

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
MARCH 21, 2017**

6:00 p.m. Workshop - Overview of the City Administrator's Proposed Fiscal Year 2018 Budget

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 7.

REGULAR BUSINESS:

1. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Davinci's, 150 Mill Street.
2. Public Hearing on applications for a new liquor license and special amusement permit for Live Entertainment for the Ramada Lewiston Hotel & Conference Center, 490 Pleasant Street.
3. Public Hearing and First Passage on amendments to the Traffic and Vehicles Ordinance regarding habitual parking violators.
4. Resolve Accepting and Approving the "Pedestrian Safety Report" of March 2017.
5. Update from the Lewiston School Committee Representative.
6. Reports and Updates.
7. Any other City Business Councilors or others may have relating to Lewiston City Government.
8. Executive Session regarding consultation with the City Attorney.
9. Executive Session regarding consultation with the City Attorney.
10. Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785

LEWISTON CITY COUNCIL
MEETING OF MARCH 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Davinci's, 150 Mill Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Davinci's, 150 Mill Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Davinci's, 150 Mill Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 3/7/2017

Expiration Date: 4-14-2018

- 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: Davincis Business Phone: 207-732-2088

Location Address: 150 Mill Street, Lewiston, ME 04240

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

Mailing Address: 150 Mill Street, Lewiston, ME 04240

Email address: jules@davinciseatery.com

Contact Person: Jules Patry Phone: 207-754-3926

Owner of Business: Jules Patry Date of Birth: 5/12/1958

Address of Owner: 84 Lisbon St Apt #4 Lewiston, ME 04240

Manager of Establishment: Kayla Walker Date of Birth: 9/7/1966

Owner of Premises (landlord): Mill 2 Storehouse, LLC

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

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

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): Davincis
150 Mill Street, Lewiston, ME 04240

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: Da Vinci's

Corporation Mailing Address: 84 Lisbon Street, #4, Lewiston, ME 04240

Contact Person: Jules Patry Phone: 257-754-3926

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? Bates Mill hoffs

Please describe the type of proposed entertainment:

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

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

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

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

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

Signature: J. Patry Title: President Date: 3/7/2016

Printed Name: Jules Patry

Hearing Date: 3-21-17



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 7, 2017

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

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

Davinci's
150 Mill 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 MARCH 21, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing on applications for a new liquor license and special amusement permit for Live Entertainment for the Ramada Lewiston Hotel & Conference Center, 490 Pleasant Street.

INFORMATION:

We have received applications for a new liquor license and special amusement permit for Live Entertainment from the Ramada Lewiston Hotel & Conference Center, 490 Pleasant 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.

E. ABLE

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 the Ramada Lewiston Hotel & Conference Center, 490 Pleasant Street.

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: Yes No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|---|--|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input checked="" type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input checked="" type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Atithi Group Lewiston LLC		Business Name (D/B/A) Ramada Lewiston Hotel & Conference Center	
APPLICANT(S) –(Sole Proprietor) Tusharkumar Patel		DOB: 11/11/1977	
Physical Location: 490 Pleasant St			
Dilav Patel		DOB: 01/20/1984	
City/Town Lewiston		State ME	
Zip Code 04240			
Address 6A Dock Ln		Mailing Address 6A Dock Ln	
City/Town Salisbury		State MA	
Zip Code 01952			
Telephone Number (207) 330-3702		Fax Number	
Business Telephone Number (207) 330-3702		Fax Number	
Federal I.D. # 81-5426155		Seller Certificate #: or Sales Tax #:	
Email Address: Please Print Atithi-group@Nayakventures.com		Website: http://ramadalewistonmaine.com/	

04/27/2017

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: **4/28/2017** Business hours: **10 AM- 10PM**

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: **117**

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

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

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

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

5. If manager is to be employed, give name: **Tusharkumar Patel**

6. Business records are located at: **490 Pleasant St, Lewiston, ME 04240**

7. Is/are applicant(s) citizens of the United States? YES NO

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

9. 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
Tusharkumar Patel (GM)	11/11/1977	Gujarat, India
Dilav Patel (Director)	01/20/1984	Gujarat, India
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Tusharkumar Patel: 6A Dock Ln, Salisbury, MA- 01952		
Dilav Patel, Current: 32 Ice house landing, Marlborough MA- 01752		
Dilav Patel, Previous: 32 Briarwood Ln, Apt #5 Marlborough MA- 01752		

10. 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: _____ (use additional sheet(s) if necessary)

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

Yes No If Yes, give name: _____

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

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

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____

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

YES NO Applied for: _____

16. 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? _____

Which of the above is nearest? _____

17. 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: Mechanics Savings Bank

The Division of Liquor Licensing & Enforcement 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 on 3/2, 20 17
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)
PATEL
Print Name
TUSHARKUMAR PATEL

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

- FILING FEE: (must be included on all applications)..... \$ 10.00**

- Class I** Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

- Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.

- Class II** Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

- Class III** Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

- Class IV** Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

- Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.

- Class X** Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge

- Class XI** Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

For Office Use Only:	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

**Corporate Information Required for
Business Entities Who Are Licensees**

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: Atithi Group Lewiston LLC
2. Doing Business As, if any: Ramada Lewiston Hotel & Conference Center
3. Date of filing with Secretary of State: 02/22/2017 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Tusharkumar Patel	6A Dock Ln, Salisbury, MA - 01952	11/11/1977	GM	25%
Dilav Patel	32 Ice house Landing, Marlborough, MA-01752	1/20/1984	Director	25%
Ashutosh Nayak (Nayak Ventures LLC)	772 Grove Street, Clifton, NJ - 07013	9/15/1986	Director	50%

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes No If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

Signature of Duly Authorized Person Date

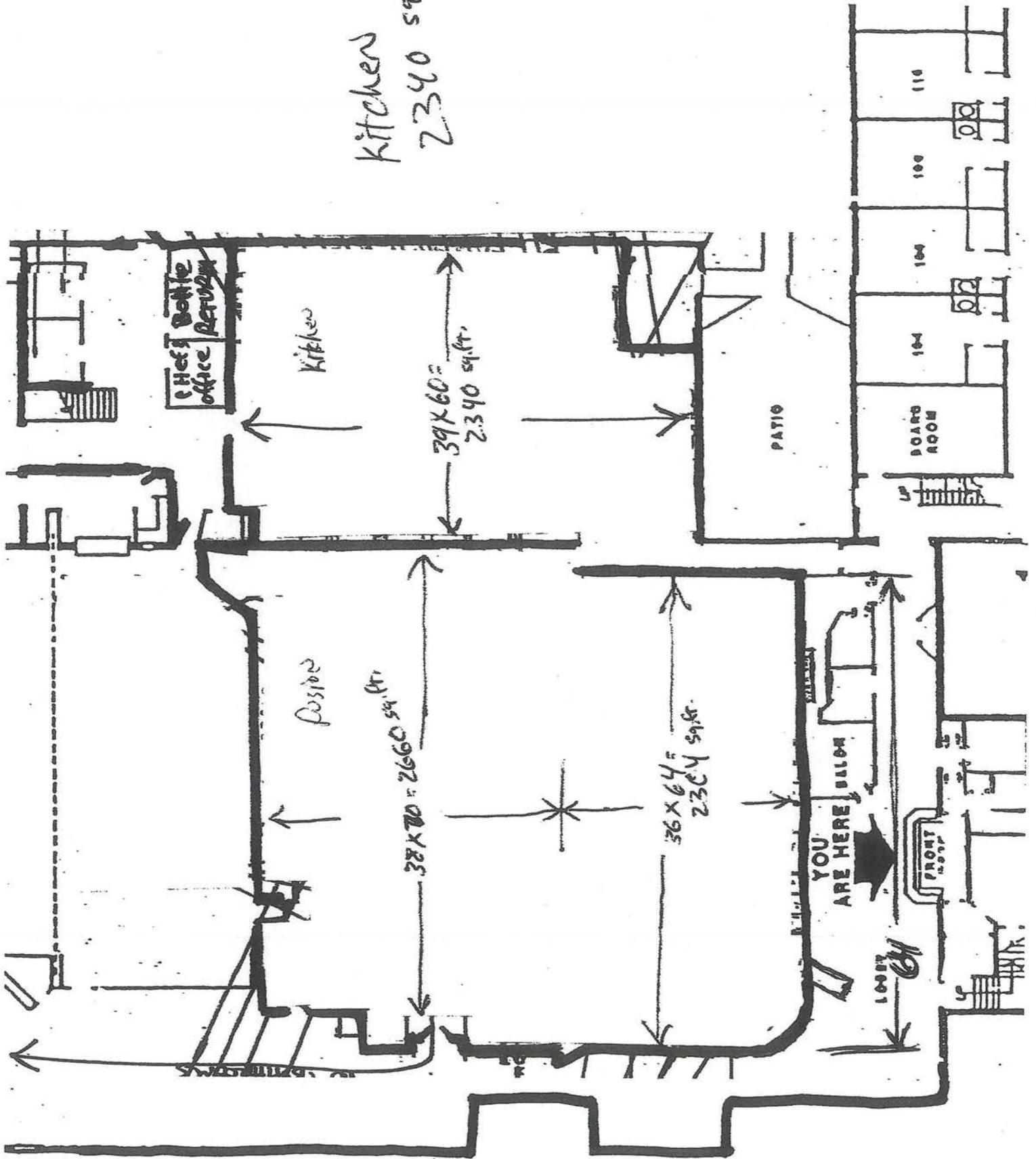
Tusharkumar Patel

Print Name of Duly Authorized Person

Submit Completed Forms to:

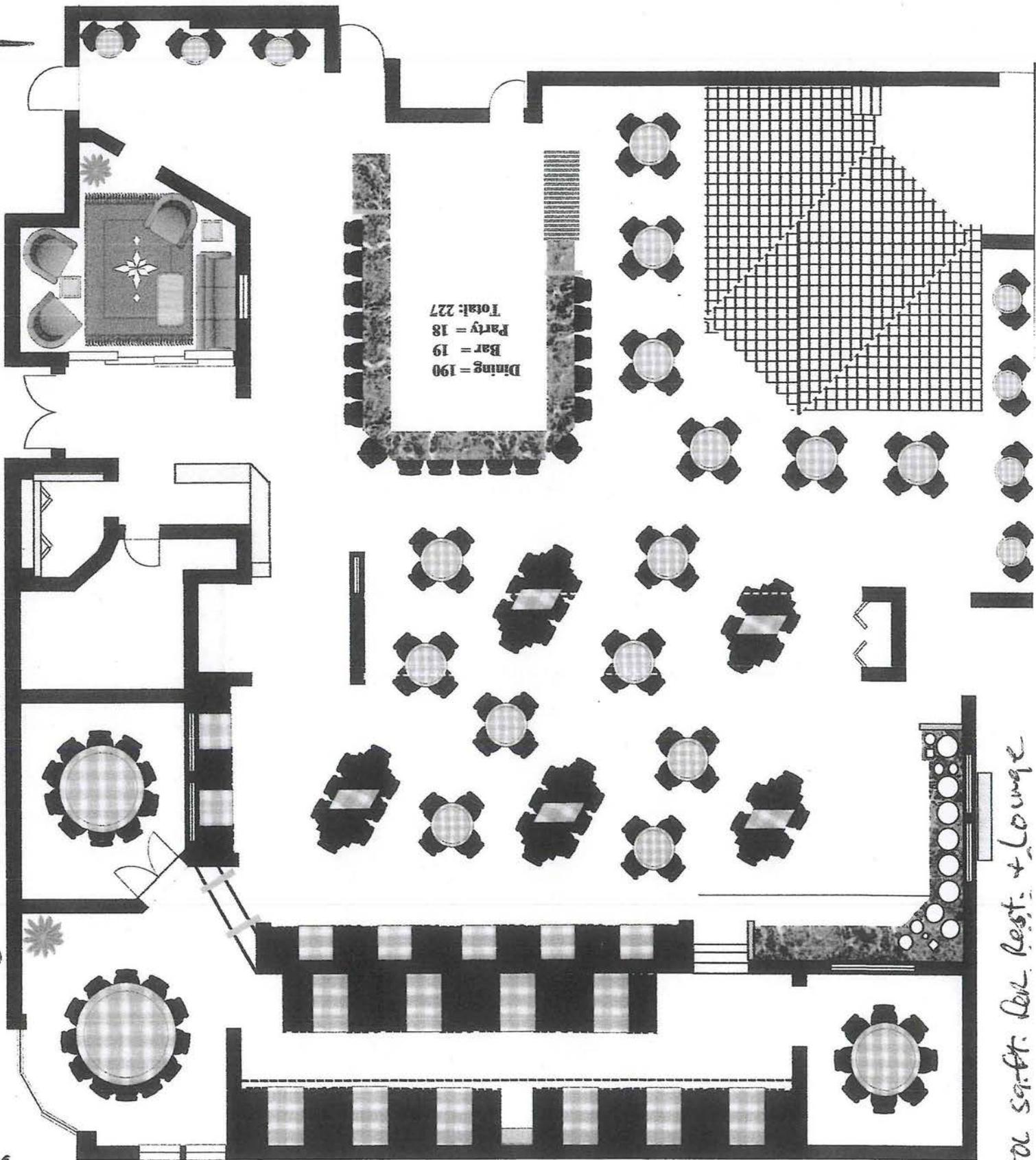
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

Kitchen
2340 sqft.



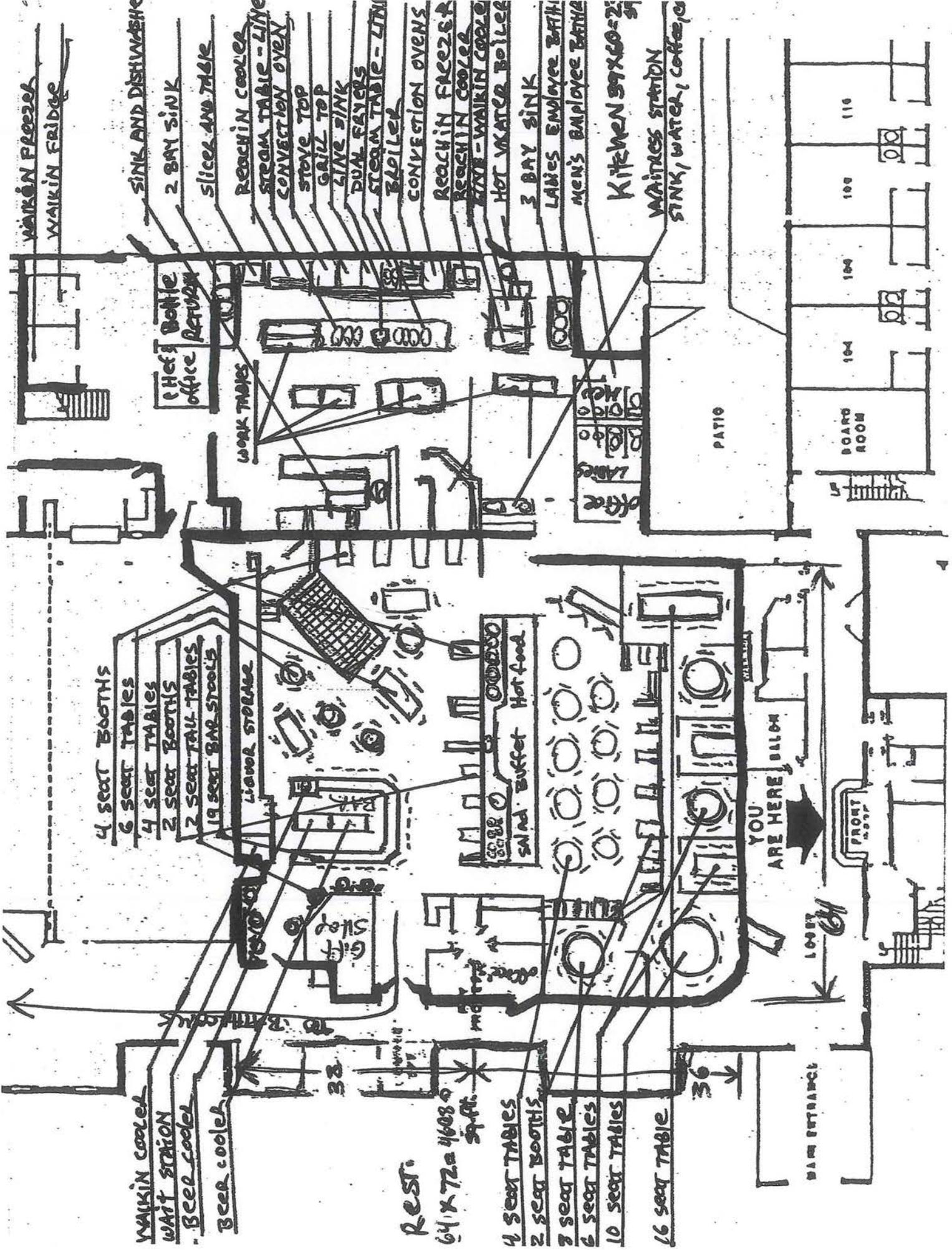
Passio
2660 sqft.
496

70'



69'

TOTAL sq. ft. Din. Rest. + Lounge



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

Date of Application: 3-2-17

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: Ramada Lewiston Hotel & Conference Center **Business Phone:** (207) 784-2331

Location Address: 490 Pleasant St, Lewiston, ME 04240

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

Mailing Address: 6A Dock Lane, Salisbury, MA - 01952

Email address: Atithi-group@NayakVentures.com

Contact Person: Tusharkumar "Tom" Patel **Phone:** 978-973-6533

Owner of Business: Atithi Group Lewiston LLC **Date of Birth:** _____

Address of Owner: 490 Pleasant St, Lewiston, ME 04240

Manager of Establishment: Tusharkumar "Tom" Patel **Date of Birth:** 11/11/1977

Owner of Premises (landlord): Atithi Group LLC

Address of Premises Owner: 490 Pleasant St, Lewiston, ME 04240

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

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

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

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

Corporation Name: Atithi Group Lewiston LLC

Corporation Mailing Address: 6A Dock Ln, Salisbury, MA - 01952

Contact Person: Tusharkumar Patel Phone: 978-973-6533

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

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

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: 4/27/2017

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: General Manager Date: 03/02/2017

Printed Name: Tusharkumar Patel

Hearing Date: 3-21-17

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, March 21, 2017, 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.

Ramada Lewiston Hotel & Conference Center
490 Pleasant Street
Atithi Group Lewiston LLC, owners

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: March 15, 16 & 17, 2017

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

LEWISTON CITY COUNCIL

MEETING OF MARCH 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing and First Passage on amendments to the Traffic and Vehicles Ordinance regarding habitual parking violators.

INFORMATION:

The current City Ordinance states that a habitual parking violator who has more than \$100 in unpaid parking tickets is subject to removal of their vehicles from public way or property. Due to the fact that the fines for parking have increased over the years, it is now very easy for someone to have received two parking tickets that they have not paid to be in violation of this city ordinance, resulting in their car being towed. The Police Chief is requesting that the amount be changed to \$200 in order to account for the increased parking ticket fines.

This proposed ordinance amendment would change the definition of a habitual parking violator from someone with unpaid parking penalties from \$100 to \$200.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 70 "Traffic and Vehicles", Section 70-20 "Same - Definitions" 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.

AN ORDINANCE PERTAINING TO HABITUAL PARKING VIOLATORS

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 70 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 70

TRAFFIC AND VEHICLES

ARTICLE I. IN GENERAL

Sec. 70-20. Same--Definitions.

Habitual violator shall mean the owner of a vehicle which has accumulated:

- (1) More than ~~\$100.00~~ \$200.00 in unpaid penalties arising out of outstanding parking tickets arising in the city.

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

LEWISTON CITY COUNCIL

MEETING OF MARCH 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Resolve Accepting and Approving the "Pedestrian Safety Report" of March 2017.

INFORMATION:

Over a recent thirteen month period, three fatal pedestrian/vehicle accidents occurred within the City of Lewiston. The most recent serious accident involved the death of a middle school youth who was struck in a marked crosswalk while on his way to school. Following this tragedy, a community forum was held at Lewiston City Hall to allow the public to voice their concerns and ideas to address pedestrian safety and additional public feedback was gathered through emails to municipal leaders and the Community forum on Pedestrian Safety Facebook page. Council President Kristen Cloutier, State Senator Nate Libby, and School Committee Chair Linda Scott subsequently developed a report to assist in focusing efforts to improve safety for pedestrians, bicyclists, and other users of the public right-of-way. That report was presented and reviewed at a Council workshop held on March 7, 2017. This resolve would accept and approve that report.

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, Accepting and Approving the "Pedestrian Safety Report" of March 2017.



COUNCIL RESOLVE

Resolve, Accepting and Approving the "Pedestrian Safety Report" of March 2017.

Whereas, over a thirteen month period, three fatal pedestrian/vehicle accidents occurred within the City of Lewiston; and

Whereas, the most recent accident involved the death of a middle school youth who was struck in a marked crosswalk while on his way to school; and

Whereas, a November 2016 community forum was held at Lewiston City Hall to allow the public to voice their concerns and ideas to address pedestrian safety; and

Whereas, additional public feedback was also gathered through emails to municipal leaders and the Community forum on Pedestrian Safety Facebook page; and

Whereas, Council President Kristen Cloutier, State Senator Nate Libby, and School Committee Chair Linda Scott developed a report to assist in focusing efforts to improve safety for pedestrians, bicyclists, and other users of the public right-of-way; and

Whereas, this report was presented and reviewed at a Council workshop held on March 7, 2017;

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

The "Pedestrian Safety Report" of March 2017 is hereby accepted and approved

Pedestrian Safety Report

Report to the City of Lewiston, Lewiston Public Schools, the Lewiston Legislative Delegation and the Maine Department of Transportation

March 2017

Maine Department of Transportation (MDOT) Data

The following table details the number of automobile accidents involving pedestrians in Lewiston from 2006-2016, and highlights the number of fatalities and incapacitating injuries.

Year	Crashes Involving Pedestrians	Fatalities	Incapacitating Injuries
2006	18	0	2
2007	19	1	3
2008	17	1	1
2009	17	0	1
2010	24	0	0
2011	26	0	7
2012	27	0	2
2013	16	0	0
2014	22	0	3
2015	21	2	5
2016	17	1	6
Total	224	5	30

(Source: Department of Transportation/Bureau of Highway Safety)

IDENTIFICATION OF PRIORITY PEDESTRIAN AREAS

The following areas were identified as intersections or areas of concern based upon feedback received at the Pedestrian Safety Forum on November 16, 2016, via email to elected officials, via the *Community Forum on Pedestrian Safety* Facebook page, through data on pedestrian crashes provided by the MDOT, and through data provided by the Director of Transportation for Lewiston Public Schools. These areas present significant pedestrian activity where hazards may exist.

PLEASE NOTE: The following tiers are not listed in order of priority. The City of Lewiston will work with MDOT and the Androscoggin Transportation Resource Center to systematically

- Lisbon Street near Bleachery Hill
- Lisbon Street near Scribner Boulevard (crosswalk at a signalized intersection)
- Lisbon Street by Webber Avenue
- Lisbon Street at Martel School
- Lincoln Street near Beech Street
- Lincoln Street near Main Street
- Essex Street to Maple Street

Tier Three Areas of Concern

Tier three areas of concern are locations identified through data on pedestrian crashes provided by MDOT, but not necessarily identified by community members, and which did not overlap with student routes to schools, as identified by the Director of Transportation for Lewiston Public Schools.

These areas sustained high numbers of automobile accidents involving pedestrians, as well as the most deaths and incapacitating injuries in Lewiston.

- Intersection of Cedar Street and Lincoln Street: three crashes/1 injury (2015)
- Main Street: five crashes (2015)
- Intersection of High Street and Main Street: three crashes/one injury (2015); four crashes/one injury (2010) (crosswalk at a fully signalized intersection)
- Intersection of Horton Street and Pine Street: four crashes/1 injury (2014)
- Intersection of Chapel Street Alley, Lisbon Street, and Main Street: five crashes/1 injury (2012) (high visibility crosswalk at a fully signalized intersection)
- Intersection of Bates Street and Main Street: six crashes (2012) (crosswalk at a fully signalized intersection)
- Intersection of Cedar Street and Oxford Street: four crashes (2011)



What About Bikes?

In addition to the recommendations being made in regard to street design and policy, a broad-reaching public education campaign should be implemented for pedestrians and bicyclists. Such programming and training is available through the Bicycle Coalition of Maine (<http://www.bikemaine.org/education-safety>) among other area organizations.

It is also recommended that the Lewiston School Department continue to strengthen its relationship with the local Safe Routes to Schools program, also run through the Bicycle Coalition of Maine, which provides resources and training to improve safety and accessibility to help make bicycling and walking to school more appealing transportation choices for students, encouraging a healthy and active lifestyle from an early age.

- Flashing Crosswalk Lights:** There are a few different types of flashing crosswalk lights. **In-pavement LED lights** alert motorists to crosswalks and pedestrians crossing or preparing to cross the street. Amber lights are embedded in the pavement on both sides of the crosswalk, oriented to face oncoming traffic. The lighting is visible at any time of day and is focused directly in the driver's line of sight. This lighting system can either be activated by using a push-button or through detection from an automated device. Once activated, the lights begin to flash alerting motorists that a pedestrian is in the vicinity of the crosswalk ahead, or is about to use the crosswalk. The flashing LED's shut off after a set period of time. This is similar to **flashing LED traffic signs**. These have the same concept, except the flashing lights are embedded in the crosswalk sign instead of the pavement. **Rectangular Rapid Flashing Beacons (RRFBs)**, like those installed on Russell Street near Bates College, are frequently requested because people believe that they will slow down traffic. However, the real purpose of flashers is to attract attention to unexpected hazards. Flashing beacons have the same concept and use as in-pavement LED lights and flashing LED traffic signs, but can provide a lower cost alternative to traffic signals and hybrid signals. These options are shown to increase driver-yielding behavior at crosswalks significantly when supplementing standard pedestrian crossing warning signs and markings.



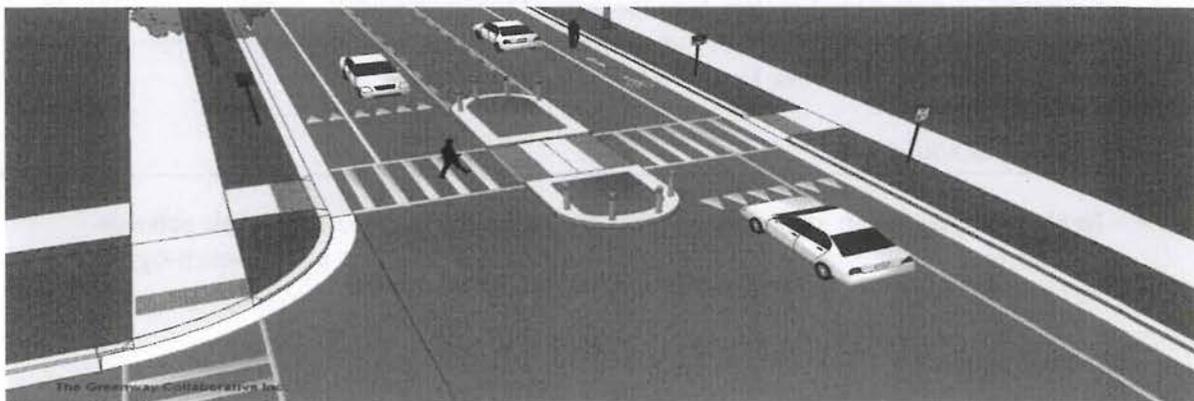
Thomas Burnham, Spot Devices, Inc.



- Median Signs:** In-street (double sided) pedestrian crosswalk signs provide added warning for drivers at unsignalized intersections. These signs alert pedestrians to vehicular traffic that they may not be aware of. In-street crosswalk signs not only add visibility of the crosswalk, but also reinforce the state law requirement to yield to pedestrians in the crosswalk. While these devices present a challenge to snow plows, they offer a relatively cost-effective way to enhance crosswalk visibility.

also appropriate where a street changes function or type, at shared-use path crossings, and at key civic, education, and employment hubs.

- **Curb Extensions:** Curb extensions, like those on Walnut Street, visually and physically narrow the roadway, creating a safer and shorter crossing for pedestrians while increasing the available space for street furniture, benches, plantings, and street trees. They may be implemented on downtown, neighborhood, and residential streets, both large and small. Curb extensions decrease the overall width of the roadway and can serve as a visual cue to drivers that they are entering a neighborhood area.
- **Bike Lanes:** Conventional bike lanes, like those on Pine, Ash, and College streets, designate an exclusive space for cyclists in the right-of-way, typically adjacent to vehicular traffic, through the use of pavement markings and signage. Bike lanes enable bicyclists to ride at their preferred speed without interference from prevailing traffic conditions and facilitate predictable behavior and movements between bicyclists and motorists. Sharrows are often preferred on low-speed or very congested roadways like downtown Lisbon Street. Whether sharrow or conventional, bike lanes visually remind motorists of bicyclists' right to the street.
- **Pedestrian Refuge Islands:** Pedestrian refuge islands, like the one on Russell Street near Bates College, are physically protected areas where pedestrians can wait while crossing the street in two phases, which is especially helpful for seniors, children, and individuals with disabilities. At unsignalized intersections, they relieve pedestrians of the stress of finding a gap in traffic to cross multiple vehicular travel lanes. Pedestrian refuge islands are recommended where a pedestrian must cross three or more lanes of traffic.



- Enact LD584 - An Act To Create the Fund for Municipalities To Improve Pedestrian Safety (Sponsored by Sen. Libby of Androscoggin County). This bill establishes the Fund for Municipalities To Improve Pedestrian Safety, to be administered by the Department of Transportation as a program within the Highway Fund. The funds allocated to the program must be used for pedestrian safety improvements, including, but not limited to, lights, paint, signs, speed bumps and reconstruction of intersections. A municipality or group of municipalities may apply for funding for up to two-thirds of the cost of a qualifying project. The Department is further directed to adopt the rules necessary to award the funds according to a competitive rating system. Beginning January 15, 2018 and biennially thereafter, the Department is required to report to the Transportation Committee on the implementation and operation of the pedestrian safety fund.
- Ensure that MDOT is promoting its municipal pedestrian safety sign donation.
- Ensure that MDOT is conducting road safety audits.

MDOT:

- Institute an agreement to work closely with the City of Lewiston and the ATRC, which will be funding a study to determine priority areas for pedestrian improvement based on pedestrian demand and other factors such as accident history.
- Supply the City of Lewiston with several pole mounted speed radar units that can be moved to address areas of concern.
- Work with the Bicycle Coalition of Maine on pedestrian and motorist educational efforts with a focus on certain beta sites.
- Continue contact and discussion with the City of Lewiston regarding best and alternative safety practices.
- Continue to increase the emphasis on pedestrian safety and partner much more closely with the City of Lewiston on this effort in the future.

CONCLUSION

Improving safety for pedestrians, bicyclists, and those who use wheelchairs is a priority of the elected officials and administration in the City of Lewiston, and we remain committed to reducing fatalities and serious injuries on our roadways through the use of proven safety countermeasures as outlined in this report. The aim of this document is to provide our Public Works Department with the guidance it needs to assist them in the planning and implementation of safer streets for all. We have provided recommendations for both short-term, lower-cost treatments, as well as longer-term, higher-cost treatments, although many of those higher-cost recommendations can be relatively low-cost to our local community if planned in conjunction with reconstruction or resurfacing projects being performed by MDOT. We hope that this report will prove useful in helping the City to think strategically about how to increase safety, provide operational benefits, and increase the quality of life for its residents.

APPENDIX A: COMMUNITY FEEDBACK FROM THE PEDESTRIAN SAFETY FORUM HELD AT LEWISTON CITY HALL ON NOVEMBER 16, 2016, VIA EMAIL TO MUNICIPAL LEADERS, OR VIA THE COMMUNITY FORUM ON PEDESTRIAN SAFETY FACEBOOK PAGE.

“I used to live on Shawmut Street and would walk to downtown Lewiston every morning on Ash Street. I would see many kids of all ages walking to school. In the winter, I would always fear that one of them would get hit because although Ash Street is a “priority” street for sidewalk plowing, it would take hours before the sidewalks were clear, so we were all forced to walk in the street at a time when conditions were the worst. As was mentioned last night, if we want people to drive 25 miles per hour, the road should be designed as a narrow one, because it is unrealistic to expect people to always travel the posted speed limit if they can’t perceive the risk in going over it.” - Chrissy Adamowicz, Health Promotion Coordinator, Healthy Androscoggin, and community member

“These tragedies happened on major traffic routes, not on a side street next to a school. Our streets aren’t lit up enough at night or early morning because the city had to trim operating costs. Check how dark is it at night on Lisbon Street by Webber Avenue, and Main and Frye Streets. If you feel you have to make all kinds of changes because of tragic accidents, then start with educating the pedestrians. People walk right into traffic.” - Chris Albert, community member

“I would encourage you to emphasize that pedestrian safety is a two-way street. Of course vehicle operators must carefully monitor pedestrian traffic and act responsibly by remaining alert, traveling at a reasonable speed in high traffic areas like Lisbon Street, and stopping for pedestrians in crosswalks. However, pedestrians also need to act responsibly by using crosswalks and carefully directing their attention to traffic while crossing roadways.” - Ron Barry, community member

“I wanted to share some observations I’ve had about drivers using their cell phones on streets around campus (Bates College). On my way to campus each morning, I walk on College Street for about three-to-five minutes. During my short walk each morning, without fail I see one-to-three drivers who are texting while driving and/or looking at their phones and not the road. This is on College Street and Campus Avenue.” - Cristin Bates, community member

“I think there should be a PSA aired on the major networks asking pedestrians to pay attention, drivers to pay more attention, and everyone to leave earlier for their destinations.” - Michael Bigos, community member

“Yes, we have buses for a reason, but we also have to encourage kids to want to be healthy, to want to walk and to want to be active, and we have to support that. We are hoping blinking lights, something, if kids choose to walk to school, maybe we can have volunteers to just stand out there during school hours.” - Sarah Bolduc, community member

location several times over the past few years. This company consistently blocks the sidewalk with buckets, brushes, and cars while they hand dry them, which forces pedestrians to step down off the curb and into the street to walk past the location. - Paul Lauze, community member

“We need to begin to focus more on pedestrians and bicyclists and less on cars, cars rule the way.” - Jim Lysen, City Councilor, Ward 1, and community member

“I think there is a pedestrian problem and I think there is a driver problem. I think there should be crossing guards, especially at large intersections such as the five corners at Sabattus Street. Main Street is a nightmare. Even trying to cross from Holland Street over Main Street to the other part of Holland Street from Winter Street, you are putting your life at risk in a car to cross over there. Crossing guards, lights, and to start looking at the big intersections are of main concern.” - Rachel Nadeau, community member

“Lights simply don’t protect the issues that cars present in that they are dangerous and we continue to place pedestrians and bicycles on the road with cars. Protected bike lanes, bump outs at corners for crossing lanes (curb extensions), narrowing lanes from 10 ft. to 8 ft., pedestrian refuge for crossing across multiple lanes at a time, angled slow point, chicanes and other traffic calming measures I’ve listed on my Facebook page.” - Zack Pettengill, Lewiston Planning Board member, and community member

“We need big, wide, well-marked, attention grabbing, crosswalks. It seems most in town are just two thin lines. Hard to see before you get on them. Seems like every time I see someone on a bike in the areas where bike lanes are available, they are going against traffic and not using the lane. I have called the LPD many times over the speeds on Farwell Street in front of the school. It is one of the few schools with a crossing guard yet we have seen many near misses. This is especially concerning when the snow banks come into play. I have seen cars go right by the guard and others inch up on him as he crosses students. Speeds are hardly ever enforced. Hardly ever any police presence during drop off and pick up time. An empty police car and or the portable speed sign would be incredibly helpful in bringing the speeds down.” - Karen McClure-Richard, community member (Ms. McClure-Richard also states that crossing guards would be useful on the way to LHS and LMS.)

“I wanted you to know that AHA supports state-level bike/ped policy and appropriations etc. We supported Q6 with the hopes that we can ensure DOT spends a chunk of that money to enhance bike/ped safety and encourage trail development etc. We would like to see at least \$6 million towards those efforts. I have been meeting with the Bicycle Coalition folks to figure out how AHA can best fit into the policy discussions around Complete Streets, Safe Routes to Schools, etc.” - Becky Smith, Director of Government Relations (Maine), American Heart Association

“Not sure if the local TV stations would run the PSAs for free. I would be happy to investigate that for you if it would be helpful. The PSAs would be a good way to get the information out to community that would reach all age groups.” - June Turcotte, community member

APPENDIX B: STUDENT ROUTES TO SCHOOLS DATA PROVIDED VIA EMAIL COMMUNICATION TO KRISTEN CLOUTIER ON DECEMBER 30, 2016 FROM BUTCH PRATT, DIRECTOR OF TRANSPORTATION FOR LEWISTON PUBLIC SCHOOLS

“I found that several of the same areas of concern overlapped between your tiers, so there won't be as many detailed responses as there were listed concerns. I'll break them down by first, second, and third tiers, and when applicable just reference a previous response.

We have done a lot work at developing bus routes that allow students to access the bus without having to cross a major street. For example, any student living south of Lisbon Street and out beyond Adams Avenue, west of Main Street or north of Russell Street are all offered busing, regardless of whether the distance to their school falls within the established walking distance policy set by the School Committee.

East Avenue is another major artery, and no Farwell School or Martel School students are expected to cross that street. There is a very small section of East Avenue out near Montello School that has in the past had students walking to school, however last year we made a bus available to most of them. It started out as a winter time stop only, but has now been extended to the full school year. These are students living in the Brault Street area.

LMS students living east of East Avenue are not expected to cross East Avenue and are offered busing. LHS students living east of East Avenue do have to cross the street if their point of crossing falls between Russell Street and Lisbon Street.

Tier One Areas of Concern

Intersection at Sabattus Street, Webster Street, Ash Street, and Central Avenue: This is a large intersection with five different directions of travel. LHS and LMS students do have to cross a street either at the intersection or very close to it, however no elementary school age students are asked to cross a street at this intersection.

Intersection at Main Street and Frye Street: Busing is available to all students west of Main Street. No students are asked to cross Main Street in this area.

Intersection at East Avenue and Lisbon Street: Busing is available to all students south of Lisbon Street. There are LHS students living in neighborhoods in this area north of Lisbon Street (Marston Street, Rosedale Street, etc.) who are within the walking distance to LHS and may choose to cross East Avenue at this intersection, however no students are required to cross Lisbon Street.

Farwell Street: LHS students are walkers unless they live in the Russell Street Extension neighborhood off Farwell Street. These students are provided a bus based on distance from LHS. LMS students are provided busing, and Farwell School students have a Police Department crossing guard assigned to the front of the school to help them across the street.

Webber Avenue: LHS students are walkers (unless from the portion of Webber Avenue south of Lisbon Street), while LMS students are all provided busing. Farwell School students are walkers and have access to the crossing guard at the front of the school. Martel School students are provided busing.

Bartlett Street across from the Basilica: Covered under Tier One Areas of Concern (under Ash Street and Bartlett Street).

Lincoln Street near Beech Street and Lincoln Street near Main Street: All students are provided busing from these areas.

Base of Montello Hill where Central Avenue crosses Montello Street: LHS and LMS students may have to cross Montello Street to access a bus stop. No elementary age students are asked to cross Montello Street here.

East Avenue and Malo Street: LHS students in the area have to cross East Avenue, while all LMS and elementary school students are provided busing.

East Avenue near Farwell: LHS students have to cross East Avenue, while LMS students living east of East Avenue are provided busing. No Farwell School student is asked to cross East Avenue, and has access to a bus.

Along Pleasant Street after Webber Avenue: LHS students in the area are walkers, and a bus is provided when you reach the St. Croix Street area. All LMS and elementary school students have busing from this area.

Bartlett Street and Birch Street: LHS and LMS students in this area are walkers, as are Longley students. Other elementary students in the area have busing available.

Essex Street to Maple Street: No students are asked to cross Lisbon Street in this area. Any student living south of Lisbon Street has access to a bus.

South Avenue and East Avenue: LHS students on South Avenue are walkers unless they live south of Lisbon Street. All LMS and elementary school students have access to busing.

Main Street: From Lincoln Street to Russell Street, no students are asked to cross Main Street. Busing is provided to all students on Main Street from Russell Street to the Greene town line. LHS and LMS students may have to cross Main Street to get on the bus. The bus travels out of town on Main Street and comes back in town on College Road. No elementary students are asked to cross Main Street, even at a bus stop. We have arranged it so the bus travels out of town and then back in town so it can pick up students without them having to cross the street.

Intersection of Bates Street and Main Street: Covered above (under High Street and Main Street).

Intersection of Cedar Street and Oxford Street: Covered above (under Cedar Street and Lincoln Street).

I would add that I have had parents of LHS students living east of Main Street and within the walking distance direct their children across Main Street so they can catch a bus on the westerly side of Main Street. It is less of a walk for them, and they would rather ride the bus to school for 20-25 minutes than walk for 10-15 minutes. I have allowed this to happen as long as there is room on the bus. These students are not asked, but are allowed, to get to school this way. I do explain to the parents that they must make that decision based on their child's ability to safely cross Main Street.

I'm glad to have been of assistance, and should you need anything further please do not hesitate to ask."

Lighting	Crashes
Dark - Lighted	28
Dark - Not Lighted	6
Dark - Unknown Lighting	1
Dawn	5
Daylight	69
Dusk	3
Grand Total	112

Distraction	Crashes
Not Distracted	69
Other Inside the Vehicle (eating, personal hygiene, etc.)	3
Outside the Vehicle (includes unspecified external distractions)	10
Unknown if Distracted	20
Grand Total	102

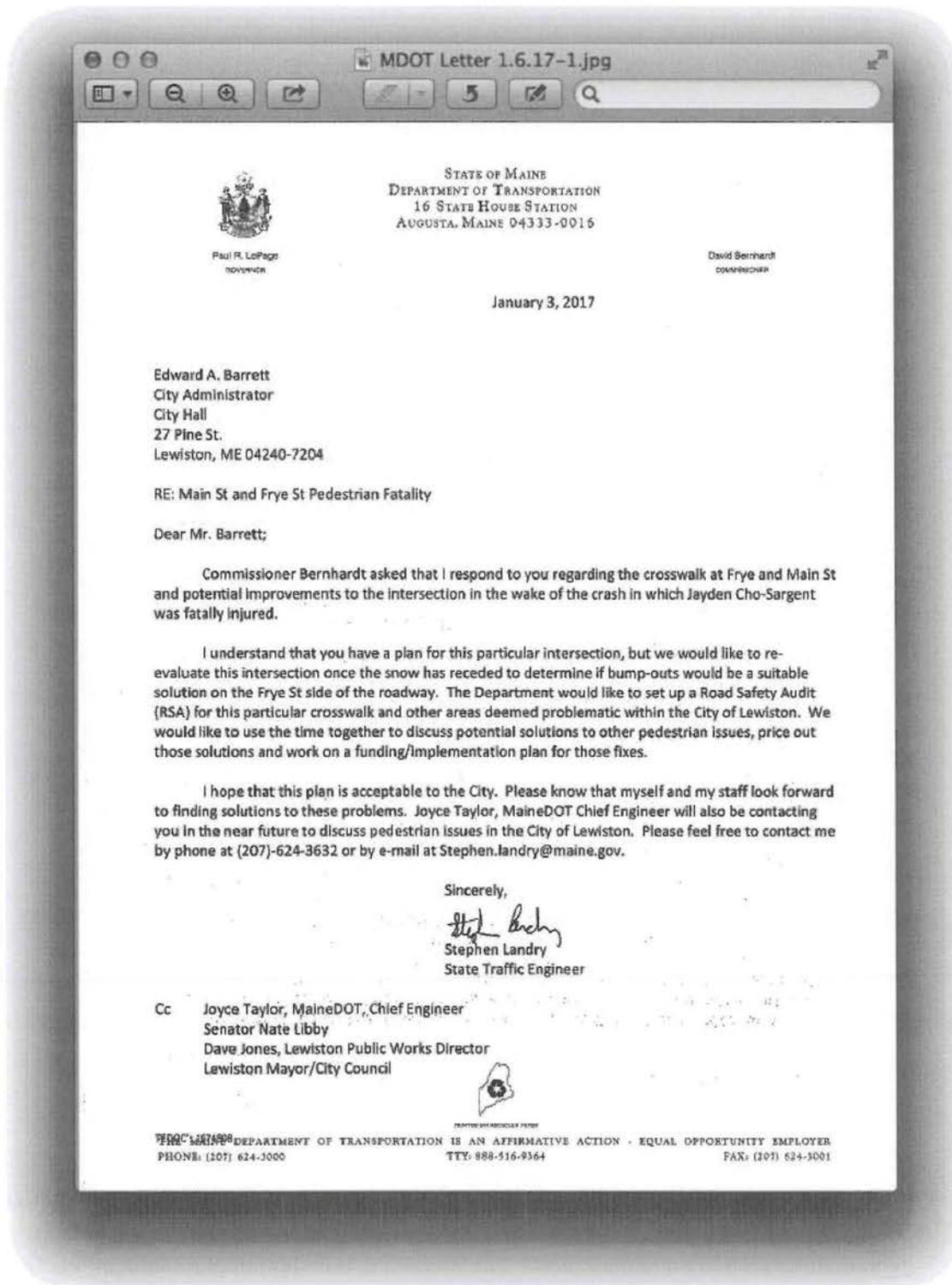
Driver Action	Crashes
Disregarded Other Road Markings	1
Drove Too Fast For Conditions	2
Failed to Yield Right-of-Way	24
Improper Backing	4
No Contributing Action	47
Operated Motor Vehicle in Erratic, Reckless, Careless, Negligent or Aggressive Manner	1
Other Contributing Action	10
Ran Red Light	1
Unknown	12
Grand Total	102

Pedestrian Maneuver	Crashes
Crossing against Signal	10
Crossing Marked Crosswalk no signal	25
Crossing No Signal or Crosswalk	33
Crossing with Signal	6
Emerging from behind parked car	6
Not in road	1
Other Pedestrian Action	14
Standing in road	4
Walking in road against traffic	2
Walking in road with traffic	5
Walking on Sidewalk	5
Working in road	4
Blank	4
Grand Total	119

Driver Pre-Crash Action	Crashes
Blank	4
Following roadway	55
Starting in traffic	11
Parked Legally	2
Making right turn	9
Making left turn	12
Stopped in traffic	4
Right turn on red	1
Backing	8
Left turn on red	1
Slowing in traffic	2
Overtaking Passing	1
Starting from parked	2
Grand Total	112

Weather Condition	Crashes
Blowing Snow	1
Rain	14
Fog, Smog, Smoke	1
Other	1
Snow	2
Cloudy	19
Clear	72
Sleet, Hail (Freezing Rain or Drizzle)	2
Grand Total	112

APPENDIX D: LETTER FROM MDOT STATE TRAFFIC ENGINEER STEPHEN LANDRY TO CITY ADMINISTRATOR ED BARRETT



LEWISTON CITY COUNCIL

MEETING OF MARCH 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Executive Session regarding consultation with the City Attorney.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings. Discussing a legal matter with the City Attorney is a topic permitted under the statutes.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The state statutes outline the issues that will be discussed in executive session.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney.

LEWISTON CITY COUNCIL
MEETING OF MARCH 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Executive Session regarding consultation with the City Attorney.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings. Discussing a legal matter with the City Attorney is a topic permitted under the statutes.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The state statutes outline the issues that will be discussed in executive session.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney.

LEWISTON CITY COUNCIL
MEETING OF MARCH 21, 2017

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.

EAR/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.