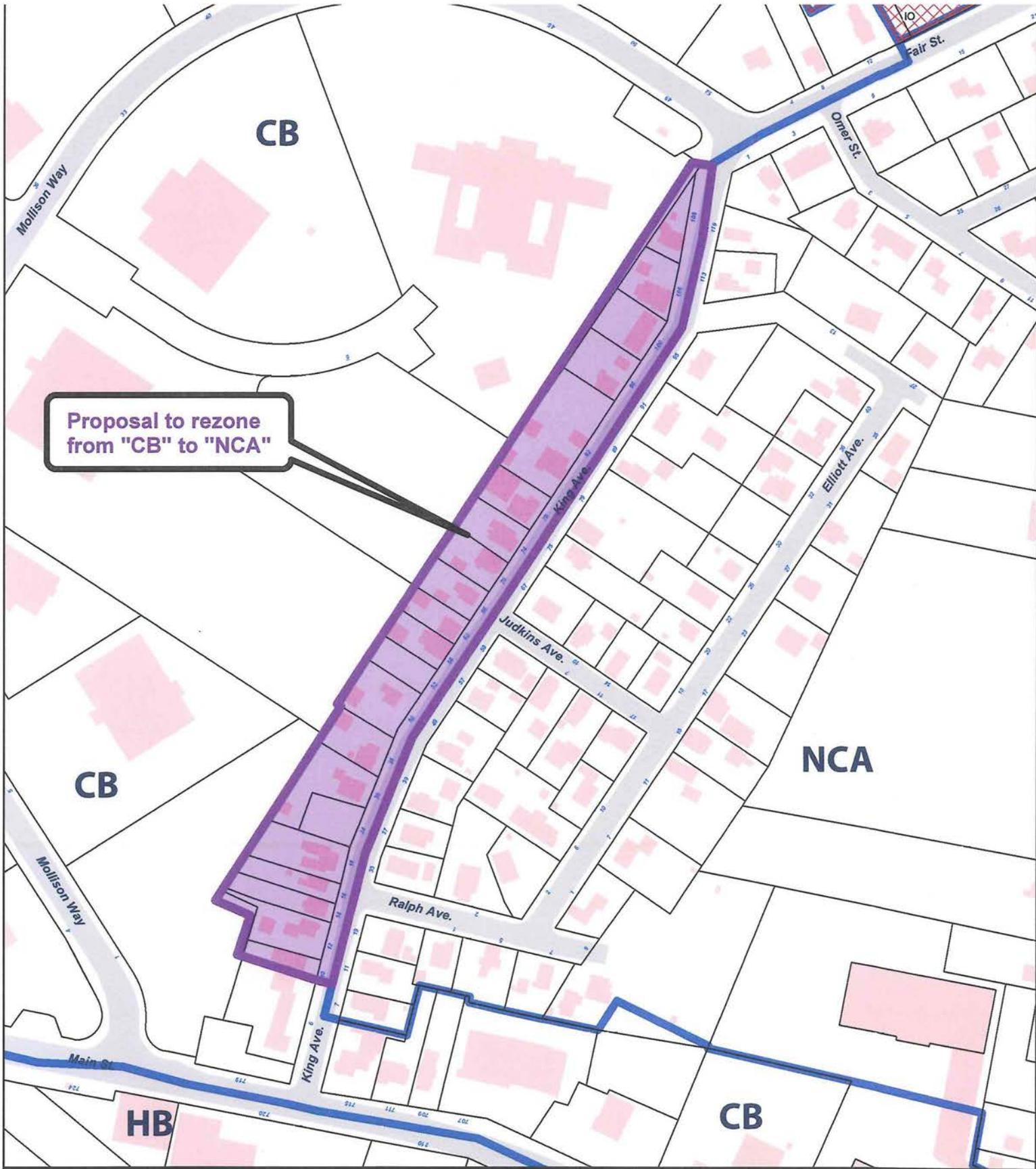
Given the exiting pattern of residential development, the highest and best use in this neighborhood is residential. Rezoning these properties to NCA supports that development pattern, results in more properties becoming conforming uses, allows for new or reconstruction of single-family dwellings as a matter of right, reduces side and rear building setback requirements allowing greater use of lot area for residential use, and prevents commercial development from occurring on a busy residential street.

A neighborhood meeting was held on October 17, 2016 at which only five property owners attended (one was an Elliot Avenue resident). Upon explaining the reason for the proposed amendment, most seemed to understand and were supportive of the change. There was a question if the rezoning would change property values for tax purposes. I have since confirmed

with City Assessor Bill Healey that changing the zoning on the north side of King Avenue from CB to NCA will have no impact on property assessments and that the assessed values of the land is consistent on both sides of King Avenue. This information has since been provided to those in attendance at that meeting.

At the Planning Board meeting, a representative of 92 King Avenue questioned whether a nonconforming use would be allowed to continue with the proposed rezoning. The answer is yes, with specific limitations. This property contains a two-family dwelling and a separate building historically used for retail (i.e. Pete's Lunch 40+ years ago and most recently, a consignment shop). Article VI, Section 4 of the Zoning and Land Use Code allows for the use of land, buildings, structures, lawful at the time of adoption or subsequent amendment of this Code, may continue, although such use does not conform to the provisions of this Code. If any nonconforming use of a building, structure or land is discontinued for a period of 12 consecutive months or more, abandonment, except as provided below, is conclusively presumed and such use shall not be resumed, and only a use conforming with the provisions of the district in which the property is located shall be made of such building, structure or land. Nonconforming uses presumed abandoned may be reestablished during the 12-month period immediately following the date of presumed abandonment as long as a completed application for the conditional use permit is submitted to the office of the director of code enforcement within this period, and the permit is subsequently granted by the board of appeals.

Staff will be available at the meeting for any questions.



# Proposed King Avenue Rezoning

October 2016

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 1, 2016

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Order authorizing the sale of the tax acquired property at 422 Pleasant Street.

**INFORMATION:**

The City Council authorized taking possession of tax acquired property at 422 Pleasant Street at its meeting of November 17, 2015. Given the issues involved when the City puts tax acquired properties out for bid while simply offering a Municipal Release Deed, the City Administrator requested that the City attorney take steps to clear the title to enable the sale with a warranty deed, which has been done. A request for bids was subsequently issued with a minimum required bid of \$55,000. No bids were received. Subsequently, expressions of interest were received from a number of other potentially interested parties, and the property was rebid for sale.

Five bids were received, with a high bid of \$55,000 from Flipping Fun, LLC. Flipping Fun intends to renovate the property and offer it for sale.

Staff recommends that this bid be accepted and that the proceeds be used to reimburse the General Fund for past due taxes, interest, and other related expenses and our utility funds for amounts owed. The remaining balance will be credited to the acquisition and demolition fund.

Prior to authorizing that the property be offered for sale, the Planning Board reviewed this property and recommended its disposition.

**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 sale of the tax acquired property at 422 Pleasant Street.



**COUNCIL ORDER**

**Order,** Authorizing the Sale of the Tax Acquired Property at 422 Pleasant Street.

Whereas, the City Council authorized taking possession of tax acquired property at 422 Pleasant Street at its meeting of November 17, 2015; and

Whereas, no bids were received in response to a request for bids requiring a minimum bid of \$55,000; and

Whereas, subsequently, expressions of interest were received from a number of other potentially interested parties, and the property was rebid for sale; and

Whereas, five bids were received with a high bid of \$55,000 from Flipping Fun, LLC; and

Whereas, Flipping Fun intends to renovate the property and offer it for sale; and

Whereas, the proceeds from this sale shall be used (1) reimburse the General Fund in the amount of \$19,554.48 in real estate taxes and interest; (2) reimburse the City's Utility Funds in the amount of \$1,813.99; (3) replenish acquisition and demolition funds with any remaining balance;

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

The City Administrator is hereby authorized to sell the property located at 422 Pleasant Street to Flipping Fun, LLC for \$55,000 with the proceeds from the sale to be used to reimburse the General Fund for overdue property taxes and interest in the amount of \$19,554.48 and the City's Utility Funds for overdue water, sewer, and stormwater charges in the amount of \$1,813.99, with the remaining balance to be used to replenish the City's acquisition and demolition funds.

# Sale of 422 Pleasant Street

**Bid #: 2016-080**  
**Bid Date 10-13-2016**

Flipping Fun LLC .....\$55,000  
David Gendron (207-577-0235)  
55 Sprague Mill Rd  
Greene ME 04236  
Bid Security \$5,500 Provided

St. Laurent Properties LLC .....51,011  
Gary St.Laurent (207-784-7944)  
20 Highland Spring Road  
Lewiston ME 04240  
Bid Security \$6,000 Provided

William A. Goff .....41,000  
(207-357-7674)  
1430 Roxbury Road  
Roxbury ME 04275  
Bid Security \$4,100 provided

Paul Fillion .....38,500  
(207-240-4178)  
12 Wallace Shore Extension  
Harpwell ME 04079  
Bid Security \$3,850 Provided

Josh Laliberte .....6,667  
(207-232-0015)  
34 Brown Street  
Lewiston ME 04210  
Bid Security \$666.70 Provided

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 1, 2016

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Resolve authorizing staff additions to the Department of Social Services and transferring the required funding from elsewhere in the City General Fund Budget.

**INFORMATION:**

Social Service staff has experienced a significant increase in workload, primarily driven by the rapid increase we have seen in asylum seekers applying for General Assistance. While applications and office visits from other categories of applicants, including refugees and immigrants, has been declining as the economy has improved, office visits from asylum seekers have more than doubled in recent years. This group requires greater staff time due to language and cultural issues and the detailed eligibility requirements that must be explored in order to comply with the state's regulations affecting the program. In addition, the length of time asylum seekers must wait to receive their work authorization from the federal government means that these individuals tend to be dependent on the GA program for a longer period than other applicants. As a result, the Department's staff has been under stress to meet the workload demand while also complying with state record keeping and reporting requirements.

This request is for an additional full-time case worker and to upgrade the part-time receptionist position to full-time. The projected annualized cost for these changes is \$87,133.58; however, only 7 months of funding is required to complete this fiscal year at an estimated cost of \$50,828.

The attached resolve would authorize these personnel changes and transfer the necessary funding from within the budget. Funds are available in the City Pension Plan account due to a reduction in individuals receiving such pensions and the employee health insurance account due to changes in health plan coverage for certain employees.

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

The City Administrator recommends approval of the requested action.

*EAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Resolve authorizing staff additions to the Department of Social Services and transferring the required funding from elsewhere in the City General Fund Budget.



CITY OF LEWISTON, MAINE

November 1, 2016

COUNCIL RESOLVE

**Resolve,** Authorizing Staff Additions to the Department of Social Services and Transferring the Required Funding From Elsewhere in the City General Fund Budget.

Whereas, the Social Services Department is currently staffed by 5 full-time and 1 part-time employee; and

Whereas, the Department has seen a significant increase in applicants who are seeking asylum in the United States; and

Whereas, due to cultural and language barriers and the additional requirements placed on staff to adhere to the record keeping and monitoring requirements of the Maine Department of Health and Human Services related to asylum seekers, these clients demand significant additional staff time; and

Whereas, since asylum seekers must wait for a significant period of time

Whereas, this increase in workload has stressed the ability of the staff of the Department to meet client needs and the state's record keeping and reporting requirements; and

Whereas, based on current trends, we anticipate that the number of asylum seekers applying for assistance will continue to rise for at least the remainder of this year, further increasing staff workload;

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

An additional case worker is hereby authorized for the Department of Social Services and the current part-time receptionist position is increased to full-time. Funding for these positions shall be transferred to the appropriate Social Service and Employee Benefit accounts from the following General Fund accounts:

4931-417010	City Pension Plan	\$32,980
4921-417100	Maine Municipal Employers Health Trust	\$17,848
	TOTAL	\$50,828

# MEMORANDUM

TO: Ed Barrett, City Administrator

FR: Sue Charron, Social Services Director

RE: Social Services Staffing

DT: October 19, 2016

I am respectfully requesting additional staff for the Social Services department. The increase in general assistance applicants and the overall office traffic, especially for the immigrant population, supports the request for 1 additional full-time case worker and for the part-time receptionist position to become a full-time position.

Current staffing levels are:

- 1 Director
- 1 Deputy Director/Sr. Case worker
- 2 Case workers-with CDBG funding offset of \$57,581
- 1 Administrative Assistant
- 1 Receptionist- part-time 19.75 hours per week

In addition to the mainstream population, we are serving immigrants from numerous countries who speak several different languages. Because of language barriers, cultural issues and immigration matters, the cases are complex and time consuming. Asylum seekers make up the majority of the immigrant population and these cases are particularly complex. Please see the attached information.

There are necessary tasks that need to be performed in order to administer an efficient program, and inadequate staff numbers force us to put some tasks on the back burner — reviewing files, validating work searches, prompt DHHS verification, tracking and reporting etc., all of which are necessary for client, staff, and fiscal accountability.

One of our case workers is quite knowledgeable in immigration matters and speaks 3 languages. Our current part-time receptionist is also quite knowledgeable in immigration matters, speaks 6 languages, and is a certified interpreter. She also filled in as a part-time caseworker when I was out on medical leave, and she is just a few credits shy of her associate's degree.

Both of these individuals save the city a measurable amount of money in interpreter expenses and in administrative time. It is not uncommon for an initial interview to last 1 hour or longer, and for re-intakes to last ½ hour or longer. If a caseworker has to use the language line or a face to face interpreter, not only is it costly, but it adds to the amount of time spent on a particular case and tends to back up the caseload. Additionally, interpretation is necessary in many instances for scheduling appointments and

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• TTY/TDD 207 784-5999 • Email: [scharron@ci.lewiston.me.us](mailto:scharron@ci.lewiston.me.us)*

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answering general questions, either by telephone or in person. The language line costs \$1.19 per minute. Face to face interpreters cost \$50.00 per hour. Even if we only need a face to face interpreter for 20 minutes, we are still charged for an hour, and scheduling an appointment is not immediate.

We have utilized our workfare clients who are trained and speak several languages to perform clerical duties in the afternoon and assist with interpreting. This has also saved the city money, not only in receptionist's wages, but also in interpretation costs and administrative time. However, the turn-over rate for the workfare clients is high because once they obtain their work documents they become employed. The training we provide certainly assists them in obtaining employment.

The lack of an afternoon receptionist cuts into all of the staff duties, particularly the administrative assistant's time, because clients are registering for their appointments, requesting information, and scheduling appointments either by telephone or walking into the office. The administrative assistant is very busy with the financials and ever increasing reporting and tracking requirements, and she doesn't have the time to deal with client issues.

Hiring 1 full-time case worker and making the part-time receptionist into a full-time position will result in efficiencies and accountability.

I sincerely appreciate the consideration for additional staff.

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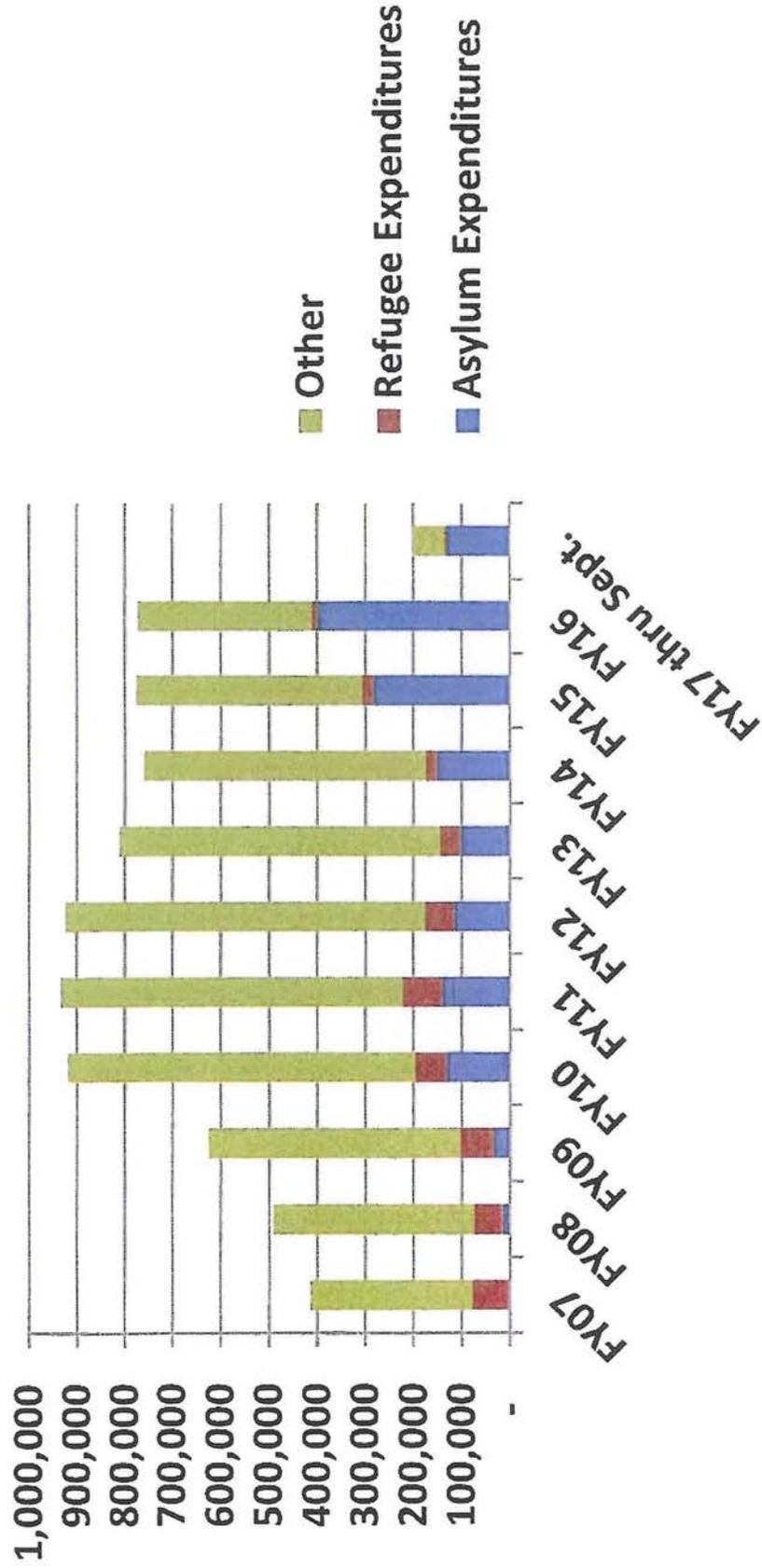
## Social Services Personnel

### Current Staffing:

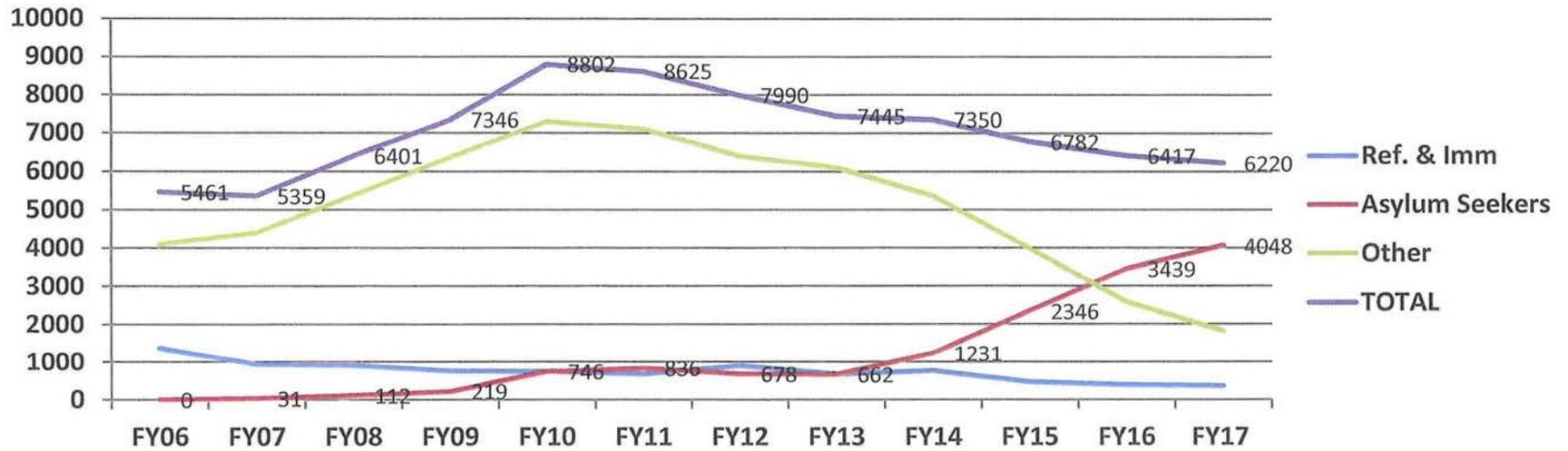
Director  
Sr. Caseworker  
2 Caseworkers - with CDBG funding offset of \$57,581  
Administrative Assistant  
Receptionist - 19.75 hours per week

	<b>Principal Clerk G-10</b>	<b>Caseworker G-17</b>
<i>Detail Expense:</i>		
Salaries - assumes entry step	27,066.00	33,228.00
FICA	1,678.09	2,060.14
Medicare	392.46	481.81
Health Insurance	6,803.80	15,260.44
MSRS/Def. Comp.	1,623.96	1,993.68
Health Reimbursement Account	1,066.00	2,066.00
Section 125	366.00	366.00
Workers Comp	110.97	136.23
<b>Total Annualized</b>	<b>39,107.28</b>	<b>55,592.30</b>
credit for Temp. Receptionist	(7,566.00)	
	<b>31,541.28</b>	
 Total budgetary impact for both positions		<b><u>87,133.58</u></b>

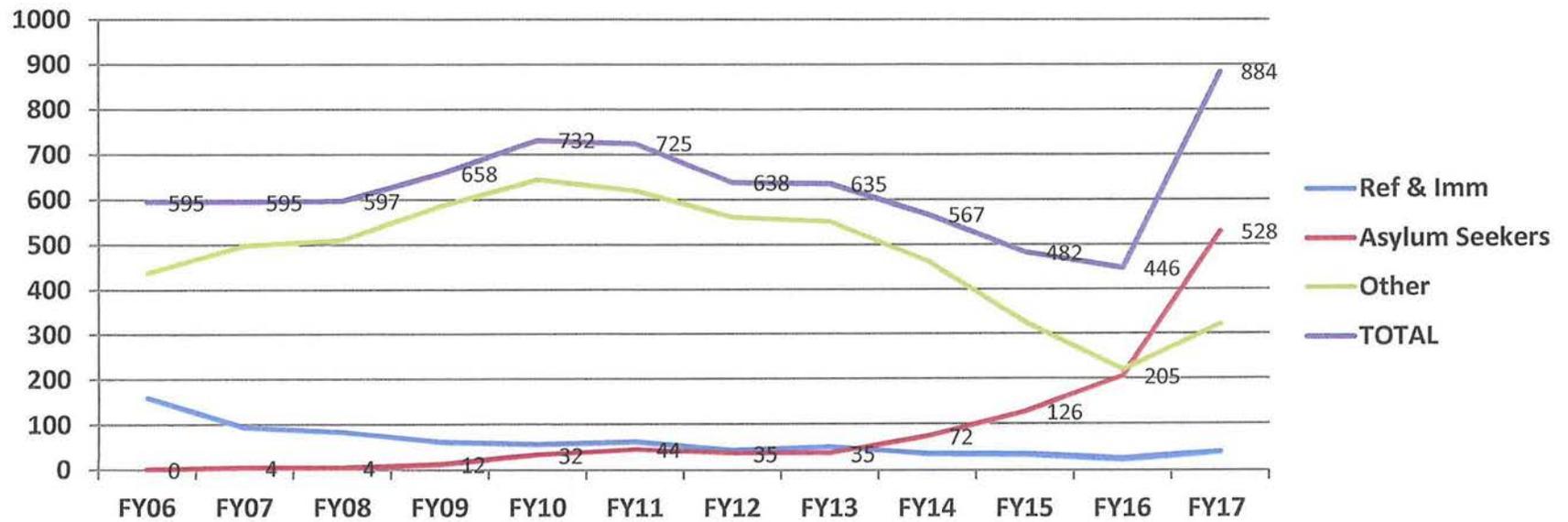
# GA Expense Trend



## Office Visits



## Cases Served



**LEWISTON CITY COUNCIL**  
**MEETING OF NOVEMBER 1, 2016**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 8**

**SUBJECT:**

Resolve authorizing the donation of a 1988 Emergency One Pumper to the Town of Greene Fire Department.

**INFORMATION:**

The Lewiston Fire Department decommissioned a 1988 Emergency One Pumper in early 2016. This Fire Pumper had served the department for over 28 years. The Purchasing Director and Fire Chief advertised this unit for sale, but no proposals were received.

Mutual aid partners in the immediate area were canvased, and the Greene Fire Department expressed an interest.

The Fire Chief recommends that this unit be donated to the Greene Fire Department.

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

The City Administrator recommends approval of the requested action.

*SAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Resolve authorizing the donation of a 1988 Emergency One Pumper to the Town of Greene Fire Department.



CITY OF LEWISTON, MAINE

November 1, 2016

COUNCIL RESOLVE

**Resolve,** Authorizing the Donation of a 1988 Emergency One Pumper to the Town of Greene Fire Department.

Whereas, the Lewiston Fire Department decommissioned a 1988 Emergency One Pumper in early 2016 after 28 years in service; and

Whereas, this unit was offered for sale with no proposals received; and

Whereas, our immediate mutual aid partners were surveyed and the Green Fire Department expressed an interest in its acquisition; and

Whereas, the estimated salvage value of this unit is \$800 to \$1,200; and

Whereas, the Fire Chief recommends that this unit be donated to the Greene Fire Department;

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

Donation of a 1988 Emergency One Pumper to the Town of Greene Fire Department is hereby approved.

# Lewiston Fire Department



Paul M. LeClair  
Fire Chief

Bruce H. McKay  
Assistant Chief



October 18, 2016

Edward A. Barrett, City Administrator

## **RE: Fire Pumper Donation to Town of Greene**

Administrator Barrett,

The Lewiston Fire Department decommissioned a 1988 Emergency One Pumper in early 2016. This Fire Pumper had served the department for over 28 years. Recently as a reserve unit, filling in for front line trucks at time of repair and multiple alarm incidents. The unit was front line for 16 years prior to being assigned to reserve status.

The Purchasing Director, Norm Beauparlant, and I posted an advertisement for sale of the 1988 unit; however we did not receive a proposal. I have canvassed our immediate mutual aid partners (Greene, Sabattus & Lisbon), and the Greene Fire Department is the only interested party.

The 1988 E-One Pumper requires engine and pump relief valve repair. The repairs, along with 28 years of service, have resulted in limited interest from resellers and other vendors.

The salvage value of the 1988 Pumper is estimated at \$800.00 to \$1,200.00.

I would strongly recommend a donation to the Greene Fire Department. I believe they have the ability to fund the repairs and gain some useful life from the unit for skills training and continue to provide mutual aid to the City of Lewiston when requested.

Sincerely,

Chief Paul M. LeClair