

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
DECEMBER 20, 2016**

6:30 p.m. Workshop – Discussion concerning the Recreational Marijuana Legalization

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag
Moment of Silence

Lewiston Youth Advisory Council Update

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

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

REGULAR BUSINESS:

1. Public Hearing on a new liquor license application for Fran's Place, 1485 Lisbon Street.
2. Public Hearing on a new liquor license application for Xin's Restaurant, 760 Main Street.
3. Order authorizing the City Administrator to pursue abandoning the City's Federal Energy Regulatory Commission's License for the Upper Androscoggin Station.
4. Resolve authorizing a \$6,700 transfer from two projects approved in the FY2016 Capital Budget Fund Balance Appropriation to the Exterior Armory Drainage Improvement Project.
5. Order authorizing the City Administrator to accept ownership of 143 Pine Street.
6. Order authorizing the City Administrator to execute a Second Amendment to the Employment Agreement between the City of Lewiston and Fire Chief Paul M. LeClair.
7. Update from the Lewiston School Committee Representative.
8. Reports and Updates.
9. Any other City Business Councilors or others may have relating to Lewiston City Government.
- * 10. Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, December 20, 2016
6:30 PM

1. Recreational Marijuana Legalization – 30 minutes

It appears that in November, Maine voters approved a referendum that would legalize recreational marijuana. That referendum authorizes municipal governments to exercise some control over operations involving the retail sales of marijuana and marijuana social clubs, including an outright prohibition of them in the City. At this point, staff is looking to the Council for some initial guidance on the approach that might be taken toward such facilities in the City of Lewiston.



EXECUTIVE DEPARTMENT

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

December 14, 2016

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Marijuana Legalization

At the November election, Maine voters appear to have narrowly approved legalization of recreational marijuana. While a recount is currently underway, it appears unlikely to overturn the result of the election. While this may result in marijuana legalization under Maine law, federal law continues to make the sale and possession of marijuana illegal.

Municipal Authority

The legislation authorizes municipalities to license and regulate retail marijuana establishments (stores and related processing facilities) and social clubs. Specifically, a municipality may regulate the "location and operation of retail marijuana establishments and retail marijuana social clubs" through our zoning ordinance and may adopt and enforce regulations for retail establishments and social clubs so long as those regulations are at least as strict as those established by the state. The City may also require that a local license be obtained and may, through the licensing process, impose additional restrictions on time, place, manner, and number of marijuana businesses.

Finally, the legislation allows municipalities to prohibit the operation of retail marijuana stores and retail marijuana social clubs within its boundaries.

Current Options

At this point, the City has a number of options including taking no action until we have a better idea of when the state might establish its licensing and permitting processes; enacting a moratorium on establishing such facilities in Lewiston; or enacting an ordinance prohibiting them within our community.

Prohibition

The first question that should be answered is whether we wish to allow such facilities in the City or not. Developing a permitting and regulatory scheme governing them will require staff time and effort and, ideally, should be informed by the state's overall approach. If the preference is to simply not allow such facilities, we can quickly resolve the issue by a simple ordinance. The referendum to allow recreational marijuana failed in Lewiston by a small margin – 8,682 voting no (51.1%); 8,322 voting yes (48.9%).

Note, however, that even if Lewiston prohibits such facilities, state law does not allow us to prohibit the recreational possession or use of marijuana in Lewiston by individuals.

Impose a Moratorium

A number of communities have imposed moratoria on the establishment of marijuana facilities with their boundaries. State law allows such moratoria to be in effect for six months and be extended for another six months if necessary. The theory is that this should provide adequate time for a municipality to develop and implement its approach to regulation.

In an ideal world, local regulation would be informed by the state's overall system. Under the referendum, however, the state will have nine months in which to develop and implement its licensing and regulations. There is also some question about when the nine month clock will actually begin, whether the state will meet this deadline, and whether current federal policy might change. Given all of this, it's within the realm of possibility that we could reach the end of a 12 month moratorium period without the state having completed its tasks.

In establishing zoning and licensing requirements, we could proceed without knowing what the state might do. As models, we could look to several existing areas of our Code such as those that regulate Medical Marijuana Distribution and Cultivation and Outpatient Addiction Treatment Clinics. In both of these, there are location and operating limitations that go far beyond what you normally find in terms of business regulation.

Take no action at this time.

At this point, there is no immediacy about this issue given the recount and the statutorily established 9 month period for the State to erect its regulatory framework. There even remains some doubt as to whether the statute will ever take effect given uncertainty about the position the new federal administration will take. We could simply stand back for a bit and wait to see how things progress.

Conclusion

As noted above, staff is looking for guidance from the Council on how to proceed. If there is interest in a simple prohibition, that could be initiated immediately. If recreational marijuana facilities are to be allowed, preparing the necessary ordinances will be more time consuming and will certainly involve staff, the Planning Board, and the Council as well as a variety of parties with an interest in this issue. As the timing of events becomes clearer, the option of imposing a moratorium could be revisited at that point.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 20, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing on a new liquor license application for Fran's Place, 1485 Lisbon Street.

INFORMATION:

We have received an application for a liquor license for Fran's Place, 1485 Lisbon Street. The liquor license application is for vinous.

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.

EAB/Kmm

REQUESTED ACTION:

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

To authorize the City Clerk's Office to approve a new liquor license application for Fran's Place, 1485 Lisbon Street.

**Department of Public Safety
Division**



Liquor Licensing & Inspection

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.

<u>BUREAU USE ONLY</u>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|--|---|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTIONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV) |
| <input type="checkbox"/> CLASS A LOUNGE (Class X) | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V) | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> 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.) DOB: _____	2. Business Name (D/B/A) Siamo Uno, LLC
Cassandra S Patnode DOB: 5/21/86	dba/ Frans Place DOB: _____
Address 108 Mechanic Falls Rd	Location (Street Address) 1485 Lisbon Street
City/Town Poland State ME Zip Code 04274	City/Town Lewiston State ME Zip Code 04240
Mailing Address 108 Mechanic Falls Rd	Mailing Address 108 Mechanic Falls Rd
City/Town Poland State ME Zip Code 04274	City/Town Poland State ME Zip Code 04274
Telephone Number 207-713-0305 Fax Number _____	Business Telephone Number 207-786-0667 Fax Number _____
Federal I.D. # _____	Seller Certificate # _____

3. If premises are 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

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: None
8. If business is NEW or under new ownership, indicate starting date: Nov 5th, 2010
Requested inspection date: _____ Business hours: 7 days 630A-200P
9. Business records are located at: 108 Mechanic Falls Rd Poland ME 04274
10. Is/are applicants(s) citizens of the United States? YES NO

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
Cassandra Patnode	05/21/86	Lewiston, ME

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

Sabathus ME
Auburn ME

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: Westminster LLC

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Breakfast + Lunch restaurant w/ approximately 40 seats

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 mile Which of the above is nearest? church

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."

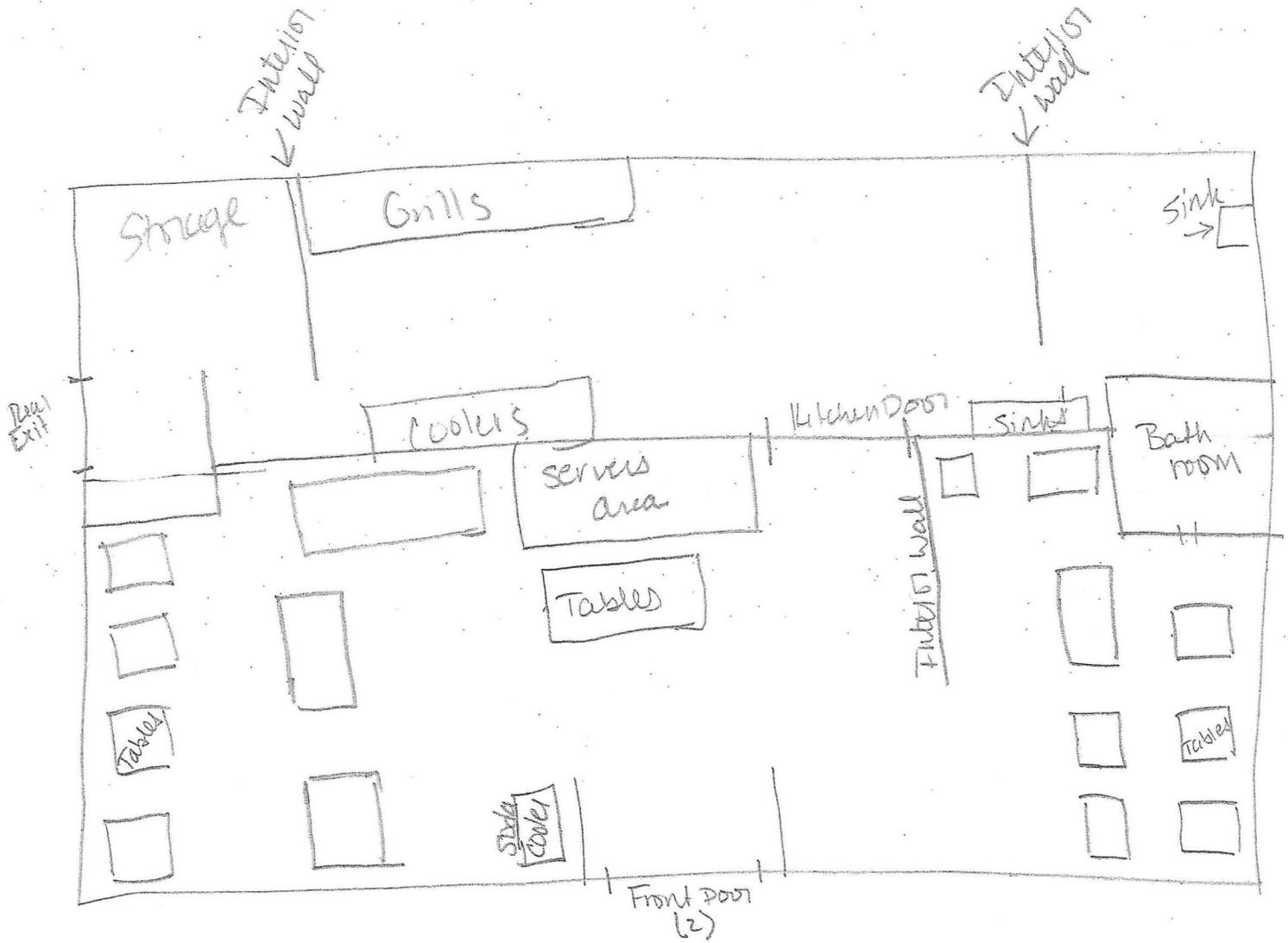
Dated at: Lewiston, Maine on 12/5/2016, 20
Town/City, State Date

Cassandra J Patnode
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

PREMISE DIAGRAM



Parking lot

CITY OF LEWISTON

PUBLIC NOTICE

A hearing on the following liquor license applications will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, December 20, 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 applications.

Xin's Restaurant
760 Main Street
Xin Lee, owner

Fran's Place
1485 Lisbon Street
Cassandra Patnode, owner

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

PUBLISH ON: December 14, 15 & 16, 2016

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



POLICE DEPARTMENT

Brian O'Malley
Chief of Police (Interim)



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: December 8, 2016

RE: Liquor License/Special Amusement Permit – **Frans Place**

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

Frans Place
1485 Lisbon St.



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



Professionalism Integrity Compassion Dedication Pride Dependability

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 20, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing on a new liquor license application for Xin's Restaurant, 760 Main Street.

INFORMATION:

We have received an application for a liquor license for Xin's Restaurant, 760 Main Street. The liquor license application is for spirituous, malt & vinous.

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.

SA BK/mm

REQUESTED ACTION:

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

To authorize the City Clerk's Office to approve a new liquor license application for Xin's Restaurant, 760 Main Street.

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



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.

DEPARTMENT USE ONLY

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)
- HOTEL-OPTINONAL FOOD (Class I-A)
- CLASS A LOUNGE (Class X)
- CLUB (Class V)
- TAVERN (Class IV)

- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,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.) <i>Xin Lee</i>			2. Business Name (D/B/A) <i>Xin's Restaurant</i>		
DOB: <i>5/24/1974</i>			DOB:		
DOB:			DOB:		
Address			Location (Street Address) <i>760 Main Street</i>		
			City/Town <i>Lewiston</i>		State <i>ME</i>
			Zip Code <i>04240</i>		
<i>39 Amberley way</i>			Mailing Address <i>39 Amberley way</i>		
City/Town <i>Auburn</i>		State <i>ME</i>	City/Town <i>Auburn</i>		State <i>ME</i>
Zip Code <i>04210</i>			Zip Code <i>04210</i>		
Telephone Number <i>207 440 3821</i>		Fax Number	Business Telephone Number		Fax Number
Federal I.D. #			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 *applying - meet attorney on wednesday*
6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: *Stuart Draper*
8. If business is NEW or under new ownership, indicate starting date: *Feb 1st 2017*
9. Requested inspection date: _____ Business hours: *Saturday - Sunday 7AM - 8PM Tuesday - Thursday 11AM - 8PM Friday 11AM - 9PM*
9. Business records are located at: *760 main street, Lewiston ME 04240*

10. Is/are applicant(s) citizens of the United States?

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
Xin Lee	5/24/1974	China
Stuart Draper	10/10/1971	United States

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

39 Ambuley way

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: _____

Marden's (North Wood Park Shopping Center), 750 Main Street, Lewiston ME

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____ 0424

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES NO Applied for: operating licence, and liquor licence

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? 2 miles Which of the above is nearest? church

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: From friends and home equity line of credit loan

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: Auburn, ME on 11/4, 20 16
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Xin Di Lee

Print Name

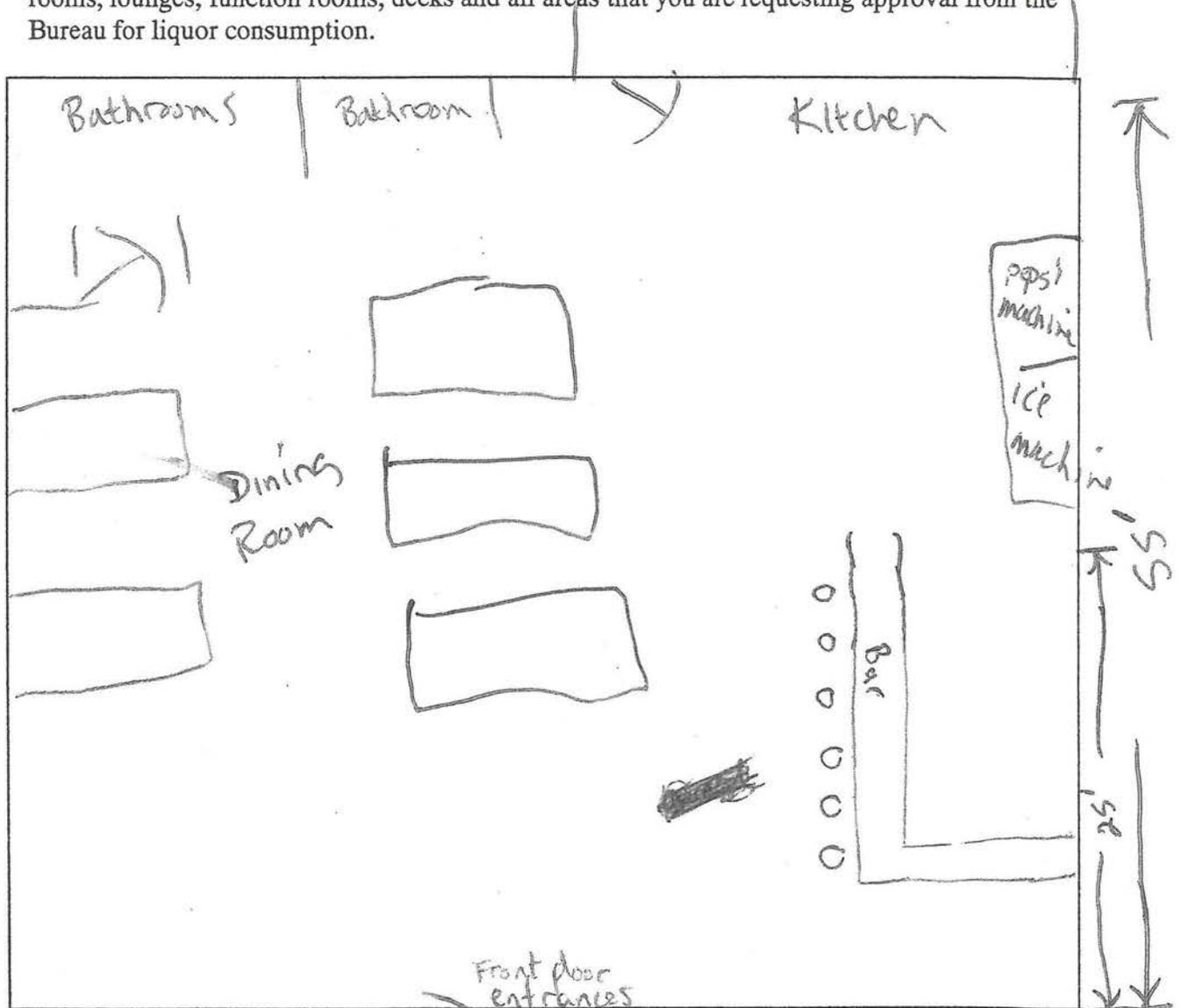
Print Name



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: Xin's Restaurant, Inc.
Business D/B/A Name: N/A.
- Date of Incorporation: 12/8/16
- State in which you are incorporated: Maine
- If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: N/A.
- 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
Xin Di Lee	39 Amberley way Auburn, Maine	5-24-74	100	Pres.

- What is the amount of authorized stock? 2000 Outstanding Stock? 100
- 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

Xin Di Lee
Signature of Duly Authorized Officer
Xin Di Lee
Print Name of Duly Authorized Officer

12/8/16
Date

CITY OF LEWISTON

PUBLIC NOTICE

A hearing on the following liquor license applications will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, December 20, 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 applications.

Xin's Restaurant
760 Main Street
Xin Lee, owner

Fran's Place
1485 Lisbon Street
Cassandra Patnode, owner

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

PUBLISH ON: December 14, 15 & 16, 2016

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



POLICE DEPARTMENT

Brian O'Malley
Chief of Police (Interim)



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: December 8, 2016

RE: Liquor License/Special Amusement Permit – **Xin's Restaurant**

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

Xin's Restaurant
760 Main St.



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



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 20, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Order authorizing the City Administrator to pursue abandoning the City's Federal Energy Regulatory Commission's License for the Upper Androscoggin Station.

INFORMATION:

The City's Upper Androscoggin Station (Upper A) is licensed for hydro power generation by the Federal Energy Regulatory Commission (FERC). Due to generator failures, the Upper A no longer produces power and it is uneconomic to restore the station to operation given the required capital investment and the current and projected value of the power that could be generated.

The City has entered into agreements with Brookfield under which Brookfield will donate the Lewiston Canal System, which provides water to the Upper A, to the City and will cover the cost of a consultant to prepare an application to FERC to abandon the City's license. If the license is not abandoned, the Upper A will face the necessity to be relicensed in 2026 at a potentially significant cost to the City. Further, if relicensed, the City could face additional costs required by FERC for such things as environmental or recreational improvements.

The application to abandon has been prepared and is attached, along with additional background on this issue.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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

To approve the Order authorizing the City Administrator to pursue abandoning the City's Federal Energy Regulatory Commission's License for the Upper Androscoggin Station.



COUNCIL ORDER

Order, Authorizing the City Administrator to Pursue Abandoning the City's Federal Energy Regulatory Commission's License for the Upper Androscoggin Station.

Whereas, the Upper Androscoggin Station (Upper A) is owned by the City of Lewiston and Licensed by the Federal Energy Regulatory Commission (FERC) for hydroelectric power generation; and

Whereas, over the years, the ability of this station to generate power has declined as the facility's various generators failed with the final generator taken off line in 2011; and

Whereas, when the Upper A was originally licensed, the City benefited from a locked-in power purchase agreement under which Central Maine Power purchased electricity at above market rates; and

Whereas, that arrangement ended some years ago; and

Whereas, replacing or restoring the generators to bring the Upper A back on line is cost prohibitive given the current and projected market rates for electricity; and

Whereas, the City and Brookfield have entered into an agreement under which Brookfield will donate the Lewiston Canal System to the City; and

Whereas, the City plans certain improvements to the canal system as recommended by the Riverfront Island Master Plan; and

Whereas, Brookfield has agreed to bear the cost of the work necessary to abandon the City's FERC license; and

Whereas, if the license is not abandoned, the project will require relicensing in 2026 at a potentially significant cost and, if relicensed, the City could face additional costs required by FERC as part of the relicensing process;

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

The City Administrator is hereby authorized to take the necessary steps to pursue abandonment of the City's Federal Energy Regulatory Commission License for hydropower generation at the Upper Androscoggin Station.



EXECUTIVE DEPARTMENT

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

December 14, 2016

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Upper A License Abandonment

In September, the City Council approved a donation agreement between the City of Lewiston and Brookfield White Pine Hydro, LLC, which is a major step toward achieving a long held goal of the City – acquisition of the Lewiston Canal System.

One of the provisions of that Agreement is that Brookfield, with the assistance of a consulting firm, would apply to remove the canal system from its Federal Energy Regulation Commission (FERC) license. Brookfield has completed a draft license amendment to that effect and it has been provided to stakeholders for comment prior to formal submission to FERC. The City and Brookfield separately agreed that Brookfield's consultant would provide the same services to the City in regard to its Upper A FERC license, with Brookfield assuming the cost. The actions that we contemplated include the City's abandonment of its Upper A FERC license to generate power.

Brookfield's consultant, TRC, has completed a draft abandonment amendment for the Upper A, a copy of which is attached. The plan calls for actions that will have a relatively small financial impact.

The City has not generated power at the Upper A for some time, and we have concluded that re-establishing generation is not financially feasible based on anticipated capital costs and current and projected electricity markets. Given that the City will face either relicensing or abandoning the Upper A when the current license expires. Relicensing presents challenges to small hydro projects, first, due to the cost of participating in the process for legal and environmental representations and studies that can be both lengthy and expensive. Second, the outcome of the process can impose significant burdens on the project for such items as fish passage, by-pass flow, and other environmental or recreational benefits. In addition, by no longer being associated with Brookfield's license, the City will have somewhat greater flexibility in participating in the Brookfield Monty relicensing process and seeking certain recreational and aesthetic improvements associated with that project.

If the Council should approve going forward, the following process will follow:

- 1) The draft surrender application will be sent out to agencies/stakeholders for a 60 day review/comment period.
- 2) Based on comments received from agencies/stakeholders, TRC will revise the draft application. Assuming comments are minor, this could probably be done in 30 days or

less. If comments are more significant or require the gathering of additional data or conducting studies, it may take longer.

- 3) Then the final application will be submitted to FERC. Once it is at FERC, there is no regulatory requirement for FERC to act within a specified timeframe. TRC anticipates that FERC would notice the application for public comment within 30 days of receiving it. If, however, FERC feels additional information is needed in order to process the application, they may send us a request for additional information before they send out their notice. Once the 30 day public notice period has expired, they will prepare an Environmental Assessment (EA) for the surrender and will likely issue the EA for 30-60 days of public comment. However, if there were no comments on the notice of the surrender, they may just issue the EA along with the notification of surrender. It depends on who comments and the nature of the comments. Going forward, it's hard to know how long things will take. It depends mostly on agency/stakeholder interest level.

At this time, staff recommends that we move forward with the abandonment application.

**UPPER ANDROSCOGGIN STATION PROJECT
DRAFT DECOMMISSIONING PLAN**

**Prepared in Support of
APPLICATION FOR SURRENDER OF LICENSE**

**For the
UPPER ANDROSCOGGIN STATION PROJECT
FERC No. 11006**

Submitted by:

**City of Lewiston
27 Pine Street
Lewiston, ME 04240**

November, 2016

1.0 BACKGROUND

The Upper Androscoggin Station Project is located on the Lewiston Canal System, in the City of Lewiston, Maine. The Lewiston Canal System receives water from the Androscoggin River, via the FERC-licensed Lewiston Falls Project (FERC No. 2302). The Project is licensed by the Federal Energy Regulatory Commission (FERC No. 11006) and consists of a concrete intake structure, three steel penstocks, a brick powerhouse, and stone tailrace. The Project is owned and operated by the City of Lewiston, Maine.

On September 29, 1986 the Commission issued a license for the Lewiston Falls Project (FERC No. 2302), which then included the Upper Androscoggin Station Project (FERC No. 11006). On August 21, 1990, CMP and Union Water Power Company submitted an Application to transfer the Upper Androscoggin generating station to the City of Lewiston, and amend the Lewiston Falls Project license (FERC No. 2302) to reflect the transfer. FERC issued an Order approving the amendment and transfer of license on February 26, 1991, creating the now separate Upper Androscoggin Station Project (FERC No. 11006), and retiring Unit 1. On July 24, 1991 FERC issued an order approving revised Exhibits F and G. On October 19, 1994 FERC issued an order amending the Project license approving the reinstallation of a generating unit, increasing the authorized capacity of the Project from 995 kW to 1,695 kW, designating the Project a “major project” in accordance with § 4.30 (b)(16), revising annual charges, and approving revised Exhibits A and F.

Since that time, operation of the canal generating facilities at the Upper Androscoggin Station Project, as well as the Lewiston Falls Project facilities located in the Lewiston Canal System, has been curtailed, and more recently, for economic reasons, nearly ceased altogether. The City embarked on an effort to identify possible other uses for the Lewiston Canal System that would enhance the City’s ongoing efforts to redevelop and revitalize the downtown waterfront area. In 2012 the City commissioned the Riverfront Island Master Plan, which examined the economic and redevelopment potential of portions of the City, including the Lewiston Canal System (City of Lewiston, 2012). As an outgrowth of this effort, the Licensee would like to surrender the FERC license for power generation at Project No. 11006.

The proposed action is to surrender the license for the Upper Androscoggin Station Project (FERC No. 11006) and associated generating facilities. Under the proposed action, the Licensee would surrender the FERC license, generation of electricity would permanently cease, and the generating station would be decommissioned. The total installed capacity of the Project would be reduced from 1,695 kW to 0 kW. Ownership and associated responsibilities with the property would remain with the City of Lewiston.

To ensure that the Upper Androscoggin Station is formally and safely retired, the City has developed this draft Decommissioning Plan. The Plan is intended to outline the steps that the Licensee proposes to take to cease operation of the Upper Androscoggin Station and secure the facilities for future use as non-generational properties. This draft provides a conceptual level outline of the decommission actions to be undertaken by the Licensee as part of the license amendment. A more detailed, final decommissioning plan will be developed by the Licensee and submitted to FERC prior to implementing any of the proposed actions.

2.0 DECOMMISSIONING PLAN

2.1 PROJECT DESCRIPTION

The Upper Androscoggin Station is located on the Lewiston Canal System at the end of the Upper Canal. The Project consists of an intake structure comprising trashracks, a mechanical rack raker, two steel headgates and overhead hoists (Units 2 and 3), one retired and sealed intake (Unit 1), three steel penstocks, a brick and concrete powerhouse containing three retired turbines and generators along with ancillary mechanical and electrical equipment. The vertical draft tubes discharge into a stone and concrete tailrace structure which in turn discharges to Gully Brook (a portion of the Lewiston Canal System).

Intake

The intake for Unit 1 has been permanently closed following the retirement of Unit 1 in 2000. The intakes for Units 2 and 3 were rehabilitated with new steel headgates and an overhead monorail lifting system in 2004. The Unit 2 intake remains functional since Unit 2 ceased operating in 2007. The Unit 3 intake remains functional since Unit 3 ceased operating in 2011. Both steel gates reported seal well.

The City proposes to decommission the station by closing the steel headgates, disconnecting the hoist from the gates and removing the overhead hoist and trolley from the monorail beam. The mechanical rack raker will be removed and salvaged. The intake will be secured against unauthorized access with the existing security fence and gates along with security lighting as required.

Penstocks

The City proposes to retire the existing below grade penstocks in-place.

Powerhouse

The Project generators in the powerhouse will be disconnected from the 600 volt bus. Turbine Units 2 and 3 will be de-energized and the wicket gates left open to allow any leakage from the intake to drain through the draft tubes to the tailrace. All ancillary mechanical and electrical equipment associated with generation will be de-energized and left in place for potential future salvage.

Security

The powerhouse building will be secured with the existing fencing and security system. No changes or demolition to the exterior of the powerhouse is proposed. The powerhouse will be considered for future, non-generating use by the City.

Utility Interconnection

The City's interconnection agreement with the local utility (Central Maine Power) was terminated on June 16, 2104. The interconnection to the local utility at 12.4 KV will be disconnected at the high side of the 2500 KVA station step up transformer. The de-energized transformer will be considered for future salvage by the City.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 20, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Resolve authorizing a \$6,700 transfer from two projects approved in the FY2016 Capital Budget Fund Balance Appropriation to the Exterior Armory Drainage Improvement Project.

INFORMATION:

Earlier this year, the City Council appropriated \$8,000 from the City's fund balance for exterior drainage improvements at the Armory. As Public Works was implementing this project, the underground electrical service to the Armory was damaged and had to be replaced. This increased the cost of the project to approximately \$17,000, including \$8,350 for a contractor to replace the service and \$1,500 for Central Maine Power's emergency response. A portion of this additional costs will be offset by the \$2,370.24 salvage value of the copper recovered from the damaged service. Staff recommends that the remainder of the necessary funds be transferred from two other recent fund balance projects that were completed under budget: the Armory Chairs and Table project with savings of \$3,935.44 and the Armory Asbestos Tile Replacement project with a balance of \$2,867.50.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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

To approve the Resolve authorizing a \$6,700 transfer from two projects approved in the FY2016 Capital Budget Fund Balance Appropriation to the Exterior Armory Drainage Improvement Project.



COUNCIL RESOLVE

Resolve, Authorizing a \$6,700 Transfer from Two Projects Approved in the FY2016 Capital Budget Fund Balance Appropriation to the Exterior Armory Drainage Improvement Project.

Whereas, an \$8,000 project titled Exterior Armory Drainage Improvements was included in in the Fund Balance appropriation as part of the City Council approved FY2016 budget; and

Whereas, during construction by the City's Public Works Department, the Armory's electrical service was damaged requiring it to be replaced at additional cost to the City; and

Whereas, these additional costs brought the total cost of the project to approximately \$17,000, including \$8,350 for a contractor to replace the service and \$1,500 for Central Maine Power Company's emergency response; and

Whereas, the copper wire from the original service was salvaged and recycled with the City receiving \$2,370.24 that will partially offset the additional costs of the project; and

Whereas, another approved project, replacing Armory Chairs and Tables for \$31,000, has been completed and, because of favorable bids, has a remaining balance of \$3,835.44 available; and

Whereas, another project for Armory Asbestos tile replacement for \$17,500, has been completed and has a remaining balance of \$2,867.50 available;

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

The transfer of \$3,835.44 from the Armory Chairs and Tables project and \$2,867.50 from the Armory Asbestos Tile Replacement project to the Exterior Armory Drainage Improvement Project is hereby approved in order to offset the increased costs resulting from damage to the Armory's electrical service.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 20, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Order authorizing the City Administrator to accept ownership of 143 Pine Street.

INFORMATION: The Council condemned the building at 143 Pine Street earlier this year and it is scheduled for demolition shortly. It is owned by an LLC with virtually no assets, so it is unlikely the City will recover its costs. A representative of the LLC has offered to transfer the property to the City via a warranty deed in return for the City's agreement to not pursue collection of its legal and demolition costs. It has also offered to pay for certain closing costs, potentially including the cost of preparing the warranty deed.

Given the LLC's lack of resources, the City would normally end up owning the property via tax lien foreclosure after several years and some additional City expense. During this period, the property is likely to remain abandoned and unsightly. Should the City take the property for matured taxes, we would not have clear title for the five year period during which our ownership could be questioned. Possession of a warranty deed would improve the chances for reuse of the property by a private party since a clear title could be provided.

This order would authorize accepting this property, subject to a positive recommendation from the Planning Board that will consider it on December 19th.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

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

To approve the Order authorizing the City Administrator to accept ownership of 143 Pine Street.



COUNCIL ORDER

Order, Authorizing the City Administrator to Accept Ownership of 143 Pine Street

Whereas, earlier this year, the Council condemned the structure at 143 Pine Street and it is scheduled for demolition shortly; and

Whereas, the LLC that owns this property has virtually no assets, so it is unlikely the City will recover its demolition costs; and

Whereas, the LLC has offered to transfer the property to the City via a warranty deed in return for the City's agreement to not pursue collection of its legal and demolition costs; and

Whereas, it has also offered to pay for certain closing costs, potentially including the cost of preparing the warranty deed; and

Whereas, given the LLC's lack of resources, the City would normally end up owning the property via tax lien foreclosure after several years and some additional City expense; and

Whereas, during this time, the property is likely to remain abandoned and unsightly; and

Whereas, possession of a warranty deed would improve the chances for reuse of the property by a private party since a clear title could be provided;

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

The City Administrator is hereby authorized to take the necessary steps to acquire title to the property at 143 Pine Street, subject to a positive recommendation from the Planning Board.

MEMORANDUM

TO: Ed Barrett, City Administrator
FR: Gildace J. Arsenault, Director of Planning and Code Enforcement
RE: 143 Pine Street - Acquisition
DT: October 13, 2016

On July 19, 2016, the Lewiston City Council ordered the demolition of the multifamily building at 143 Pine Street located on the corner of Pine and Howe Streets. This property is owned by Pine Street Properties, LLC and, as of July 19, 2016, there were no known encumbrances on this property.

I have been in communication with Kate Gupta, a representative of the LLC, and she informed me that the LLC has no assets other than approximately \$400 in a checking account and that the LLC cannot afford to pay property taxes to the City. Ms. Gupta asked if the City would accept ownership of 143 Pine Street in return for an agreement that the City will not pursue collection of its legal and demolition costs.

We then discussed the possibility of the LLC transferring the property to the City via a warranty deed in exchange for a commitment from the City that it will not pursue collection of its legal and demolition costs. Ms. Gupta informed me that she would be willing to provide such a deed.

I asked Attorney Carey what the estimated costs would be to prepare the necessary documents for this transfer. He provided the following:

1. Title policy \$150
2. Recording fees \$24
3. Transfer tax (seller's half) \$37.40 – City is exempt
4. Deed preparation \$200

Total \$411.40.

Should the City Attorney prepare the actual deed, that cost would also be required from the LLC.

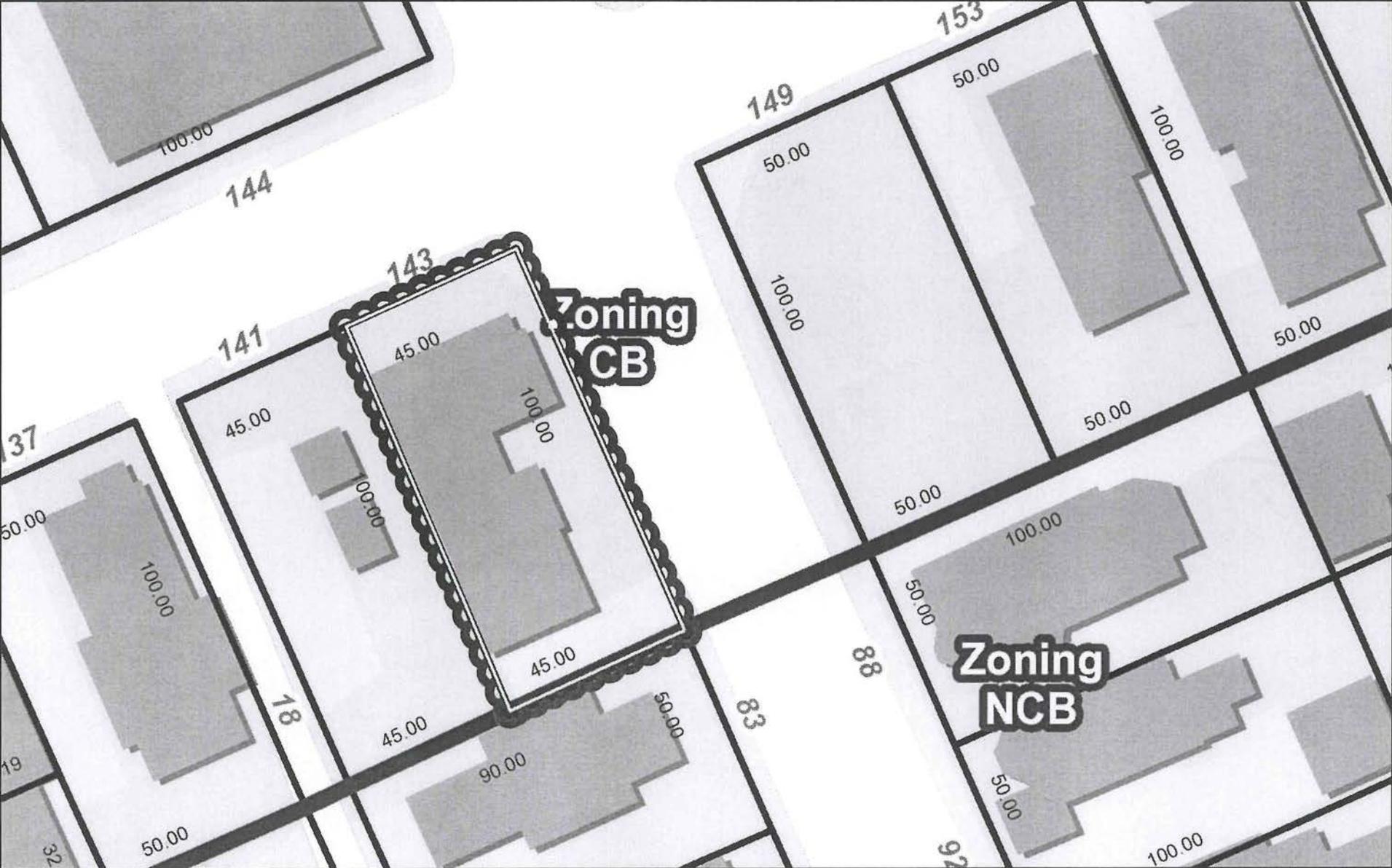
Demolition costs, including asbestos abatement, total \$27,410, not including legal fees associated with the condemnation process. There may be some minor additional costs to level, loam, and seed the lot. Taxes and utilities due to the City are \$1,993.42.

I recommend that the City accept 143 Pine Street with the following considerations: the LLC provides the City with a warrantee deed, the LLC pays for the cost to prepare the deed, and the City commits to not pursuing the collection of its demolition costs and related legal fees.

This recommendation is based upon the likelihood that the City would otherwise file a special tax assessment against the property for its demolition and legal costs, that the lien will likely mature, and that the City will not be compensated for its costs. This process normally takes several years, during which time the property would remain vacant, unmaintained, and likely become an eyesore. Further, City ownership via a warranty deed can be helpful should the City find someone willing to purchase and reuse the property where ownership via tax acquisition casts a shadow over ownership for a five year period, making bank financing difficult.

Accepting this property is on the Planning Board agenda for Monday, December 19th. As a result, any action by the Council to accept the property should be conditioned on a positive recommendation from the Planning Board.

143 Pine Street



December 15, 2016

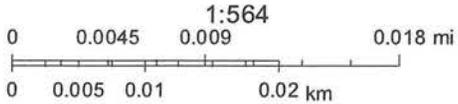
LewistonGIS.DBO.LEW_parcels_poly_sub_layeredwithdata_w

 Shoreland Zoning

 No Name Pond Lake Conservation Overlay District

 Zoning - Conditional

 Zoning - Mobile Home Overlay



Lewiston, Maine
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan,

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 20, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Order authorizing the City Administrator to execute a Second Amendment to the Employment Agreement between the City of Lewiston and Fire Chief Paul M. LeClair.

INFORMATION:

Chief LeClair's employment agreement with the City expires on December 31, 2016. He has indicated a willingness to extend his contract for an additional three year period through December 31, 2019.

Retaining Chief LeClair is beneficial to the City given his experience, his performance as Chief, and the savings realized through this contractual arrangement. Under the agreement, the City pays the Chief 85% of what he would receive under the City's management pay plan. In addition, the City does not contribute to any retirement plan, resulting in additional savings.

Attached to this memo are the Chief's initial contract, the First Amendment, and the proposed Second Amendment.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

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

To approve the Order authorizing the City Administrator to execute a Second Amendment to the Employment Agreement between the City of Lewiston and Fire Chief Paul M. LeClair.



COUNCIL ORDER

Order, Authorizing the City Administrator to Execute a Second Amendment to the Employment Agreement Between the City of Lewiston and Paul M. LeClair.

Whereas, in 2009, the City entered into an employment agreement with Fire Chief Paul LeClair; and

Whereas, that contract was subsequently amended in 2012 to extend its term through December 31, 2016; and

Whereas, Chief LeClair has indicated his willingness to extend the term of his employment agreement until December 31, 2019; and

Whereas, retaining Chief LeClair in his position beyond the dates in the current contract would be beneficial to the City given his experience and performance;

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

the City Administrator is authorized to execute a Second Amendment to the employment agreement between the City and Paul M. LeClair, a copy of which is attached hereto.

SECOND AMENDMENT TO EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF LEWISTON AND PAUL M. LECLAIR

The employment agreement dated February 25, 2009 made and entered into by and between the CITY OF LEWISTON (Androscoggin County), State of Maine, a municipal corporation, hereinafter sometimes referred to as "City," and Paul M. LeClair of Lewiston, State of Maine, hereinafter sometimes referred to as "Employee, is hereby amended as follows as of this the ____ day of _____, 2016.

Section II. B. (1) Term is hereby amended and replaced in its entirety as follows:

- (1) Term. Insofar as it relates to compensation and terms of employment, this Agreement shall remain in effect until December 31, 2019.

IN WITNESS WHEREOF, the City of Lewiston has caused this amendment to be signed and executed in its behalf by its City Administrator, and the Employee has signed and executed this agreement, both in duplicate, the day and year first above written.

CITY OF LEWISTON

Witness: _____

By _____
Edward A. Barrett
Its City Administrator

Witness: _____

By _____
Paul M. LeClair



EXECUTIVE DEPARTMENT

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

December 15, 2016

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Amendment to Employment Agreement with the Fire Chief

In 2009, the city entered into an employment agreement with Fire Chief Paul LeClair which allowed him to retire and subsequently be re-employed by the City at an annual base salary 15% below the established pay grade for the position. The term of the agreement was through December 31, 2012, and it included language indicating that in no event would his employment be extended beyond February 28, 2014. A copy of the agreement is attached.

Prior to February 28, 2014, the contract was extended to December 31, 2016. Since we are now approaching that date, I am seeking your approval to further extend this agreement for an additional three (3) year period, ending December 31, 2019.

Retaining Chief LeClair is beneficial to the City given his experience, his performance as Chief, and the savings realized through this contractual arrangement. Under the agreement, the City pays the Chief 85% of what he would receive otherwise. In addition, the City does not contribute to any retirement plan, resulting in additional savings.

Given this, I would request that the Council consider approving an amendment to this employment agreement which would extend its term to December 31, 2019.

Attached to this memo are the Chief's initial contract, the First Amendment, and the proposed Second Amendment.

EMPLOYMENT AGREEMENT

THIS AGREEMENT, made as of the 25th day of February, 2009, by and between **Paul M. Leclair** (hereinafter **Employee**) and the **CITY OF LEWISTON**, Maine, a body politic and corporate located in Androscoggin County, Maine (hereinafter **City**).

I. WHEREAS,

A. **City**, acting through its City Administrator, desires to adequately and smoothly transition the organization from current long time employees in various management roles; and

B. **City**, consistent with that desire, will allow **Employee** to retire and thereafter be re-employed as the City's *Fire Chief*, in accordance with the provisions of the Lewiston City Charter (Charter);

C. **Employee** desires to accept such offer and be so appointed and employed;

D. It is the desire of the **City** and **Employee** to specify the terms and conditions of his employment and tenure as *Fire Chief*; and

E. **City** and **Employee** have reached an agreement with respect to the same which they wish reduced to a writing.

II. NOW, THEREFORE, for consideration paid, each to the other, including without limitation the mutual covenants and undertakings more fully hereinafter expressed, the Parties do hereby agree as follows:

A. **Appointment and Duties.** By official action of date herewith, City Administrator has appointed ***Employee*** as *Fire Chief*, to perform those duties imposed upon the *Fire Chief* under the terms of the City's Charter, Revised Code of Ordinances, and such other duties as may lawfully be assigned by City Administrator.

B. Tenure

(1) **Term.** Insofar as it relates to compensation and terms of employment, this Agreement shall remain in effect until *December 31, 2012*. In no event shall either this Agreement or *Employee's* employment with the City be extended beyond February 28, 2014.

(2) **Employee's Right of Termination.** ***Employee*** shall have the right to terminate this Agreement, along with his resignation as *Fire Chief*, upon thirty (30) days written notice to City Administrator.

(3) **City Administrator's Right of Termination for Cause.** City Administrator shall have the right to terminate this Agreement, along with ***Employee's*** employment as *Fire Chief*, for cause, after notice and hearing, in accordance with Maine law.

- C. **Compensation.** Commencing on March 4th 2009, **City** shall pay **Employee** a base annual salary of fifteen percentage (15%) below the salary grade for *Fire Chief* established in the City's Classification and Pay Plan, for the term of this contract. Said salary will be proportionally adjusted as the applicable salary grade for non-union employees in the Classification and Pay Plan may be adjusted.
- D. **Health and Dental Insurance Coverage.** **City** shall provide health insurance to **Employee** under the same terms and conditions as other non-union employees pursuant to the City's Personnel Policies, calculated on the basis of Employee's initial date of hire.
- E. **Vacation and Sick Leave** Employee shall accumulate the amount of sick leave and vacation time allowed under the City's Personnel Policies, calculated on the basis of Employee's initial date of hire. Employee shall receive at the time of execution of this agreement twenty (20) days of sick leave on the books. There will no cash-in value of any unused sick leave at the termination of this Agreement.

Further, Employee shall be entitled to have the entire annual vacation accumulation placed on the books on March 1st of each year. Should **Employee** terminate employment before earning such vacation days, equivalent monies shall be deducted from his final pay.

F. **No Further Retirement Benefits:** *Employee* shall not be entitled to any further contribution by the City towards any retirement program, including but not limited to the Maine Public Employees Retirement System or any 457k deferred compensation program.

G. **Notices.** Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

(1) **City:** City of Lewiston
Attention: City Administrator
City Hall
27 Pine Street
Lewiston, ME 04240

(2) **Paul M. Leclair:** 92 Baird Ave
Lewiston ME 04222

Alternatively, notices given pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice in the State of Maine. Notice shall be deemed given as of the date of personal service or as of the date of deposit in the United States Postal Service.

H. **Other Benefits.** Except as otherwise provided in this Agreement, *Employee* shall be entitled to all economic benefits enjoyed by other salaried non-union employees of *City* as provided in City's Personnel Policies.

I. Miscellaneous.

- (1) This Agreement, supplementing the provisions of the Charter, constitutes the entire agreement between the parties and there are no other promises, covenants or undertakings between the parties with respect to the subject matter of this Agreement which do not appear on the face hereof.

- (2) This Agreement may be amended only by a mutual written agreement authorized by and executed by the **City** and **Employee**.

- (3) If any of the provisions or portions thereof contained in this Agreement are held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable and shall not be effected by such determination and **shall remain in full** force and effect.

Executed this 25th day of February, 2009.

Witness



Paul M. Leclair

Fire Chief

Witness



James A. Bennett
Lewiston City Administrator

\hrdiragr09

FIRST AMENDMENT TO EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF LEWISTON AND PAUL M. LECLAIR

The employment agreement dated February 25, 2009 made and entered into by and between the CITY OF LEWISTON (Androscoggin County), State of Maine, a municipal corporation, hereinafter sometimes referred to as "City," and Paul M. LeClair of Lewiston, State of Maine, hereinafter sometimes referred to as "Employee, is hereby amended as follows as of this the ____ day of _____, 2011.

Section II. B. (1) Term is hereby amended and replaced in its entirety as follows:

- (1) Term. Insofar as it relates to compensation and terms of employment, this Agreement shall remain in effect until December 31, 2016.

IN WITNESS WHEREOF, the City of Lewiston has caused this amendment to be signed and executed in its behalf by its City Administrator, and the Employee has signed and executed this agreement, both in duplicate, the day and year first above written.

CITY OF LEWISTON

Witness: _____

By _____
Edward A. Barrett
Its City Administrator

Witness: _____

By _____
Paul M. LeClair

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 20, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB *KMM*

REQUESTED ACTION:

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

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.